



# A brief guide for parents of children with SEND about exclusions, suspensions and other attendance issues

**Our voices are stronger together**



**Listening to  
parent carers**



**Speaking up for  
families with SEND**




# Introduction

If you are reading this leaflet, then it probably means that you and your child are facing some of the issues we cover below. So from the start we want to reassure you that you are not on your own, that your child isn't "bad", that this isn't the end of the world (even though it can feel like it) and things can get better. There is always hope.

As the national charity Contact explain: "Some children and young people need more support than others to achieve their full learning potential. They may need extra help, for example, because they have difficulty with reading, understanding, talking, managing their emotions or behaviour, or developing physical skills. A child who needs a lot of extra help in any of these areas has special educational needs (SEN)."

 *Education - learning* (<https://bit.ly/2L05zxX>)

The challenges your child is currently experiencing with their education suggest that their needs (learning, social, physical or emotional) are not currently being well-supported. It could be that the school needs to make or increase reasonable adjustments to help your child access an education (see links below):

 *Legal adjustments for SEN* (<https://bit.ly/2OwNIOI>)

 *Reasonable adjustments for disabled pupils* (<https://bit.ly/2FEef9V>)

Or it can indicate that their current school is not the right place for them – they might benefit from a fresh start elsewhere or in a different type of educational setting. In addition, you and your family might need some extra support to help with your child's needs.

## Literacy or other issues?

Before we go any further, if you find reading or understanding this information difficult or you are feeling overwhelmed then please phone **SENDIASS (Special Educational Needs & Disabilities Information, Advice & Support Service)** on **01992 555847** or one of the other support agencies listed at the back. There will be someone who can help you.

## Definition of SEND:

In case you are not sure what is meant by or included in SEND (Special Educational Needs and Disabilities) here is the official definition (Section 20 of the Children and Families Act 2014):

“A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.

A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or
- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions”

Disability is defined in the Equality Act 2010 as: ‘a physical or mental impairment which has a long-term and substantial adverse effect on a person’s ability to carry out normal day-to-day activities’.

Further explanation is given in the link below:

 *Child Law Advice - Special Educational Needs* (<https://bit.ly/2FFDuL5>)

The 0-25 SEND Code of Practice (2015) requires schools to consider four broad areas of need with regards to SEN support:

- Communication and interaction;
- Cognition and learning;
- Social, emotional and mental health;
- Sensory and/or physical needs.

The purpose of this is to ensure the school identifies all the needs your child might have across these four areas rather than just focusing on the main need (see Chapter 6).

 *SEND Code of Practice* (<https://bit.ly/2JYWth1>)

The Department for Education also publishes a guide for parents about SEND that you can find here:

 *Parent guide to SEND* (<https://bit.ly/2CEkRTO>)

**ALL** schools (apart from Independent or Private schools) are required to follow the SEND Code of Practice. This includes Independent Special Schools. See the link below with regards to Independent or Private schools and SEND.

 **Independent Schools** (<https://www.ipsea.org.uk/FAQs/my-child-attends-and-independent-school-and-we-pay-the-fees-are-children-at-independent-settings-entitled-to-support>)

## Key Points:

If your child's school is not identifying that your child has SEND and you think that they do then you might want to contact one of the support agencies on the back page who can advise you further.

Your child **does not** have to have a diagnosis to get SEN support at school. The Government expects schools to put support in place if any SEN needs are identified.

It is **very important** to keep 'a paperwork trail' with regards to your contact with the school over your child's needs and difficulties, particularly if you are unhappy about your child's education. This means following up phone calls or conversations at the classroom door with an email confirming what was discussed and who agreed to do what following the conversation. Keep all your letters and emails from the school in folders so they are easy to find.

In case you didn't know you can apply for an Education, Health and Care Plan (EHCP) without the school's support although it is better if you work together. EHCP's are the new version of what used to be a Statement of Special Educational Needs. See link below for information on applying for an EHCP.

 **IPSEA Education, health and care plans** (<https://bit.ly/2ut7SQg>)

# Index to the rest of the document

Having covered the basics of SEND this guide moves on to look at a range of exclusion and attendance issues – they are listed here in the order and page they are on.

**Fixed term suspension and permanent exclusion**      **pages 8-9**

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# Exclusions:

**Definition:** If your child has been suspended or excluded from school, it means that they are not allowed to go to school. This can either be for:

**1) a “fixed-term” suspension** - a set amount of days from half a day to a maximum of 45 days in one school year (what used to be called ‘exclusion’) or

**2) a permanent exclusion** - meaning they are removed from the school roll (*the official school register*) and are not allowed to return (*what used to be called ‘expelled’*).

