

# Factsheet for schools on the special educational needs and disability (SEND) reforms

## Background

The vision of the special educational needs and disability reforms is of a clearer system which joins up help across education, health and care, from birth to 25; with a sharper focus on outcomes, improved relationships with parents, greater engagement with children and young people, and improved transition to adulthood. This aligns with our broad aim to provide the best possible education and prospects for all children, regardless of their circumstances and background.

It has been a full term since the reforms in the new 0-25 SEND Code of Practice<sup>1</sup> ('the Code of Practice') came into force. While the main legal duties remain the same for schools, the reforms require significant cultural and systemic changes. It is essential that the whole school community, governors, teaching and non-teaching staff, young people and parents, play their part in the new system.

We recognise the considerable amount of work that is going on in local authorities and in educational settings across the country to implement the changes, and we are already hearing positive stories from parents about good experiences of the new system. We are not expecting overnight transformation, this is the start of a journey and change will happen over time. There is a wide range of resources available through voluntary and community sector organisations to support the delivery of the reforms. Some of these resources are listed on the last three pages of the Code; and the SEND Gateway<sup>2</sup> provides access to information, training materials and advice for professionals.

This factsheet provides a brief overview of the key changes expected of schools, including Academies and Free Schools, since September 2014. It aims to clarify some of the queries raised with the Department about the details of implementation (see factsheet and 'myths and facts' below). The factsheet should be read in conjunction with the Code of Practice.

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/399523/SEND\\_Code\\_of\\_Practice\\_approved\\_by\\_Parliament\\_29.07.14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399523/SEND_Code_of_Practice_approved_by_Parliament_29.07.14.pdf). A revised edition will come into effect in April 2015.

<sup>2</sup> <http://www.sendgateway.org.uk/>



Since September 2014, all schools have been expected to:

- ✓ initiate a review of their SEN policy, engaging governors and staff, parents and young people;
- ✓ review and refresh their process for the early identification and assessment of SEND, to follow the graduated approach;
- ✓ review and refresh their procedures for effective engagement, so that children, young people and parents are involved in decision-making and planning;
- ✓ review how they support pupils with SEND with their transition to post-16 education and prepare them for adult life;
- ✓ publish information on their provision as set out in the Special Educational Needs and Disability Regulations 2014<sup>3</sup> ('the SEND Regulations 2014');
- ✓ engage with local authorities in particular on the development of the Local Offer and the process for transferring from statements of SEN to Education, Health and Care (EHC) plans;
- ✓ review pupils currently on School Action and School Action Plus, engaging the child and parent in decision-making and planning and being clear about the extra support that they need, what impact the school expects support to have and by when;
- ✓ ensure their SENCO has the right qualifications (or is working towards them) and explore how the SENCO fits into strategic management of the school;
- ✓ have arrangements in place to support pupils with medical conditions;
- ✓ tell parents about the reforms and explain how the transition will happen;
- ✓ carry out staff training on the new arrangements, ensuring that teachers are clear about their role and accountability for the progress and development of pupils with SEND in their class; and
- ✓ ensure there is a governor identified as having a responsibility for SEN.

Department for Education  
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<sup>3</sup> <http://www.legislation.gov.uk/uksi/2014/1530/contents/made>

## **Factsheet on the reforms**

### **A. The role of the class teacher**

#### **What is SEN Support?**

The class teacher is responsible for the progress of every child in their class. Where a pupil is identified as having SEN, the teacher should take action to remove barriers to learning and put effective special educational provision in place. SEN support provides every child or young person with SEN, but not on an EHC plan, with the additional support they need to progress at school.

This SEN support should take the form of a four-part cycle through which earlier decisions and actions are revisited, refined and revised; with a growing understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes. This is known as the graduated approach.

For many teachers, the graduated response – assess, plan, do and review – is not new; it will already be a central aspect of classroom practice.

When a pupil is identified as having SEN the graduated response becomes more frequent (particularly the review); more tailored to suit the specific needs of the pupil; and may involve drawing on more specialist support.

