

FASD AND SEN(D) Support



WHAT is this Factsheet about?

Children with Special Educational Needs (“SEN”) and Disabilities (“SEND”) may need extra help or support at nursery, school or college.

Children and young persons with FASD may have SEND and are likely to qualify for SEN support.

This Factsheet explains:

- what SEN is;
- who ‘diagnoses’ SEN;
- what SEN support is available;
- how to get SEN support; and
- where to go for further information and help.

KEY POINTS:

- Children with FASD often have SEN and may benefit from SEN support.
- Identifying SEN early and providing support improves long-term outcomes for children with FASD.
- Most children and young people with SEN attend their local, mainstream school.
- You do not have to be diagnosed with FASD or even have a disability to benefit from SEN support.
- Your child does not need an Educational Health and Care Plan (EHCP) to get SEN support.

UNDERSTAND your rights

What are ‘Special Educational Needs’?

‘Special Educational Needs’ (SEN) is a legal term set out in **s20 (1)** the Children and Families Act 2014.

A child has SEN if they have a **learning difficulty (s20(2)(a))** or a **disability (s20(2)(b))** which calls for special educational provision to be made - see Factsheet **FASD-DISABILITY OR LEARNING DIFFICULTY?**

In other words:

- wherever a disabled child or young person requires special educational provision, they will be covered by the SEN definition.
- Wherever a child with *learning difficulties* requires special educational provision, they will also be covered by the SEN definition.

If your child has SEN they may need extra or different help from that given to other children of the same age.

Four broad areas of SEN

The **SEND Code of Practice** sets out guidance that local authorities, health bodies, schools and colleges must follow by law.

There are four broad areas of special educational need and support (see [paragraph 5.32](#)):

- **Cognition and Learning**
- **Communication and Interaction**
- **Physical and Sensory**
- **Social, Emotional and Mental Health**

Parents are often told that children do not have SEN if they are working within age-related expectations, but learning is only one area of need and a child may still meet the definition of SEN if they have a learning difficulty or disability with a need for support in relation to social, emotional or mental health, communication and interaction or sensory issues.

Who can help identify SEN?

Health visitors can identify SEN and support specialist referrals.

Nurseries should be checking children’s progress and tell parents if they have any concerns.

School teachers should talk to you if they notice that your child is not making expected progress.

Parents and carers are often the first to suspect that a child or young person has SEN. If you think your child may have SEN, the first person to contact is usually the school’s Special Educational Needs Co-ordinator (SENCo).

If your child is not in a school or nursery, you can contact your **Local Council** online and look for their “SEND Local Offer” which should provide information about support available to children and young people with SEN.

Educational Psychologists are legally registered to assess a child’s SEN. Schools are able to use Educational Psychologists employed by the Local Authority or private Educational Psychologists.

Doctors or healthcare professionals can make a paediatric referral to help identify SEN.

UNDERSTAND your rights

Does a person with FASD have SEN?

Your child does not need to be diagnosed with FASD to have SEN. Often children with FASD struggle in one or more of the four broad areas set out in the SEND Code and will meet the definition of *learning difficulty or disability* in s20.

If FASD has been formally diagnosed then there should be an assessment of the child's SEN and what support is needed. The UK's recent [National Institute for Health and Care Excellence](#) (NICE) briefing paper acknowledges that FASD is a diagnosis in its own right with a specific profile of need which should be considered in the overall SEND profile.

What help is there for my child with SEN?

SEN help at school or college

By law, every state school (including academies, free schools and nurseries) must provide SEN support. Private schools may manage SEN in a different way.

The SEND Code of Practice says that schools should use a 'graduated approach' to support a child with SEND. This graduated approach has [four steps](#):

- 1. Assessment:** Teachers and other professionals will work with you and your child to look at your child's needs and the support required.
- 2. Plan:** You and your child agree with the school what support they will offer.
- 3. Do:** The school will support your child, as agreed in the plan.
- 4. Review:** The school will review how your child is progressing. You and your child can say how things are going and if your child is getting the support they need.

The school must get your permission to give your child SEN support. This is sometimes called 'going on the SEN register'.

Schools must set out their arrangements for supporting pupils with SEN in an online policy. Every state school gets a budget to support children with SEN. It's up to the school how they spend it. Look at the SEN offer/Information Report on the school's website to find out more.

Example of SEND support

Each child's needs are different. You must be involved throughout the SEN process and kept up to date.

SEN support in the classroom might include:

- a special learning programme
- extra help from a teacher or assistant
- to work in a smaller group
- help taking part in class activities
- equipment to support physical and sensory impairments

SEN help from the Local Authority

Each Local Authority must publish information about what they provide in education, health and social care for children and young people in their area who have SEN (called the '**Local Offer**'). This includes those that do not have an EHCP (Education, Health and Care Plan).

Virtual schools

A virtual school is not a teaching institution. It brings together professionals as if they were in a single school. It aims to help children and young people who are or who have been in care to achieve educational outcomes comparable to their peers.

It can be a good way of getting advice and practical help, especially when the support does not feel 'joined up'. Look up your Local Authorities Local Offer to find your virtual school.

SEND and disability

If your child has SEN they may also have a disability under the Equality Act 2010.

Under this Act, schools and colleges are breaking the law if they discriminate against children or young persons with disabilities.

