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ABSTRACT

This guide explains basic principles of educating children in the United Kingdom with special educational needs and the role parents can play in their child's special education. The roles of the schools, Local Education Authority (LEA), and other professionals are also discussed. Help available to children before starting school is identified, along with what parents can do if they think their child has a learning difficulty before or after the child has started school. By law a child has special educational needs if he or she has learning difficulties and needs special help. This means that the child finds it much harder to learn than most children of the same age or has a disability which makes it difficult to use the normal educational facilities in the area. The guide includes information on the following: children under 5; children at school; assessments and statements (the statutory assessment, what parents can do if the LEA decides not to assess their child, what happens after a statement has been prepared for the child, the time involved in actions from the time of proposing an assessment to making a statement, annual review of the statement); disagreeing with the LEA; choices for the child after age 16; and educating sick children. Definitions of terms are also provided, along with a list of free publications and a directory of organizations. (SW)



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Special educational needs

a guide for parents

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Introduction

Many children, at some time in their school career, will have special educational needs of some kind. The law says that all state schools must do their best to see that proper education is provided for all such children. Most children's needs will be met by their ordinary (mainstream) school, sometimes with the help of outside specialists. In a few cases, the local education authority (LEA) will have to make a statutory assessment based on specialist advice. The LEA may then draw up a Statement of Special Educational Needs — usually called 'a statement'. This describes all the child's needs and all the special help that he or she needs. The child's ordinary school can often provide this help.

All children with special educational needs have a right to a broad and well-balanced education.

The most important law dealing with special education is the 1993 Education Act, which builds upon, and largely replaces, the 1981 Act. Under the 1993 Act, the Secretary of State has issued a Code of Practice, giving practical guidance on how to



identify and assess special educational needs. The Code is available free of charge (see page 44). All schools and LEAs must have regard to this Code when they are dealing with children who have special educational needs. The health service and social services must also have regard to the Code when helping LEAs. This means that, when schools, LEAs and health and social services decide what they should do for children with special educational needs, they should always consider what the Code says.

WHEN SCHOOLS,
LEAS AND HEALTH
AND SOCIAL SERVICES
DECIDE WHAT THEY
SHOULD DO FOR
CHILDREN WITH
SPECIAL EDUCATIONAL
NEEDS, THEY SHOULD
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WHAT THE CODE SAYS.

This guide aims to help you to:

- understand what special educational needs are;
- understand what schools, LEAs and other professionals can and should do;
- oplay a full part in your child's special education; and
- understand what your rights are.

Basic principles

There are some basic points to keep in mind as you read this guide:

All children with special educational needs have a right to a broad and well-balanced education. This should include as much work as possible under the National Curriculum.

Children under five who have special educational needs, and their parents, can get advice and support from the LEA, social services, child health services and voluntary organisations.



As a parent, you have an important part to play in helping the LEA to decide which school is right for your child.

Most children with special educational needs will go to an ordinary school. As far as possible, they should be educated with other children of the same age. Most children's needs will be met by their local school without a statutory assessment or a statement. Children with statements often also go to their local ordinary school.

Some children with special educational needs will go to special schools. All children in special schools will usually have statements, or be undergoing statutory assessment.

Your knowledge, views and experiences as a parent are vital in helping your child to develop. Your child is likely to make most progress if you, your child's school and the LEA all work together in partnership. You and your child may also get help from a wide range of services, including child health and social services and voluntary organisations.



You, as a parent, have a right to take part in decisions about your child's education and to be kept in touch at all stages. Your views and support are very important. If you have any worries at any time, make sure you share them with your child's teacher, or one of the professionals working with your child, as well as your friends or family.

If you would like to talk to someone who is independent and knows about children with special educational needs, you may be able to get help from a national or local voluntary organisation or parents' group. Your LEA will be able to tell

you about any groups you can speak to. Sharing your worries can be very important.

If you are worried about the help your child is getting at school, you should speak to his or her teacher and head teacher (see page 10). In some cases, you can also appeal to the Special Educational Needs Tribunal if you think the LEA's decision is wrong (see page 36).

You can help by keeping in touch with your child's teachers and making sure that your child:

- works on any special programmes set by the school;
- uses any necessary aids such as spectacles or hearing aids; and
- takes any medicines he or she has to take at the right times.

Remember that you know your child better than anyone.

The closer you work with your child's teachers and school, the more successful any special help will be.

What are special educational needs?

The law says that a child has **special educational needs** if he or she has learning difficulties and needs special help. This help is known as **special educational provision.**

A child has learning difficulties if he or she finds it much harder to learn than most children of the same age, or if he or she has a disability which makes it difficult to use the normal educational facilities in the area. REMEMBER THAT
YOU KNOW YOUR
CHILD BETTER THAN
ANYONE. THE
CLOSER YOU WORK
WITH YOUR CHILD'S
TEACHERS AND
SCHOOL, THE MORE
SUCCESSFUL ANY
SPECIA HELP WILL BE.



For example, your child may have learning difficulties caused by:

- a physical disability;
- a problem with sight, hearing or speech;
- a mental disability;
- emotional or behavioural problems;
- a medical or health problem;
- difficulties with reading, writing, speaking or mathematics work.

These are just examples. Your child may have more general difficulties with school work.

You may notice these problems yourself. Your doctor, health visitor or clinic may notice them before your child starts school. Or your child's teachers at school may notice them.

About one in five children may have learning difficulties at some time in their school life. Most children get over their difficulties quite quickly. For others, the effects may last longer.



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Children under five

What can I do if I think my child has a learning difficulty before starting school?

If your child is not yet at school, speak to your doctor, health visitor, social worker or anyone else you think may be able to help. **Do not delay.** Your child's early years are very important. Asking a professional is the first step to getting specialist advice. Whoever you speak to will be able to put you in touch with your local education authority.

If your child is under five and a health worker thinks that he or she may have special educational needs, they must consult you. The health service must then tell the LEA and give you information about any voluntary organisation that may be able to advise you.

What help can my child get before starting school?

Even if your child is not yet at school, your LEA will be happy



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to discuss his or her needs with you and look at what help he or she needs.

Your LEA may be able to help your child from a very early age.

There are many services that may be able to help you, for example:

- teachers who will visit your home if your child has hearing or sight problems, or learning difficulties;
- home-based learning schemes for example Portage Schemes – in which a trained home visitor helps you by suggesting activities that will encourage your child to develop new skills; and
- playgroups and opportunity groups that can help your child develop socially and through play.

