



# How should local authorities be helping **Parents/Carers of Children with SEN?**

Produced by Birkett Long Solicitors  
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## Responsibilities of local authorities

Local authorities have a legal responsibility to children with special educational needs (SEN).

Once a local authority is made aware of a child in its area who has SEN, it should assess them and provide support to help with their learning and development, so the child can achieve their potential. These assessments should be written down in a SEN Support Record.

You can check which is your local authority by *visiting this website*.

If you have a child with SEN who attends nursery, a school or post-16 college, then that academic institution has a responsibility to support them. This includes providing an inclusive learning environment where a child can learn alongside their peers, and making regular assessments to determine their needs. This responsibility falls under an important piece of legislation called the *Children and Families Act 2014*.





## Education, Health and Care needs assessments

If your child needs more help and support than their educational setting can offer, your local authority must conduct an Education, Health and Care (EHC) needs assessment.

This assessment can lead to an EHC plan, which should name a suitable school or other place of learning that can provide the support.

Once an EHC plan has been created for a child, the local authority has a legal duty to provide the provision set out in that plan. A lack of funding is not a lawful reason for failing to provide support set out in an EHCP.

# The Local Offer

Local authorities must publish a Local Offer, which gives families with children with SEN jargon-free information about support services available in their local area. Every local authority is responsible for compiling a Local Offer and making sure it's easily available to the public.

You'll be able to find your Local Offer *through your local authority's website*.

While the Local Offer is designed to be a source of information for parents and children, local professionals such as GPs can also use it to see the services available.

The Local Offer should provide the following:

- Clear information which sets out the entitlements of parents and children, with details of where services for children with SEN can be found.
- Up to date details of educational, health and care services offered, including independent nurseries, colleges and schools, therapy and social care facilities.
- Details of home to school/college transport arrangements.
- Details of support available for independent living in adulthood.
- Transparency on how decisions are made, and who is responsible for them.

- Eligibility criteria for SEN services across health, education and social care.
- Details on where to go for support and advice, as well as how to make complaints or appeal decisions.
- Accessible information that is simple to read and understand, and purely factual. It should be presented in a way that makes it easy to access based on a child's or parents' needs, such as by age or year group, or by special educational provision.

The Local Offer isn't legally binding, so there's no guarantee that a service in the Local Offer will be available to give support.

However, councils must contact parents, young people and children with SEN and use their feedback and findings to develop the Local Offer and review it at certain times. Public comments must also be published and there should be an easy way for the public to comment and give feedback on the Local Offer.



## Filing a complaint against an authority

If you suspect that your council isn't complying with its legal responsibilities in regard to The Local Offer or children with SEN, you can file a complaint to challenge this. Speak to us today about how we can help your family make a complaint against a local authority.

Ready to get the support your child needs?  
**Our team is here to help.**

Email Thomas

Call 02045 861281





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