Special Educational Needs

This page provides information on the duties of schools and Local Authorities to assess, identify and provide for a child's SEN within school.

What are Special Educational Needs (SEN)?

Section 20 Children and Families Act 2014 defines a child as having Special Educational Needs(SEN) if he or she *"has a learning difficulty or disability which calls for special education provision to be made for him or her"*.

A child is considered to have a learning difficulty if she or he:

- has a significantly greater difficulty in learning than the majority of others of the same age; or
- has a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post 16 institutions.

In the **Equality Act 2010** a person is classed as disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

- **Normal day-to-day** means things that people do on a regular basis, for example mobility, dressing or cleaning (physical co-ordination), and having a conversation.
- **Long-term** usually means the impairment should have lasted or be expected to last at least a year.
- **Substantial** means not minor or trivial.
- **Physical impairment** includes sensory difficulties such as visual or hearing impairments
- **Mental impairment** includes learning difficulties, autism, dyslexia, speech and language difficulties, attention deficit hyperactivity disorder (ADHD).
- Some specified medical conditions, such as HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect.

There are some specific conditions which will not amount to an impairment under the **Equality Act 2010**. For more information see our page on **Disability Discrimination in Education**.

Some examples of SEN are:

- emotional and behavioural difficulties (EBD);
- Autism, including Asperger Syndrome;

- Attention Deficit (Hyperactivity) Disorder (ADHD/ADD);
- specific learning difficulties such as Dyslexia;
- Obsessive Compulsive Disorder;
- communication difficulties;
- medical needs such as Epilepsy and Cerebral Palsy;
- mobility difficulties.

If your child has SEN, they may need extra help in a range of areas, for example:

- reading, writing, number work or understanding information;
- expressing themselves or understanding what others are saying;
- making friends or relating to adults;
- behaving properly in school;
- organising themselves;
- sensory or physical needs which may affect them in school.

What can nurseries do to meet the needs of children aged 0-5 with SEN?

All state maintained nurseries must use best endeavours to ensure that the SEN of children attending the nursery are identified and met as quickly as possible. The nursery should have a detailed SEN policy about the support available.

What can schools do to meet the needs of children with SEN?

Every school is required to have systems in place to identify children who are in need of support and to assess, monitor and secure appropriate support for any SEN they may have. Under paragraph 6.2 of the "**Special educational needs and disability code of practice: 0 to 25 years**", each school must:

- use their best endeavours to make sure that a child with SEN gets the support they need – this means doing everything they can to meet children and young people's SEN;
- ensure that children and young people with SEN engage in the activities of the school alongside pupils who do not have SEN;
- designate a teacher to be responsible for co-ordinating SEN provision – the SEN co-ordinator, or 'SENCO' (not applicable to 16 to 19 academies);
- inform parents when they are making special educational provision for a child;

- prepare a SEN information report and setting out:
  - their arrangements for the admission of disabled children;
  - the steps being taken to prevent disabled children from being treated less favourably than others;
  - the facilities provided to enable access to the school for disabled children; and
  - their accessibility plan showing how they plan to improve access progressively over time.

Schools are also required to involve parents in the process.

Schools are provided with additional money to provide support for children with SEN, this is called their delegated budget. Each child with SEN is entitled to receive up to £6,000 funding from their school per year.

There are 2 stages of support for meeting the needs of children with SEN: *Additional SEN Support*and an *Education, Health and Care Plan (EHCP).*

What is Special Educational Provision?

Special educational provision is provision that is different from or additional to that normally available to pupils or students of the same age, which is designed to help children and young people with SEN or disabilities to access the National Curriculum at school or to study at college.

For children under 2 years old it is educational provision of any kind.

What can the school governing body do to meet the needs of children with SEN?

- Develop and monitor the School's SEN policy.
- Ensure that all governors, especially SEN governors, are up to date and knowledgeable about the school's SEN provision, including how funding, equipment and personnel resources are deployed.
- Ensure that SEN provision is an integral part of the school's development plan.
- Ensure that the school's notional SEN budget is appropriately allocated to support pupils with SEN.

Additional SEN Support

If a child is identified as struggling with their school work, and it is determined that this is being caused by a child's underlying SEN, it may be necessary for a school to intervene to provide additional support for that child.

This support should be provided through a process known as 'Additional SEN Support'. This is designed to help remove any barriers the child has to learning and put in place provision that will enable that child to benefit fully from their education.

This support should be provided through a continuously repeated 4-part cycle known as the 'graduated approach', revisiting and reappraising the support, and concentrating on what works best for the child. In this way, the support should become more refined and specialised over time, to ensure that the child continues to make good progress at school and that the desired outcomes are reached.