You may find it helpful to talk to other parents or to a voluntary organisation. There are many voluntary organisations and parents' groups all over the country. The main ones are listed at the end of this booklet.



Your LEA may be able to help your child from a very early age. Even if your child is under two, you can ask your LEA to assess his or her needs.

If your child is over two and you think that he or she has learning difficulties, you can ask your LEA to make a statutory assessment of his or her special educational needs. The LEA must then





make a statutory assessment, unless they decide it is unnecessary. Following a statutory assessment, the LEA will decide whether it is necessary to make a statement of your child's special educational needs. For more information about statutory assessments, see page 18.

Carol was premature and very underweight at birth. She was found to have cerebral palsy. It was soon clear that she was quite seriously handicapped. She had a three month review at the Child Development Centre when it was decided to inform the LEA and, with the parents' agreement, to arrange a visit from the home teaching service. The home visitor came weekly and set small tasks for Carol which her parents carried out with her. During the first year the home visitor sought the advice of both the physiotherapist and speech therapist who were already working with Carol. Their advice was invaluable and was included in the home teaching programme. At the age of two, Carol was assessed by the LEA. All the professionals who had been working with her were asked to give their advice. Because of their work with Carol, her parents were also able to help with the assessment procedure. Carol was given a statement of special educational needs which named a local special school. The home teaching stopped just before Carol's third birthday when she started school, where the programme continued. The same physiotherapist and speech therapist now see Carol at school. Her parents are still involved and are carrying on the work at home.

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Children at school

What can I do if I think my child has a learning difficulty at school?

If your child is at school, talk to your child's teacher or head teacher. There will be a teacher at your child's school who has a special responsibility for children with special educational needs. The school will tell you the name of that teacher.

All ordinary schools provide special help for children with special educational needs.

You are an active partner with your child's school. The school should tell you about your child's progress, listen to your concerns and work with you to make sure that your child gets a proper education. When your child starts school, or moves to a new school, you should tell his or her teacher about all the special help that has previously been provided by other schools, or by health or social services.



Many problems can be sorted out easily, especially if they are dealt with quickly. But in some cases, if your child has special educational needs, the school may call in outside specialists to help.

Different schools help children with special needs in different ways. But from September 1994, all state schools must:

- have regard to the Code of Practice on the Identification and Assessment of Special Educational Needs; and
- publish information about their policies for children with special educational needs.

What is the Code of Practice?

The Code of Practice is a guide for schools and LEAs about the practical help they can give to children with special educational needs. It recommends that schools should identify children's needs and take action to meet those needs as early as possible, working with parents. The law says that all state schools must have regard to the Code of Practice from 1 September 1994. This means that, when schools decide what they should do for children with special educational needs, they should always consider what the Code says. The Code gives guidance to schools but it does not tell them what they must do in every case. School teachers are skilled professionals who can judge how best to help your child. But, whatever they do, schools must not ignore the Code of Practice.

The Code recommends that schools should deal with children's needs step-by-step or in stages, matching the level of help to the needs of the child. The school will talk to you

SCHOOLS MUST
CONSIDER WHAT THE
CODE OF PRACTICE
SAYS WHEN
THEY DRAW UP
THEIR POLICIES
FOR CHILDREN
WITH SPECIAL
EDUCATIONAL NEEDS.





The school will talk to you and together you will decide which stage is best for your child.

and together you will decide which stage is best for your child. The school will also decide what this involves and what should be done to help your child progress. In most cases, special help at an early stage will allow your child to make good progress and he or she will not have to move on to the next stage. But if the school decide that your child needs a particular kind of special help, perhaps the help of a specialist from outside the school, he or she will not have to go through the early stages first.

Schools must consider what the Code of Practice says when they draw up their policies for children with special educational needs. Among the things the school's policy will tell you are:

- the name of the teacher who is responsible for children with special educational needs (often called the **Special Educational Needs Co-ordinator**);
- the school's arrangements for deciding which children need special help and their plans for giving that help, stage by stage; and
- how the school plan to work closely with parents.

Your child's school must give you a copy of their policy if you ask for one.

A staged approach to meeting your child's needs

The Code suggests that schools might use three stages. In fact, some schools may use two stages, others may use four. Schools will decide what is best for them, after they have considered the Code. The important point is that the special



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help a child gets should be right for his or her needs. The stages set out in the Code are:

Stage 1

At Stage 1, your child's teacher should record any concerns about your child's learning difficulty and should speak to you about them. The school will value all the information you can give. The school may ask you:

- about your child's health and development when he or she was younger;
- how your child behaves at home and how you think he or she is getting on at school; and
- the possible causes of your child's difficulties and anything you feel would help your child.

If your child is having difficulties, the school may ask him or her about what help he or she would like. Children can be very worried if they are having problems at school. Your child will need your support and encouragement so that you and your child can work closely with the school.

Full discussion of your child's needs at this early stage and careful attention to any learning difficulties he or she may have in any aspects of the school's life and work will often help your child make good progress without further help. But sometimes more help and advice will be needed.



5. 3



You have a right to see the school's special educational needs policy and to receive a copy of the school's annual report, which will include a report on that policy.

Stage 2

At Stage 2, the teacher responsible for special educational needs should talk to both you and your child's other teachers and should draw up an individual education plan. That plan will set targets for your child to achieve and a date for a review to see what progress he or she has made. The school may ask you to work with your child and to help him or her at home. Your support and encouragement are vital.

The school may also ask you if they can talk to your doctor or the school doctor about your child.

All the work done at this stage may mean that your child does not need any more help. But some children may need more help.

Tommy is now eight. He started at his infant school in the term before he was five. At first he seemed to be coping but by the end of the year he had made very little progress and was well behind the others in the class in his reading, writing and number work. His teacher was worried and spoke to his parents. During his second year, Tommy got extra help in class from his teacher and a classroom helper. His teacher set some targets for Tommy to reach by the end of the term but he did not make as much progress as was hoped and he did not reach all his targets. Following a review in which his parents took part, he was moved on to Stage 2. During his next year at school the teacher set some new targets within an individual education plan, with the help of the school's Special

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Educational Needs Co-ordinator. After some assessments had been carried out, Tommy reached most of the targets but his progress was still slow. Tommy moved on to junior school as a slow-learning child who would continue to need some special help from his teacher and the Special Educational Needs Co-ordinator. His progress will need to be reviewed regularly so that the school can decide whether any more help might be needed, perhaps at Stage 3.

Stage 3

At Stage 3, the school is likely to look for some specialist help or advice from outside the school. For example, they might call in an educational psychologist or a specialist teacher. Your school should be able to explain how different professionals can help your child, and may have information about local support services.

