British Dyslex!a Association

Empowered Parents

Supporting a young person with dyslexia and getting the services they are entitled to

2021

Introduction

If you're reading this pack, you're probably the parent or guardian of a young person you suspect or know has dyslexia.

I know managing the situation is confusing and complicated. Helping your child to fulfil their potential can feel impossible. It is often scary and stressful. At the British Dyslexia Association, we often meet parents who are desperate to find the right support for their child.

We have developed this document to help you navigate identifying your child's dyslexia and getting them the support they need, and are entitled to. It is not an exhaustive guide, but we hope it will demystify the process and give you a path through an environment that often doesn't seem to have one.

We work with educators every day. We see the extreme pressure austerity has put on them and yet they want to do the best for young people in their care with dyslexia. We would always encourage you to work with your child's school and see them as a partner, even if it can feel difficult at times.

However, a child with dyslexia is legally entitled to support – regardless of the budget pressures their school is under – so you will also find help here on the legal routes available to get support. Don't be afraid to ask for what you are entitled to!

In my role, I regularly see the result of parents like you fighting to get their child support for their dyslexia. Every day, I see dyslexic adults make incredible contributions to our country, from the centre of government to the forefront of science to height of fashion. It is genuinely remarkable what dyslexics can achieve with the right support and in the right environment. Don't give up!

Nick Posford

CEO, British Dyslexia Association

The British Dyslexia Association would like to thank Leighton Denny MBE for his support with publishing this guidance for parents.

Leighton Denny MBE

British Dyslexia Association Ambassador

At 14 years old I left school in Bradford with no qualifications and undiagnosed dyslexia - meaning I had been constantly told I was stupid and I had completely disengaged with education.

If it hadn't been for my dad getting a second job to pay for a tutor who spotted my dyslexia, I don't know what my future might have been… as it was, my first job was as a forklift truck driver, because it didn't have written exams. But as my confidence in myself grew, I started my first business and that's when I found that dyslexia was actually a real strength.

I have no doubt I wouldn't be where I am today without my dyslexic thinking. I find I can see things more clearly and perhaps less traditionally than other people – I say I "think out of the bottle".

Yet those years at school mean I sometimes still feel stupid and guilty about things like silly spelling mistakes. I don't want any child to go through what I did at school and I don't want any parent to have to make huge sacrifices to get basic support.

If you can, it's always best to work collaboratively with your child's school but never forget you and your child have a right to dyslexia support and never be afraid to exercise that. That is why I am a British Dyslexia Association Ambassador and why I support the publication of this pack. I hope you find it useful!

Leighton Denny

About

British Dyslexia Association

The British Dyslexia Association is the leading national charity representing the dyslexia community and works to ensure recognition for dyslexia in all sectors of society and the equality of opportunity for all individuals who are dyslexic. The British Dyslexia Association receives no government funding.

Key functions

- Membership organisation and supports a network of Local Dyslexia Associations
- Works to influence policy in all sectors that might impact on dyslexic individuals
- Secretariat for the All-Party Parliamentary Group on Dyslexia and other SpLDs
- Runs a free national Helpline that provides advice on dyslexia to anyone seeking it
- Training/information sessions to all sectors from education through to public services, individuals, parents, education professionals and employers
- Diagnostic and workplace needs assessments
- Professional level accredited training for teachers and others working in education and training at levels 2, 3, 4, 5 & 7
- Quality framework of best practice for education, organisations and employers through its Quality Mark and Smart Awards
- Recognition of professional standards through its professional membership schemes such as ATS & AMBDA and is an issuing body for Assessment Practicing Certificates (APCs)

- Accredits and maintains the standards of specialist teacher training courses delivered through other training providers and universities
- Runs events such as conferences and webinars
- Carries out and contributes to research in the field of dyslexia and other neuro-diversity
- Maintains a variety of committees that represent specialist interest areas such as music, maths and dyscalculia, academia, cultural diversity, etc
- Seeks to raise funds to support its campaigning work. Without funds the BDAcannot continue to support and campaign for dyslexic individuals and their supporters.
- Runs free Parents' Roadshows around the UK since 2018. Following the success and feedback received from these events the BDA has recognised that there is a need for parents to be able to access clear and accurate information relating to dyslexia, and guidance about how to access supportfor their children.

Support us

By becoming a member or by donating of the British Dyslexia Association you will enable us to continue to support dyslexic individuals to reach their potential through the production of resources such as this, the running of our Helpline, and by enabling us to continue with our policy work and lobby for change.

What is dyslexia?

A combination of strengths and challenges

Dyslexia is likely to be a combination of both abilities and challenges. It is called a Specific Learning Difficulty (SpLD).

