

To the Governing Bodies of maintained mainstream schools in England

27 January 2009

Dear colleague

Children with special educational needs (SEN) from Service families

1. *The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans*<sup>1</sup> set out a strategy to ensure that service personnel and their families should not be disadvantaged by the military lifestyle. It highlighted the effect that the mobility of Service families can have on the continuity of support for meeting children's SEN. This letter gives guidance on meeting the needs of children from Service families who are on School Action or School Action Plus. A separate letter will be going to local authorities which will focus in particular on children with SEN statements.

2. This letter is of most interest to schools which are close to Armed Forces bases. However, many Service personnel do not live on a base and so this guidance applies to any school which has children with SEN from Service families on its roll. Since January 2008, a Service children's marker has been included in the Annual Schools Census. Schools should be aware of the numbers and identities of Service children on their rolls.

3. Many Service families are highly mobile, moving between local authority areas in England, between England and other parts of the UK and between England and abroad. The parents of children with SEN express concern about the gaps in the special educational provision that this can lead to. Because of the frequent moves Service families can make, it is particularly important that special educational provision is put in place speedily when a child from such a family arrives at a new school. Schools should work with local authorities to ensure the mobility of Service children with SEN does not prevent the timely provision of appropriate support, and should consider the impact that their mobility may have when making decisions about that support.

4. Schools and local authorities should be aware that Service parents who have children with SEN are encouraged to register their children with Children's Education Advisory Service (CEAS), a Ministry of Defence (MoD) service established to provide information, advice and support in relation to any educational issue which parents wish to raise. This registration service enables CEAS to work with Service parents, schools and local authorities to facilitate the smoothest possible transfer between schools, authorities and countries, of Service children with SEN. MoD regulations require Service parents with children at School Action Plus or with statements to register their children with CEAS if they are offered assignments (postings) overseas where it is possible for them to be accompanied by their families. Contact details for CEAS are given at the end of this letter.

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<sup>1</sup> *The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans* (Command Paper CM 7424, July 2008).

## Children moving within the United Kingdom

5. When a child moves from a maintained school in England to another school (maintained or independent) either in England or in Wales, Scotland or Northern Ireland, the governing body of that school is under a duty<sup>2</sup> to transfer the pupil record of that child to the new school no later than 15 days after the date the child ceases to be registered at the school. The information which must be transferred, contained in the "Common Transfer File", includes information about the type of special educational provision which is being made for a child, whether at School Action, School Action Plus or with a statement. The number of moves a child from a Service family with SEN can make in their school careers means that, unless this duty is carried out properly, they can experience breaks in the provision of special educational support to meet their needs as the new schools determine what the child's needs are and what provision should be made, without the benefit of information from their former school. Where the transfer of children from Service families from a school in England to other schools in England, or other parts of the UK, is known about in advance the Department recommends that the information which must be transferred is sent on in advance of the child so that appropriate special educational support can be put in place as soon as the child arrives at the new school.

## Children moving to and from abroad

6. Service families' moves to and back from abroad can place greater difficulties in ensuring continuity of SEN provision. Service Children's Education (SCE), an agency of the Ministry of Defence, provides education for the children of Service families based in Germany, Cyprus, Brunei, Gibraltar, Belize and the Falkland Islands. SCE seeks to maintain and make the provision set out in the statements of children who had them before arriving in these countries. SCE also draws up its own Summaries of Need for some children returning to the UK.

7. There can be delays to the provision of special educational support when children with SEN transfer to and back from SCE schools abroad and this can be particularly so for children who have been on School Action and School Action Plus. Where a school knows that a child from a Service family with SEN is due to return from an SCE school to join its roll or a pupil on its roll is due to transfer to an SCE school abroad, the Department recommends that the school contacts CEAS (contact details given at the end of the letter) to help with the transfer of information about the support that has been provided for the child.

8. Once a child arrives in a new maintained school in England the governing body of the school are under a duty to use their best endeavours to make the special educational provision that the child's learning difficulties call for.<sup>3</sup> In order to meet this duty the school should take account of all the information at its disposal on a child's SEN including the information it has received in the child's Common Transfer

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<sup>2</sup> The Education (Pupil Information) Regulations 2005

<sup>3</sup> The Education Act 1996, section 317.

File, any advice from the child's parents and, in the case of a child from a Service family, any advice available from the Children's Education Advisory Service.

9. A joint MoD/DCSF project, led by SCE, has developed guidance called Mitigating Mobility which includes advice on meeting children's SEN. This can be obtained from <http://www.ncsl.org.uk/comms-t2lassociates>. In addition, Service Children in State Schools (SCISS) brings together the heads of schools and local authority officers from areas in England with a significant Service children population. SCISS has published a handbook. This includes information about Service children with SEN. The handbook can be downloaded from [www.ceas.mod.uk](http://www.ceas.mod.uk).

10. A further commitment contained in *The Nation's Commitment* was that when the SEN Code of Practice is next revised paragraphs on meeting the SEN of children from Service families will be included. Those paragraphs will become part of the statutory guidance set out by the Code.

Yours faithfully



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SEN and Disability Division

The Children's Education Advisory Service (CEAS) can be contacted at:

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