The teacher responsible for special educational needs will consider the information collected so far on your child's special needs and the action already taken. The teacher will then decide what more help your child needs. Your child's teachers and the outside specialist will then draw up a new individual education plan for him or her. The school will keep a close check on how your child is doing and will record his or her progress carefully. You will be kept informed and invited to review meetings.

If your child does not seem to be making as much progress as expected, the head teacher will decide whether to ask the LEA to make a **statutory assessment**.





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You have the right to be involved at all stages.

Different schools will have regard to the Code of Practice in different ways. However, no matter how the school chooses to have regard to the Code, if your child has special educational needs you have the right to be involved at all stages. The school will also consider your child's own views. Schools have to keep all parents informed about their children's progress. You have a right to see the school's special educational needs policy and to receive a copy of the school's annual report, which will include a report on that policy.

Robert was slow learning to speak and his speech was difficult to understand. After he had had several ear infections, it was found that he had 'glue ear' which caused occasional hearing loss. Grommets were fitted when he was three and his hearing improved. He had some speech therapy before he started school until his speech became reasonably clear. His teacher found that Robert's attention wandered at school and had to keep him close to her table to be sure that she had his concentration and that he followed her instructions. His language development worried his teacher as well as his mother. He made no real progress at reading and writing even with extra help from his teacher and the school's Special Educational Needs Co-ordinator. At six and a half he was referred to the educational psychologist who, with the teacher from the LEA's Hearing Impaired Service, drew up some language work for his teacher to carry out. This was an important part of Robert's individual education programme at Stage 3. He is now making good progress and it seems that at the next review he may be moved from Stage 3 to Stage 2.

What if I disagree with the school?

If you are not happy with anything the school does when dealing with your child, you should first talk to the teacher responsible for special educational needs or your child's class teacher or subject teachers. You may also talk to the Head Teacher. Sometimes misunderstandings can arise and it is important that you co-operate as much as you can with your child's school in any discussion about your child's special needs. You may find it helpful to write down your worries before a meeting and, if you want to, you can take a friend or relative or your **Named Person** with you. (You can find out more about the role of the Named Person on page 22.) You may also find it helpful to talk to other parents. Your child's school should be able to give you the names of local voluntary organisations and parents' groups that might be able to help.

A NAMED PERSON
IS SOMEONE WHO
WILL HELP YOU TO
EXPRESS YOUR
VIEWS AND OFFER
YOU SUPPORT
WHENEVER YOU
NEED IT.

The school's policy on special educational needs will describe how the school plans to handle complaints. If you are still not happy after using the school's

complaints procedures, and if your child's school is an LEA-maintained school, you should contact the LEA. If your child's school is grant-maintained, you should complain to the school's governing body. If you are still not happy, you can complain to the Secretary of State for Education. The LEA or a parents' support group will be able to tell you how to do this.



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Assessments and statements

Most children's needs should be met by their ordinary schools. But perhaps 1 child in every 50 across the country will need more help. The LEA are best placed to provide this help, whichever type of school your child attends.

What is a statutory assessment?

To decide what help your child needs, the LEA must decide whether to make a **statutory assessment**. This is a very detailed examination which will find out exactly what your child's special educational needs are and all the special help he or she may need.

Your child's school or a professional involved with your child, such as a doctor, may also ask the LEA to consider making a statutory assessment of your child. You will always be consulted by your school, or the professional involved, before they make such a request.



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If you think your child is falling seriously behind other children of the same age and that your child's school cannot provide all the extra help he or she needs, you can ask the LEA to make a statutory assessment of your child. You should always talk to your child's school before you ask the LEA for an assessment. The LEA will look at your request very seriously and must agree to hold an assessment, unless they consider it to be unnecessary.

THE LEA WILL GIVE YOU THE NAME OF ONE OF THEIR STAFF WHO CAN GIVE YOU MORE INFORMATION.

The LEA must then decide whether to make a statutory assessment. They will consider very carefully your child's progress at school and the guidance in the Code of Practice. They will also listen to your views and to the views of your child's school about your child's learning difficulties. The school will tell the LEA about any special help they have already given to your child.

As soon as the LEA begin to think about making an assessment, they must tell you what they plan to do. They must also give you the name of one of their staff who can give you more information. This person is sometimes called the **Named Officer**. They will also tell you about the steps they will take if they decide to make an assessment. They must give you at least 29 days to say whether you agree that they should assess your child. The LEA will encourage you to offer your views about your child's needs.

The LEA should also give you the names of people and organisations who can help and advise you, and information about the special help your child can get in state schools. The LEA may also ask you who you would like them to speak to about your child if they decide to make a statutory assessment.

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Even if the LEA decide that a statutory assessment is not needed, your child can still get extra help. Your views will always be welcome and you should feel free to ask any questions you have. The LEA will also explain what happens during a statutory assessment, and the time limits that they work to.

How long will I have to wait for the LEA to decide whether my child should have an assessment?

The LEA have six weeks to tell you whether they will make a statutory assessment of your child. If the LEA take longer than six weeks, you should talk to the Named Officer, who will be able to explain the delay. If you are still not happy, you can, as a last resort, complain to the Secretary of State for Education, who can direct the LEA to resolve the problem. The LEA will be able to give you details of how to make such a complaint.

What can I do if the LEA decide not to assess my child?

If the LEA decide that an assessment is not needed, they will write to you and your child's school, giving the reasons for their decision. The LEA may still say what they think could be done to help the school meet your child's needs. Even if the LEA decide that a statutory assessment is not needed, your child can still get extra help. The school will be responsible for this, using their staged procedures. They may call in outside specialist help if they think it is needed. You should discuss your child's needs fully with his or her school.

If you ask for a statutory assessment and the LEA decide not to make one, you have a right to appeal to the Special Educational Needs Tribunal if you disagree with their decision. You can find out more information about the Tribunal on page 36.

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How can I be involved in the assessment?

If the LEA deciae: to go ahead with a statutory assessment, they must tell you. They must then gather advice about your child's special needs from his or her school, from doctors and from an educational psychologist.

You will also be asked to provide information and your views about your child's needs. You have an essential part to play because you know your child better than anyone else does.

You should tell the LEA what you think, either in a letter or in person. To help the LEA make the assessment quickly, when they ask what you think you should try to reply within six weeks. The LEA can tell you how to submit your views and they may have guidelines to help you to take part in your child's assessment. The LEA can also give you the names of voluntary organisations and parents' groups that can help you.