The reason it is called specific is because it only impacts on certain areas of an individual, rather than being a general learning difficulty/disability that has an impact on all areas of someone's performance and is usually linked to intellectual/cognitive capability.

It occurs independent of ability and socio-economic background

There is no connection between dyslexia and intelligence. Dyslexia occurs across all sectors of society.

A different way of processing information

Research tells us that dyslexia stems from differences in the way that the brain processes certain sorts of information, particularly, it is thought, language-based information. The key point here is that it is these physiological differences in the brain that lead to the challenges that dyslexic individuals experience, it is not lack of ability, poor parenting or poor education. There is an underlying cause. We are really only just starting to understand a bit more about the brain and the complex nature of how it works so there is a lot more research to be done on this area.

Every individual is likely to be different

As human beings we are all different. Whilst there may be some commonalities associated with dyslexia each individual is likely to be different. People are shaped not just by their dyslexia but by personality, experiences, parents, environment and numerous other factors. Therefore, it is not possible to either provide a template of what dyslexia is, nor is it possible to provide a full-proof template of support. Each individual should be treated as an individual.

Included within the Equality Act 2010

Dyslexia is included within the Equality Act 2010. Where a condition has a long-term impact on someone’s day-to-day living it can be classed as a disability. In many cases dyslexia fits this criterion. Although given some of the strengths that dyslexia can bring many individuals who are dyslexic would not class themselves as disabled, but what this does mean is that dyslexic individuals are afforded protection under the law if they are discriminated against.

Dyslexia quite often co-occurs with other SpLDs

It is not unusual for dyslexia to co-occur with other SpLDs such as attention deficit disorder (ADD), developmental coordination disorder (commonly known as dyspraxia), autistic spectrum disorder (ASD), dyscalculia (difficulty with maths), or speech, language and communication difficulties.

Incidence rate and heritability

It is estimated ten percent of the population are dyslexic, this rises to 15 percent when co-occurrence is included. Statistically, this makes dyslexia the highest incidence SpLD or disability. Dyslexia is genetic in origin and therefore is inheritable.

Strengths and challenges

Although there might not be a template for dyslexia there are some common strengths and challenges.

Strengths	Challenges
Determination to keep on going	Phonological Processing – This is the ability to process and discriminate sounds in language in the right order. This can have a significant impact on learning to read, write and spell
Atypical problem solving, coming up with new and innovative solutions	Issues with short-term and working memory – this may make someone a "frequent forgetter" or be unable to retrieve information quickly on demand. It might also cause problems with being organised; knowing what to do when and in what order
Good Procrastinators – taking time to incubate the best solutions	Visual processing difficulties – Some, but not all, dyslexic individuals may experience difficulties with visual processing causing words on a page to be distorted or move around leading to visual stress
Often good verbal communicators	Speed of processing information may be slower, not because the brain is working more slowly but because information is taking novel and

	different routes. This can lead also to fatigue and overload
Creative – not just in terms of artistic creativity but creativity of thought	All of these challenges if not properly recognised, understood and supported can lead to reduced self-esteem, loss of confidence and in some cases mental health issues
Innovative and exceptional in the right niche	
Empathetic	

All of these challenges if not properly recognised, understood and supported can lead to reduced self-esteem, loss of confidence and in severe cases mental health issues.

Not all individuals will experience all of these things and each individual should be treated as an individual.

Identifying dyslexia

Indicators and diagnosing

We've put together few things to help you identify that an individual may be dyslexic and explain how dyslexia is diagnosed.

Signs a young person may be dyslexic include:

- Appear bright and able, but can't get their thoughts down on paper
- Have areas in which they excel, particularly creativity and problem solving
- Act as the 'clown' or may be disruptive to mask what they see as their failings
- Become withdrawn and isolated, sitting at the back and not participating in things
- Be able to do one thing at a time very well but can't remember an entire list
- Look 'glazed' when language is spoken too quickly
- Go home exhausted at the end of a normal day or exhibit angry frustrated behaviour at home
- Have difficulties being organised

Checklist

There are numerous paper-based and online questionnaires. Find out more about checklists here, https://www.bdadyslexia.org.uk/dyslexia/how-is-dyslexia-diagnosed/dyslexia-checklists.

Dyslexia screener

A screening tool is something that a non-specialist can administer, a lot of schools use screening tools, but the results may not be as accurate as an assessment. They are, however, a useful starting point. Find out more about screeners here, https://www.bdadyslexia.org.uk/dyslexia/how-is-dyslexia-diagnosed/dyslexia-screening.