The 4-part cycle is as follows:

1. Assess

This is when a child's class or subject teacher along with the school's SENCO work together to carry out a clear analysis of a child's needs. This assessment process should not just involve the school themselves, the views of parents should also be sought and where appropriate the views of the child or young person. Where outside professionals are also involved with the child or young person, for example Children's Services or health professionals, it may also be appropriate to seek their views. This assessment should be reviewed on a regular basis to make sure that the support being provided to a child continues to be effective and best matched to the child's needs.

2. Plan

Where a school does decide to put in place Additional SEN support for a child, the parents should be formally notified of this. The child's teachers and the school's SENCO should then, in consultation with the parents and the pupil if appropriate, agree on the following:

- the adjustments, interventions and support to be put in place;
- the expected impact on progress, development or behaviour;
- the desired outcomes for the child; and
- a clear date for review

All teachers and support staff that work with the child should be made aware of the child's needs and of the above plan, so they can make sure the 'Plan' is correctly implemented. The 'Plan' should also be placed on the child's school record and should be accessible by parents.

3. Do

The child's class teacher still remains responsible for working with the child on a day-to-day basis; this remains the case even if the support offered includes group or one to one teaching

away from the child's main class. This should all be done whilst working closely with any support or specialist staff involved.

The SENCO should remain closely involved in supporting the child's class teacher, both in terms of continuing to assess the child's progress and needs and ensuring the planned support is being implemented properly.

4. Review

The success and effectiveness of the support provided should be reviewed on a regular basis and in line with the date agreed in the 'Plan' stage. During this 'Review' stage, the impact and quality of the support in place should be evaluated and the views of the parents and child should again be sought.

This review process should feed back to Part 1 of the cycle – the needs should again be assessed and the cycle should flow through again, with any changes needed to the support provided being implemented.

A spokesperson for the Department for Education **has recommended** that reviews with parents should take place at least 3 times a year.

What happens if the support being provided through Additional SEN Support is not enough?

If the parents of a child do not believe that the support being provided to their child through Additional SEN Support is allowing the identified outcomes to be reached, they should first raise their concerns with the school's SENCO – this should be done prior to the 'Review' stage. There is scope within Additional SEN Support for external specialists to become involved to support the child – for example, this could include:

- Behaviour Support Services;
- Educational Psychologist;
- Child and Adolescent Psychologists;
- Speech and Language Therapists;
- Occupational Therapists;
- Child and Adolescent Mental Health Services (CAMHS).

Parents have the right to be present at any interview, medical or other test during the statutory assessment, but sometimes the professionals may ask to see the child without a parent present. The parents should feel free to suggest any other people or organisations they know whose views may be helpful in the assessment of a child.

The school will not have received any additional funds to provide support at the Additional SEN Support stage. Any cost must be met though their delegated budget for children with SEN, this equates to the first £10,000 needed to educate the child. This figure is made up of a

standard amount of £4,000 allocated to every pupil and then an additional £6,000 to provide SEN support.

If after the school have exhausted that budget at the Additional SEN Support stage, the child's needs are still not being adequately met, a parent's next option would be to pursue an Education, Health and Care Plan (EHCP) for their child. You will have to demonstrate that more than £6,000 worth of support is required in order to get an EHCP assessment.

The success and effectiveness of the support provided should be reviewed on a regular basis

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What can the LEA do to meet the needs of children with SEN?

- Identify, assess and provide for children with SEN.
- Audit, plan, monitor and review SEN provision.
- Provide support through an information, support and advice service (IASS) for young people with SEN.
- Liase with other partners whose job it is to support children with SEN (such as schools, colleges, and health bodies).
- Secure training, advice and support for staff working with SEN.

Education, Health and Care Plans (EHCPs)

If a child fails to make progress at the Additional SEN Support stage, a request can be made to the Local Authority, by either the parents or the child's school, for them to carry out an Education, Health and Care needs assessment. This would be with a view to the child being placed on an EHCP.

The purpose of an EHCP is:

- to make special educational provision to the meet the SEN of the child or young person;
- so as to secure the best possible outcomes for them across education, health and social care, and
- to prepare them for adulthood, as they grow older.

Under paragraph 9.2 of the "**Special educational needs and disability code of practice: 0 to 25 years**", the assessment and EHCP, if granted, should:

- establish and record the views, interests and aspirations of the parents and child or young person;
- provide a full description of the child or young person's SEN and any health and social care needs;

- establish outcomes across education, health and social care based on the child or young person's needs and aspirations;
- specify the provision required and how education, health and care services will work together to meet the child or young person's needs and support the achievement of the agreed outcomes.

An EHCP is legally binding – the support detailed in the Plan *must* be provided. These Plans can be in place for children or young people between birth and the age of 25. Young people aged 18-25 with an EHCP will continue to have their needs reviewed on at least an annual basis, to ensure the right level of support is being provided across the areas of education, health and social care.

