



Know Your Rights

Special Education Needs and Disability (SEND)

About The Traveller Movement

The Traveller Movement (TM) is a UK charity challenging discrimination and promoting inclusion of ethnic Romani (Gypsy), Roma and Irish Traveller communities. TM facilitates legal education, strategic litigation and direct advocacy to support their access to justice and fair treatment.

The special educational needs and disability (SEND) webinar was prepared in partnership with Dan Rosenberg, a solicitor who specialised in education at Simpson Millar, a law firm with offices across the country.

You can watch this topic on the webinar [here](#).

Understanding SEND

SEND learners are children with disabilities and/or special educational needs affecting their learning. Not all disabled children have special educational needs (SEN), and not all SEN children have disabilities. Academic ability alone does not indicate SEND status; rather it depends on specific learning or physical challenges. Disabilities or SEN are not always obvious and can involve cognitive, attention or social communication challenges.

Support for SEND learners

Each SEND learner will require tailored support for their unique special educational needs. Schools must identify each child's specific needs and provide, often with expert advice, reasonable adjustments under the Equality Act 2010 even without a formal diagnosis.

An Education, Health and Care Plan (EHCP) is a formal plan administered by your local authority which identifies the child's educational, health and social needs and the additional support they require. EHCPs can be requested by parents or schools and can be obtained from age 2+. Early intervention is critical for children with significant disabilities, particularly around communication, speech and language, to prevent behavioural problems and support the child's development.

Special Education Needs and Disability

Support for SEND learners (continued)

Schools generally do not disclose whether a child has an EHCP or SEND status to other pupils or parents due to data protection rules. However, children often naturally notice differences. Sharing information with other parents can help explain behaviour and reduce misunderstanding or bullying. Parents should inform schools about bullying immediately. If race or disability discrimination is involved, the school should address it as an equality issue.

Where families travel regularly, the EHCP can name multiple schools and local authorities responsible for providing support; it should specify the 'home' local authority managing the plan. Children should remain registered at their base school and may attend others temporarily; online tutoring or interactive online education programmes are options to maintain learning continuity.

Deregistering and homeschooling

Parents can deregister a SEND learner and educate them at home. This is generally discouraged due to lack of professional support. Permission is needed if your child has SEN and is enrolled in a special school or subject to a school attendance order. Addressing bullying or getting the school to address the reason why the child is struggling is recommended before deregistration is considered.

Off-rolling, where schools pressurise parents to withdraw children, is unlawful and discouraged by government and the Office for Standards in Education, Children's Services and Skills.

Declaring ethnicity in school

Parents should provide schools with accurate ethnicity information; it will not affect admission chances but will help schools track and address educational disparities between ethnic groups.

Legal Aid is only available for significant SEND-related legal challenges.

Contact the solicitor

Telephone Simpson Millar solicitors on 0800 260 5010 or request a call back on the firm's website: www.simpsonmillar.co.uk/about-us/.