## Key Points:

These are the only two types of permitted or **“lawful”** suspension/exclusion. Only the Head teacher or acting Head teacher can give an suspension/exclusion. The only reason a child can be suspended/excluded is because of their behaviour either in or outside of school. The decision to suspend/exclude must be:

- lawful
- rational
- reasonable
- fair
- proportionate

There are strict procedures which the school must follow in order for the suspension/exclusion to be considered **‘lawful’**. Parents must always be notified in writing.

If your child has SEND and has been given a fixed-term suspension or permanently excluded then this can be a sign that their special educational needs are not being met. It is important you take action to try to get your child’s needs met to avoid further suspensions/exclusions.

“Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHC plan or a looked after child, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil’s SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review.” (paragraph 25, DfE Exclusions Guidance, 2017)

If your child does not currently have an EHCP then please read the advice on how to get their special educational needs met:

 **IPSEA if you do not have an EHC plan** (<https://bit.ly/2CEcJmc>)

If your child does have an EHCP then please read the advice below on how to get their special educational needs met:

 **IPSEA if you have an EHC plan** (<https://bit.ly/2HWmolm>)

**You need to be aware** that for the first 5 school days of a suspension/exclusion, it’s your responsibility to make sure your child isn’t in a public place during normal school hours unless there is a good reason.

You could be prosecuted if your child is found in a public place when they're not supposed to be.

### Useful links:

 [IPSEA exclusion from school \(https://bit.ly/2sttMRS\)](https://bit.ly/2sttMRS)

Statutory Guidance on Exclusions: this includes a section for parents.

 [Exclusion Statutory Guidance \(https://bit.ly/2NmPUGB\)](https://bit.ly/2NmPUGB)

 [Hertfordshire County Council Advice and Guidance \(https://bit.ly/2Wq3Lph\)](https://bit.ly/2Wq3Lph)


**The Timpson Review into Exclusions** published in May 2019 made 30 recommendations to the Government and highlighted the variations in exclusions practice between settings, local authorities and certain groups of children including SEND children.

 [\(https://bit.ly/3yfQ6PB\)](https://bit.ly/3yfQ6PB)


## Fixed Term suspensions: (used to be called exclusions)

There are three different time frames with different requirements with regards to fixed term suspensions (exclusions).

1) Fixed Term Suspension (exclusion) of up to 5 days (over a school year).

 [Fixed term for up to 5 days \(https://bit.ly/2HVVufo\)](https://bit.ly/2HVVufo)

2) Fixed Term Suspension (exclusion) from 5 to 15 days (over a school year).

 [Fixed term between 5 & 15 days \(https://bit.ly/2TAiBct\)](https://bit.ly/2TAiBct)


3) Fixed Term Suspension (exclusion) for over 15 days (over a school year).

 [Fixed term for over 15 days \(https://bit.ly/2TCV9vt\)](https://bit.ly/2TCV9vt)

### Key Points:

Parents are entitled to make 'written representations' which **must** be considered by governors for any fixed term suspension (exclusion). See the IPSEA link below for advice on what to include when making a written representation. This is your chance to share both yours and your child's view on the incident and to give the school reasons why they should reconsider their decision to suspend your child.

It is helpful to look at the school's behaviour policy to see if grounds for suspension (exclusion) are met bearing in mind reasonable adjustments need to be made for your child's SEND.

 [Writing representations to the governors \(https://bit.ly/2CDGQdo\)](https://bit.ly/2CDGQdo)

You also have the right to see your child's school records which might be helpful if you are challenging their decision to suspend (exclude). See the links below for further information how to do this as the process varies depending on what type of school your child attends.




(see links explaining the different types of schools).

 [Access to information](https://bit.ly/2CJxSLL) (<https://bit.ly/2CJxSLL>)


If your child is at a maintained school:

 [Schools & pupils info](https://bit.ly/2JJTxzX) (<https://bit.ly/2JJTxzX>)

What is a maintained school?

 [What are maintained schools?](https://bit.ly/2U1E4cO) (<https://bit.ly/2U1E4cO>)

If your child is at an Academy, Independent or Free School:

 [Your right of access](https://bit.ly/2YfNHmA) (<https://bit.ly/2YfNHmA>)

What is an Academy?

 [What is an Academy?](https://bit.ly/2FIqCAH) (<https://bit.ly/2FIqCAH>)

What is a Free school?