#### **What should the class teacher look out for in order to identify SEN?**

The Code of Practice makes clear that class teachers are responsible and accountable for the progress and development of all pupils in their class. The Code emphasises the expectation that high quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have SEN.

The Code is also clear that class teachers should seek to identify pupils making less than expected progress given their age and individual circumstances. This can be characterised by progress which is (but is not limited to):

- significantly slower than that of their peers starting from the same baseline;
- failing to match or better the child's previous rate of progress;
- failing to close the attainment gap between the child and their peers; or
- widening the attainment gap.

#### **At what point should the class teacher engage the SENCO?**

When a teacher identifies that progress continues to be less than expected, the teacher should work with the SENCO to assess whether the child has SEN. The class teacher and SENCO should work together in assessing, planning, implementing and reviewing progress (the graduated approach).

## **What is the role of the teaching assistant/learning support assistant?**

Teaching assistants and learning support assistants work with the class/subject teacher and the SENCO to deliver pupil progress and narrow gaps in performance. Responsibility for the progress of a child with SEN should always rest with the teacher.

It is for schools to decide how they deploy teaching assistants and learning support assistants, depending on their level of experience. To be most effective, the support they give should be focused on the achievement of specific outcomes agreed as part of the graduated approach.

Teaching assistants and learning support assistants can be part of a package of support for the individual child, but should never be a substitute for the teacher's involvement with that child.

## **B. Role of SENCOs**

### **Are all maintained schools required to have a SENCO?**

Yes, the Code is clear that all maintained mainstream schools and Academies (including Free Schools) must ensure there is a qualified teacher designated as SENCO. The name and contact details of the SENCO must be included in the SEN Information Report.

### **Are SENCOs in maintained schools and Academies required to have qualified teacher status?**

Yes. The SEND Regulations 2014 are clear that in maintained schools and Academies (including Free Schools) the SENCO must be a qualified teacher.

### **Should the SENCO be part of the school's Senior Leadership Team?**

The SENCO has an important role to play with the head teacher and governing body, in determining the strategic development of the SEN policy and provision in the school. The Code suggests they will be most effective in that role if they are part of the school leadership team. Ultimately, it is for schools to determine the structure of their workforce and work balance.

## **C. Engagement with parents, children and young people**

### **What is the aim of the regular meetings with the parents of those receiving SEN support?**

Evidence from school improvement programmes such as Achievement for All demonstrates that regular and effective engagement with parents by schools often leads to improved pupil outcomes, attendance and behaviour.

The Code places great emphasis on parental engagement. It suggests that where a pupil is receiving SEN support, schools should talk to parents regularly to set clear outcomes and review progress towards them; discuss the activities and support that will help achieve them; and identify the responsibilities of the parent, the pupil and the school. The Code recommends that schools should meet parents at least three times each year. Schools should decide how this is managed as part of the school's timetable and calendar.

### **How can schools best engage with children and young people over SEND issues?**

The SEND Regulations 2014 require schools to publish information about the implementation of their policy for pupils with SEN which must include information on their arrangements for consulting young people and involving them in their education.

Most children will access information, advice and support via their parents, but some older children or young people may want to access information and support separately from their parents. Schools should consider how they make information accessible to them and involve them in discussions about their progress and future plans.

The latest version of the SEND pathfinder information pack<sup>4</sup> provides examples and resources on effective engagement with parents, children and young people.

### **What help is available to support parents and young people with SEN who are transferring or starting a new EHC assessment?**

The Government is funding an Independent Support service to assist parents and young people through the new assessment and planning process. To find out more about the service and how to access support please see here<sup>5</sup>, where there are details of the local Independent Support service in every area and how parents or young people can get in touch with them.

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<sup>4</sup> <http://www.sendpathfinder.co.uk/infopacks/>

<sup>5</sup> <http://www.councilfordisabledchildren.org.uk/news/january-june-2015/getting-in-touch-with-your-local-independent-supporter>

An Independent Supporter can support parents or young people by:

- acting as a named contact;
- helping them to understand how to access services;
- helping them with an assessment to move them from a Statement of SEN to an EHC plan;
- helping them put together a one page profile;
- working with lots of different services to help them collect all the information needed for the EHC plan;
- giving them information to help them understand personal budgets; and
- telling them how to get more information if they need it, or where the Independent Supporter is unable to help them.

