



# Cerebra

Positively Different

## Disabled Children Parents' Guide: Education.

### Introduction

This guide has been prepared for parents of children with special educational needs and parents of disabled children who want to know how to get help for their child at school.

This guide is the first of a series of guides to be published by Cerebra that aim to give parents of children with disabilities and/or special educational needs information on how to get the help and support they need. Other guides cover the following areas:

- Health, social care and housing
- Employment
- Money matters.

### The importance of education

All children have the right to an education but some children will need additional support to enable them to learn. This guide is a summary of the support that might be available to your child before s/he reaches school age and during his/her time at school.

This guide covers the following areas:

- Overview of responsibilities
- Children with Special Educational Needs (SEN)
- What the Equality Act 2010 means for school pupils
- Transport (to and from school) for pupils of compulsory school age
- Moving on from school
- Complaints and claims about support in schools.

The guide provides information on these areas through a series of questions

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and answers. It also includes a Glossary (see page 24) which provides an explanation of commonly used terms (these are highlighted in bold in the text).

The guide is no substitute for specialist advice – the Resources section (see page 27) provides information on where to obtain further help and assistance and gives details of useful guidance.

## Overview of responsibilities

### Q.1. When might my child have a right to additional learning support at school?

Additional learning support is available in schools and early years settings for children with special educational needs ('SEN') through the Special Educational Needs framework. Children have special educational needs if they have a **learning difficulty** which requires **special educational provision** to be made for them. This includes children who have a disability which affects their ability to make use of the educational facilities provided for their peers. Local Authorities that have responsibilities for education (referred to in this guide as 'the Local Authority') have a duty to ensure that the special educational needs of children in their areas are met.

In addition, ALL schools have duties to make 'reasonable adjustments' (explained below at Q.21) for pupils, prospective pupils and in some cases former pupils who have a **disability** within the meaning of the Equality Act 2010. The Equality Act 2010 duties are designed to sit alongside the duties under the Special Educational Needs framework. Some children may be disabled under the Equality Act 2010 but not have special educational needs under the SEN framework and vice versa.

The guide looks first at the duties under the SEN framework and then at the duties under the Equality Act 2010.

## Children with Special Educational Needs

This section describes the current position relating to SEN. However the Government is pressing forward with plans to amend legislation to replace Statements of SEN and learning difficulty assessments in England so that by 2014, all the support needed to meet the needs of a child or young person will be set out in an Education, Health and Care Plan which can follow the child from birth to 25. For more information see the Resources section on page 27. Pilot schemes known as pathfinders have been running in various areas. The England SEN Code of Practice (see Resources section on page 28) is currently being revised to take account of the changes set out in the draft legislation referenced above; the revised version will eventually replace the current version. Similar proposals are being considered in Wales where the equivalent of the Education, Health and Care Plan will be known as an Individual Development Plan.

## **Q.2. Is support under the SEN framework available in any school?**

The SEN framework operates in government funded early years settings and maintained schools, whether they are mainstream or special schools. The position in relation to Academies and Free Schools in England currently depends on an individual school's funding agreement but this is set to change under the 2014 proposals (see Q. 1 above). In addition, a Local Authority may agree to place a child with a statement of special educational needs in a independent / non -maintained school.

## **Q.3. How will I know if my child has SEN?**

You may be aware that your child has SEN from your own observations.

Your child's school must let you know if they decide to put SEN provision in place for your child.

If your child is under compulsory school age (that is any time before the start of term following your child's 5<sup>th</sup> birthday) the health service must inform you and your Local Authority if they consider that your child has SEN.

## **Q.4. If my child has SEN what support is in place for me?**

Your Local Authority must arrange for you to have advice and information about matters that relate to your child's SEN and let you know if they think a particular voluntary organisation is likely to be able to help you in connection with your child's SEN.

Local Authorities must ensure that a 'parent partnership service' (which provides information and support to parents) is available in their area and they must inform parents, schools and others about the service and how it can be contacted for help.

There are a range of other organisations that can help (see the Resources section on page 27).

## **Q.5. What support will be available to my child and how is it put in place?**

The type and level of support that your child receives will depend on their particular needs. The three areas of support are as follows:

- Early Years Action (for children aged 3 to 5 in an early years setting (for example a nursery – See Glossary) / School Action (for children at primary and secondary school)

This is support that is additional to, or different from, the support that is usually provided by the Early Years Setting / school, such as additional learning materials, specialist equipment or extra one to one support.

Your child's early education practitioner / teacher or Special Educational Needs coordinator ('SENCO') should consult you about the needs of your child and the action to be taken. The different strategies and provision should be recorded in an Individual Education Plan ('IEP') together with short-term targets for your child and the IEP should be reviewed regularly at least 3 times a year in an Early Years Setting and twice a year in a primary or secondary school. As part of the review process, you should be consulted and asked for your views on your child's progress.

It may be that your child's early education practitioner / teacher or SENCO has raised concerns about your child's progress with you. Alternatively, if you have concerns that your child is not progressing appropriately, you should raise these concerns with your child's early education practitioner / teacher or SENCO and discuss whether extra support should be put in place (this is referred to as 'Early Years Action / School Years Action').

- Early Years Action Plus / School Action Plus  
If despite the support at Early Years Action / School Action, an IEP review meeting identifies that your child is still not progressing, help may be sought from external support services. The types and level of support available will depend on local policies. Sometimes external specialists will provide advisory support but they might also teach your child. This additional support is referred to as 'Early Years Action Plus / School Action Plus'.
- Statement of special educational needs ('a Statement')  
If this further support through Early Years Action Plus / School Action Plus is insufficient, you or your school can ask your Local Authority to carry out a statutory assessment of your child's SEN which is the first step towards obtaining a Statement (see below). Another agency such as the health service or social services can make a referral for a statutory assessment. Your child does not have to have received support at Early Years / School Action or Action Plus before you make such a request; you can do so at any time. There are special provisions for children under 2 which are covered below (see Q.10).

## Q.6. What is a 'Statement of Special Needs'?

A Statement is a document that sets out a child's special educational, and other non-educational needs, the provision to meet those needs and their school or type of school. Your Local Authority has a legal obligation to ensure that the special educational provision set out in Part 3 of the Statement is provided.

The contents of a Statement are as follows:

- Part 1 – Introduction: Child’s name, address, date of birth, home language and religion and names and addresses of the child’s parents.
- Part 2 – Description of the child’s special educational needs.
- Part 3 – Details of the special educational provision the Local Authority considers necessary to meet the child’s SEN as set out in Part 2.