 [What is a Free School?](https://bit.ly/2TCSppP) (<https://bit.ly/2TCSppP>)

**With regards to any fixed term suspension (exclusion), the suspension (exclusion) period starts from the time stated in the suspension (exclusion) letter. You should only be asked to remove your child from school at the start time of the suspension (exclusion) period.** For example, the school call you on a Tuesday and say your child has been given a 1 day fixed suspension and ask you to collect them as soon as possible. You arrive at 11am to pick up your child so the 1 day suspension starts then, meaning your child can return to school at 11am on Wednesday morning. However, you do not have to collect your child until the end of the school day, even if the school asks you to, if that is not possible for you to arrange. The school will then start the suspension within school, until you can collect your child, and that should be considered as part of the fixed term period of suspension.

The other issue to be aware of is that the school is expected to “make reasonable steps” to provide and mark work for the first 5 days of a suspension. If the suspension period is more than 5 school days, then the school’s governing body (or the local authority if your child is suspended from a pupil referral unit) must arrange suitable full-time education for any pupil of compulsory school age. This alternative educational provision must begin no later than the sixth day of the suspension.

There are several organisations that can offer you further advice – see the list at the end of the leaflet.

## Permanent Exclusion

If your child has been permanently excluded from school then please see the link to the IPSEA web-site below plus there are several other organisations that can advise you (see list at end of leaflet).

## Key Points:

- As with fixed-term suspensions you have the right to appeal against the school's decision (see the advice given above in the Fixed-Term Suspensions section).
- The governing body has a duty to consider parent or carer representation about an exclusion by holding a Governors Discipline Committee (GDC) meeting.
- The governing body through a GDC must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion.
- If after the GDC meeting, the governing body still does not change the decision to exclude your child then you can ask for this decision to be reviewed by an independent review panel.
- Please note if you think/know your child has SEND then you can ask for a SEN expert to be present at the independent review panel.
- If the decision remains to permanently exclude your child, then their education remains the responsibility of the local authority. Suitable full-time education should be provided no later than day 6 of the exclusion.

 **IPSEA Permanent Exclusions** (<https://bit.ly/2WlJiwy>)

**The School Exclusions Hub** is an online source of information and resources for parents and young people as well as professionals and voluntary organisations around challenging school exclusions.

 (<https://bit.ly/3rlcfUe>)

## Implications for Permanent Exclusion or Fixed Term Suspensions:

If your child does get a permanent exclusion it may feel like the end of the world. The permanent exclusion of a child is the most serious sanction a school can apply however it is often a strong indicator that the child's needs are not being met and that they need further support. It requires collaborative working with schools, parents, the local authority and other agencies to put the necessary support in place to help the young person access education. Good communication between all parties is vital and parents should feel supported in knowing what options are available to them.

When a child is permanently excluded the Local Authority has a duty to provide an alternative educational provision. This could be at another school (mainstream or specialist) or at an Educational Support Centre (ESC). If a child can access education and get some qualifications then they keep their options open for either going onto college, an apprenticeship or into work.

We are aware that some parents are concerned that a permanent exclusion will have to be declared to all future employers. Unlike a criminal record, permanent exclusions do not have to be disclosed unless your child needs a reference from that setting. If they have had a more recent successful placement this will not be required. Ultimately it is their final qualifications and skills that will affect their employability.

Supporting Young People (formerly YC Herts) provide support to young people not in education, employment or training (referred to as NEET) – see the link below for further information.

 *Pathways to Success Programme* (<https://bit.ly/3j7lzxf>)

## Internal Exclusions:

**Definition:** These are a sanction used by schools for more serious breaches of the school behaviour policy (*a step up from after school or lunchtime detentions*). They take place within the school so are not recorded as a formal exclusion but the child is removed from their normal lessons for a period of time. They are sometimes called different names depending on the school e.g. *isolations*

### Key Points:

- These are not external exclusions so they are not subject to the same legal framework of reporting and monitoring as external suspensions/exclusions. Schools do not have to report these figures to Herts County Council or even their own Governors so there is no consistent scrutiny of their use.
- Some schools will set children the same work that they would have carried out within their normal classes so they don't fall behind academically but this is not always the case and often children are just set age-appropriate work but miss out on their normal teaching.

As with any type of school sanction the purpose is to teach the child that their behaviour was inappropriate and discourage them from repeating the behaviour. If this works then typically a child might repeat it a few times but would then learn the consequence of their action and not carry on.

For children with SEND this is not always the case for a variety of reasons which are often out of the child's control

- They may have a learning need that without support means they get easily frustrated in class.
- They may not have the social understanding to keep out of difficulties with other children in the playground.
- They may have sensory needs that mean they are at a heightened state of anxiety for most of the day leading to outbursts over small issues.

