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## **February 2022 - Special Educational Needs & Disabilities (SEND) articles, information, news and updates on our service**

**We provide free and impartial information, advice and support about special educational needs & disabilities (SEND) for children, young people, parents and carers.**

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### **Refusal to issue an Education, Health & Care Plan (EHCP)**

After an EHCP Needs Assessment the Local Authority (LA) will decide based on the information gathered throughout the process whether to issue an EHCP or not to issue an EHCP. In this article we will talk about the process of appealing a no to issue.

You should receive the decision letter within 16 weeks of the request for the need's assessment. The letter will inform you of the decision made and the LA's reason for this.

If you disagree with the LA decision you have two months to lodge an appeal. With this appeal you must consider mediation, although you do not have to participate in the mediation meeting. This type of appeal requires a mediation certificate before you can make an appeal to the tribunal.

Initially you will need to contact KIDS mediation service and explain what you are appealing. They will explain your options to you; attend a mediation

meeting with the LA to try and get the decision overturned prior to tribunal or bypass the mediation meeting and proceed straight to tribunal. In some cases, a structured conversation can resolve the disagreement without the need to appeal.

If after attending mediation and the LA's decision stays the same or after bypassing the mediation meeting you will receive a mediation certificate, you will need this to register your appeal with the First Tier Tribunal. You must make sure that you lodge the appeal within two months of the LA decision letter or one month from the mediation certificate whichever is later.

With an appeal or mediation regarding a 'no to issue' the burden of proof is on the parent/carer to show that it is necessary for special educational provision to be made for the child or young person in accordance with an EHCP. The legal test that must be considered when deciding whether to issue an EHCP or not is written in The Children and Families Act 2014, specifically S.37 (1):

**(1) Where, in the light of an EHC needs assessment, it is necessary for special educational**

**provision (SEP) to be made for a child or young person in accordance with an EHC plan –**

**(a) the local authority must secure that an EHC plan is prepared for the child or young person, and**

**(b) once an EHC plan has been prepared, it must maintain the plan.**

There are a number of ways you can show that special educational provision in accordance with an EHCP is necessary. To do this you could re-frame the question by asking '*will the child or young person receive the provision they require without an EHCP?*'. So, for example if the school or other setting cannot meet the special educational provision that the child or young person requires from within its own resources, then an EHC plan will be necessary.

There are other ways to show that SEP and an EHCP are necessary, if you would like to discuss this, the legal test or the appeal for a refusal to issue further please contact Norfolk SENDIASS on 01603 704070.

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**14+ Yearly Learning Disability Health Check**