#### **D. School census, transfers and reviews**

##### **Are schools required to have an SEN register?**

There is no specific requirement to have an SEN register, however schools are required to provide the Department with information through the school census on their SEN cohort and their types of need.

##### **Transferring School Action and School Action Plus to SEN support**

The Code of Practice removed the requirement for separate School Action (SA) and School Action Plus (SA+) categories. These have been replaced by a single 'SEN support' category.

Pupils on SA/SA+ who have been reviewed and continue to require additional support must be recorded as receiving SEN support in the school census. Those pupils not yet reviewed should still be recorded under SA/SA+ categories in the January census. All pupils must be reviewed and where appropriate transferred over no later than September 2015.

##### **Transferring Statements to EHC plans**

From 1 September 2014, all new requests for statutory assessment will be for the new EHC assessment. Those with completed EHC plans should be included in the school census. An information pack on EHC planning is available [here](http://www.sendpathfinder.co.uk/infopacks/ap/)<sup>6</sup>.

During the transitional period up to April 2018, schools will be able to record pupils as having either a statement or an EHC plan. Schools may have some pupils with statements and some who have already moved to EHC plans, but no individual pupil can have both.

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<sup>6</sup> <http://www.sendpathfinder.co.uk/infopacks/ap/>

The EHC plan is not simply a rebadging of the statement. To ensure that EHC plans are person-centred and focused on outcomes, an EHC plan must only be issued following a ‘transfer review’ – an EHC needs assessment. For further information see chapter 6 of the guidance to the transitional arrangements<sup>7</sup> (‘the transition guidance’).

A statement is only formally transferred to an EHC plan once the review process is fully complete, and the parent has received the new plan. Until that point, on the census schools need to record the child as having a statement.

## **E. SEN Information Report**

### **When are schools required to publish the SEN Information Report?**

All schools, including special schools, were required to publish their SEN information Report from 1 September 2014. This should be a live document, to be updated annually and with any changes to the information occurring during the year to be updated as soon as possible.

The information should be accessible to young people and parents and be set out in clear and straightforward language.

### **Who should schools work with to produce and review the SEN Information Report?**

The statutory requirement is on the school governing body or proprietors to produce and keep under review the Information Report.

The production and subsequent reviews of the report should be undertaken in partnership with relevant groups who have contributions to make. In particular, in keeping with the cultural changes in the Children and Families Act 2014 (the 2014 Act), it is expected that representative groups of parents, children and young people would co-produce the report with the school, and be involved in reviewing it.

### **What should the SEN Information Report contain?**

The details of what the report must include are listed in paragraph 6.79 of the Code of Practice. It includes, among other things, the types of SEN that are provided for; policies for identifying children and young people with SEN and assessing their needs; and the name and details of the SENCO.

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<sup>7</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/348591/Transition\\_to\\_the\\_new\\_0\\_to\\_25\\_special\\_educational\\_needs\\_and\\_disability\\_system\\_statutory\\_guidance\\_for\\_local\\_authorities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/348591/Transition_to_the_new_0_to_25_special_educational_needs_and_disability_system_statutory_guidance_for_local_authorities.pdf);

School governing bodies and proprietors must also publish information about the arrangements for the admission of disabled children, the steps taken to prevent disabled children being treated less favourably than others, the facilities provided to assist access of disabled children, and their accessibility plans.

### **Do I need to link the SEN Information Report with the Local Offer?**

Yes. Paragraph 6.81 of the Code of Practice makes clear that schools should give details of the school's contribution to the Local Offer and must include information as to where the local authority Local Offer is published.

## **F. Funding for SEN support**

### **How does the school funding system work?**

Funding for schools is largely determined by local authorities, either through the local funding formula or, for pupils who need high levels of SEN support, through top-up funding for those pupils.

Schools have an amount identified within their overall budget, called the notional SEN budget. This is not a ring-fenced amount, and it is for the school to provide high quality appropriate support from the whole of its school budget.