Diagnostic assessment

A diagnostic assessment can be carried out by a specialist teacher who holds a Level 7 dyslexia specialist teacher qualification. In addition to being a specialist teacher, parents should also check, particularly if commissioning a private assessment, that a specialist teacher has an Assessment Practising Certificate (APC), holds professional membership of a body such as the BDA, which will mean they can use the letters AMBDA after their name, professional indemnity insurance, and has been DBS checked.

Alternatively, diagnostic assessments can be carried out by an educational psychologist that is HCPC registered, they should also be insured and have been DBS checked.

An assessment will produce a detailed report of the profile of strengths and challenges being experienced by the individual, will make a diagnosis if it is possible to make one (sometimes this may not be possible) and provide recommendations for support.

Find out more about diagnostic assessments here, https://www.bdadyslexia.org.uk/services/assessments/diagnostic-assessments.

Schools

How best to collaborate

For the best outcome for the child, it is importantto try to work closely with the child’s school if you think that they might be dyslexic. It is easy to get caught up in the emotion of the situation and think that the school doesn’t want to help.

In reality teachers often have very little training on dyslexia or indeed other SpLDs and are under enormous pressure. Therefore, it is important to:

Recognise that both parties have a shared goal

Most teachers are passionate and committed to what they do. They have a genuine desire to see the children in their class succeed, but they are likely to be under enormous pressure. It is important to recognise that the goal of a happy child able to engage and progress with their education is a shared one.

Reduce barriers and deal with power imbalances

Some parents may feel intimidated by school and teachers due to their own experiences; some may equally feel angry by the same experiences. Likewise, teachers may feel under attack or lack confidence in their knowledge leading to defensive behaviours. Try to be honest and open during interactions and acknowledge these emotions and try to understand each other’s point of view. But at the end of the day as a parent be confident in your knowledge and understanding of your child.

How to build a positive working relationship with school?

The aim is to build rapport with the school, trust and good communications with your child’s teachers.

Just like any other relationships in life, it will depend on having two things:

- The same objective
- The resources to meet each other's needs

The objective is that, both you and the teachers want the best for your child and for him/her to develop to their full potential. However, sometimes this goes wrong in the detail. You will want your child to reach his/her maximum potential. The teachers may not hold the same view as you as to what this is. They may also hold other views on what the child needs to learn to become a broadly developed individual. It is clear from this that very clear communication is required to navigate these waters.

It is a common scenario for the teacher to really want to do something for the child but to be hampered by lack of resources in terms of their budget or time. This means that a lot of our schools are having to make compromises all the time and this can lead to invidious distinctions being made. It is crucial that parents think about things from the teacher's point of view. They have perhaps thirty individual children in their class all with individual needs of some kind to satisfy. Often for the parent to express their understanding of this, goes a long way to creating the rapport and trust that the parent desires to achieve with their child's teacher.

The key to managing all this is to ensure that all your transactions with the school are assertive. This means that they are neither passive nor aggressive but rational and based on joint problem solving.

It can be helpful to follow the assertive process which is:

- State what you want to happen and how you feel
- Get the other party to state what they want to happen and what they feel
- Agree jointly on a way forward

Where you have concerns about your child it is important to discuss and address these with the school. All too often parents will try and "have a quick word" with a teacher before or after school. This is unlikely to be effective as the teacher will either be pre-occupied getting things ready before classes start or tired and ready to go home after school. It is very important that if you would like to discuss your child, their needs and your concerns. Approach this interaction in a calm, considered and assertive (not aggressive) manner.

1. Make an appointment with all concerned – Head, SENCO, teacher, TA and if possible, the governor responsible for SEND. This ensures that everyone knows about your concerns
2. Allow enough time within this appointment (min. 1 hour) – This allows enough time to discuss matters properly
3. Create an agenda and share it with all before the meeting – If necessary, make some notes for yourself that contain the key points thatyou want to get across and why. It is always good to be able to identify specific examples relating to your concerns. It is also only fair to share the agenda with everyone involved before the meeting so they can investigate your concerns thoroughly before you meet
4. Take a friend or relative that knows you well who can take notes and provide emotional support – Talking about our children or listening to other people say negative things about them is always going to be emotional. It is important to have emotional support in these meetings from someone who knows you well enough that they can step in and take over for a minute if your emotions start to get the better of you
5. Take notes – This is really important. If you do need to progress your case, you need to have a record of what was discussed. Again, take someone with you, if possible, to do this so that you can concentrate on the conversation
6. Agree action points and set a time frame for these – Essentially you want this meeting to lead to some actions. Make sure these are noted and who is responsible for them and the time frame by which they are going to be completed
7. Agree a date for another meeting to review progress of action points – It is important to continue to have this dialogue with your child’s school and check in with what progress has been made and what else might need to be done. So before ending the meeting agree another date for a future meeting
8. Share notes and action points after meeting with everyone – Again this is only fair. The notes should simply represent a record of what was said, by whom and what was agreed. Make sure that you share these with all concerned to act as reminder