The LEA will tell you about the different types of special help that ordinary and special schools in your area can give your child. You can then visit some of these schools to decide which you might like your child to go to in the future.

You have a right to go with your child to any interview, medical test or other test during the statutory assessment. At some stage the professionals may ask to see your child alone, because children often act quite differently when their parents are not there. The professionals will explain what they are doing and what they are looking for.

The LEA may also ask what your child thinks about his or her special educational needs. What your child thinks can play an



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important part in the LEA's assessment. If your child needs help to give his or her views to the LEA, you, a teacher or your Named Person can help.

Who is a Named Person?

Many parents want independent advice when their child's needs are being assessed and discussed. To help you get this advice, the LEA may invite you to talk to them about who you want to help you and whether you would like to have a Named Person. Your Named Person is someone who will help you to express your views and offer you support whenever you need it. Your Named Person may come from a voluntary organisation or a parents' support group, or be a professional, friend or relative. Whoever is appointed as your Named Person should be able to give you advice and information as well as personal support.

What happens after the assessment?

A statement of special educational needs... sets out your child's needs and all the special help he or she should have.

Once your LEA have collected all the advice and comments about your child's educational needs, they will decide whether to make a statement of special educational needs for your child. They will normally tell you their decision no more than 12 weeks after they have decided to make an assessment.

What is a statement?

A statement of special educational needs is a document that sets out your child's needs and all the special help he or she should have. The LEA will make a statement when they decide that all the special help your child needs cannot reasonably be



provided within the resources normally available to the school. These resources include money, staff time and special equipment.

A statement of special educational needs is set out in six parts:

Part 1 gives your own and your child's name and address and other details.

Part 2 gives details of all your child's learning difficulties and disabilities, as identified by the LEA during the assessment.

Part 3 describes:

- all the special help that the LEA think your child should get to meet the needs set out in part 2;
- the long-term objectives to be achieved by that special help; and
- the arrangements to be made for setting shortterm targets and regularly reviewing your child's progress towards those targets.

Part 4 tells you about the school where your child will go to get the special help set out in part 3, or the arrangements for education to be made otherwise than at school.

Part 5 describes any non-educational needs your child has, such as transport to school.

Part 6 describes how your child will get the help described in part 5.



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With the statement, the LEA must send copies of all the advice they got from you and from others during the statutory assessment.

What happens once a statement has been prepared for my child?

Before the LEA sends you a final statement, they will send you a 'proposed statement'. This includes all the parts set out above except part 4 (describing the type and name of the school) which will be left blank. With your copy of the proposed statement, the LEA will send you a letter telling you how you can give your views on the proposed statement before it is finalised. The LEA will welcome your views.

Can I choose my child's school?

The LEA will send you details of state ordinary and special schools in the area. They will also send you a list of all schools known as 'non-maintained' special schools and all independent schools which are approved by the Secretary of State for Education as suitable for children with special educational needs.

You have a right to express a preference for which state school you want your child to go to. This can be the school which he or she is already at. The LEA must agree with your preference as long as:

- the school you choose is suitable for your child's age, ability and special educational needs;
- your child's presence there will not affect the efficient education of other children already at the school; and

The LEA will send you details of all schools... suitable for children with special educational needs.

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 placing your child in the school will be an efficient use of the LEA's resources.

Special schools usually take children with particular types of special needs. Some ordinary schools may have special provision for particular disabilities. For example, they may have good access for physically disabled pupils or special teaching for pupils with hearing or sight difficulties. You can ask to see schools' policies on special educational needs to make sure you know what they can offer and you can visit a number of schools if you want to. The LEA will send you full details of how you can make your views known to them.

You may want your child to attend a non-maintained special school, or an independent school which has facilities for pupils with special educational needs. The LEA will consider your wishes carefully before they make a final decision, but, if there is a suitable state school, the LEA has no legal duty to place your child at a non-maintained or independent school.

Deciding which school you would like your child to go to is an important matter and you will need all the information and advice you can get. Your LEA will be pleased to help. Before they make the final statement, the LEA can arrange a meeting with you to discuss your wishes. Remember that you can take a friend, a relative or your Named Person with you when you visit schools and meet the LEA. You may also want to talk to other parents through local voluntary organisations and parents' groups. The LEA must make the final decision. They will keep you fully informed and will always explain their decision to you.



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How long have I got to comment?

When the LEA send you the proposed statement, you have 15 days in which to comment and to say which state school you prefer, or to say that you want your child to go to a non-maintained school or an independent school. You can ask for a meeting with the LEA to discuss the proposed statement. After this meeting you have another 15 days to ask for more meetings with the LEA. Finally, within 15 days of your last meeting with the LEA, you can send in any more comments you have and the LEA will consider them. If you would like more time to comment, you should talk to the Named Officer.

When will the LEA make the final statement?

Usually, the LEA must make the final statement within eight weeks of the proposed statement. They will send you a copy of the statement and will tell you of your right to appeal to the Special Educational Needs Tribunal.

The statement comes into force as soon as the LEA make it. The LEA must provide your child's school with any extra resources that are needed. The school's governors must make sure that your child gets the special educational help set out in the statement.

Claire was diagnosed as having a physical disability soon after she was born. She was assessed and given a statement when she was four. She uses a wheelchair and needs help from a classroom helper, but she has attended ordinary nursery, infant and junior schools. Now that she is at secondary school her statement has been changed to include a monthly visit from a physiotherapist, the use of a word processor and some extra help from a classroom helper.



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What if I disagree with the final statement?

If you disagree with what is in the statement, you should first ask your Named Officer at the LEA for an explanation. If you are still not happy, you have a right to appeal to the Special Educational Needs Tribunal against the contents of:

- part 2, the description of your child's learning difficulties; or
- part 3, the help to be given for your child's special educational needs; or
- part 4, the type and name of the school your child should attend.

What if the LEA decide that my child does not need a statement?

After the assessment, the LEA may decide that your child's school can provide special help for your child's special educational needs without the need for a statement. The LEA will usually tell you of this decision within 12 weeks of starting the statutory assessment.

The LEA will have learned a great deal about your child's needs as a result of the statutory assessment. Even if they decide not to make a statement, they should share what they have learned with you and your child's school. The LEA may then draw up what is called a 'note in lieu of a statement'.

This note will set out the reasons for the LEA's decision not to make a statement. The LEA should send you copies of all the advice they got from the professionals the spoke to during the statutory assessment. The note and that advice should help

WITH THE STATEMENT,
THE LEA MUST SEND
COPIES OF ALL THE
ADVICE THEY GOT
FROM YOU AND FROM
OTHERS DURING
THE STATUTORY
ASSESSMENT.



you understand the LEA's decision and, if you agree, it can be passed to the school to help your child's teachers to decide how to help him or her in the future.