For more information on EHCPs and the assessment process please see our 'How-To guide' on "**SEN Needs Assessments and Education, Health and Care Plans**".

An EHCP is legally binding and the support detailed in the plan must be provided.

How a parent can raise concerns

1. Speak to the child's teacher

If you have concerns with regards to your child's education and you feel that they are not coping with their school work, you should raise your concerns with your child's teacher. This may be their class teacher or head of year.

At this meeting, you may wish to provide evidence to the teacher supporting your concerns. This could include homework, test results and any other work. You may also wish to discuss with the teacher any change you have noticed in your child, such as them becoming more anxious, their behaviour deteriorating or any health condition that has been recently diagnosed.

During this meeting, you and the teacher should try and work together to address any concerns and to decide whether any action needs to be taken. It is important that you make note of any recommendations made and any plan that is being implemented. You should then make another meeting date, to follow up on any implementations that have been suggested.

After this meeting, it is important that you keep a track of how your child is progressing. If you do not feel that any progress has been made, you should meet with the teacher again or consider the next step.

2. Have a meeting with the SENCO

Every school must have a SEN Co-ordinator (SENCO). A SENCO has to be a qualified teacher and may also have another job title within the school, such as Deputy Head Teacher.

The role of the SENCO is to ensure that all the special needs provision are met at the school. If you and the school are concerned that your child is still not making any progress, a meeting with the SENCO should be arranged. You can make a written request to the SENCO,

requesting a meeting and setting out your concerns. At this point, you may wish to request a copy of the school's policy on SEN and also your child's school records, to assess whether you feel the school are fulfilling their duty.

When you have a meeting with the SENCO, you will want to discuss whether the SENCO feels your child has any SEN and the support that the school can provide for them.

It will be at this point that Additional SEN Support could be discussed with you. You and the SENCO should work together to put in place any targets or desired outcomes for your child. It is important that you make a note of anything agreed at this meeting as well.

If you feel it is necessary, you can also ask the school if they can arrange any assessments from outside specialists, such as Speech and Language Therapists or Educational Psychologists.

As discussed above, any support provided through Additional SEN Support should be reviewed regularly to ensure that outcomes are being met by your child and that they are receiving the support necessary. If this isn't the case, you may wish to follow the next stage below.

It is important that you keep a track of how your child is progressing

3. Education, Health and Care needs assessment

If your child is not reaching any targets or outcomes set through Additional SEN Support, it may be necessary to apply for an Education, Health and Care needs assessment to the Local Authority. This can be made by the school or by yourself. You should set out what your child's SEN is, the difficulties that they are having, the current support that they are receiving and the evidence of additional support needed. The Local Authority will assess your child if they have or may have SEN and special provision may be necessary.

The purpose of the assessment is to establish whether your child's SEN requires additional provision through an EHCP. If an EHCP is issued, this will set out the additional support for education, social care and health care and the budget provided for this.

For further information, please see our 'How-To Guide' on "**SEN Needs Assessments and Education, Health and Care Plans**".

4. Appeals relating to an Education, Health and Care Plan (EHCP)

If an EHCP is made and parents have concerns with regards to the contents of the Plan, they can appeal to the **First Tier Tribunal (Special Educational Needs and Disability)**. For Wales, see the **Special Educational Tribunal for Wales**.

An appeal can be made on the basis of:

- a refusal to carry out an Education, Health and Care needs assessment or reassessment;
- a refusal to issue an EHCP;

- a refusal to amend an EHCP following reassessment or annual review;
- the content of an EHCP in:
  - Part B – a child's SEN;
  - Part F – a child's provision to meet their SEN;
  - Part I – the educational establishment named in the Plan;
- a Local Authority's decision to cease to maintain a child's EHCP.

For further information on appeals, please see our 'How-To Guide' on SEN: **Appealing an Education, Health & Care Plan or a Statement of Special Educational Needs**.

What if my child is already receiving support for their SEN?

Additional SEN Support and EHCPs were implemented as a result of **Part 3 Children and Families Act 2014** and have been in place since 1 September 2014. Prior to this date, many children will have received support through different mechanisms.

Some children may have been receiving support through 'School Action' or 'School Action Plus'. These support arrangements have now been replaced with 'Additional SEN Support'. If your child was receiving support through 'School Action' or 'School Action Plus' before the changes, they should automatically have been moved onto 'Additional SEN Support'. If you have doubts about whether this has happened, you should discuss this with your child's school's SENCO.

If your child currently receives support through a Statement of Special Education Needs (SSEN), these remain legally binding and the child's support should not be removed. From 1 September 2014, no new requests for SSENs have been accepted, the appropriate application being for an EHCP.