9. Confirm date of review meeting – Make sure the date of the next meeting is confirmed with everyone, so it is their diaries well in advance
10. Hopefully, by following this approach you will find that your concerns are taken seriously, and support strategies are implemented effectively for the benefit of not just your child, but all concerned, which at the end of the day, is the outcome everyone wants to achieve.

Never forget they are your child, you are their parent, you know your child better than anyone.

On occasion you may believe that school practices such as tests and exams are having a detrimental impact on your child. It is worth remembering that every schoolteacher owes a pupil a duty of care. The school has to do what is reasonably practical to ensure they care for their pupils, as any reasonable parent would do. They should recognise and address signs such as:

- Anxiety/low mood
- Stress/panic attacks
- Phobias
- Eating/self-harming behaviours

For further information https://reclaimingschools.org/2018/03/18/protecting-children-from-primary-school-tests/.

Support at home

What you can do yourself

There are lots of different resources available to support a young person with dyslexia at home, and different ideas and approaches, so we won't cover everything here. You can find more information about supporting at home on our website, www.bdadyslexia.org.uk.

However, one of the most important things you can do is build your child's self-esteem. This is vital for their mental health and wellbeing so we would encourage you to do this as part of any approach to parenting a young dyslexic.

Individuals build up confidence through trying out new things, being successful and enjoying feelings of achievement. This encourages them to go on and try more new experiences and if these succeed, then more confidence is built.

The reverse of this is that if an individual tries something and does not succeed, there is no afterglow of satisfaction and instead, they may feel they have failed; that puts them off trying new things in the future. This is a vicious cycle which is extremely destructive to learning as we learn through experiencing new things and reflecting on these new experiences, throughout our lives.

If you apply this thinking to your dyslexic child, you can see how trying new things at school, particularly in the area of literacy, may not be a positive experience for them. Consequently, probably the most helpful thing you can do for your child is to provide them with opportunities to experience new things where they can succeed and feel good about themselves.

Secondly, we often build our own self esteem by measuring ourselves against others. It is important for children to feel they can achieve the same things as their peers. So, again, if we are at school and we discover we can't read as well as our friends, then another vicious circle, which potentially damages our view of ourselves, is being constructed.

In fact, failure is often a necessary stage on the route to success. Ask anyone who is successful, and you will probably find a journey littered with failure! When, we fail, we need to think, why did it fail, what can I learn from thisabout this activity? From this we can improve what we are doing.

1. Look for lots of different things your child can try out so that you and they can find out what appeals to him/her
2. When they have found something they enjoy and might be good at, if possible, provide resources for the activity, including time, and encourage it. It is critically important that the dyslexic individual has something they are really good at and it often turns into a career
3. Create lots of opportunities for the child to be active, like running and climbing. In part this is to get the “feel good” chemicals released and also to burn off any frustration
4. Recognise that there are things your child is going to have to accomplish which may be really difficult for him/her. It’s probably going to be difficult and involve sustained effort for him/her to learn to read and write legibly. So, empathise with him/her and recognise and praise the efforts they are making. We tend to get a bit greedy with our demands, “just do five more minutes”, “just read another page”, etc. If your child has had enough of something that is really hard for them accept that fact or find a different way of doing it
5. Read to them, talk about what you’re reading. Make sure there are lots of pictorial stimuli around the home, use the library, museums, art galleries, TV, gaming, YouTube, music shows, theatre, films, etc. Anything that stimulates interest and discussion. Use downloadable audiobooks and discuss them. All these things are enjoyable and will build the child’s vocabulary and their ability to articulate their thoughts and feelings

There are also some things which you must try not to do:

1. Don't chastise the child because they cannot do something which is due to the way they think and process information. For example, if they can't remember where his/her books are, then it's really not his/her fault. They are likely to have problems with organising and sequencing
2. Don't discuss your worries and concerns for his/her future with family, friends or teachers in his/her hearing. You will need support and to talk to others, just find times to do it when the child is not around. Also, for your own sanity, choose people to support you that will be sympathetic and helpful and are good listeners, positive thinking strategies are important for you too. BDA's Local Dyslexia Groups are excellent for providing support
3. Watch out for learned helplessness. It is important as parents that we give our children the chance to learn independence. It is important thatthe child learns to do some things for themselves even if they find it difficult
4. Don't become pushy and over-anxious! This is easy to say but if you are trying to help your child and that involves taking on responsibility for some things that are normally the preserve of the classroom, it is easy to get over involved. Remember your child still needs a home life and to relax. Little and often is a very good maxim for working with your child on literacy or numeracy practice. Home should be a safe place