This is broken down into the following three areas:

- a. the objectives the special educational provision should meet
  - b. the actual special educational provision required
  - c. monitoring arrangements.
- Part 4 – Type and name of the school where the provision set out in Part 3 is to be made, or the Local Authority’s arrangements for provision to be made otherwise than at school.
  - Part 5 – Non-educational needs.
  - Part 6 – Non-educational provision (see Q.9 below).
  - Appendixes – copies of all the expert reports received as part of the assessment procedure and parental advice.

### **Q.7. How do I obtain a Statement for my child?**

On receipt of a written request from you or your child’s school for a statutory assessment of your child’s special educational needs, your Local Authority must let you and the school (if they made the request) know within 6 weeks whether it will carry out an assessment of your child’s SEN. (See Complaints section (page 21) for what to do if your Local Authority refuses to carry out an assessment.)

If your Local Authority confirms to you that it will carry out an assessment, it is required to complete the assessment and reach a decision as to whether or not a statement is necessary within 10 weeks. (This is subject to certain specific exceptions such as waiting for responses from the health service or social services). During this time the Local Authority will seek reports from other relevant professionals such as the Head teacher of your child’s school and the Local Authority’s educational psychologist, as well as from you.

Once the Local Authority has reached its decision it must inform you in writing of this decision within 2 weeks (this means the whole process should normally be completed within 12 weeks of the start of the statutory assessment) and either send you a draft proposed Statement to consider

or written reasons for concluding that a Statement is unnecessary. (The Complaints section of this guide (page 21) explains what you can do if you are unhappy with this decision.)

If your Local Authority decides not to issue a Statement, it may issue what is known as a non-legally binding 'note in lieu'. While this document may look similar to a Statement, the Local Authority has no legal obligation to ensure the special educational provision it identifies is put in place. If such a 'note in lieu' is offered to you, you should think very carefully about whether it is acceptable, given that it has no legal standing.

### **Q.8. What should I do if I receive a draft proposed Statement?**

This is your opportunity to check that you agree with your Local Authority's assessment of your child's SEN and the provision it considers will meet these needs. At this stage you can also express a preference for a maintained school (be this mainstream or special) or state why you think your child should go to an independent or non-maintained school. The law and procedure relating to placement choices and admissions is beyond the scope of this guide; for further information see the Resources section at the end of this guide.

### **Q.9. What should I look out for?**

Your Local Authority has no legal duty to ensure the provision set out in Part 6 of your child's statement is made; you should therefore try and ensure that all therapy provision is included in Part 3 (which sets out the special educational provision the Local Authority considers necessary to meet your child's SEN). Even though some therapies such as speech and language therapy or physiotherapy may be provided by the health service for example, rather than the Local Authority, the Local Authority is under a duty to arrange for the special educational provision set out in Part 3 of the Statement, such as therapy provision, one on one support or specialist equipment to be made.

It is important that the provision set out in Part 3 (SEN provision) is specific and quantifiable so that there is no room for argument about what has been agreed. Part 3 should set out the amount of support required (i.e. how many hours), on what basis (i.e. weekly or daily) and by whom (i.e. an appropriate professional).

You may request meetings with your Local Authority (subject to certain timescales), in relation to your choice of school and any concerns you may have about the proposed Statement. When your Local Authority sends you a copy of the final Statement it must also inform you in writing of your right to appeal to the Tribunal and the time limits for doing so (see the Complaints section, page 21 below).

This is a summary of the statutory assessment and statementing procedure. Further information

can be found from the organisations and publications listed in the Resources section on page 27).

### **Q.10. My child is not yet 2 but I think they have special educational needs. What can I do?**

You can ask your Local Authority to carry out a statutory assessment of your child's SEN and the authority **MUST** carry out an assessment if they believe your child has SEN for which they must determine special educational provision.

It may be that the Local Authority has raised concerns about your child's SEN and in these circumstances it can carry out a statutory assessment provided you consent to this.

In either case, an assessment does not need to follow the statutory procedures described above (i.e. the procedures that apply to children aged 2 and over).

It is rare for children aged under 2 to have a Statement and there are no legal procedures covering this although there is statutory guidance setting out what these statements should address (see the SEN Code of Practice in the Resources section on page 27). For children over 2, the procedures are the same as for children of school age.

### **Q.11. How long will my child's Statement stay in force?**

A Statement may last until a child leaves school (the end of the academic year in which the child turns 19 -see SEN Code of Practice 9.61) but the Statement must be reviewed at least once a year (other than statements for children under 2) which could result in a decision to cease to maintain it.

Your Local Authority must ensure the first review is carried out within 12 months of a Statement being made (the original Statement or a new Statement following a reassessment of your child's needs) and subsequent reviews carried out within 12 months of the previous review. With some exceptions, in school phase transfer years (such as from primary to secondary school), a Statement must be amended to name the new school by 15 February in the year of transfer; see Q.34 for details of what you can do if you are unhappy with an amended statement. For more information about reassessments and the phase transfer process, see the Resources section on page 27.

### **Q.12. What will happen at the annual review meeting of my child's SEN statement?**

The purpose of the review meeting is to monitor and evaluate the appropriateness and effectiveness of the services and support being provided to meet your child's special educational needs. In advance of the review meeting, your child's Head teacher will seek written advice from you, anyone specified by your Local Authority, and anyone else the Head teacher considers relevant. The Head



teacher will invite you and the other people consulted, together with a representative from the Local Authority and a relevant teacher to the review meeting.

If your child is educated otherwise than at school, the Local Authority convenes the annual review meeting which should be held in the most appropriate location, such as your home or the Local Authority's offices.

At the annual review meeting, your child's progress and the provisions in their statement will be looked at and recommendations may be made. Any differences of opinion should be recorded. The Head teacher must prepare and send a report to the Local Authority (and everyone else involved in the review including you), no later than 10 days after the annual review meeting or the end of that school term, whichever is the earlier. The report should include recommendations as to whether or not the Statement should be amended or maintained. The Local Authority must then review the Statement in light of the Head teacher's report and other relevant information and decide whether to accept the Head teacher's recommendations and what action to take in relation to your child's Statement (for example to amend it or to cease to maintain it). Within a week of making this decision, the Local Authority must send a copy of its decision to you, the Head teacher and anyone else it considers appropriate. (See the Complaints section (page 21) for what you can do if you are unhappy with the outcome.)

For further information about the Annual Review procedure, see the Resources section at the end of this guide.