It is for schools, as part of their normal budget planning, to determine their approach to using their resources to support the progress of pupils with SEN. The SENCO, headteacher and governing body or proprietor should establish a clear picture of the resources that are available to the school. They should consider their strategic approach to meeting SEN in the context of the total resources available, including any resources targeted at particular groups, such as the pupil premium.

Over the last four years the Department has protected schools funding and in 2015-16 will be giving £390 million extra to those local authorities that are the least fairly funded. In addition, we have also allocated more to all local authorities so they can support pupils with high cost SEN.

## **G. Support for disabled children and those with medical conditions**

### **Disabled children**

All schools have duties under the Equality Act 2010 towards individual disabled children and young people. They must make reasonable adjustments, including the provision of auxiliary aids and services for disabled children, to prevent disabled persons being put at a substantial disadvantage. These duties are anticipatory, they require thought to be given in advance to what disabled children and young people



might require and what adjustments might need to be made to prevent that disadvantage. Schools also have wider duties to prevent discrimination, to promote equality of opportunity and to foster good relations.

## **Medical conditions**

The 2014 Act places a duty on maintained schools and Academies to make arrangements to support pupils with medical conditions. These requirements extend beyond children and young people with SEN and disabilities.

Individual healthcare plans will normally specify the type and level of support required to meet the medical needs of pupils with such conditions. Where children and young people also have special educational needs, their provision should be planned and delivered in a co-ordinated way with the healthcare plan. We published statutory guidance<sup>8</sup> supporting pupils at school with medical conditions in April 2014.

Staff training will be critical in enabling school staff to provide the support needed to pupils with medical conditions. Any member of school staff providing support to a pupil with medical needs should have received suitable training.

## **H. Preparing for Adulthood**

Preparation for Adulthood is one of the key themes of the new legislation. All children and young people are entitled to an education that enables them to make progress so that they:

- achieve their best;
- become confident individuals living fulfilling lives; and
- make a successful transition into adulthood, whether into employment, further education (FE), higher education (HE) or training.

Being supported towards greater independence and employability can be life-transforming for children and young people with SEND. This support needs to start early, and should centre around the aspirations, interests and needs of the child or young person. With high aspirations and the right support, the vast majority of children and young people with SEND can go on to achieve successful long-term outcomes in adult life. Local authorities, education providers and their partners should work together to help children and young people to realise their ambitions in relation to:

- HE and/or employment – this includes exploring different employment options, such as support for becoming self-employed and help from supported employment agencies;

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<sup>8</sup> <https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions>

- independent living – this means young people having choice, control and freedom over their lives and the support they have, their accommodation and living arrangements, including supported living;
- participating in society, including having friends and supportive relationships, and participating in, and contributing to, the local community; and
- being as healthy as possible in adult life.

### **Support from Year 9 onwards**

As children approach the transition point at age 16, schools should help children and their families with more detailed planning. For example, in Year 9, schools should aim to help children explore their aspirations, and how different post-16 education options can help to meet them. FE colleges and sixth form colleges can of course now recruit students directly from age 14, and so this may be an option. In Year 10, schools should aim to support the child and their family to explore more specific courses or places to study (for example, through taster days and visits), so they can draw up provisional plans. In Year 11, they should aim to support the child and their family to firm up their plans for their post-16 options and familiarise themselves with the expected new setting. This should include contingency planning, and the child and their family should know what to do if plans change (because of exam results for example).

Where a child or young person with an EHC plan is in or beyond Year 9, the plan must include the provision required by the child or young person to assist in preparation for adulthood and independent living: for example, support for finding employment, housing or for participation in society.

## Myths and Facts

### Transition from statements to Education, Health and Care plans

**Myth: Transfer to EHC plans should happen immediately.**

**Fact:** The Department has made arrangements for the transition from statements to EHC plans to happen in a phased way while maintaining the quality of assessment and support to children and young people. Local authorities must transfer all children and young people to EHC plans by 1 April 2018 at the latest.

Local authorities should aim to transfer children with statements of SEN to the new SEN system at points in their education at which a significant review of the statement of SEN would have otherwise taken place. This will help to ensure momentum through the transition period; and will help local authorities and schools manage their workloads and reduce burdens on families.