For behaviour that is linked to the child's SEND a sanction will not necessarily result in a change in behaviour unless support is put in place to help them change their behaviour or changes are made to their environment. If that support is not put in place, they can end up stuck in a cycle of repeated sanctions without having the ability to change their behaviour which can over time reduce their self-esteem and make it harder for them to engage in normal school life.

If your child starts to get repeated sanctions for the same behaviour and it doesn't seem to be helping them to learn not to do it again then it is really important for you to contact school and discuss what adjustments and support are being put in place to help your child. The school should automatically look for unidentified needs in a child showing repeated challenging behaviour but some schools can be slow to do this so arranging a meeting to discuss the issue is a good way to prompt them.

If your child has SEND and is getting internal exclusions then they should already be on SEND Support at school. This means they should have had an assessment of their needs, a plan drawn up to meet those needs which should be put in place and then reviewed regularly with your involvement. If they are not on SEND support, then you should request this as their repeated internal exclusions show that this is needed. IPSEA's *Nursery, School & College faqs* (<https://bit.ly/2Oqd2FM>) has useful information about SEN support in their FAQ "What does SEN Support in School mean?"

If your child has already been on SEN support for a while and the support the school has put in place does not seem to be helping then ask the school if external agencies can be brought in to help the school identify what the issues are and what support your child needs. This will depend on the specific needs of your child but could include Educational Psychologists, Speech and Language Therapists, Behaviour Support Services, Specialist Advisory Teachers (Autism). If school have already involved external professionals and your child is still not coping then it would be worth requesting an ECHP assessment to enable a full, formal assessment of your child's needs and support requirements to take place. *Nursery, School & College faqs* (<https://bit.ly/2Oqd2FM>) has information about asking for external agency support in their FAQ "Our son is on SEN support and is falling behind at school. We believe an EP is needed to assess our son..." This also discusses how to request an EHCP assessment.

## Reduced/Part time timetable

**Definition:** A child is on a part time timetable when the school and parents have agreed a revised timetable in which the child is expected to attend for fewer hours/days than would be considered normal in fulltime education.

## Key Points:

- All children of compulsory school age, including those with a special educational need or disability, are legally entitled to a fulltime education.
- This applies to all types of school setting: maintained schools, foundation schools, academies, free schools, Education Support Centres and Primary Behaviour Services.
- Children should only be on a part time timetable (i.e., attending their school setting for anything less than the above hours) in exceptional circumstances where it is better for the physical or mental health of the child to attend for fewer hours.
- Schools need parental consent to place a child on a part time timetable so if you don't think it is in your child's best interest and refuse to agree to it then it would be unlawful for the school to send your child home.
- Part time timetables should only be used for short specified periods of time and should have an accompanying plan (either in the form of a Pastoral Support Plan or other written plan) which specifies what support is going to be provided and the steps and timescales to support your child back into full time education. This plan might need to be revised if your child's circumstances change but a part time timetable should always be reviewed regularly and if progress back into fulltime education is not being made as planned then more support should be put in place and advice from external agencies should be requested to help with this.
- The school is required to notify the Local Authority when a child is placed on a part time timetable.

### ***Example of appropriate use of a part time timetable:***

A child is experiencing extreme anxiety and struggling to get into school on most days. With agreement from the parents and the child, a part time timetable is arranged which starts off with the child coming in for two of his favourite lessons each day for a week and spending some additional time in the Learning support area. The plan clearly sets out the additional hours and lessons that will be added back in for the next 4 weeks at which point the target is that he will be back in school fulltime.


### ***Example of inappropriate use of a part time timetable:***

A child is waiting for assessment for ASD or ADHD. She struggles to keep on task with her work at school unless she has one to one support. There is only TA support

available for her in the morning so the school have advised parents that she should only attend school in the morning and they need to pick her up at lunchtime. The school say they don't have the funding for any extra TA support and that because the child doesn't have a diagnosis they won't be able to access any extra funding to provide this for her.

This is an inappropriate use of a part time timetable as there is no reason why the child should be on a part time timetable as she would be able to cope fine with the additional hours if she had the right support in place. The support she needs does not depend on having a diagnosis and if school do not have the funding to provide the support, and can evidence the need for 1 to 1 support full time, then they can apply for additional funding from Herts County Council either through an EHCP application or through Local High Needs Funding. The school and Local Authority have a duty to put in place the support she needs to access her fulltime education. The decision about who provides the funding should be a discussion that takes place between the school and Local Authority and is not a valid reason to withhold support.