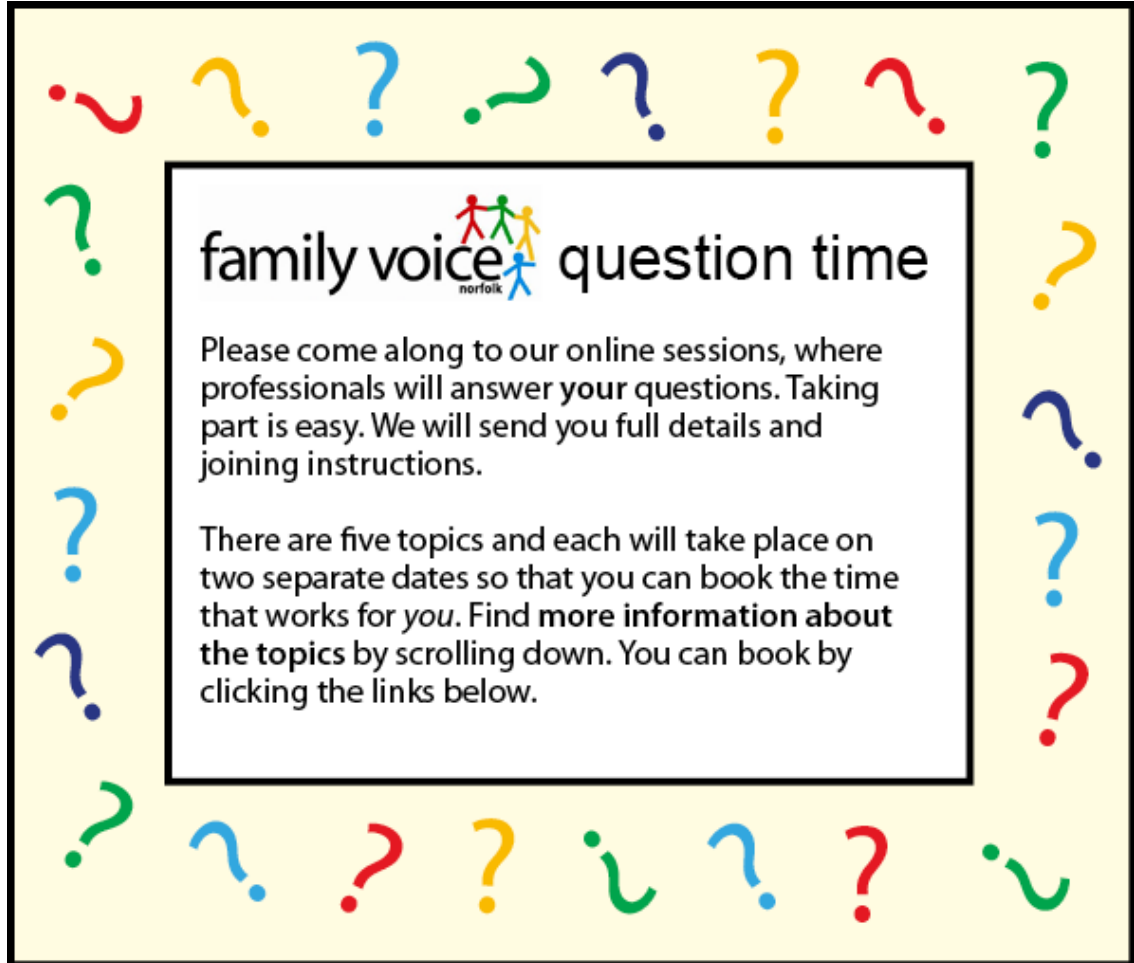



14+ Yearly Health Checks are for anyone aged 14 or over with a learning disability who are on the GP practice learning disability register. Once on the register at your GP practice, you should be invited to come for an annual health check.

Find out more from [Just One Norfolk](#)

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## Family Voice Question Time



**family voice**  **question time**  
norfolk

Please come along to our online sessions, where professionals will answer your questions. Taking part is easy. We will send you full details and joining instructions.

There are five topics and each will take place on two separate dates so that you can book the time that works for *you*. Find **more information about the topics** by scrolling down. You can book by clicking the links below.

Family Voice Norfolk are running online question time sessions. Norfolk SENDIASS Manager, Niamh Keane and Children and Young Person Supporter, Bridget Robinson will be attending these on two dates. You can book via Family Voice Norfolk's website.

**BOOK YOUR PLACE**

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**Online Tribunal Training**



## Online Tribunal Training

Dates available for  
parent/carers,  
professionals and young people

This tribunal training is being run virtually to help parent/carers and young people understand the process of appealing the contents of a final EHCP (Education, Health and Care Plan).

This training coincides with EHCP Phase Transfer.

Professionals are able to attend on the 9th March to understand what their role may be and how they can support parent/carers and young people with the process.

During the training we will not be able to answer any personal questions, you can however contact our helpdesk to book a slot with an advisor to discuss individual cases.

Camera's and microphones are switched off during the training.

### MORE DETAILS



**DATES AND TIMES**  
10th February 9.30-12.30 - Parents/carers and young people

9th March 15:30 - 18:30- Parents/carers, young people and professionals

14th April 10:00 -13:00 - Parents/carers and young people



**BOOKING**  
Book your place on Eventbrite via our website



**OUR SUPPORT**  
Contact us on 01603 704070 or email [norfolksendiass@norfolk.gov.uk](mailto:norfolksendiass@norfolk.gov.uk) for further information

[www.norfolksendiass.org.uk](http://www.norfolksendiass.org.uk)

BOOK YOUR PLACE

## Norfolk County Council's SEND Survey

We know it is important that services for children and young people with special educational needs and/or disabilities (SEND) and their families are improving all the time. Norfolk County Council want to hear your views to make sure that education, health care and social care are as good as they can be. It's anonymous and takes about 15 minutes.



**Tell us what you think of  
SEND in Norfolk**

COMPLETE SURVEY

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## Norfolk SEND Youth Forum



### **What is the Norfolk SEND Youth Forum?**

Norfolk SEND Youth Forum is an opportunity for young people to share their experiences and work together to improve services for young people with Special Educational Needs and Disabilities in Norfolk.

Young People can join the Youth Forum and participate in regular online meetings and share ideas on our online pinboard.

### **Who can join?**

Any young person aged 11 – 25 years with: SEND or Disabilities

Experience of encountering barriers which prevent or inhibit them from engaging and participating in school/college/training, either with their work or the learning environment.

YP do not need to be formally identified as SEND to join!

## How do you join?

CYP can register online on Norfolk SENDIASS website:

<https://www.norfolksendiass.org.uk/young-people/registration-page/>

CYP can contact Norfolk SENDIASS by phone or email and speak to Bridget Robinson for further information.

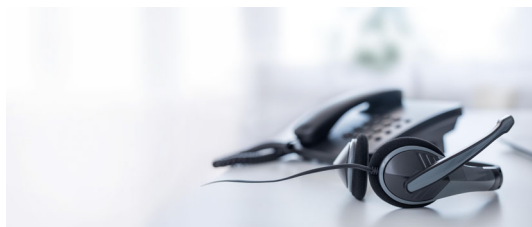
Tel: 01603 704070

[www.norfolksendiass.org.uk](http://www.norfolksendiass.org.uk)

## What do our members say about the Forum?

*“ If you are looking for a safe place with a community of incredible understanding and chats for people with SEND, this is the place. It is the most accepting group and a breath of fresh air and the meetings have helped me more than I could explain; it is awesome.”*

*“ It is a great social group, and the chance to share opinions and experience (of SEND). We are all unique and all brilliant.”*



## Contact us

Our helpline is open from Monday to Friday between 9 - 5pm.

You can book an appointment to speak with an advisor by telephoning 01603 704070, emailing [norfolksendiass@norfolk.gov.uk](mailto:norfolksendiass@norfolk.gov.uk), or

## Norfolk SENDIASS updates

Keep an eye out for our face to face Advice clinics that will be returning soon.

\*Our helpline is very busy at the moment and if you have a deadline

via our [website submission form](#).

please contact us as soon as possible to avoid disappointment\*

If your call is not picked up please leave a message and we will return your call as soon as possible.

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## Follow us on social media



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### Our mailing address is:

Norfolk SENDIASS  
148 Woodside Road  
Norwich  
NR7 9QL

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