### **Q.13. I have heard that the Year 9 annual review is important – why?**

This Annual Review is very important as it marks the start of the planning needed to ensure that your child receives appropriate support as they become a young adult, which will mean moving from services that provide for children and families to those that focus on the needs of adults. This is known as 'transition planning'. As well as reviewing your child's Statement, a Transition Plan must be drawn up with the involvement of a specialist careers officer and reviewed at any subsequent annual reviews until your child leaves school. The Transition Plan is built on information from a wide range of relevant sources and plans for your child's transition to adult life. When it is first drawn up the Transition Plan should address ongoing school provision as well as plans for post-school arrangements.

### **Q.14. What happens when my child is about to leave school?**

Your child may leave school at the end of Year 11 or Year 13 and occasionally in Year 12. In your child's last year of school, if your child has a Statement, and your Local Authority expects your child to leave school to go into post 16 education (for example at a sixth form college, mainstream FE



college or specialist college), or training (for example an apprenticeship) or higher education, it must arrange for a learning difficulty assessment ('LDA') (see below) of your child to be carried out.

If your child attends a residential school, your home Local Authority will arrange for the LDA to be carried out with support from the 'hosting authority' (i.e. the Local Authority in which your child's school is located).

### **Q.15. What is a Learning Difficulty Assessment (LDA)?**

A LDA is an assessment of a young person's training, education and other needs in relation to their post 16 education, training or higher education. Local Authorities must arrange for a LDA in the last year of school for all young people for whom they maintain a Statement and who the Local Authority expects will go into post 16 education, training or higher education. They also have a power to arrange a LDA in relation to young people without Statements but who appear to have learning difficulties and are receiving or are likely to receive post 16 education.

If your child has a Statement, the LDA should be linked to their final Annual Review and their Transition Plan so that a holistic approach continues. The assessor whom the Local Authority arranges to carry out the LDA should attend the final Annual Review.

If your child has been being educated at home, the post 16 education or training does not cover on-going education at home.

### **Q.16. What should a Learning Difficulty Assessment (LDA) cover?**

The statutory guidance for England (due to be reviewed in March 2013) sets out that a LDA must:

- consider your child's wider needs
- take account of their views and wishes
- result in a clear, written report which covers:
  - your child's educational and training needs and
  - the learning provision to meet those needs and be specific about both

and should:

- be supported by an appropriately trained workforce who are independent of any learning provider and have an advice or related qualification to at least level 4
- have a person centred approach focusing on progression
- adopt a multi-agency approach with Local Authorities ensuring relevant links are in place across relevant services such as travel, health, medical and social care

- take into account value for money considerations when making placement decisions
- be reviewed regularly
- have a clear complaints process.

Post 16 education in a non-school context is discussed briefly in the Moving On section below (see Q.28 and Q.29).

## What the Equality Act 2010 ('the EA') means for school pupils

### Q.17. What protection does the EA offer my child?

The Equality Act 2010 offers protection from discrimination and **harassment** to people based on a 'protected characteristic'. **Victimisation** is also unlawful. The protected characteristics that apply (with varying degrees of protection) in a schools context are:

- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

This guide focuses on the protected characteristic of disability.

Pupils, prospective pupils and in some cases former pupils all have protection.

The Equality and Human Rights Commission has issued a range of guidance on the Equality Act (see Resources section on page 27).

### Q.18. Does this protection apply to all aspects of school life?

Effectively yes although exceptions apply. It is unlawful for a school to discriminate against or harass (subject to some exceptions) a prospective pupil or existing pupil on the basis of a protected characteristic in relation to:

- Admissions
- The provision of education and access to any benefit, facility or service (such as school facilities, school trips and sports activities)
- Exclusions

### Q.19. Does this protection apply to any school?

Yes. All schools are subject to the duties regardless of whether they are in the state or private sector.

Nursery schools maintained by a Local Authority and nursery education provided within a school are under the same duties as schools. Other early years education providers such as private nurseries are covered by another part of the Equality Act 2010.

Local Authorities also have duties under both the education and other provisions of the Equality Act 2010.

Bodies which award academic school qualifications (such as the GCSE examination boards) also have duties under the education provisions of the Equality Act 2010.

### Q.20. What are the different forms of discrimination?

- **Direct discrimination** – treating a person less favourably than you treat or would treat others because of a protected characteristic – for example not allowing a pupil with a speech impairment to join the school debating team. Direct discrimination cannot be justified in a schools context. It is always lawful to treat a disabled person more favourably than a non-disabled person because of their disability. Direct discrimination by association (see Q 25) and by perception are also unlawful.
- **Indirect discrimination** – applying a provision, practice or criteria in the same way for all people but which has the effect of putting people who share a protected characteristic at a particular disadvantage compared with people who do not have that protected characteristic unless this can be shown that it is a 'proportionate means of achieving a legitimate aim'. For example, (adapted from the Equality and Human Rights Commission's draft schools code): a school has a policy of limiting tours of its site for prospective parents and pupils to 30 minutes. The school realises that this policy puts disabled prospective pupils with mobility impairments at a particular disadvantage. It decides the policy cannot be justified and amends it so as to avoid indirectly discriminating against this group.
- **Pregnancy and maternity discrimination** – treating a girl / woman unfavourably because she is or has been pregnant, has given birth within the last 26 weeks or is breastfeeding a baby who is 26 weeks old or under
- **Discrimination arising from disability** (for disabled people only) – treating a disabled person unfavourably because of something arising in consequence of their disability unless it can

be shown that the treatment is a proportionate means of achieving a legitimate aim. If the school has failed to make an appropriate reasonable adjustment it will be very difficult for them to prove the treatment was justified. If the school did not know and could not reasonably have been expected to know that the person was disabled the unfavourable treatment will not amount to discrimination arising from disability. For example, a pupil with Tourettes syndrome is not allowed to go on any school trips because the school is concerned that their reputation will be damaged by his swearing (which is an involuntary consequence of his disability).

- A failure to make reasonable adjustments (for disabled people only) – see below.

### **Q.21. How does the reasonable adjustments ('RA') duty apply to schools?**

The RA duty is anticipatory and continuing and requires schools to take reasonable steps to:

- avoid substantial disadvantage where a practice, provision or criterion puts disabled people at a substantial disadvantage (Note: 'Substantial' means more than minor or trivial).

Example: A school gives detention to children who are regularly late to their lessons. It adapts this policy in relation to one of its pupils who has hemiplegia and who is often late to lessons because he needs to take rest breaks on his way around the school.