The government intends for all children with SSENs to transition to EHCPs by 1 April 2018. This transition will take place via a 'transfer review', replacing the annual review in the year of transition. Local Authorities should seek to transfer those already on SSENs to EHCPs at key transition points in their education, for example:

- children transferring from an early years setting to a school;
- children transferring from an infant to a junior school;
- children transferring from primary to secondary school;
- children transferring from mainstream to a specialist school, or vice versa;
- children in Year 9 (in line with the requirement under EHCPs for adulthood to be prepared for from Year 9 onwards);
- children in Year 11;
- children moving to further education.

If the person receiving support is a young person, i.e. over 16, and they currently receive SEN support through a Learning Difficulty Assessment (LDA), they will also at some stage transition across to an EHCP, unless the LDA comes to an end before the date for transition. The transition phase for those on LDAs will last until 1 September 2016. Until a young person has transferred to an EHCP, they should continue to receive support through their LDA.

For those who already have a request for Statutory Assessments for SSENs on-going, the Local Authority could still issue a SSEN, though the Local Authority may seek parental consent to issue an EHCP instead.

If a parent has an ongoing request for a SSEN that is refused, or is having problems with an existing SSEN, they will still be able to appeal to the **First Tier Tribunal (Special Educational Needs & Disabilities)** to try and resolve these issues.

Please see our 'How to Guide' on SEN: "**Appealing an Education, Health & Care Plan or a Statement of Special Educational Needs**" for further information.

What is the Local Offer?

From 1 September 2014, all Local Authorities must publish a detailed summary of the services available to support children and young people with SEN and disabilities named the 'Local Offer'. This should cover services for education, health and social care and should include information about services available in neighbouring boroughs. The **SEND Code of Practice** sets out in detail what the Local Offer should do:

- provide clear, comprehensive, accessible and up-to-date information about the available provision and how to access it;
- target provision specifically to meet local needs and aspirations.

Local Authorities should involve children and young people with SEN and disabilities and their parents and service providers im developing and reviewing the Local Offer.

Schedule 2 Special Educational Needs and Disability Regulations 2014 provides a common framework for the Local Offer.

The Local Offer **must** include information about:

- special educational, health and social care provision for children and young people with SEN or disabilities (including online and blended learning);
- details of how parents and young people can request an assessment for an EHCP;
- arrangements for identifying and assessing children and young people's SEN – this should include arrangements for EHC needs assessments;
- other educational provision, for example sports or arts provision, paired reading schemes;

- post-16 education and training provision;
- apprenticeships, traineeships and supported internships;
- information about provision to assist in preparing children and young people for adulthood;
- arrangements for travel to and from schools, post-16 institutions and early years providers;
- support to help children and young people move between phases of education (for example from early years to school, from primary to secondary);
- sources of information, advice and support in the Local Authority's area relating to SEN and disabilities including information and advice provided under **Section 32 Children and Families Act 2014**, forums for parents and carers and support groups;
- childcare, including suitable provision for disabled children and those with SEN;
- leisure activities;
- support available to young people in higher education, particularly the Disabled Students Allowance (DSA) and the process and timescales for making an application for DSA;
- arrangements for resolving disagreements and for mediation, and details about making complaints;
- parents' and young people's rights to appeal a decision of the Local Authority to the First-tier Tribunal (SEN & Disability) in respect of SEN and provision;
- the Local Authority's accessibility strategy (under **Equality Act 2010, Schedule 10, paragraph 1**);
- institutions approved under **Section 41 Children and Families Act 2014**.

The Local Offer **should** cover:

- support available to all children and young people with SEN or disabilities from universal services such as schools and GPs;
- targeted services for children and young people with SEN or disabilities who require additional short-term support over and above that provided routinely as part of universal services;
- specialist services for children and young people with SEN or disabilities who require specialised, longer term support.

Can the Local Government Ombudsman look in to the local authority failure to support my child's SEN?

The **Local Government Ombudsman** (LGO) can look in to some complaints about the failure of a council to deal properly with a child's SEN. The LGO can investigate:

1. delay in assessing a child for SEN;
2. delay in issuing a Statement of SEN or EHCP;
3. failure to implement a Statement of SEN or EHCP;
4. failure to carry out an annual review;
5. failure to follow the SEND Regulations 2014 and SEND Code of Practice;
6. failure to follow the formal transitional arrangements;
7. complaints about Personal Budgets;
8. failure to involve children and young people over the age of 16 in decisions about their provision;
9. complaints about the Local Offer;
10. complaint about the council's response about a failure of a school to provide additional SEN support.

The LGO cannot look into complaints where there is a right of appeal to the SEN Tribunal. For more information see our 'How-To Guide' on "**Appealing an Education, Health and Care Plan or a Statement of SEN**".

If the LGO finds that your child's SEN has not been dealt with appropriately they can order and apology, and in some instances compensation. It can order that the Local Authority provide further help to your child. For more information see the **LGO factsheet**.