



# HANDOUT FOR PARENT GROUPS

## Understanding SEND & School Anxiety Law

A clear overview of key rights for families whose children struggle with school attendance due to SEND, EBSA, trauma, anxiety, or unmet needs.

### What Counts as SEND?

SEND includes any long-term need that affects learning or daily functioning:

- Autism (diagnosed or traits)
- ADHD
- PDA profiles
- Anxiety disorders
- Trauma-related difficulties
- Dyslexia, dyspraxia, sensory processing

Diagnosis is *not* required for support.

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## Core Legal Protections

### 1. Children and Families Act 2014

- Defines SEND and sets duties for schools and local authorities.
- Parents can request an EHCP assessment.
- Provision in an EHCP is legally enforceable.

## **2. SEND Code of Practice (2015)**

- Schools must use the Assess–Plan–Do–Review cycle.
- Adjustments and SEN support must be provided with or without a diagnosis.

## **3. Equality Act 2010**

- SEND children are protected as disabled if the impact is substantial and long-term.
- Schools must make reasonable adjustments to remove barriers.

## **4. Education Act 1996 (Section 19)**

If a child cannot attend school:

- The LA must provide suitable alternative education.

## **5. Attendance Guidance (2023)**

- Fines should not be used when SEND, mental health, or unmet needs are involved.
  - Absence should trigger investigation and support.
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## **Examples of Reasonable Adjustments**

- Reduced or flexible timetable
  - Safe space / quiet room
  - Online learning from home
  - Movement breaks
  - Modified curriculum
  - Sensory supports
  - Key adult
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## **EBSA (Emotionally Based School Avoidance)**

- Schools must respond to the *underlying need*.
- Punishment, pressure, or ignoring anxiety is not compliant with statutory duties.
- Early, child-led support is essential.



# **Your SEND & School Anxiety Legal Rights**

## **Children and Families Act 2014**

- SEND includes social, emotional, and mental health needs.
- EHCP assessments can be requested by parents.

## **SEND Code of Practice**

- Schools must support without diagnosis.
- Parents must be involved.

## **Equality Act 2010**

- Schools must make reasonable adjustments.
- Discrimination includes failing to adapt for anxiety, sensory needs, or neurodivergence.

## **Education Act 1996 – Section 19**

If a child cannot attend:

- The LA must provide education suitable to their needs.

## **Attendance Guidance 2023**

- Fines are inappropriate when medical, mental health, or SEND needs are present.



# SEND Rights: At-a-Glance

## **Children and Families Act 2014**

- Defines SEND.
- Allows parent-requested EHCP assessment.
- EHCP provision must be delivered.

## **SEND Code of Practice**

- Support without diagnosis.
- APDR cycle required.

## **Equality Act 2010**

- SEND children are protected as disabled.
- Schools must make reasonable adjustments.

## **Education Act 1996 – Section 19**

- LA must provide education if a child cannot attend.

## **Attendance Guidance 2023**

- Fines not appropriate for SEND or health-based absence.

## **Examples of Adjustments**

- Flexible timetable
- Safe space
- Online learning
- Sensory adaptations
- Reduced demands

