

Supporting Parents of Children with additional needs in early education settings, schools and young people 16-25

Factsheet #13: Information, Advice and Support

Section 19 of the Children and Families Act sets out the key principles which all local authorities must have regard to when exercising their functions under the Act. One of those key principles is:

“the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable participation in those decisions”.

The provision of information, advice and support should be done through a dedicated and easily identifiable service, and local authorities should build on SENDIASS Services (and any similar local services for young people) to provide these services.

Legal Duties

The central duty to provide advice and information is set out in section 32 of the Act and requires that local authorities must arrange for children and young people for whom it is responsible, and the parents of children for whom it is responsible, to be provided with advice and information about matters relating to the special educational needs and disabilities of the children or young people concerned.

The local authority must take steps to ensure that these services provided are known to:

- Parents of children in its area;
- Children in its area
- Young people in its area
- Head teachers, proprietors and principals of schools and post-16 institutions in its area
- Other such persons as appropriate

There are also specific duties to provide information, advice and support in relation to the following parts of the new Act:

Joint Commissioning arrangements – section 26(3) of the Act provides that joint commissioning arrangements between a local authority and its partner commissioning bodies must include arrangements for considering and agreeing:

- o What advice and information is to be provided about education, health and care provision;
- o By whom, to whom and how such advice and information is to be provided.

Personal Budgets – regulation 3 of the Special Educational Needs (Personal Budgets) Regulations 2014 provides that where a local authority maintains an EHC plan or is securing the preparation of an EHC plan it must make arrangements for the provision of the following information to be made available to the child's parent or young person:

- o The provision for which a personal budget may be available;
- o Details of organisations that provide advice and assistance in connection with personal budgets; and
- o The conditions which must be met before direct payments may be made.

EHC needs assessments – regulation 9 of the Special Educational Needs and Disability Regulations 2014 provides that when securing an EHC needs assessment the local authority must consider whether the child's parents or the young person requires any information, advice and support in order to enable them to take part effectively in the EHC needs assessment, and if it consider that such information, advice or support is necessary, it must provide it.

The Local Offer – this must contain details of how information, advice and support can be accessed and how it is resourced. Further information regarding the Local Offer is set out in a separate factsheet.

Who can access information, advice and support?

Although many children will access information, advice and support services via their parents, the local authority must also ensure that it is possible for children to access information, advice and support separately from their parents.

Once a young person reaches 16, and subject to them having capacity, certain rights transfer from the parents to the young person themselves. However, Parents can still access information, advice and support on behalf of, or with the young person.

In the event that there is disagreement between parents and the young person, staff providing information, advice and support should work impartially and separately with both the parents and the young person.

Young people must be provided with confidential and impartial information, advice and support from staff who are trained to enable them to participate fully in decisions. This should include support and advice to take up and manage Personal Budgets, and IAS services should direct young people to specialist support in relation to employment, independent living and access to careers advice and advocacy where necessary. Separate factsheets on advocacy for young people and preparing for adulthood are available.

How should information, advice and support be provided?

Local authorities must consider providing the following types of support:

- Signposting to additional sources of advice, information and support that may be available;
- Individual casework and representation for those who need it which should include support in meetings, contributing to assessments and reviews;

- Help when things go wrong, including arranging or attending early disagreement resolution meetings, supporting in managing mediation, appeals, exclusions and complaints.

Local authorities should also provide key working support to provide children, young people and parents with a single point of contact to help ensure the holistic provision and co-ordination of services and support.

When designing information, advice and support services, local authorities should take into account the following principles:

- The information, advice and support should be impartial and provided at arm's length from the local authority and CCGs;
- The information, advice and support offered should be free, accurate, confidential and in formats which are accessible and responsive to the needs of users
- Local authorities should review and publish information annually about the effectiveness of the information, advice and support provided, including customer satisfaction
- Staff providing information, advice and support should work in partnership with children, young people, parents, local authorities, CCGs and other relevant partners
- The provision of information, advice and support should help to promote independence and self-advocacy for children, young people and parents
- Staff providing information, advice and support should work with their local Parent Carer Forum and other representative user groups to ensure that the views and experiences of children, young people and parents inform policy and practice.

Further information in relation to local authorities' duties to provide impartial information, advice and support can be found in Chapter 2 of the SEND Code of Practice: 0 to 25.