- provide an auxiliary aid (such as electronic or manual notetaking equipment) or service where a failure to do so would put a disabled person at a substantial disadvantage. This duty came into force on 1 September 2012. Whether it is reasonable for a school to provide an auxiliary aid or service will depend on a number of factors including whether or not these have been provided through the SEN route. The Equality and Human Rights Commission have issued guidance explaining the impact of the new duty (see Resources section on page 29).

If the provision, practice or criteria or the need for an auxiliary aid relates to the provision of information, the duty includes ensuring that the information is provided in an accessible format.

### **Q.22. Can the school charge us for the cost of making a reasonable adjustment?**

No – a disabled pupil cannot be charged for the cost of making a reasonable adjustment; the question to consider is whether the adjustment is reasonable.

### **Q.23. What about a school's duties in respect of physical access to school buildings?**

Schools in England and Wales have a duty to prepare Accessibility plans setting out how they will:

- improve the physical environment;
- increase the accessibility of the school curriculum for disabled pupils and
- improve the provision of information to them.

Schools must consider the need to allocate adequate resources to these plans.

Local Authorities have to prepare Accessibility strategies covering the same areas in relation to the schools they are responsible for.

Both the Accessibility Plans and the Accessibility Strategies must be implemented after considering pupils' disabilities and the preferences of them and their parents. They must also be reviewed regularly. You can ask to see a copy of these documents.

#### Q.24. Is the public sector equality duty relevant to my school?

All Local Authority maintained schools in England and Wales and Academies and free schools in England are subject to the public sector equality duty. This duty covers all the protected characteristics which apply to schools.

- The **general duty** has three aims. It requires schools in carrying out their functions to have due regard to the need to:
  - eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by the Equality Act 2010
  - advance equality of opportunity between people who share a protected characteristic and those who do not
  - foster good relations between people who share a protected characteristic and those who do not
- The specific duties in England require these schools to publish sufficient information to demonstrate compliance with the general equality duty no later than 6 April 2012 and at least annually thereafter and to publish one or more equality objectives by 6th April 2012 and to then revise and publish them at least every four years.
- The specific duties in Wales cover a range of areas and include requiring maintained schools to publish Strategic Equality Plans and equality objectives by 2 April 2012, to keep the Strategic Equality Plans under review and to review and publish the objectives at least every four years; to have engaged with interested people as part of gathering relevant information to assess their activities against the general duty and published relevant information as

appropriate by 2 April 2012 and as required thereafter; to publish annual equality reports covering specific information about the school's progress in complying with the public sector equality duty.

### **Q.25. Am I protected from discrimination because of my relationship with my disabled child?**

You are protected from direct discrimination and harassment if you are treated less favourably because of your association with your disabled child by, for example, your child's education provider, a service provider or your employer.

## **Transport (to and from school) for pupils of compulsory school age**

### **Q.26. Does my Local Authority have to provide free school transport for my child?**

If you live in England Local Authorities must make such suitable and free home to school travel arrangements as they consider necessary for all eligible children for whom no or no suitable free travel arrangements are provided by anyone else and have a discretion to make such travel arrangements as they consider necessary for non-eligible children.

There are four categories of eligible children which only apply to children of **compulsory school age**:

- children who attend schools beyond **statutory walking distance** (two miles for children under 8 years old and three miles for children aged 8 and above) unless the Local Authority has made 'suitable arrangements' for boarding accommodation at or near the school or attendance at a nearer '**qualifying school**';
- children with SEN, disabilities or mobility problems who attend a school within statutory walking distance, who cannot reasonably be expected to walk to their school and the Local Authority has made no 'suitable arrangements' for them to attend a nearer 'qualifying school';
- children living within statutory walking distance of the nearest qualifying school whose route to school is such that they cannot reasonably be expected to walk (accompanied as necessary) in reasonable safety;
- children from low income families (there are separate provisions in place for children of primary and secondary age groups).

Local Authorities in England have a power to put in place school travel schemes which must be approved by the Secretary of State. The rules in relation to free school transport under school travel schemes are slightly different to the above. Further information on this can be found on the IPSEA website (see Useful Organisations section of the Resources website on page 27).

If you live in Wales, Local Authorities must make suitable free home to school travel arrangements for children of compulsory school age who satisfy certain conditions (connected with walking distance from their school) or for whom the Local Authority considers it is necessary to do so in order to facilitate their attendance at their place of education or training, having regard to certain factors including any disability or learning difficulty of the child. Local Authorities also have a discretion to make travel arrangements (for which a charge can be made) to facilitate the attendance of a learner at their place of education or training) who live or study in the Local Authority's area.

If a Local Authority acts unreasonably by refusing to exercise its discretion, this may be unlawful and can be challenged.

The rules in relation to school transport in England and Wales are complex and more detailed information can be found in the guidance listed in the Resources section on page 27.

### **Q.27. What is the position for children with Statements?**

Children with statements should receive free transport if they meet the eligibility criteria (discussed in Q.26 above). However, where parents are in dispute with the Local Authority about choice of school, deals are sometimes made where the Local Authority agrees to name the parents' choice of school in Part 4 of a Statement where this is not the nearest school, on the basis the parents fund all or part of the transport costs.

For more information, including on the type of transport that should be provided, see the Resources section at the end of this guide.

Local Authorities must publish their transport policy which should include details of how to appeal.

### **Moving on from school**

When your child leaves school, be this at the end of Year 11 or 13, or even Year 12, they may choose to continue their education elsewhere. This may be further education (such as in a sixth form college, general FE college or residential specialist college), higher education or an apprenticeship.

When your child leaves school and moves into Further or Higher education their Statement will cease, There are various general forms of funding as well as funding specifically for students with learning difficulties and disabilities. Wales is currently consulting on its proposals for reform of further and higher education which will impact on future funding and student support arrangements.



## Q.28. What additional learning support is available in a further education setting?

### Examples of General Funding

#### 16-19 Bursary Fund (England)

This fund which has replaced the Education Maintenance Allowance has two parts. There is a bursary of up to £1200 for the following groups of students:

- Young people in care
- Care leavers
- Those in receipt of Income Support and
- Those in receipt of both Disability Living Allowance and Employment Support Allowance

In addition there is a discretionary fund which other students may be eligible for.

#### Education Maintenance Allowance (Wales)

The Education Maintenance Allowance is still in existence in Wales (although a new planning and funding system will be introduced from 2014 / 2015). It provides financial support to 16-18 year olds whose household income is below a certain amount and who are studying at a participating school or college on an eligible course which is:

- an academic or vocational course up to and including Level 3; and
- full-time at school; or
- a minimum of 12 guided hours at college.