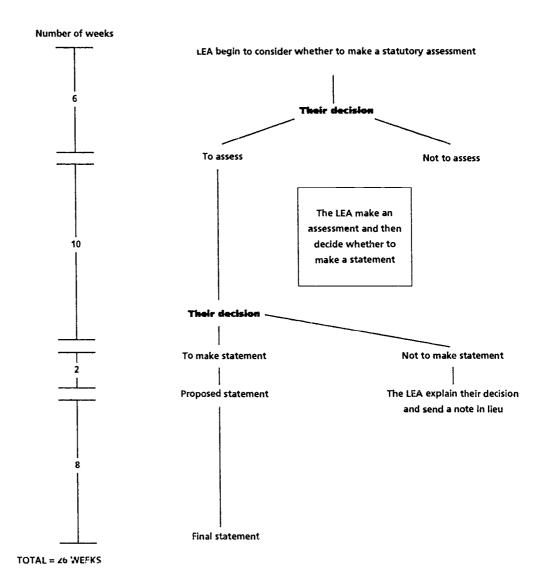
If, after you have looked at all the information from the LEA, you think that their decision is wrong and that a statement should be made for your child, you can appeal to the Special Educational Needs Tribunal.

John went to a nursery school and then to a primary school. Although he did well in some areas of his work, his parents were worried that he was getting behind with his reading. Both schools arranged extra help for him but by the age of eight he was still having difficulties. His school discussed his

problems with a visiting specialist teacher. This teacher did some tests with John and gave his teacher some advice about work that she could do with him. His parents were still worried, and his school agreed to refer him to the LEA, who decided to carry out a statutory assessment. After hearing the views of his parents and taking the advice of specialists, they decided that his problems were not so severe as to need a statement, but that he did have special

educational needs. The LEA issued a note in lieu and sent his parents and, with his parents' agreement, his school, all the advice they had received during the statutory assessment. Now John is registered by his school as having special educational needs at Stage 3. He gets special teaching twice a week, in a small group, when he door work that has been carefully planned just for him.

Timetable from proposing an assessment to making a statement



It is in the best interests of your child that his or her special educational needs are assessed thoroughly and quickly. This will make sure that those needs are met as soon as possible. The whole process, from the LEA proposing to make an assessment to the sending of a final statement, should usually

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take no longer than six months. You can help by replying quickly whenever the LEA contact you.

There are some exceptions to this timetable, when the process may take longer than 26 weeks. If this is likely, the LEA will tell you the reason for the delay.

Annual review of the statement

The LEA must regularly check your child's progress and make sure the statement continues to meet his or her needs. They must review your child's statement at least once a year, but they can review it more often if they think it is necessary.

Your child's school will have set targets for your child soon after the statement was first made, following the arrangements set out in part 3 of the statement. The annual review will look at your child's progress towards those targets and agree new targets for the next year.

Your child's school will write to you, telling you the date of the review meeting and inviting you to attend. Before the meeting, the school will ask you to send in your views on your child's progress over the last year. The school, your Named Person, a voluntary organisation or a parents' group can help you give your views. Remember, your views are always important.

The school may also ask for the written views of other professionals who know and work with your child. Before the review meeting, the school will send you copies of all the views they have received.



The review meeting will normally be held in your child's school. You can take a friend, an adviser or your Named Person to that meeting. It is important that you go to the review meeting. Your child can also go along for at least part of the meeting. His or her views on progress in the past year, and hopes for the future, are important.

After the review meeting, the school will set new targets and send a report to the LEA so that they can review your child's statement. The school will send you a copy of their report. The LEA will decide whether they should make any changes to your child's statement. They will then write to you, your child's school and the professionals involved in the annual review.

If your child has a statement of special needs, the first annual review after he or she becomes 14 is particularly important in preparing for his or her move to further education and adult life. This review will involve all those people and organisations who will play a major role when your child leaves school. This will include the careers service and your local social services department. This review will produce a **Transition Plan** for your child's move to adult life. You and your child will be asked to help draw up this Plan.

Elizabeth is partially sighted. She was assessed and given a statement when she was four. Throughout her time in ordinary primary and secondary school, Elizabeth was always in the top group in her class. At the annual review of her statement in year 10, after her 14th birthday, a Transition Plan was drawn up. The careers service, social services and the local college of further education all contributed to the Plan.

Elizabeth wanted to go on to higher education and wished to leave school at 16 and go with her friends to the local college of further education. The Transition Plan sets out the support the college should offer by making materials available to Elizabeth in Braille, and by arranging mobility training from social services. The college will use the Transition Plan to prepare for Elizabeth's arrivai.

Can changes be made to the statement?

An annual review may lead to changes to your child's statement. For example, changes may be made if:

- your child's needs have changed significantly; or
- if the LEA decide that different kinds of extra help are necessary; or
- if your child has to move to a different school.

You will always be asked what you think before any changes are made. Annual reviews will not always lead to changes in your child's statement. But while the LEA may suggest changes at any time in the year, changes are most likely to be made after an annual review.

The LEA will tell you of any changes they are thinking of and the reasons for them. You have a right to tell the LEA what you think within 15 days. The LEA will always look at your views before they decide whether to make any changes. The LEA must tell you their decision within eight weeks of suggesting a change.



Kate had serious emotional difficulties. She was very withdrawn at home and at school and was not making any progress at school. She was given a statement and went to a special school when she was nine. By the time she was 12 her condition had shown a marked improvement and she was doing much better in class. This was noted in the annual review of her statement. After this review, the LEA decided to change Kate's statement so that she could move back to an ordinary school. Her parents agreed, and Kate moved to a local secondary school. At first it was for one day a week but this became full-time after a term. At her next annual review, Kate's parents agreed with the school that the LEA should stop maintaining her statement, which it then did. Kate's school continue to watch over her progress through their system of staged procedures for children with special educational needs.

You have the right to ask the LEA to change the name of the school in your child's statement. When your child is due to move from primary to secondary school, it is very important that you, your child's present school and the LEA think very carefully about the secondary school your child should attend. The results of the annual review in your child's last year in primary school will be important. So this review might be held earlier in the school year than other reviews. The LEA should always try to decide the name of your child's next school before the beginning of the term before he or she is due to move. You will always be involved in this decision.