### **Guidance to refer to**

 HCC guidance - use of part-time time tables (<https://bit.ly/2XRdzco>)

## **Unofficial/unlawful exclusion:**

**Definition:** Unofficial exclusion is when your child is sent home during school hours without the school following the procedures required for a formal or official exclusion. **It is not allowed – that is why it is referred to as being unlawful.**

For example, the school asks you to collect your child every lunch-time as they can't manage their behaviour. The correct procedure for this is to exclude your child (*it would be classed as a half day exclusion for each lunch period*) and give you a letter explaining this. What often happens is that the parents agree, nothing formal is written down and no records kept. This is an unlawful exclusion.

### **Key Points:**

- The reason schools are not sending your child home "officially" is that they have to record all their formal/official exclusions. This information is shared with the local authority and Ofsted are also aware of it. If a school has too high levels of formal exclusions this will draw attention to the school and questions will be asked.

- Other examples we are aware of: parents being asked to pick their children up early every day, keeping them off school when Ofsted are inspecting, parents being asked to take their child home for the day as they are not coping or not to bring them in when there is a school trip. Unless the school gives you written notice they are excluding your child from school this is all unlawful.
- You can say no to the school for any of the above unless the school agrees to provide the proper written notification.

## Managed Moves

**Definition: A managed move is the transfer of a child who is at serious, but not imminent, risk of permanent exclusion from his/her school to another school.**

### Key Points:

- It should only be used when child/young person is at serious risk of permanent exclusion.
- It should be voluntary – parents have to be in agreement.
- It should never be used as the only alternative to a threatened permanent exclusion (you should not be made to feel like there is no other option).
- It can give an opportunity for a fresh start which can be helpful in some circumstances.
- If the school is not suggesting a managed move but you think changing schools would be best for your child, then you are entitled to make an in year transfer to a school that has space. See link below for further information.
- Challenging behaviour often occurs in SEND children when their needs have not been fully identified and appropriate support and reasonable adjustments have not been put in place.
- If your child has a SEND and you feel that a lack of appropriate support has led to the escalation in their behaviour, then it is vital that a full assessment of your child's needs takes place so the right support is in place before the child starts in the new placement.
- Schools should never use a managed move as an alternative to initiating an EHCP assessment if this is suspected to be necessary. If a child changes school, then there will automatically be a delay while the new school sees how the child is settling in before they think about applying for an EHCP assessment.
- Often parents are encouraged to accept a managed move to avoid risking having a permanent exclusion on their child's record. Managed moves are not subject to the same legal protection and scrutiny as a permanent exclusion. There is no automatic review of the Headteacher's decision by the Governors, as there is with

a permanent exclusion, and there is also no right to appeal as it is seen as a voluntary decision. For these reasons it is important not to rush into it and make sure it is the best route to getting the support and help your child needs to succeed in their education before you agree. Don't feel like you have to make an immediate decision and take the time to contact local support groups and legal advice groups before you make a decision.

### Useful links


Information about how and when a managed move can be used:

 *Child law advice - managed moves* (<https://bit.ly/2TFRDcO>)

In year admissions/transfer if you want to find another school:

 *HCC In year admissions* (<https://bit.ly/2eKXGhw>)

Hertfordshire's Emotional Wellbeing and Behaviour Strategy 2020-2023 includes useful information in appendix 4 about Hertfordshire's Thrive Approach to understanding and supporting emotional wellbeing, engagement, and behaviour.

 *Hertfordshire's Emotional Wellbeing and Behaviour Strategy 2020-2023* (<https://bit.ly/2FzxQqe>)

## Off-Rolling and Gaming:

**Definition:** 'Off-rolling' is described by Ofsted as the practice of a school removing a pupil from a school roll in the perceived interests of the school rather than the pupil.

'Gaming' is similar and describes any process when a school's actions or decisions – to exclude, not to exclude or during the process of excluding a pupil - are made in order to favour the school or academic league tables.

'Off-rolling' and 'gaming' are unlawful permanent exclusions. Any such exclusion is unlawful.

## Referral Off-Site to Alternative Provision

**Definition:** This is where a pupil is referred to another educational setting for some or all of their education for the purpose of improving their behaviour. Sometimes this is an Education Support Centre (ESC) and sometimes it is in another setting.



Maintained schools have the power to direct a pupil off-site for education to improve their behaviour. Regulations require that the governing body must ensure that parents/ carers are given clear information about the placement: why, when, where and how they will keep the placement under review.

The legislation does not apply to Academies. They can arrange off-site provision under their general powers, set out in the Academies Trusts Article of Association. Though the regulation and guidance do not apply to academies, the Department for Education states that they can provide Academies with an example of good practice.

