

# KNOW YOUR RIGHTS, OWN YOUR LIFE

**Rights exist to protect and guide people.** When we know how and when to use them, we gain the clarity to make decisions with confidence and the strength to act when it matters.

**Knowing our rights can change our lives.** It gives us the tools to make decisions that define our future.

## Special Educational Needs and Disability Code of Practice: 0 to 25 years

### What You Need to Know and How It Can Help You

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## 1. OVERVIEW

The **SEND Code of Practice: 0 to 25 years (2015)** is statutory guidance for England. It explains the legal duties of local authorities, health services, schools, early years settings, colleges, and other organisations under:

- **Part 3 of the Children and Families Act 2014**
- **The Special Educational Needs and Disability Regulations 2014**
- **The Equality Act 2010**

**\*The overviews of these three Acts are available on our [Resource page](#).**

It applies to children and young people from birth to 25 years old. It outlines how support should be identified, assessed, planned, delivered, and reviewed. Local authorities, schools, early years providers, colleges, health bodies, and anyone responsible for special educational provision must follow it.

The Code gives families **specific legal rights**. Local authorities, schools, and other services **must involve parents, carers, children, and young people in all decisions about identification, assessments, planning, and reviewing support**.

**These rights are protected by law and must be delivered - they are not optional or discretionary.**

## GUIDANCE FOR FAMILIES / CHILDREN

### EARLY IDENTIFICATION AND SEN SUPPORT

- Schools and early years settings **must identify SEN early** and follow the **graduated approach** (assess, plan, do, review).
- Parents **must be informed** when special educational provision is made for their child.
- Every school **must appoint** a qualified Special Educational Needs Coordinator -SENCO.
- Families have the **right to clear information** about their child's progress and support arrangements.

## EHC ASSESSMENTS AND PLANS

- Parents, carers, and young people **have the legal right to request** an EHC needs assessment at any time (CFA 2014, s.36). \*
- The local authority **must decide within 6 weeks** whether to carry out the assessment.
- If the LA agrees to assess, the **entire process must be completed within 20 weeks** (SEND Regs 2014).
- Families **must be involved** in drafting the plan and have **15 days to comment** on the draft.
- Families and young people **have the legal right to state a preference for a school or college**, and the LA **must name it** in the plan unless legal exceptions apply (CFA 2014, s.38).
- EHC plans **must be reviewed annually**.

\* **The text in brackets refers to sections of the original Act, available on the last page of the document under Source Information.**

## PERSONAL BUDGETS

- Parents and young people **have the right to request a personal budget** once an EHC plan is agreed (Code para. 9.95).
- The LA must **provide clear information** on available funding and how budgets can be managed.
- Families **have the right to choose** how their budget is managed (direct payments, LA-managed, third party, or mixed).

## POST-16 AND PREPARING FOR ADULTHOOD

- From age 16, **young people hold the legal rights** to make decisions about assessments, plans, and appeals, unless they lack capacity (CFA 2014, s.36(3)).
- Colleges **must follow** the Code like schools.
- EHC plans **must focus on preparing for adulthood** - including employment, independent living, community participation, and health.

## MEDIATION AND APPEALS

- Families and young people **have the legal right to appeal** to the SEND Tribunal if they disagree with LA decisions on assessments, issuing or content of plans, school/college placement, or ceasing a plan (CFA 2014, s.51).
- LAs **must offer access to independent mediation**, but taking part is voluntary.
- Appeals must be lodged within the legal time limits.

## FAMILIES' KEY RIGHTS

Right	What It Covers
<b>Request an EHC Assessment</b>	Families have the legal right to request at any time. LA must decide within 6 weeks.
<b>School/College Preference</b>	Families have the right to name a setting. LA must name it unless legal exceptions apply.
<b>Timely Decisions</b>	LA must decide in 6 weeks, issue a plan in 20 weeks, and give 15 days for draft comments.
<b>Participation</b>	LAs must involve families and young people in all decisions.
<b>Personal Budgets</b>	Families have the right to request a budget once a plan is agreed upon.
<b>Appeals</b>	Families have the legal right to appeal to the SEND Tribunal.
<b>Post-16 Rights</b>	From 16, young people have these legal rights (unless lacking capacity).
<b>Information, Advice &amp; Support</b>	Families have the right to free, impartial IAS services.

### This is how knowing our rights can change lives.

When families and young people understand what support they're entitled to, they can make informed choices, access the right services, and create new possibilities for their future. An inspiring example is **Ryan**, who was at risk of being moved to a high secure unit after spending a year in a secure mental health hospital. With the right support and co-produced care plan developed with Ryan's and his family's input, he moved into his new home, living a more independent life.

[More](#)

## COMMISSIONERS / LOCAL AUTHORITIES

The Code outlines **legal duties** that local authorities, schools, and health bodies **must fulfil**.

### Joint Commissioning

- Local authorities and health bodies **must establish joint commissioning arrangements** for education, health, and social care (CFA 2014, s.26).
- These arrangements must clearly set responsibilities, funding, and dispute resolution.

### Local Offer

- Local authorities **must publish a local offer** of education, health, and care services for 0–25-year-olds and **must review it annually**.
- Families **must be involved** in developing and reviewing it.

### Identification and SEN Support

- LAs **must support early identification** of needs in schools, early years, and colleges.
- Every school **must have** a qualified SENCO.
- LAs **must monitor** practice and ensure sufficient specialist provision.

### EHC Assessments and Plans

- LAs **must decide on assessment requests within 6 weeks and must complete the process within 20 weeks**.
- EHC plans **must be specific, clear, and legally enforceable**, covering needs (B), provision (F), and placement (I).
- LAs **must coordinate** education, health, and social care input and **annually review plans**.

## Personal Budgets

- LAs **must inform** families of their right to request a personal budget.
- They **must work collaboratively** with families to agree on budgets and explain refusals in writing.

## Mediation and Appeals

- LAs **must fund independent mediation**, provide families with appeal information at each decision point, and must comply with Tribunal decisions.
- Health bodies must deliver the health provision specified in EHC plans (CFA 2014, s.42(3)).

Area	Duties
<b>Joint Commissioning</b>	Must set up statutory arrangements with health and social care
<b>Local Offer</b>	Must publish annually and involve families
<b>Identification</b>	Must support early SEN identification and provision
<b>EHC Assessments</b>	Must follow statutory timelines and issue enforceable plans
<b>Personal Budgets</b>	Must inform and work with families transparently
<b>Appeals &amp; Mediation</b>	Must fund mediation, inform rights, and comply with the Tribunal

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**Original Sources:** Department for Education Department of Health

more information available via the [link](#)