The guidance in the document only relates to policy in England, devolution in North Ireland, Scotland and Wales means policy relating to education can differ. For more information on this area for Scotland, visit, www.dyslexiascotland.org.uk. For Wales and North Ireland, please contact the British Dyslexia Association Helpline.

Education Health & Care Plan

Developed with the support of SEN Legal

What if your child needs more than the school can provide? Or what if the school won't provide support?

Sadly, the BDA hear of too many cases where schools can't or won't support a dyslexic child. The BDA campaigns tirelessly on this area but as a parent you also need to know what you can do to secure the support your child needs.

For children who require additional support over and above what the school can provide from their own resources, there is a process in place to apply for an Education Health and Care Plan (EHCP). These replaced the old Statements that some people may still refer to.

Parents should also be aware that currently (2019) all schools have to fund the first £6,000 of any support. This budget is not however ring fenced for this purpose and in the current climate schools may not have or be able to spend this money. It is, however, worth knowing that it exists in principle and it may also go some way to explain a school's reluctance to identify or refer for an EHCP. They may well need, as a result, to find the funds for the first £6,000 of any support that is recommended, from a budget that they may not have available.

Nevertheless, your child is legally entitled to support for their dyslexia and funding for that support. Whilst we always advocate an informal and collaborative approach in the first instance, the law does offer the EHCP system to ensure support is given and you should not be afraid to use it.

Applying for an EHCP is a straightforward process but it has become clouded in myth and mystery more recently. What we hope to do in the next few sections is to clarify the what, who, and how of this process.

What is an EHCP?

An Educational Health & Care Plan (EHCP) is for a child or young people between 0 and 25 who has or may have special educational needs (a diagnosis of dyslexia counts) and for whom it may be necessary for special educational provisionto be made in accordance with an EHCP. The plan coordinates your child/young person's educational, health and social needs and sets out any additional support they may need. It is a legally binding document.

Relevant legislation

There are a number of specific pieces of legislation that are relied upon by Local Education Authorities and others to inform their activity with Special Educational Needs and Disabilities (SEND) activities. It is worth being aware of these if you are pursuing an EHCP.

- **Equality Act 2010** – http://www.legislation.gov.uk/ukpga/2010/15/contents
- **Children & Families Act 2014** – http://www.legislation.gov.uk/ukpga/2014/6/contents
- **SEND Code of Practice 2014** – https://www.gov.uk/government/publications/send-code-of-practice-0-to-25
- **Special Educational Needs and Disability Regulations 2014** – http://www.legislation.gov.uk/uksi/2014/1530/contents/made

Who can apply for an EHCP?

Any parent, young person or school can request an EHC Needs Assessment under section 36(1) of the Children and Families Act 2014.

It does **not** have to be the school who requests this. Often parents are unaware of this fact and rely on the school to make an application that ends up just delaying the process.

What the law says

Under S36(8) of the Children & Families Act 2014: The Local Authority (LA) must secure an EHC Needs assessment if the Authority is of the opinion that:

a. The child or young person has, or **may** have special educational needs
b. It **may** be necessary for special educational provision to be made for the child or young person.

Parents are often told that additional support, beyond that which is provided in school is not necessary, or that they won't get anything more than they are already getting. This is generally a costs-based decision and not based on looking at the specific facts of your case. The word necessary is key here. What is necessary willdepend on the individual needs of the child and this cannot be identified without assessing what those needs are. Hence the needs assessment is a vital part of thisprocess to identify what is in fact necessary. What is necessary for one child, maynot be for another.

If a parent wishes to request an EHC Needs Assessment all they would have to do is write to the education department at their local authority. For example; you can go onto your LA's website and type in 'request an EHC Needs Assessment' and it will generally give you the postal or email address to send your request to. You do not need, at this stage to provide any evidence.

Please find a template letter in Appendix A of this document.

Myths about EHCPs

Parents are sadly sometimes given misinformation when applying for an EHC Needs Assessment, so here are some of the more common ones!