### Support for young people with learning difficulties and disabilities

In England, Further Education ('FE') colleges receive funding for Additional Learning Support from the Education Funding Agency and the Skills Funding Agency; for more information see the factsheets available from the Disability Rights UK website (see Resources section on page 27). In Wales the Additional Learning Support funding comes from the department of the Minister for Education and Skills which is part of the Welsh Government.

Private colleges in England and Wales do not receive such funding but have a duty to make reasonable adjustments under the Equality Act 2010 (see below).

The types of Additional Learning Support provided in general FE colleges are:

- specialist teaching for students with specific learning difficulties such as dyslexia
- sign language interpreters
- materials in accessible formats
- specialist equipment. (This will remain the property of the college; charities may provide grants for students to purchase their own items.)

If your child's LDA has identified that their needs cannot be met in a local college, they may receive funding to attend a residential specialist college which are for disabled students only. If your child has significant care needs, social services may contribute towards the cost of the placement.

For more information about these and other sources of FE funding, see the Resources section at the end of this guide.

### **Q.29. What additional learning support is available in a higher education setting?**

There is a wide variety of financial support available to higher education students including: student grants, student loans, bursaries, scholarships and awards and access to learning funds.

In addition there are funds which disabled students may be able to access depending on their programme of study, to assist with the additional study costs they incur as a result of their disability. These funds are known as the Disabled Students Allowances.

The allowances can help with purchasing specialist equipment, paying for support workers and other disability-related study items such as extra books, photocopying and batteries. There is also a travel allowance (see Q.32).

Application forms are available from the GOV.UK website, Student Finance England or Student Finance Wales or from the Open University for their students.

For further information about HE funding, see the Resources section at the end of this guide.

### **Q.30. What does the Apprenticeship route entail?**

Apprenticeships are open to all people aged 16 and over who are not in full time education. There are three different levels of apprenticeship:

- Intermediate, Advanced and Higher (England)
- Foundation, Apprenticeships, Apprenticeships and Higher Apprenticeships (Wales).

These combine a work based qualification such as an NVQ, key transferable skills and a Technical certificate. Learning providers focus on knowledge and key transferable skills while the employer

offers practical on-site training.

Applications for apprenticeships are made through the National Apprenticeship Service, which is housed in the Skills Funding Agency (England) and through Careers Wales (Wales).

### **Q.31. What does the Equality Act 2010 mean for further and higher education students?**

The Equality Act 2010 offers protection from discrimination and harassment based on a protected characteristic. Victimisation is also unlawful. In addition to the protected characteristics set out above in relation to schools (Q.17) age is an additional protected characteristic for the further and higher education sector.

It is unlawful (with some exceptions) for a further or higher education institution to discriminate against an applicant or student in relation to:

- admissions
- the provision of education
- access to any benefit, facility or service
- exclusions.

In addition, disabled people who are not students but are applicants for a qualification which an FE or HE institution confers are also protected.

In relation to the reasonable adjustments duty, unlike schools, further and higher education providers have an additional duty to make reasonable adjustments to the physical features of premises where these place disabled students at a substantial disadvantage, compared to non-disabled students.

In relation to the public sector equality duty, many further or higher education institutions are either public authorities or bodies carrying out a public function and are therefore subject to the general public sector equality duty; some are also subject to the specific duties. For more information see the Further information and guidance section on page 28.

Apprentices are protected from discrimination from their employers under the work provisions of the Act; they will also have protection from their training provider under either the education or services provisions of the Act, depending on the type of training provider.

There are separate provisions under the education provisions of the Equality Act 2010 in relation to local authority secured further or higher education and provision of recreational and training facilities and to the provision of further education courses by maintained schools.

Trade organisations and qualifications bodies (which grant professional or trade qualifications such as City and Guilds) have duties under the work provisions of the Equality Act 2010.

### **Q.32. What provisions are in place for transport to an education provider for young people aged 16 and above?**

Local Authorities should consider their transport responsibilities when commissioning education and training. The provision depends on whether your child is aged 16 -18 or 19-24 and on whether you live in England or Wales.

#### 16 -18 year olds (England)

In England, Local Authorities must publish their agreed Transport Policy Statement by 31 May each year which sets out the transport arrangements and provision of financial assistance in relation to reasonable travelling expenses:

- they consider necessary to assist the attendance of all persons of sixth form age (ie. aged 16-18 and those continuing learners who started their learning programme before their 19<sup>th</sup> birthday)
- in place to help young people of sixth form age with learning difficulties and /or disabilities to access education and training. It is good practice to extend transport arrangements until a learner has completed their programme of study, even if this is after they have reached the age of 19.

The intention behind this duty is to enable learners of sixth form age to attend the education or training provider of their choice where reasonable and to be assessed and provided with support for access where required. A reasonable choice for your child might be a provider situated outside your Local Authority boundary.

Both you and your child must be consulted when your Local Authority draws up its Transport Policy Statement. This must give sufficient information about transport options, fares and how to apply for support so as to enable your child to make informed choices about their Post 16 provision.

#### 16-18 year olds (Wales)

Local Authorities in Wales must assess in each academic year the travel needs of learners who are under the age of 19 and are in education or training, or learners who are 19 and who started a course of education or training when under 19 and continue to attend that course, and who are ordinarily

resident in the authority's area. When making an assessment, a Local Authority must consider certain matters including the needs of disabled learners or learners with learning difficulties and any particular needs of learners who are children 'looked after' or formerly looked after by a Local Authority. There is currently no duty to provide transport arrangements for those learners who are over compulsory school age but not yet 19 or who are 19 and continue to attend a course they started before the age of 19 but there is provision for Welsh Ministers to make regulations in the future concerning travel arrangements for those learners who live in Wales and attend courses funded by the Welsh Ministers in Wales or elsewhere. Local Authorities have a discretion to make travel arrangements (for which a charge can be made) to facilitate the attendance of a learner at their place of education or training, in relation to learners who live or study in the Local Authority's area.

#### 19-24 year olds (England and Wales)

In England, Local Authorities must make such arrangements for the provision of free transport as they consider necessary (or as directed by the Secretary of State) to aid:

- the attendance of adults receiving education at any institution assisted or maintained by the authority which provides further or higher education or both or at any FE institution;
- the attendance of adults under the age of 25 who have had a Learning Difficulty Assessment for whom education or training at an institution outside the Further and Higher education sectors and boarding accommodation has been secured by the Local Authority.