You have a right to appeal to the Special Educational Needs Tribunal against any change to the description in the statement of your child's special educational needs (part 2), the types of special educational help to be provided (part 3) and the name of the school he or she will go to (part 4).





How long does a statement last?

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Your child may have a statement for his or her whole school career, or for just a part of it. Through their annual reviews of your child's statement, the LEA may decide that your child can continue to make good progress with the extra help that an ordinary school can provide within the resources generally available to them. If they do, they may stop maintaining your child's statement.

If the LEA want to stop maintaining your child's statement, they will write and tell you, giving their reasons. If you disagree, you should tell them. If the LEA do then stop maintaining the statement and you still disagree, you have a right to appeal to the Special Educational Needs Tribunal.

The LEA will stop maintaining the statement if your child leaves school after his or her 16th birthday. If your child stays at school, the LEA may keep the statement until he or she is 19.

Can I ask for my child to be assessed again?

Even if your child has a statement, you have the right to ask for a new statutory assessment. The LEA must agree, as long as:

- your child has not been assessed in the last six months; and
- the LEA agrees that another statutory assessment is needed.



The LEA will decide whether a new assessment is needed in the same way that they first decided to assess your child. In particular, they will consider whether there have been any significant changes in your child's life or special needs. The LEA will tell you of their decision and the reasons for it. If you disagree with that decision, you can appeal to the Special Educational Needs Tribunal.

What happens if I move to another LEA area?

If you are going to move, you should let your LEA know. You should talk to both your present LEA and your new LEA about your child's needs and the best way of making sure they continue to be met.

When you move, your old LEA will send your child's statement to your new LEA. The new LEA must then make sure that your child gets all the special educational help set out in the statement. Within six weeks of receiving your child's statement, your new LEA must tell you when they will review the statement and whether they are going to make a new statutory assessment of your child.

Your child may have to start at a new school before the new LEA review the statement or make a statutory assessment. But if your child goes to a private school of any kind, the new LEA must pay any fees which were paid by your previous LEA, at least until they change the statement. Remember you have a right to tell the LEA what you think before they make any change. Remember, too, that if you disagree with any change that the LEA do make, you have a right to appeal to the Special Educational Needs Tribunal.



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Disagreeing with the LEA

What happens if I disagree with the LEA?

You are a partner with your child's school and the LEA. They will keep you fully informed at all stages of your child's education. Your knowledge of your child, together with the school's and LEA's knowledge of a wide range of children with special educational needs, should result in proper help being given to your child quickly and effectively.

If, at any stage, you are not happy with a decision, talk to your child's school or to the Named Officer who has dealt with your child's case. They will be happy to discuss your worries. In most cases, the problem will be put right quickly.

Voluntary organisations, parents' groups and your Named Person can help you put your views to the LEA and can give you advice about what the LEA say. It is very important that you discuss your views openly with the LEA and try to reach

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agreement with them wherever possible. You may feel disappointed by the LEA's decision, but disagreement is not always in your child's best interests.

But if you cannot agree with the LEA and you believe that a different decision is needed, you have a right to appeal to the Special Educational Needs Tribunal.

You can appeal to the Special Educational Needs Tribunal if:

- the LEA refuse to make a statutory assessment of your child, after you have asked them to; or
- the LEA refuse to make a statement for your child after an assessment; or
- you disagree with part 2, part 3, or part 4 of your child's statement, when that statement is first made or if it is changed later; or
- your child already has a statement and the LEA refuse to assess your child again or change the name of the school in that statement; or
- the LEA decide to stop maintaining your child's statement.

What is the Special Educational Needs Tribunal?

The Special Educational Needs Tribunal is an independent body that hears parents' appeals against LEA decisions on statutory assessments and statements. It will hear appeals against decisions made by LEAs on or after 1 September 1994.

The Tribunal is based in London but, outside the South East, appeals will be heard locally. That Tribunal will be made up of



three people. One of these will be the Chairman, who will be a lawyer. The other two will between them have experience of special educational needs and local government.

You can go to the Tribunal, and voluntary organisations, parents' groups or your Named Person can help you prepare your case and go with you. You can also ask up to two professionals who



know your child to speak on your behalf at the Tribunal.

The Tribunal will look at the evidence and will make a final decision. In reaching this decision, the Tribunal may consider how the LEA's actions compare to the guidance set out in the Code of Practice. Just because an LEA have

not followed the Code will not always mean that their decision was wrong. But the Tribunal will expect the LEA to explain why they have not followed the Code's guidance when that is relevant to the decision they have made.

How long do I have to appeal?

It is important that the appeal procedure does not delay any special educational help your child needs. For this reason, you have to apply to the Tribunal no later than two months after the LEA make their decision. Only in exceptional cases will it be possible to get that time limit extended.

You can find out more about the Tribunal in a special booklet. You can get the booklet from your LEA.



What if the Tribunal cannot deal with my complaint?

You may be able to make a complaint to the Local Government Ombudsman if your complaint is about something which the Tribunal cannot deal with. Some examples might be complaints about the LEA's failure to:-

- keep within time limits;
- make sure that the help your child needs, as set out in the statement, is provided.

You can find out more about the Local Government Ombudsman in a special booklet. You can get the booklet from your LEA, or from the Ombudsman (the address is given in the list at the end of this booklet.)

Choices after 16

Will my child be able to stay on at school?

Education for young people with special educational needs does not stop at 16. Depending on your child's interests and abilities, he or she can stay on at an ordinary or special school, or can move to a college of further education. Many schools have developed 'link' courses with colleges so the pupils in their last years at school can go to a college on a part-time basis. These courses help to prepare young people for further education by letting them experience a college and try out a range of new subjects.

Further education is available for young people over the age of 16. If your child has a statement of special educational needs, further education will be considered when the Transition Plan is drawn up when he or she is 14 (see page 31).

Many students with learning difficulties or disabilities attend

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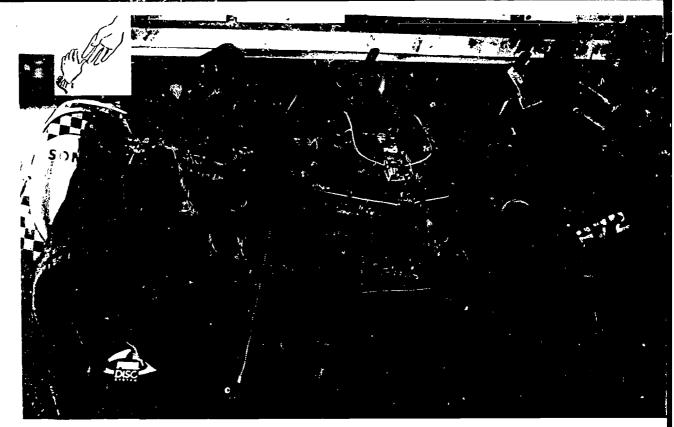
Many students with learning difficulties or disabilities attend ordinary courses at college. ordinary courses at colleges with the help of special equipment or support. Some colleges run special courses or have units for these students. Your local college will have a member of staff who acts as the first point of contact for students with learning difficulties or disabilities. You can ask this member of staff for more information or advice. Students whose needs cannot be met by a college of further education may be able to get a place at an independent specialist college.