- **"We don't recognise independent assessment reports"** – This is false. A SEND Tribunal will afford them the same weight as Local Authority (LA) Assessments. If a school or local authority will not accept them, they maybe opening themselves up to a claim of disability discrimination. In any event if you go to Appeal, the SEND Tribunal will listen to them
- **"We don't recognise dyslexia"** – This is false. Special Educational Provision has been redefined. The Children & Families Act 2014 says:

1. A child or young person has special educational needs if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her
2. A child of compulsory school age or a young person has a learning difficulty or disability if he or she
   a. Has a significantly greater difficulty in learning than the majority of others of the same age, or
   b. Has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions

- **"Your child has to be X number of years behind their peers or only at Y level of progress"** – This is false. Para 6.23 Code of Practice says:
  1. "It should not be assumed that attainment in line with chronological age means that there is no learning difficulty or disability. Some learning difficulties occur across a range of cognitive ability and left unaddressed may lead to frustration, which may manifest itself as disaffection, emotional or behavioural difficulties". Hertfordshire County Council v (1) MC & (2) KC SEN 2016 UKUT 385 (AAC) on this issue

The process as it should work

Once parents or school have requested an EHC Needs Assessment:

- The LA have six weeks to make a decision (if the answer is no, a Parental Appeal to the SEND Tribunal can be made)
- At 16 weeks the LA must decide whether to issue EHC Plan or not (ifthe answer is no, a Parental Appeal to the SEND Tribunal can be made)
- The LA must issue a Draft Plan at 18 weeks (parent has 15 days for comment)
- Finalisation of EHC Plan is 20 weeks from the EHC Needs Assessment request (if the parent is unhappy with the content, a Parental Appeal to the SEND Tribunal can be made)

It is often worth writing to the LA prior to these deadlines to chase up progress to avoid extensions to the time frame or missed deadlines. If the LA ignore these deadlines, do not waste precious time waiting. A simple pre-action protocol letter, from a solicitor, for Judicial Review can force the LA to comply.

The EHC Needs Assessment Process

The purpose of this assessment is to gather a holistic view of the child and their needs. Therefore, assessments and evidence are required from a selection of sources:

- Parent/carer – Under the Children & Families Act 2014 parent’s views and opinions are enshrined in law and have to be taken into account. The view of the parent/carer is an important part of this process
- Head/SENCO – The school will be required to submit evidence.This may include any assessments they have carried out, test results data/attainment levels, progress rates, behavioural issues and information of any intervention successful/unsuccessful that they have implemented
- Medical – This is often a pediatrician rather than a GP. This provides an opportunity to explore other co-occurring conditions such as ADD, ASD, dyspraxia, etc. It is also important to include any mental health concerns here
- Educational psychological/specialist dyslexia teacher assessment – This will provide evidence of dyslexia and the severity of the dyslexia. It should also provide some recommendations for support strategies
- Social care – Sometimes this assessment may not be necessary but can be helpful where for example behaviour or mental health issues are having an impact
- Hearing and visual impairment where relevant – It is important to have hearing and vision assessed to identify any physical challenges. It isuseful to have a visual assessment carried out by a behavioural optometrist to identify any visual processing/visual stress issues
- Speech and language therapist/occupational therapist – If there are issues associated with speech, language and communication or dyspraxia it can be helpful to have these assessments as well

It is the LA’s role to facilitate these assessments, but where a parent/carer wishes to pay for a private assessment, or they already have this evidence, that is current, they may do so and such evidence will be acceptable. This of course comes at a cost. If an LA is unable to facilitate the assessments within the time frame set out or do not have such specialists available on occasion a parent can pay for these and then attempt to claim back the costs from the LA.

The content of the EHCP

The EHC Plan is a complex twelve section document (as section H is in 2 parts).

- Section A – Parent's/child's views
- Section B – Child or young person's Special Educational Needs
- Section C – Health needs related to their SEN
- Section D – Social Care needs related to their SEN
- Section E – SEN outcomes
- Section F – Special Educational Provision
- Section G – Health provision
- Section H1 – Social Care provisions resulting from Section 2 of the Chronically sick & Disabled Persons Act 1970
- Section H2 – Social Care Provision reasonably required
- Section I – Educational Placement
- Section J – Personal Budget
- Section K – Appendices and Advice/Information

The Educational sections of an EHC Plan are Sections B, F & I. B, F and I are the only sections which have legally enforceable Right of Appeal to the SEND Tribunal and Section E by consequence S v Worcestershire Council (2017) UKUT 92 (AAC)

Using an expert witness

Unfortunately, in the majority of cases parents/carers will have to find and fund independent expert witnesses to support their case as the LA will have NHS therapists to support their position and parents may need evidence to argue against that position. The BDA recognises that this is not fair and is lobbying hard to change this whole process.

