

## IPSEA SEND law Virtual Conference session Questions.

- **My son ASD and ADHD he got high functioning but struggles with social and emotional support and peers support they told me because he doesn't struggle with learning they won't give him EHCP he in year 10 mainstream**

Further information for the benefit of all is here:

<https://www.ipsea.org.uk/what-are-special-educational-needs>

<https://www.ipsea.org.uk/asking-for-an-ehc-needs-assessment>

[The Code of Practice](#), see paras. 6.18, 6.23, 6.29 and 6.32

- **Can I ask about mediation. I have read the regs and understand that when parties don't agree on an attendee the mediation company make the decision. My question is though, can the mediation company invite attendees? Parent doesn't want school to attend, LA didn't request school attend, but mediator has invited the school against the parents' wishes. It's mediation for refusal to issue**

Further information for the benefit of all is here:

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

<https://www.legislation.gov.uk/ukxi/2014/1530/regulation/38>

<https://www.ipsea.org.uk/appeals-against-a-refusal-to-issue-an-ehc-plan>

- **I heard that tribunal cannot direct to EOTAS provision. What does this mean for an EHCP? LA are not answering any messages to find out about annual review, amendment to plan etc and not all of the EOTAS support in place. I.e health provision missing yet was the reason for moving to EOTAS**

This was addressed to the extent I could in the session. Further information for the benefit of all:

<https://www.ipsea.org.uk/choosing-a-schoolcollege-with-an-ehc-plan> - please see section titled "Education otherwise than in a setting".

- **If the tribunal order the child's view from the LA and the child is non-verbal who can provide these**

This was addressed during the session.

- **Can you advise what rights parents have to request an updated needs assessment during the AR process where it is evident that the outcomes are not being met and the strategies need to be re-evaluated.**

For more information for the benefit of all:

<https://www.ipsea.org.uk/changing-an-ehc-plan>

- **Child not accessing mainstream, has EHCP, awaiting specialist school. School being difficult with funding a tutor/AP for 5months and wants child to attend school. Child now not receiving any education at present.**

Please see:

<https://www.ipsea.org.uk/school-anxiety>

<https://www.ipsea.org.uk/getting-temporary-education-put-in-place>

- **What can we do about these ridiculous timelines and the way this is going?**

This is a very difficult situation and I would sincerely hope no LA acts in this manner to cause further delay. I would point to:

Please see: <https://www.legislation.gov.uk/ukxi/2014/1530/regulation/39> in terms of “deemed participation” where it has not been arranged in time.

I know the SEND Tribunal is trying to prioritise hearings, please see:

<https://www.ipsea.org.uk/rescheduled-hearings>

- **School requested GP sick note for child being unable to attend school? They won't fund AP until receive this**

Please see: <https://www.ipsea.org.uk/illness>

- **Can you link me to the CWD Register of disabled children legislation please?**

Each area appears to have their own CWD service. Please find your area’s service for details.

Please see: <https://www.gov.uk/help-for-disabled-child> for more information.

- **Can an L.A delay advising if it will amend an EHCP following a review and is way past the timescales to advise if it will amend (review Sept 22) as it is awaiting a panel decision on next placement?**

There is a legal process which must be followed for the annual review. Please see:

<https://www.ipsea.org.uk/the-annual-review-process>

<https://www.ipsea.org.uk/FAQs/annual-reviews-and-amending-ehc-plans>

<https://www.legislation.gov.uk/ukxi/2014/1530/regulation/20>

<https://www.ipsea.org.uk/complaining-when-the-la-has-not-completed-an-annual-review>

- **Please could you give clarity about the need to have regard to parents’ views as well as the cyp views once a young person turns 16? We have had a number of parents reporting issues around this at the moment locally.**

Under section 19 of the Children and Families Act 2014, the LA must have regard (when carrying out its functions under Part 3 of that Act) to the views, wishes and feelings of the child and their parent or of the young person. Please see:

<https://www.legislation.gov.uk/ukpga/2014/6/section/19>

A young person here is someone over compulsory school age and under 25 years. Broadly speaking, compulsory school age stops at the end of year 11.

At that point, when a child becomes a “young person”, it is their views, wishes and feelings that are of central importance. However there may be situations where the young person does not have mental capacity and their parent acts as their alternative person, and remember the Children and Families Act only deals with a set of limited situations (so doesn't cover every situation a young person faces).

Please see here for more information: <https://www.ipsea.org.uk/are-you-the-parent-or-carer-of-a-young-person>.

- **Struggling for an appointment**

I am sorry to hear that. It is worth keep trying, as new slots open up regularly although we know demand is high. You can also use the following services:

<https://www.ipsea.org.uk/call-in-helpline>

<https://www.ipsea.org.uk/information-service>