## Elective Home Education:

**Definition:** Elective home education is a term used to describe a choice by parents to provide education for their children at home or in some other way instead of sending them to school full-time.

### Key Points:

- Every parent has the right to choose to educate their child at home. This choice should be made freely and with consideration to what is best for your child and your family. Unfortunately, many parents of children with SEND are deciding they have no option but to home educate their child due to the lack of support for their child's needs.
- In some cases, schools are encouraging parents to home educate their child either to avoid the school permanently excluding the child or because they do not feel able to meet their SEN. In some cases, schools have been known to put pressure on parents to remove their child in Year 10 if they think the child's exam results will affect the school's results in a negative way. This is known as "off-rolling".
- If you are thinking about home educating your child because of the lack of support for them at school, please consult one of the organisations for Home Education listed below or any at the end of the leaflet. Hertfordshire County Council have an Elective Home Education team whom you can also contact to talk through your decision before you take your child off the school roll (see link below). It may be that extra support can be put in place at school which makes a big difference.
- The SEND Code of Practice states that the high needs block of the Dedicated Schools Grant is intended to fund provision for all relevant children and young people in the authority's area, including home-educated children. Local authorities should fund the SEN needs of home-educated children where it is appropriate to do so. However, it is quite complex as to what the local authority will and won't help with. See the link to IPSEA's advice on this.
- If your child has an EHCP and the local authority agrees that home education is the right provision for them, the plan should make clear that the child or young

person will be educated at home. If it does then the local authority, under Section 42(2) of the Children and Families Act 2014, must arrange the special educational provision set out in the plan, working with the parents. Under Section 19 of the Act, a local authority must have regard to the views, wishes and feelings of the child and his or her parents, or the young person. Section 10.31

- However, if your child has an EHCP and you remove them from the school or type of school stated in the plan then “the local authority is not under a duty to make the special educational provision set out in the plan provided it is satisfied that the arrangements made by the parents are suitable. The local authority must review the plan annually to assure itself that the provision set out in it continues to be appropriate and that the child’s SEN continue to be met” Section 10.32
- If your child is on the register at a special school and you decide to home educate then the local authority must give consent for the child’s name to be removed, but this should not be a lengthy or complex process. Section 10.33
- There is no provision in law for a ‘trial period’ of home education. Section 10.33


Government departmental guidance for parents: April 2019

 (<https://bit.ly/3ih8r9y>)


The 0-25 SEND Code of Practice (2015) has a section on home educating a child with SEN (see sections 10.30-10.38 on p.214-215):

 SEND Code of Practice (<https://bit.ly/2JYWth1>)

Hertfordshire County Council information on elective home education including the phone number for the team:

 HCC - educating your child at home (<https://bit.ly/3iJr1H>)

IPSEA on what support the local authority should/can provide:

 IPSEA - what should the LA provide for home education (<https://bit.ly/2Wm4EzF>)

 Home Education Advisory Service (<https://bit.ly/37tuns1>)

 Education Otherwise (<https://bit.ly/3rLNTcv>)

## Medical Conditions:

Government guidance is clear that if your child has a medical condition (*physical or mental*) then they should be able to access a full education (*including school trips and PE*) and be able to get a place at school like other children. See the link to the Government guidance below.

This includes if your child has toileting issues including being in nappies. A school cannot stop your child from coming to school because of this.

The only exception would be if your child's medical condition put other pupil's at risk, for example if they had an infectious disease.

 DfE - supporting pupils at school with medical conditions (<https://bit.ly/2uKfdv>)

## Attendance issues:

Sometimes parents are worried or are being threatened by school that they will be fined if their child is unable to go into school because of anxiety or other health reasons related to their SEND.

In order to be fined or prosecuted because of poor attendance of your child the absence has to be unauthorised. Headteachers can and should authorise periods of absence due to illness (*this would include physical or mental illness*). The Department of Education guidance defines Authorised Absence from School as:

*"Authorised absence' means that the school has either given approval in advance for a pupil of compulsory school age to be away, or has accepted an explanation offered afterwards as justification for absence".*

There are a variety of codes that can be used for authorised absence but the one most likely to apply if your child is suffering from stress/anxiety is:

*"Code 1: Illness (not medical or dental appointments)  
Schools should advise parents to notify them on the first day the child is unable to attend due to illness. Schools should authorise absences due to illness unless they have genuine cause for concern about the veracity of an illness. If the authenticity of illness is in doubt, schools can request parents to provide medical evidence to support illness. Schools can record the absence as unauthorised if not satisfied of the authenticity of the illness but should advise parents of their intention. Schools are advised not to request medical evidence unnecessarily. Medical evidence can take the form of prescriptions, appointment cards, etc. rather than doctors' notes."*

This doesn't mean that the Headteacher automatically has to authorise any absence that you say is due to the illness of your child but they should unless they have reason to doubt what you are saying.