The school also has a legal duty to make 'reasonable adjustments' for disabled children and young persons. Reasonable adjustments are often included as part of SEN support.

MYTHBUSTERS

My child is not getting any support/the support is not adequate, and the school has informed me there is nothing further that can be done to help.

The school has a legal duty to assist if your child has SEN. Contact the Headteacher and/or the school governor responsible for SEN. Your Virtual School and mediation services may also assist. You can apply for an EHCP without support from the school, [see [FASD](#) and EHCP].

My child has not been formally diagnosed with FASD so I have been told I cannot get SEN support

Your child does not need to be diagnosed with FASD (or any other condition) to get SEN support.

I have been told my child is not disabled so I can not get any help

Your child does not need to be disabled to have SEN. If your child has a learning difficulty which calls for special educational provision to be made, then SEN support must be legally provided.

School has put my child down for a visit from an Educational Psychologist, but it is a one year wait.

There is little you can do to speed up the process and the waiting lists can be long. The school has a duty to all children with SEN to provide support even without an assessment. You can also apply for an EHCP without an Educational Psychologist assessment.

My child is getting repeated suspensions and exclusions and is viewed as a 'naughty' child rather than one who needs extra support – can I challenge this?

This is not uncommon and is often due to a lack of understanding of FASD. Share resources from the FASD Network UK website to help the school to understand your child's behaviour and support they need. An Educational Psychologist assessment may also help.

School say there is no money to get SEND support

The school will have a budget for SEN. Look on the schools' website for their SEN offer. Support does not always have to be costly. If your child's needs can not be accommodated by the school, consider an EHCP.

HOW can I challenge my rights?

- Speak with the SENCo at your child's school.
- Contact the Headteacher and/or the school governor responsible for SEN.
- If you disagree with a decision made by the LA relating to your child's special educational needs, seek advice from the [Independent SEND disagreement resolution and mediation service](#).
- You can [make a complaint against your LA](#) if you are still unhappy.
- If the complaint does not work, you can complain to the [Local Government and Social Care Ombudsman](#) ("LGSCO"). This is an independent body and allows you to challenge a LA's decision without having to go to court.
- You can appeal against a LA decision to the [First Tier Tribunal for Special Educational Needs and Disability \(SEND\)](#).
- If you disagree with the First Tier Tribunal decision, you may appeal to the [Upper Tribunal \(Administrative Appeals Chamber\)](#).

GUIDANCE AND KEY LEGISLATION

[Government's Guidance for Special Educational Needs \(SEN\): a guide for parents and carers.](#)

- [NHS Guidance for health services for children and young people with Special Educational Needs and Disability.](#)
- [SEND Guide for parents and carers](#)
- [SEND Code of Practice](#) (SEN on page 15 and disability on page 16). [easy-read version of the SEND Code of Practice](#) from Mencap.
- [The Children and Families Act 2014](#)
- [The First Tier Tribunal for Special Educational Needs and Disability \(SEND\)](#).
- [Equality Act 2010 - Guidance on matters to be taken into account in determining questions relating to the definition of disability](#)
- [The Special Educational Needs and Disability Regulations 2014](#)

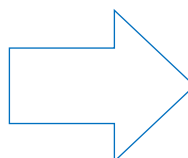
HELPFUL ORGANISATIONS

- [IPSEA - Independent Panel for Special Education Advice \(UK\)](#).
- <https://www.gov.uk/children-with-special-educational-needs/extra-SEN-help>
- <https://www.specialneedsjungle.com/>

SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) FLOWCHART

STAGE 1

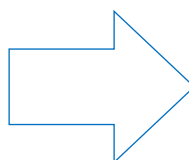
Approach the school's SEN co-ordinator to assist with your child's SEN or disability needs. They should put your child on the school SEN register and follow a staged approach using the Assess, Plan, Do, Review model described in this factsheet. They should also draft a one page profile setting out key needs and any other relevant information about your child along with how those needs are to be met so that it can be given to other teachers or teaching assistants that may be involved with your child.



School

STAGE 2

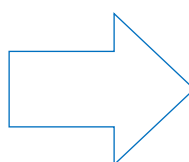
Approach the Local Authority for a formal statutory assessment of your child's SEN and/or disability needs (see factsheet **FASD** and EHCP)



Local Authority

STAGE 3

If Stage 1 and 2 are not successful, explore other avenues to seek help for your child. There are organisations that can assist the resolution of any disagreements arising from your child's assessment for SEN or disability needs or provide you with general advice.

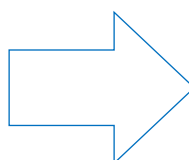


Independent
Disagreement
Resolution Service

Speak with IPSEA

STAGE 4

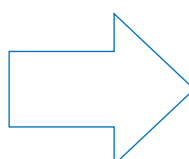
If you are unable to reach an agreement with your Local Authority, you can appeal to the First Tier Tribunal for Special Educational Needs and Disability (SEND). The Tribunal will look at all the evidence and make a final decision after considering the Local Authority's actions and the SEN guidance.



First-Tier SEND
Tribunal

STAGE 5

If you are unhappy with the First-Tier SEND Tribunal, you can appeal to the Upper Tribunal (Administrative Appeals Chamber).



Second-Tier
SEND Tribunal