Universities and colleges offer education at a level beyond GCE A-level standard for students from about the age of 18. It is open to all young people who have the ability to benefit from it.

If you have any questions about the choices open to your child after 16, the careers service can provide help and advice to you and your child.



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Educating sick children

What if my child is sick or in hospital?

If your child is taken ill or has to go into hospital for some time, the LEA must still provide him or her with the education he or she needs. The LEA will try to make sure that the help, including extra help for special needs, provided for your child at home or in hospital is similar to that provided at his or her school.

The Elucation your child gets in hospital will depend on what the illness is and how long he or she will be there. If the stay in hospital is likely to be a long one, the LEA may want to change your child's statement, if he or she has one. If your child is due to take exams or assessments, these can take place in the hospital.

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Definitions

Code of Practice

A guide to schools and local education authorities (LEAs) about the help they can give to children with special educational needs. Schools and LEAs must have regard to the Code when they deal with a child with special educational needs.

Learning difficulties A child has learning difficulties if he or she finds it much harder to learn than most children of the same age.

Local Education Authority(LEA)

Local government body responsible for providing education and for making statutory assessments and maintaining statements.

Mainstream school An ordinary school.

Maintained school A state school.

Named Officer

An officer of the LEA who will deal with your child's case.

Named Person

A person identified by the LEA, with your help, to give you information and advice about your child's special educational needs. A Named Person can be a friend, a relative or a member of a voluntary organisation.

Non-maintained special school

A non-profit-making special school which charges fees. Most nonmaintained special schools are run by charities or charitable trusts.



Note in lieu of a statement

gales.

A note in which the LEA will set out the reasons for their decision not to make a statement after a statutory assessment.

needs (SEN)

Special educational A child has special educational needs if he or she has learning difficulties that need special educational provision.

provision

Special educational The special help given to children with special educational needs.

Needs Tribunal

Special Educational An independent body that hears appeals against decisions made by LEAs.

Special school

A school which is specially organised to give help to pupils with special educational needs.

educational needs

Statement of special A document that sets out a child's needs and all the extra help he or she should get.

Statutory assessment A very detailed examination of a child's special educational needs. It may lead to a statement.

Transition Plan

A plan drawn up at the first annual review of a statement after a child's 14th birthday. It sets out the steps needed for him or her to move from school to adult life.





Other publications you may find useful

- * Department for Education Circulars 'Pupils with Problems'
- * Guide to the Special Educational Needs Tribunal
- * The Parent's Charter

You can get copies of these documents, and a list of other useful DFE publications, by writing to:

DFE Publications Centre PO Box 2193 London E15 2EU

or by ringing 0181-533 2000

You can get this booklet in English, Bengali, Chinese, Greek, Gujerati, Hindi, Punjabi, Turkish, Urdu or Vietnamese.

To order free copies in any of these languages or the English version of this booklet on audio cassette, or in Braille, please phone 01787 880946 - until March 1995

0181 533 2000 - from April 1995

Copies of the Code of Practice on the Identification and Assessment of Special Educational Needs are also available by phoning 01787 880946 (until March 1995) or 0181 533 2000 (from April 1995).

If you need more help

There are many voluntary organisations who help children with disabilities or learning difficulties, and their parents. Others offer more general advice. Some of the main organisations are listed at the back of this booklet. You can get more details from your LEA, your local library, the Citizens' Advice Bureau or the local Council of Voluntary Service.



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Useful addresses

ACTION FOR SICK CHILDREN Argyle House 29-31 Euston Road London NW1 2SD Tel: 0171 333-2041

ADVISORY CENTRE FOR
EDUCATION
1b Aberdeen Studios
22 Highbury Grove
London N5 2EA
Tel: 0171-354-8321 (advice line)

AFASIC – Overcoming Speech Impairments 347 Central Markets Smithfield London EC1A 9NH Tel: 0171-236-3632/6487

ASSOCIATION FOR BRAIN
DAMAGED CHILDREN
Clifton House
3 St Pauls Road
Foleshill
Coventry CV6 5DE
Tel: 01203-665450

ASSOCIATION FOR SPINA BIFIDA AND HYDROCEPHALUS Asbah House 42 Park Road Peterborough PE1 2UQ Tel: 01733-555988 ATAXIA GROUP
Copse Edge
Thursley Road
Elstead
Godalming
Surrey GU8 6DJ
Tel: 01252-702864

BRITISH DIABETIC ASSOCIATION 10 Queen Anne Street London W1M 0BD Tel: 0171-323-1531

BRITISH DYSLEXIA ASSOCIATION 98 London Road Reading RG1 5AU Tel: 01734-668271

BRITISH EPILEPSY ASSOCIATION Anstey House 40 Hanover Square Leeds LS3 1BE Tel: 01132-439393

BRITISH SPORTS ASSOCIATION FOR THE DISABLED The Mary Glen Haig Suite Solecast House 13-27 Brunswick Place London N1 6DX Tel: 0171-490-4919



BRITTLE BONE SOCIETY

Ward 8

Strathmartine Hospital

Strathmartine

Dundee DD3 0PG

Tel: 01382-817771

CENTRE FOR STUDIES ON

INCLUSIVE EDUCATION

1 Redland Close

Elm Lane Redland

Bristol BS6 6UE

Tel: 0117-923-8450

THE CHILDREN'S SOCIETY

Edward Rudolph House

69-85 Margery Street

London WC1X 0JL

Tel: 0171-837-4299

CONTACT-A-FAMILY

170 Tottenham Court

Road

London W1P 0HA

Tel: 0171-383-3555

COUNCIL FOR DISABLED

CHILDREN

8 Wakely Street

London EC1V 7QE

Tel: 017!-843-6000

CYSTIC FIBROSIS

RESEARCH TRUST

Alexandra House

5 Blyth Road

Bromley

Kent BR I 3RS

Tel: 0181-464-7211

DIAL UK

Park Lodge

St Catherine's Hospital

Tickhill Road

Balby

Doncaster

South Yorkshire DN4 8QN

Tel: 01302-310123

DISABILITY ALLIANCE

1st Floor East

Universal House

88-94 Wentworth Street

London El 7SA

Tel: 0171-247-8763

DISABLED LIVING

FOUNDATION

380-384 Harrow Road

London W9 2HU

Tel: 0171-289-6111

DOWN'S SYNDROME

ASSOCIATION

155 Mitcham Road

London SW17 9PG

Tel: 0181-682-4001



FAMILY FUND
Joseph Rowntree Memorial
Trust
PO Box 50
York YO1 1UY
Yel: 01904-621115

