



*Young people's
consultation
on the
Special Educational Needs
Code of Practice*



What is happening?

The Government is changing the law on special educational needs (SEN). The Government is changing the law to make it focus more on support and people working together. The changes are designed to give young people a greater say over what support and services are available locally. The changes also aim to give young people a greater say in their own support and helping young people prepare for adult life such as support to find a job. This means the Government need to write a new guide to tell everybody involved in supporting children and young people with SEN what the law says they have to do and how they should be doing it. This guide is called the SEN Code of Practice. The SEN Code of Practice is a very important document because no one is allowed to ignore what it says.

The Government has written a draft Code of Practice. Now it wants to know what people think of it. The Government wants to hear from young people what they think about the areas it covers.

In this document you will find information about some of the areas covered in the SEN Code of Practice. These are areas that young disabled people we have spoken to have said are very important. There are also some questions that the Government would like young people to answer. The Government really want to hear young disabled people's views because the changes aim to improve their lives.

If you want more detailed legal information about the SEN Code of Practice, you can read and respond to the full draft SEN Code of Practice which can be found by clicking on this [link](#)

The draft Code of Practice is 9 chapters long and has 176 pages. It looks at lots of different areas that affect children and young people with special educational needs.

In this document we use the words special educational needs. If a student is at a Further Education college then special educational needs are called learning difficulties and disabilities.

Key issues

1 Involvement of young people when planning services in local areas

The Code of Practice says that it is very important that young people with SEN are asked about the services that are available in their local area. The Code says that local authorities must involve young people in planning decisions about what services for young people with SEN are needed. Local authorities will have to ask young people things like:

- Are there enough services in the local area to give them the support they need?
- Are there any particular services they need which are not currently available in the local area?
- How they want to be told about the services that are available locally?

Local authorities are free to decide the best way to involve young people.

Questions

How should local authorities involve young people?

What support will local authorities need to give to young people to give their views?



2

Involvement of young people when planning what support is needed for them

Some young people with SEN will have Education, Health and Care plans. These are legal documents which list the support a young person needs and the name of the school or college where they will go. Other young people with SEN will get support from their school or college and will not need an Education, Health and Care plan. The Code of Practice says that however a young person with SEN gets their support, they must be closely involved in deciding what support they need and the outcomes or goals they want to achieve.

The Code of Practice says that services should:

- treat young people as individuals, not just seeing the SEN 'label'
- make things easy to understand and avoid jargon
- focus on the strengths and interests of a young person, not on what they can't do
- understand the goals that the young person wants to achieve and how to help them get there.



Questions

What information and help do you think you might need to be involved in decisions about the support you get?

When should you be involved in decisions?

3 Young people's right to make decisions &

Some young people will have Education, Health and Care plans. These plans list the support a young person needs and the name of the school or college where they will go. The Code of Practice says that young people are getting new rights to make decisions about their Education, Health and Care plans. For example, this means young people will have the right to say which school or college they want to go to. Young people will also have the right to appeal about the support they get. Young people gain these new rights once they are over compulsory school age.

Compulsory school age is the period when a young person has to be at school. In England this ends on the last day of summer term in the year when a student turns 16 years-old. The Government has increased the participation age to 17 meaning that young people need to be in work, training or education until they are 17 years-old but this does not change young people's right to have the final say in decisions from the end of the school year you turn 16.

Until a young person is over compulsory school age, parents or guardians have the final decision about their child's Education, Health and Care plans.

Once a young person is over compulsory school age, the Code of Practice says that families should still be involved in discussions but that the young person makes the final decision about what they want to do. Young people can continue to have their families as closely involved as they want. However, the Code says that sometimes young people may not want their families so closely involved and that this decision should be respected.

Questions

Do you think that it's right that the young person has the final say in their support?

What worries might a young person have about having the final say?

What information and support would you need if you wanted to make your own decision without your parents? &



“ I believe that disabled young people should be involved in decisions that could really affect them because they are the ones that are going to be affected and they know what helps them in life and what doesn't. ”



4

Young people's right to appeal to the SEND Tribunal

Some young people with SEN will have Education, Health and Care plans. These are legal documents which list the support a young person needs and the name of the school or college where they will go.

Until a young person is over compulsory school age, parents or guardians have the final decision about their child's Education, Health and Care plans. The Code describes how young people over compulsory school age will get new rights to make decisions about their Education, Health and Care plans. Young people will have the right to say which school or college they want to go to and what support they think they need.

If the young person disagrees with a local authority's decision about their Education, Health and Care plan, they will be able to appeal to the Tribunal. The SEND Tribunal is similar to a court and its job is to decide whether the local authority made the right decision. The Tribunal tries to be as friendly and informal as possible, and to avoid discussions that are too complicated. However, it does deal with decisions about the law which can be hard to understand.

The Code says that young people can continue to have their families as closely involved as they want when they appeal to the Tribunal. However, the Code says that sometimes young people may not want their families so closely involved and that this decision should be respected.

Questions

What support will young people need, to appeal to the Tribunal and understand their rights?



Information, advice and support

The Code of Practice says that local authorities must provide a service that gives young people with SEN information, advice and support. &

These services are to help young people with SEN get the services they need. For example, they should provide information and advice to help young people understand their legal rights and how to get access to local services. The Code says that the service should also be able to help young people at meetings or work with them if they want to make an appeal about the support they receive.

Questions

What would you want to know from an information, advice and support service? &

Who would you want giving you information, advice and support? &



“ Sometimes I really don't know what I want to do or I don't know what's out there, and it's finding a way of letting you know what is out there that's available. ”

Preparing for adulthood

The Code of Practice says that helping young people to prepare for adulthood is a very important goal of the new system. Local authorities will have to provide information to young people about:

- What support there is to help them find a job
- Further training opportunities
- Support to help them find somewhere to live
- How to be involved in the community
- What benefits they may be eligible for
- What services will be available to them as adults



Questions

What would be the best way for you to be given information to help prepare you for adulthood?

Is there any other information you might want to help you prepare for adulthood?



About these documents

These documents have been designed to help young disabled people understand information about some of the changes in the Code of Practice. The Code of Practice is a complicated legal document which is quite difficult for many young people to read. These documents have been created to help young people think about the changes and how they would like the changes to work for them.

We hope that charities, local authorities and parents will use these documents to help their young people get involved in the consultation on the Code of Practice. You can find the Government response form by clicking on this [link](#) or visiting <https://www.education.gov.uk/consultations/>.

We know that these documents won't be accessible to everybody so we will also be supporting some face to face meetings. Please use these documents in whatever way works for you.

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Any enquiries regarding this publication should be sent to the Department for Education at www.education.gov.uk/contactus.

This document is available for download at www.gov.uk/government/publications.

Reference: What you need to know about SEN reforms 16 to 25 years response pack
DFE-00223-2013