In addition Local Authorities (England) are also required to publish an annual Transport Policy Statement setting out provision for transport or other arrangements in place for young people with learning difficulties and/or disabilities aged 19-24 for whom they have carried out or are about to carry out a Learning Difficulty Assessment. This can be produced together with the Transport Policy Statement for young people of sixth form age. Again, the intention behind this duty is to ensure that you and your child can obtain information about the transport available and then make an informed decision about which educational institutions to apply for. There is currently no duty on Local Authorities in Wales to make travel arrangements for this group of learners but there may be local provision in place and a learner's Learning Difficulty Assessment should address their learner travel needs.

#### Specialist HE provisions for disabled students (England and Wales)

Students who are eligible for the Disabled Students Allowances or equivalent (see Q.29) may be able to claim the travel allowance component. This is designed to help with any extra travel costs your child has to pay to attend their HE course, for example if your child needs to take a taxi because their disability prevents them from taking public transport. The travel allowance does not

cover every day travel costs which a student would be expected to pay. The amount payable will be determined by the DSA needs assessment and is not income related.

## Complaints and claims about support in schools

### General

#### **Q.33. What should I do if I am unhappy with aspects of my child's education provision?**

You should consider seeking legal advice as a matter of urgency as there are tight time limits involved in all routes of redress. Schools and Local Authorities will have internal complaints procedures and you can of course continue to negotiate with your education provider or Local Authority even after a claim or legal proceedings have been started or a complaint has been made.

#### **Q.34. What if I have concerns about the SEN support for my child?**

Your Local Authority must make arrangements for independent dispute resolution services, which are often offered through parent partnership services, to help resolve disputes between parents and the Local Authority, or the school, in relation to the SEN provision for a child.

Depending on the nature of your concern, there are a number of additional or alternative ways you can try to resolve it:

- SEN Appeals to the Tribunal

In England, you can appeal to the First Tier Tribunal (Special Educational Needs and Disability) and in Wales to the Special Educational Needs Tribunal Wales ('SENTW').

In England it is currently parents who can make an appeal (or disability discrimination claim) to a Tribunal, not a child. However the Government has announced that it will seek to introduce pilots giving children and young people the right to make their own appeals and disability discrimination claims through the legislation it intends to introduce to bring about changes to the SEN framework.

In Wales, there is currently a pilot running in Wrexham and Camarthenshire allowing children and young people to make their own appeals and disability discrimination claims to SENTW and it is likely that once the pilot has finished, all children and young people in Wales will be able to do the same. Parents also have rights to make a SEN appeal or disability discrimination claim on behalf of their child to SENTW.

The references to 'the Tribunal' below mean the English and the Welsh tribunals unless otherwise stated.

You can appeal to the Tribunal within 2 months of the date of the Local Authority's final decision letter about the Local Authority:

- refusing to carry out a statutory assessment of your child's SEN following a request by you or your child's school;
  - refusing to make a statement, following a statutory assessment;
  - refusing to reassess your child's needs (provided it has not carried out a new assessment for at least 6 months) following a request by you or your child's school;
  - deciding to refuse to maintain your child's Statement;
  - refusing to change the name of the school in Part 4 of the Statement provided the Statement is at least a year old and the school you have requested is a maintained school of the same type as that named in the Statement;
  - deciding not to amend the Statement following an Annual Review (England only);
  - deciding not to change the Statement following a reassessment of your child's needs;
  - making either a new statement or issuing an amended statement, where you disagree with parts 2, 3 and/or 4 of the Statement.
- Additional enforcement options

There are additional enforcement options which may be applicable depending on the issue, including a High Court action known as Judicial Review (which may be pursued, for example, if there is a failure to make the provision specified in Part 3 of a statement), or complaints to the Secretary of State for Education / Welsh Government or the Local Government Ombudsman / Public Services Ombudsman for Wales.


See the Resources section at the end of this guide for more information.

- Disability Discrimination school claims (not claims relating to FE courses in maintained schools-see Q.31)

All claims concerning disability discrimination in schools are heard by the Tribunal with some exceptions relating to admissions in England and Wales and to permanent exclusions in Wales.

In England, disability discrimination claims relating to admissions to Local Authority or other state funded schools (Academies or free schools) are heard under the appeal arrangements for admissions decisions, details of which will be provided by the school or Local Authority.





In Wales, disability discrimination claims concerning admissions to maintained schools are heard by admission appeal panels.

In Wales, disability discrimination claims relating to permanent exclusions from maintained schools and pupil referral units are heard by exclusion appeal panels.

In England from 1 September 2012 independent review panels (formerly independent appeal panels) review governing bodies' decisions not to reinstate pupils who have been permanently excluded from maintained schools, academy schools, free schools, alternative provision academies and pupil referral units. As well as a parent being able to ask an independent review panel to carry out a review of a permanent exclusion (as can a pupil aged 18 or over) a parent can also make a claim of disability discrimination to the Tribunal in relation to a permanent exclusion occurring on or after 1 September 2012; in relation to permanent exclusions occurring prior to this date, the Tribunal had only been able to hear appeals about permanent exclusions from private schools.

The law relating to exclusions is outside the scope of this guide. For more information about the scope, time limits and procedure for disability discrimination Tribunal claims, see the guidance on the Tribunals' website (also listed in the Resources section).

Discrimination claims in relation to other protected characteristics are made to the County Court.

Claims in relation to the general public sector equality duty are brought by way of Judicial Review in the High Court. These can be brought by individuals, interested parties and /or the Equality and Human Rights Commission. The Commission can bring enforcement action in relation to the specific duties.

## Glossary

**Compulsory school age:** currently from the start of term following a child's 5<sup>th</sup> birthday to the last Friday in June in the academic year in which the child turns 16. Participation in some form of education or training is to be extended to 17 in 2013 and to 18 in 2015.

**Disability:** a person is disabled under the Equality Act 2010 if they have a physical or mental impairment which has a substantial long term adverse effect on their ability to carry out normal day to day activities. A mental impairment does not have to be clinically 'well recognised' for it to be a disability under the Act. Unlike under the Disability Discrimination Act 1995, there is no longer a list of capacities (such as speech, hearing or eyesight, memory or ability to concentrate, learn or understand, or perception of the risk of physical danger) at least one of which a person had to show under the DDA were affected in order to prove that their ability to carry out normal day-to-day activities was affected by their impairment.

**Early Years Setting:** education providers covering ages 3-5 who are in receipt of government funding are covered by the SEN Framework. However only nursery schools maintained by a Local Authority and nurseries within a school (be it maintained or private) are covered by the schools duties under the Equality Act 2010; private nursery providers are covered by the duties on service providers under Part 3 of the Act.