GREATER LONDON
ASSOCIATION FOR
DISABLED PEOPLE (GLAD)
363 Brixton Road
London SW9 7AA
Tel: 0171-274-0107

HAEMOPHIILIA SOCIETY
123 Westminster Bridge Road
London SE1 7HR
Tel: 0171-928-2020

HANDICAPPED
ADVENTURE
PLAYGROUND ASSN
Fulham Palace
Bishops Avenue
London SW6 6EA
Tel: 0171-736-4443

HEADWAY NATIONAL HEAD INJURIES ASSN 7 King Edward Court King Edward Street Nottingham NG1 1EW Tel: 01159 240800 HUNTINGTON'S DISEASE ASSOCIATION 108 Battersea High Street London SW11 3HP Tel: 0171-223-7000

HYPERACTIVE CHILDREN'S SUPPORT GROUP 71 Whyke Lane Chichester Sussex PO19 2LD Tel: 01903-725182

I CAN
Barbican City Gate
1-3 Dufferin Street
London EC1Y 8NA
Tel: 0171-374-4422

IN TOUCH 10 Norman Road Sale Cheshire M33 3DF Tel: 0161-962-4441

IPSEA
22 Warren Hill Road
Woodbridge
Suffolk IP12 4DU
Tel: 01394-382814



KIDS

80 Waynflete Square London W10 6UD Tel: 0181-969-2817

LEUKAEMIA CARE

SOCIETY

14 Kingfisher Court

Venny Bridge

Pin Hoe

Exeter

Devon EX4 8JN

Tel: 01392-464848

LOCAL GOVERNMENT

OMBUDSMAN

Commission for Local Administration in England

21 Queen Anne's Gate London SW1H 9BU

Tel: 0171-915-3210

MENCAP (Royal Society for Mentally Handicapped

Children and Adults) 117-123 Golden Lane

London EC1Y ORT

Tel: 0171-454-0454

MIND (National A sociation

for Mental Health,

Granta House

15-19 Broadway

Stratford

London E15 4BQ

Tel; 0181-519-2122

MOTABILITY

Gate House

West Gate

The High

Harlow

Essex CM20 1HR

Tel: 01279-635666

MUSCULAR DYSTROPHY

GROUP OF GB

7-11 Prescott Place

London SW4 6BS

Tel: 0171-720-8055

NATIONAL ASSOCIATION

FOR THE EDUCATION OF

SICK CHILDREN

Open School

18 Victoria Park Square

London E2 9PF

Tel: 0181-980-6263



NATIONAL ASSOCIATION
OF SPECIAL
EDUCATIONAL NEEDS
(NASEN)
York House, Exhall Grange
Wheelwright Lane
Coventry
Warks CV7 9HP
Tel: 01203-362414

NATIONAL ASTHMA CAMPAIGN Providence Place Providence House London N1 0NT Tel: 0171-226-2260

NATIONAL AUTISTIC SOCIETY 276 Willesden Lane London NW2 5RB Tel: 0181-451-1114

NATIONAL CHILDREN'S BUREAU 8 Wakely Street London EC1V 7QE Tel: 0171-843-6000

NATIONAL DEAF CHILDREN'S SOCIETY 15 Dufferin Street London EC1Y 8PD Tel: 0171-250-0123 NATIONAL ECZEMA SOCIETY 4 Tavistock Place London WC1H 9RA Tel: 0171-388-4097

NATIONAL FEDERATION OF THE BLIND OF THE UK Unity House, Smyth Street Westgate Wakefield West Yorkshire WF1 1ER Tel: 01924-291313

NATIONAL LIBRARY FOR THE HANDICAPPED CHILD Research Resources Centre Wellington House Wellington Road Wokingham Berkshire RG11 2AG Tel: 01734-891101

NATIONAL PORTAGE ASSOCIATION 4 Clifton Road Winchester Hants

Tel: 01962-860148



NATIONAL RATHBONE SOCIETY 1st Floor The Excalibur Building 77 Whitworth Street Manchester M1 6EZ Tel: 0161-236-5358

NATIONAL TOY LIBRARIES ASSOCIATION 68 Churchway London NW1 1LT Tel: 0171-387-9592

NETWORK Room 241, Second Floor 49-51 Bedford Row London WC1R 4LR Tel: 0171-831-8031

NETWORK 81 1-7 Woodfield Terrace Chapel Hill Stansted Essex CM24 8AJ Tel: 01279-647415

PARENTS IN
PARTNERSHIP
Unit 2
Ground Floor
70 South Lambeth Road
London SW8 1RL
Tel: 0171-735-7735

PRE-SCHOOL PLAYGROUP ASSOCIATION 61-63 Kings Cross Road London WC1X 9LL Tel: 0171-833-0991

PHYSICALLY DISABLED AND ABLE BODIED (PHAB LTD) 12-14 London Road Croydon CR0 2TA Tel: 0181-667-9443

ROYAL ASSOCIATION FOR DISABILITY AND REHABILITATION (RADAR) 12 City Forum 250 City Road London EC1V 8AF Tel: 0171-250-3222

ROYAL NATIONAL INSTITUTE FOR THE BLIND 224 Gt Portland Street London W1N 6AA Tel: 0171-388-1266

ROYAL NATIONAL
INSTITUTE FOR THE DEAF
105 Gower Street
London WC1E 6AH
Tel: 0171-387-8033



SCOPE 12 Park Crescent London W1N 4EQ Tel: 0171-636-5020

SENSE 11-13 Clifton Terrace Finsbury Park London N4 3SR Tel: 0171-272-7774

SICKLE CELL SOCIETY
54 Station Road
London NW10 4UA
Tel: 0181-961-7795

SKILL (formerly National Bureau for Handicapped Students) 336 Brixton Road London SW9 7AA Tel: 0171-274-0565

SPASTICS SOCIETY
12 Park Crescent
London W1N 4EQ
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