The best way to ensure that the absence will be authorised is to fully share with the school in writing any details of consultations with the GP or other medical professionals involved, e.g. Child and Adolescent Mental Health Services (CAMHS), relating to the reason your child is not able to attend school. This will enable the Headteacher to clearly see that the illness is genuine. You should also check when you get attendance reports back that Code I has been used (Code O would be used for unauthorised absence)

Some schools send out automatic letters when a child's attendance falls below a certain level. If you get one of these don't worry and just contact the school to make sure they understand the reason for the absences and that it is being recorded as an authorised absence.

There has been a recent increase in the number of schools threatening parents with fines because of their child's attendance issues and claiming that it doesn't matter whether the illness is genuine or not because the attendance officer has told them they still have to fine parents. This is not in line with national or Hertfordshire's current guidance on attendance so if this happens to you then the best way to resolve the issue is to speak to one of the Attendance Team directly and explain your child's SEND and the current physical/ mental health issues that are resulting in their difficulties with attendance. The contact details are listed below.

If your child is experiencing anxiety due to their SEND not being sufficiently supported at school, then it is important you make the school aware of this and request a meeting to discuss what additional support can be put in place. If needed, contact the education support agencies at the back for further advice.

If your child is going to be off school for longer than 3 weeks then the Local Authority is responsible for providing alternative education. If this is likely to be the case for your child then in the first instance speak to your school and ask them to contact the local authority to start to make arrangements. For shorter planned absences, if appropriate given the nature of the illness, the school should supply work for your child.

## Useful links:

Department of Education Guidance about attendance – gives details about the way that schools should record attendance and the steps to take for persistent unauthorised absence.

 *DFE Guidance on school attendance* (<https://bit.ly/2TXY3ch>)

Contact have useful information on attendance and a link to speak to a SEND advisor if you get letters threatening fines and prosecution.

 *Contact - handling absence from school* (<https://bit.ly/3lpEQwy>)

Parents can contact the **Hertfordshire Attendance Teams** directly

Monday to Friday 9.30am to 4pm

West Herts Attendance Duty Line: 01442 454778

East Hert Attendance Duty Line: 01992 555261

Alternatively via the Customer Service Centre on 0300 123 4043 and ask to be put through to the Attendance Team.

# Hertfordshire County Council Services:

## Local offer

this is a guide to the services in Hertfordshire that are available for children and young people with SEND from birth to 25.

 <https://www.hertfordshire.gov.uk/microsites/local-offer/the-hertfordshire-local-offer.aspx>  
([www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk))

## ISL

### Integrated Services for Learning.

Integrated Services for Learning is a multi-professional service working in four area teams across the county helping schools, settings and families to improve outcomes for children and young people with additional and special educational needs.

 [ISL Overview \(https://bit.ly/3jb3Tkd\)](https://bit.ly/3jb3Tkd)

### ISL – Statutory SEND Duty Line

A general queries and advice line for schools, parents/carers and professionals for matters relating to the Education Health and Care Plan (EHCP) process for children and young people with Special Educational Needs and Disabilities (SEND).

ISL Geographical Area Team	Main line	Alternative line
East Herts, Broxbourne, Welwyn and Hatfield	01992 588562	01438 844185
North Herts and Stevenage	01438 843758	01438 844707
St Albans and Dacorum	01442 453300	01442 453387
Watford, Three Rivers and Hertsmere	01442 454012	01442 453529

Available 9am – 5:30pm Monday to Thursday and 9am – 4:30pm Fridays.

## **0-25 Together**

**Hertfordshire's Social Care service for children and young people aged 0-25 years that have disabilities.** You can download further information about the service or call 0300 123 4043 and ask for the 0 - 25 Together Service.

 (<https://bit.ly/37b8jSK>)

**SEND Strategy Programme** - From 2019-2021 HPCI parent reps worked with Hertfordshire County Council on several projects under the SEND Transformation programme which ran until March 2021. Now Hertfordshire County Council are working on the SEND Strategy for 2022-2025.