The expert's reports need to state:

- What expert help is needed?
- How much?
- How often?

If parents are going to challenge what they have been offered from the LA, they will often have to pay for independent expert reports. The expert cannot credibly exceed their area of expertise. Parents are therefore likely to need more than one expert.

Parents cannot dictate to an expert witness. Expert witnesses are required to sign a Statement of Truth to this effect.

Parents need to make sure their experts are:

- Willing to quantify
- Willing to attend the SEND Tribunal
- Familiar with the Practice Direction of Judge John Aitken February 2010

If parent's get quantified provision in their child's EHC Plan, the LA has to provide it. The LA can't claim unaffordability or not available, they must provide the provision and if necessary, buy it in from private practice.

The Witnesses are not representatives. Parents should not expect their witnesses to be the representatives. The role of the expert witnesses is not to make legal points, ask questions, and give a closing submission. Parents would potentially need solicitor/barrister for that purpose unless they are happy to speak at the Tribunal and make legal arguments themselves or with the help of a charity or advocate.

Many good experts refuse to accept cases without legal representation.

Clearly this is a highly complex legal process and many parents do seek good legal representation to support them with navigating this process and seeking a successful outcome.

The BDA recognises that there is a great deal of social injustice in this process and believes that every child should be able to access an appropriate education by right within the UK.

With your support the BDA can continue to campaign to address these issues.

Final thoughts

We would stress is that it is better for all concerned to work effectively with your child’s school if at all possible. However, if this is not possible then there is a clear legal framework, which although complicated, is available for parents to use.

In the current climate there are huge pressures on resources in education, but this should not mean that dyslexic children “are short changed” and prevented from reaching their potential. The BDA will continue to campaign for a specialist teacher in every school or cluster of schools as we see this as the most efficient way of ensuring that the majority of dyslexic children have their educational and emotional needs met.

This information has been developed from the BDA’s Parents Roadshow sessions and the feedback we have received from parents requesting this information. To hear from our experts directly why not come to a BDA Parent’s Roadshow Event the dates and locations are listed and regularly updated on our website.

BDA would like to thank our Parents’ Roadshow team of SEN Legal, John Hicks (Parenting Dyslexia) and Arran Smith (Microsoft) for their ongoing support of the BDA.

SENlegal

When it comes to your child's future, only the best will do.

97%
success rate
*figures from 2018

For help with obtaining an EHC Plan, placing at a specialist setting, or any other difficulties in relation to your child's special educational needs, call our friendly team on 01284 723952.