**Harassment under the Equality Act 2010 in a schools context:** The Act prohibits three different types of harassment:

- a) harassment related to a 'relevant protected characteristic' (only disability, race and sex for the schools provisions of the Act; harassment related to pregnancy and maternity would amount to harassment related to sex while harassment related to the other characteristics protected by the schools provisions and not expressly covered here may amount to direct discrimination)
- b) sexual harassment, and
- c) less favourable treatment because of a submission to or a rejection of sexual harassment or harassment related to sex.

Clearly in relation to sexual harassment of a pupil, there is other relevant legislation including that which covers criminal behaviour.

**Individual Education Plan:** A planning, teaching and reviewing guide for all teaching staff which records key short-term targets and strategies for the pupil which are either different from or additional to those used with their peer group.

**Learning difficulty (in a LDA context):** a young person will have a learning difficulty if they:

- a) have a significantly greater difficulty in learning than the majority of persons of their age; or
- b) they have a disability which either prevents or hinders them from making use of facilities of a kind generally providing post-16 education or training.

Simply speaking a different language or form of language at home will not be regarded as a learning difficulty.

**Learning difficulty (in an SEN context):** A child has a learning difficulty if they:

- a) have a significantly greater difficulty in learning than the majority of children of the same age; or
- b) have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the Local Authority
- c) are under compulsory school age and fall within the definition at (a) or (b) above or would do so if special educational provision were not made for them.

Simply speaking a different language at home does not mean a child has a learning difficulty.

**Non-statutory guidance:** practical guidance aimed at helping people understand their rights and obligations under the relevant Act but it has no legal standing.

**Qualifying school (in relation to home to school transport arrangements in England):** a maintained school, a non-maintained special school, a pupil referral unit, a maintained nursery school, a city technology college, an academy or, for children with Statements of SEN, an independent school where this is the only school or nearest school named in Part 4 of the statement.

**Special educational provision:**

- a) For children aged two and over, educational provision which is additional to or otherwise different from, the educational provision made generally for children of their age in schools maintained by the Local Authority, other than special schools, in the area
- b) For children under 2, educational provision of any kind.

**Statutory guidance:** guidance that has been approved by the Secretary of State / Welsh Government and laid before Parliament / the Assembly. It is not an authoritative statement of the law. However it can be used as evidence in court or tribunal proceedings connected with the EA and the court / tribunal must take into account any part of the guidance it considers relevant when determining the questions arising.

**Statutory walking distance:** two miles for children under 8 years old and three miles for children aged 8 and above. This is measured by the shortest available route a child (who may be accompanied) can walk with reasonable safety.

**Victimisation under the Equality Act 2010 in a schools context:** If a school subjects a pupil or an applicant to a detriment because the pupil or applicant has carried out or the school believes they have or may carry out a 'protected act' this amounts to victimisation of the pupil or applicant. It is also victimisation for a school to subject a parent, or other member of the public to a detriment because they have carried out or may carry out a 'protected act'.

A 'protected act' is:

- bringing proceedings under the Equality Act 2010
- giving evidence or information in connection with proceedings brought under the Act
- doing anything else for the purposes of or in connection with the Act
- making an express or implicit allegation that another person has done something in breach of the Act (whether or not the allegation is later dropped).

If a school subjects a pupil to a detriment because their parent or sibling has carried out a 'protected act' this will also amount to victimisation of the pupil.

## Resources

### Useful Organisations

(Please note that Cerebra does not endorse any particular organisation.)

- **Advisory Education Advice CIC and ACE Education Training LLP (formerly the Advisory Centre for Education)** - <http://www.ace-ed.org.uk/>

Offers a comprehensive range of online advice and information on education issues and training. They hope to reintroduce a telephone advice line soon.

- **Careers Wales** - <http://www.careerswales.com/>

Provides free, bilingual, careers information, advice and guidance for individuals of all ages.

- **Council for Disabled Children** - <http://www.councilfordisabledchildren.org.uk/>

CDC aims to make a difference to the lives of disabled children and children with special educational needs by influencing Government policy, working with local agencies to translate policy into practice and producing guidance on issues affecting the lives of disabled children.

- **Disability Rights UK** - <http://www.disabilityrightsuk.org/>

Further and Higher education information leaflets available to download for free.

- **Education Law Association** - <http://www.educationlawassociation.org.uk/>

This association for educationalists, lawyers and advice workers concerned with the law of education seeks to support the advancement of education for the public benefit from pre-school through primary, secondary, further, higher and adult education. It provides training and advice and assistance in matters relating to education law.

- **Equality Challenge Unit** – [www.ecu.ac.uk](http://www.ecu.ac.uk)

Equality Challenge Unit (ECU) works to further and support equality and diversity for staff and students in higher education across all four nations of the UK, and in further education in Scotland.

- **Equality and Human Rights Commission** - <http://www.equalityhumanrights.com/>

The EHRC's role is to promote and monitor human rights; and to protect, enforce and promote equality across the nine "protected" grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

- **IPSEA (Independent Parental Special Education Advice)** - <http://www.ipsea.org.uk/>  
IPSEA is a registered charity offering free and independent advice to parents of children with special educational needs in England and Wales on: Local Authorities' legal duties to assess and provide for children with special educational needs; exclusions of children with special needs/disabilities; actions or inaction by Local Authorities and/or schools which discriminate against children with disabilities.
- **Local Government Ombudsman** - <http://www.lgo.org.uk/>  
The Local Government Ombudsman looks at complaints about councils (Local Authorities) and some other authorities and organisations, including education admissions appeal panels and adult social care providers (such as care homes and home care providers). It is a free service.
- **National Apprenticeship Service** - <http://www.apprenticeships.org.uk/>  
The National Apprenticeship Service (NAS) supports, funds and co-ordinates the delivery of Apprenticeships throughout England.
- **Public Services Ombudsman for Wales** - <http://www.ombudsman-wales.org.uk/>  
The Public Services Ombudsman for Wales has legal powers to look into complaints about public services in Wales and can also look into complaints that Local Authority members have broken the authority's code of conduct. The service provided is impartial and free of charge.