**Find out more:**

 SEND Strategy Programme (<https://bit.ly/3jtUuVI>)

## **Support Agencies for Education issues:**

### ***SENDIASS***

**(Special Educational Needs & Disabilities Information, Advice & Support Service)**

01992 555847 (Monday-Thursday 9.30am -3pm, Friday 9.30am -2pm)

 <https://www.hertfordshire.gov.uk/microsites/local-offer/support/sendiaass.aspx>

### ***IPSEA***

**(Independent Parental Special Education Advice)**

01799 582030 (Monday to Friday, 9am-5pm)

 <https://www.ipsea.org.uk/>

### ***SOS!SEN***

**The Independent Helpline for Special Educational Needs.**

0300 302 3731 or 0208 538 3731

 <https://www.sossen.org.uk/>

### ***Contact***

**For families with disabled children.**

0808 808 3555 (Mon- Fri 9.30am-5pm)

 <https://contact.org.uk/advice-and-support/education-learning/>

### ***National Autistic Society***

**Education Rights Service.**

0808 800 4102 (leave a message on the answer-phone)

 <https://www.autism.org.uk/what-we-do/help-and-support/education-advice-line>

## ***School Exclusions Service***

0808 800 4002 (leave a message on the answer-phone)

 <https://www.autism.org.uk/what-we-do/help-and-support/school-exclusion-service>

## **Hertfordshire parent support organisations:**

### ***Add-vance***

**Support families with ADHD and/or Autism.**

01727 833963 (Mon-Fri 9am-1pm)

 <http://www.add-vance.org/>

### ***Angels Support Group***

**Support families and children with ADHD and/or Autism.**

01462 685150

 <http://www.angelssupportgroup.org.uk/>

### ***Carers in Herts***

**Supporting Carers in Hertfordshire.**

01992 58 69 69

 <http://www.carersinherts.org.uk/>

### ***DS Achieve***

**Supports families with Down's Syndrome.**

07979 926495

 <https://dsachieve.org/>

### ***Families in Focus***

**Supports families with additional needs.**

01442 219720

 <http://www.familiesinfocus.co.uk/>

### ***Foetal Alcohol Spectrum Disorders (FASD) – East Herts***

**Supporting families with a Foetal Alcohol Spectrum Disorder.**

 <https://ehertsfasd.wordpress.com/>



## ***Herts Vision Loss***

**Supports families with vision impairment.**


01707 324 680

 <https://hertsvisionloss.org.uk/>

## ***Mencap***

**Support for families with a learning disability.**

They have lots of local support groups across Herts – use the link below to find your closest

 <https://www.mencap.org.uk/advice-and-support/local-groups>

## ***SPACE***

**Support for families with ADHD and/or Autism and related conditions.**

 <http://www.spaceherts.org.uk/>

## ***The Phoenix Group for Deaf Children***

**Support for families with hearing impairment.**

01438 729461 Mob: 07748 690989

 <https://www.phoenixgroup.org.uk/>

## ***Up on Downs Hertfordshire***

**Support for families with Down's Syndrome.**

 <http://www.upondowns.com/>

## ***Young Minds***

**Support for families with mental health concerns.**

Parents Helpline: 0808 802 5544

 <https://youngminds.org.uk/>

# ABOUT HPCI

## Herts Parent Carer Involvement

 <http://www.hertsparentcarers.org.uk/>

HPCI is the parent carer forum for Hertfordshire and part of a national network of parent carer forums. We are an independent parent carer led organisation with a network of parent carers from all over Hertfordshire. We aim to improve services for our families by working alongside those providing services for children and young people with SEND.

So if you are a parent or carer of a child or young person with SEND aged 0 – 25 years in Hertfordshire then **JOIN US** (<https://bit.ly/2FEiqSY>) – our strength is in our shared experience.

Published by HPCI 2021

A big thank you to Serena and Raine two of HPCI's parent representatives for the work they have done developing this guide for parents.

Herts  
Parent  
Carer InV<sup>o</sup>lvement  
[www.hertsparentcarers.org.uk](http://www.hertsparentcarers.org.uk)





**If you are the parent or carer of a child or young person with SEND in Herts aged 0-25 years then add your voice by joining our free parent carer network.**



<https://www.hertsparentcarers.org.uk/get-involved/become-a-member/>

**Associate Membership is open to any individual who is interested in the work of HPCI who is not a parent or carer of a child or young person with SEND themselves - Join Here.**



<https://www.hertsparentcarers.org.uk/associate-membership/>

Find us on  **HertsParentCarerInvolvement**

Follow us on  **@HertsPCI**

**Herts  
Parent  
Carer InVolvment**  
[www.hertsparentcarers.org.uk](http://www.hertsparentcarers.org.uk)