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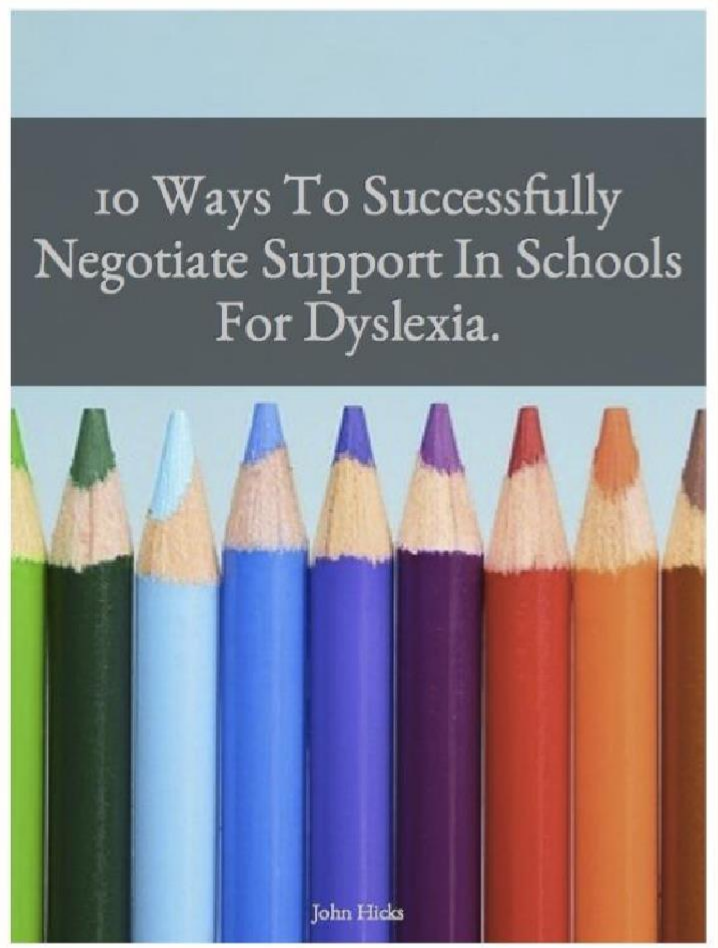
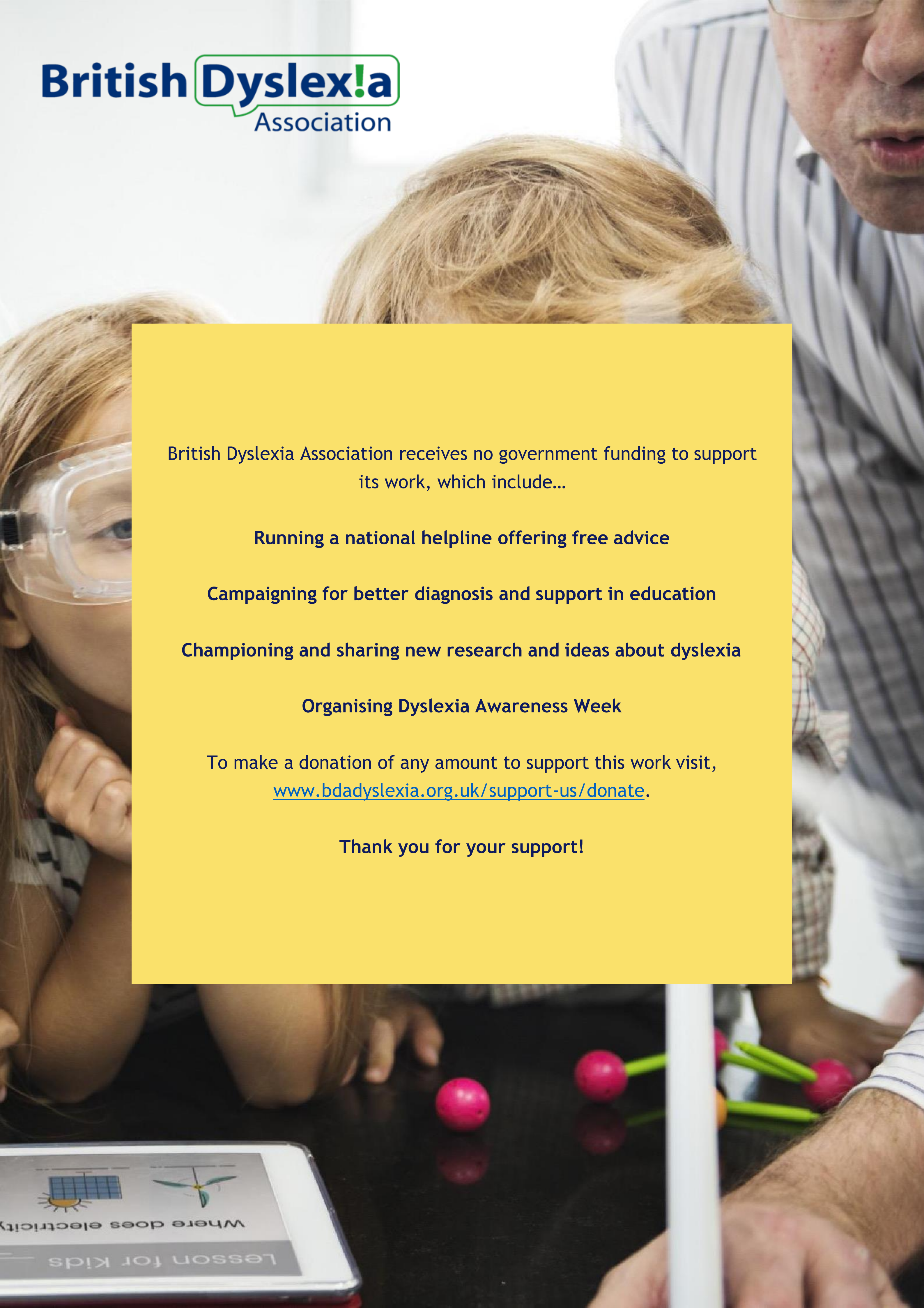
Parent of a dyslexic child?

Download this free e-book and join almost 1000 parents in exploring resources that will help you as you support your child through education.



http://bit.ly/10waysdyslexia

British Dyslexia Association



British Dyslexia Association receives no government funding to support its work, which include…

Running a national helpline offering free advice

Campaigning for better diagnosis and support in education

Championing and sharing new research and ideas about dyslexia

Organising Dyslexia Awareness Week

To make a donation of any amount to support this work visit, www.bdadyslexia.org.uk/support-us/donate.

Thank you for your support!