Further information and guidance (as these resources are updated on a regular basis, check the websites for updated versions)

### Special Educational Needs / Disability discrimination

- Special Educational Needs Code of Practice – Statutory guidance on the SEN framework – available free from DfE Publications on 0845 60 22260, quoting reference: DfES 581/2001 or download from the DfE website at - <http://media.education.gov.uk/assets/files/pdf/s/special%20educational%20needs%20code%20of%20practice.pdf>
- Special Educational Needs Code of Practice for Wales – available to download from the Welsh Government's website at <http://wales.gov.uk/topics/educationandskills/publications/guidance/specialedneedscoop/?lang=en>
- First Tier Tribunal (Special Educational Needs and Disability) (England) - How to appeal against a SEN decision - [http://www.justice.gov.uk/downloads/tribunals/special-educational-needs-and-disability/HowToAppealAgainstSENDdecision\\_Jan11.pdf](http://www.justice.gov.uk/downloads/tribunals/special-educational-needs-and-disability/HowToAppealAgainstSENDdecision_Jan11.pdf)

- First Tier Tribunal (Special Educational Needs and Disability) (England) - Disability discrimination in schools: how to make a claim - <http://hmctsformfinder.justice.gov.uk/courtfinder/forms/send04-eng.pdf>
- SENTW - Special Educational Needs – how to appeal - <http://wales.gov.uk/subsites/sentw/publications/formspublications/howtoappealeng.pdf?lang=en>
- SENTW - Disability discrimination in schools – how to make a claim - <http://wales.gov.uk/subsites/sentw/publications/disabilitydiscriminationforms/howtomakeclaimen.pdf?lang=en>
- Guidance on the Equality Act 2010 - <http://www.equalityhumanrights.com/legal-and-policy/equality-act/>
- Auxiliary Aids Technical Guidance - <http://www.equalityhumanrights.com/advice-and-guidance/education-providers-schools-guidance/key-concepts/reasonable-adjustments/>
- Department for Education Equality Act 2010 Advice for School Leaders, School staff, Governing Bodies and Local Authorities available to download from - <http://media.education.gov.uk/assets/files/pdf/e/equality%20act%20guidance%20december%202012.pdf>
- Public sector equality duty guidance for schools in England - available to download from the EHRC website at - [http://www.equalityhumanrights.com/uploaded\\_files/pdfs/public\\_sector\\_equality\\_duty\\_guidance\\_for\\_schools\\_in\\_england\\_final.pdf](http://www.equalityhumanrights.com/uploaded_files/pdfs/public_sector_equality_duty_guidance_for_schools_in_england_final.pdf)
- Public Sector Equality Duty Technical guidance – available to download from the EHRC website at - <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- Technical Guidance on Further and Higher Education – available to download from the EHRC website at - [http://www.equalityhumanrights.com/uploaded\\_files/EqualityAct/technical\\_guidance\\_on\\_further\\_and\\_higher\\_education.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/technical_guidance_on_further_and_higher_education.pdf)

## Transport

- Home to School Travel and Transport Guidance 2007 – ref: DFES – 003773-2007 - <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFES-003773-2007>
- Learner Travel Operational Guidance - <http://wales.gov.uk/topics/transport/publications/opguidance/?lang=en>



- 2010 Post 16 Transport guidance - <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/LSC-P-NAT-100520>

### Further and Higher Education

- Disability Rights UK Funding Further Education for disabled students - <http://www.disabilityrightsuk.org/fefunding.pdf>
- (England) Bridging the Gap – a guide to the Disabled Students Allowances (DSAs) in Higher Education 2012/13 - [http://www.direct.gov.uk/prod\\_consum\\_dg/groups/dg\\_digitalassets/@dg/@en/@educ/documents/digitalasset/dg\\_200484.pdf](http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@educ/documents/digitalasset/dg_200484.pdf)
- (Wales) Bridging the Gap – a guide to the Disabled Students Allowances (DSAs) in Higher Education 2012/13 - [http://www.studentfinancewales.co.uk/pls/portal/docs/PAGE/WPIPG001/WPIPS002/WPIPS069/WPIPS108/WPIPS111/SFW\\_BRIDGINGTHEGAP\\_ENGLISH\\_1213.PDF](http://www.studentfinancewales.co.uk/pls/portal/docs/PAGE/WPIPG001/WPIPS002/WPIPS069/WPIPS108/WPIPS111/SFW_BRIDGINGTHEGAP_ENGLISH_1213.PDF)

## Information about the Project Team

Jo Honigmann is a partner of Just Equality and specialises in discrimination, disability and education law and policy. Having practised as a solicitor for several years, both in private practice and the not for profit sector, Jo has been working as a legal and policy consultant since 2008. Projects have included drafting Equality Act 2010 education guidance as part of a small consortium for the Equality and Human Rights Commission and training for the NHS. During her career, Jo has also been responsible for a university's policy and provision for its disabled students. She has written, trained and presented on education and discrimination law and policy to a wide range of specialist audiences. Jo chaired the Law Society's Mental Health and Disability Committee from September 2008 to September 2010 and has been a member of the Committee since 2003. She has an MSc in Disability Management in Work and Rehabilitation.

Camilla Parker is a partner of Just Equality. Just Equality provides training and consultancy services on human rights and equality, and other areas of law and policy relevant to education, health and social care. Camilla specialises in mental health, disability and human rights law and policy and has written, presented and trained extensively on issues relevant to these areas, for specialist and non-specialist audiences, both nationally and internationally. She is a member of the Law Society's Mental Health and Disability Committee and an LLM tutor at Cardiff Law School. She was a member of an NHS Trust Board (non-executive Director, then Special Adviser) 2000-2006 and a Mental Health Act Commissioner 1995-2000. Camilla has a particular interest in the human rights of young people in need of mental health care, which is the subject of her (part-time) doctoral research at Cardiff Law School

Luke Clements is a professor at Cardiff Law School and a solicitor. He is a leading expert on community care law. He has drafted and assisted in the parliamentary passage of a number of Private Members bills. He has provided training for many Local Authorities, national organisations and charitable bodies. His books include: *Community Care and the Law* (Legal Action Group 5th ed 2011 - jointly written with Pauline Thompson), *Disabled Children: a legal handbook* (Legal Action Group 2010 - jointly written with Stephen Broach and Janet Read) and *Carers and their Rights* (Carers UK 4th ed 2010).

All three authored *Transitions in Mental Health Care: A guide for health and social care professionals on the legal framework for the care, treatment and support of young people with emotional and psychological problems during their transition years*, YoungMinds (in association with National Mental Health Development Unit and National CAMHS support service).

As a national charity, Cerebra strives to improve the lives of children with neurological conditions through research, education and direct, on-going family support. Living with neurological conditions can make life very hard, not just for the child but their family too. Through the generosity of supporters we are able to make it a little easier.

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INVESTOR IN PEOPLE



**Cerebra**  
Positively Different