In order not to overwhelm the new system, this academic year, local authorities will only be required to transfer children and young people with statements of SEN to the new arrangements prior to them transferring from school (including school sixth forms) to a post-16 institution or an apprenticeship. This must be done by 31 May 2015.

Further information is available in chapter 5 and 6 of the transition guidance.

**Myth: There is no need for a review for those transferring from statements to EHC plans.**

**Fact:** This is absolutely not the case. The EHC plan is not a rebranding of the statement. To ensure that EHC plans are person-centred and focused on outcomes, an EHC plan must only be issued following a 'transfer review' – an EHC needs assessment. For further information, see chapter 6 of the transition guidance.

A statement is only formally transferred to an EHC plan once the transfer review process is fully complete and the parent or young person has received the new EHC plan. Until that point, schools need to record on the census that the child has a statement.

**Myth: Schools are responsible for the transfer of statements to EHC plans.**

**Fact:** The local authority holds sole responsibility for the transfer process. Schools play a key role in collecting key advice and information and in facilitating transition review meetings with parents. The review will be undertaken collaboratively with the local authority. EHC plans must specify the outcomes sought for the child or young person in their education, so it is essential that those who work closely with the child or young person are involved.

## **Workload**

**Myth: The new arrangement will lead to additional workload for schools.**

**Fact:** As previously, schools are legally required to use their best endeavours to meet the needs of children with SEN. We expect additional workload to be minimal. For example, schools have until September 2015 to transfer all pupils on SA/SA+ to SEN support. We expect the transfer to happen following the pupil's planned review (which for most will be at least termly), so that the transfer process is part of the existing process.

Likewise the Department has set out arrangements for the transition from statements to EHC plans to happen in a phased way. To help local authorities and schools manage their workloads, we are clear that local authorities should aim to transfer children with statements to the new SEN system at points in their education at which a significant review of the statement of SEN would otherwise have taken place.

For some schools, the reform will involve significant cultural change. This will take time and energy. We are not expecting overnight transformation, local authorities and school leaders should work in partnership to ensure that the implementation is managed in a way that does not lead to increased burdens on the school workforce and ensures that staff are supported with the training they need.

It is important that schools consider carefully the workload implications associated with their SEN arrangements and ensure that these are manageable and sustainable. Those responsible for pupils with SEN, including the SENCO, should have sufficient time to undertake their roles effectively.

## **Workforce Training**

**Myth: Only SENCOs require SEN training.**

**Fact:** This is not true. It is for schools to determine the training needs of their workforces to meet the needs of children with SEND. The Code is clear that all those working with children and young people with SEN should have access to training. This must be included in the SEN Information Report.

The National Scholarship Fund<sup>9</sup> for teachers and support staff provides opportunities to apply for funding to undertake post-graduate qualifications and training in supporting children with SEND.

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<sup>9</sup> <https://www.gov.uk/national-scholarships-for-teachers-and-send-support-staff>

## **Special Educational Needs Coordinators (SENCO)**

**Myth: SENCOs are not required to achieve the National Award for SEN Coordination if they've been a SENCO in the school or any other school for a period of 12 months.**

**Fact:** All SENCOs appointed after 2009 must obtain the National Award for Special Educational Needs Co-ordination or be working towards the award.

The SEND Regulations 2014 state that, where a person becomes the SENCO at a mainstream school after 1 September 2009, and that person has not been a SENCO at that school or another relevant school for a total of more than 12 months, they are required to hold the National Award for Special Educational Needs Co-ordination by the third anniversary of the date that they became the SENCO. This is in addition to being a qualified teacher.

**Myth: SENCO are expected to take on a full-time teaching role as well as their SENCO responsibilities.**

**Fact:** The guidance in the Code is clear that schools should ensure that the SENCO has sufficient time and resources to carry out their functions. This should include providing the SENCO with sufficient administrative support and time away from teaching to enable them to fulfil their responsibilities in a similar way to other important strategic roles within a school. The governing body needs to ensure that the SENCO has an appropriate balance in order to fulfil their duties effectively, and should keep this under review.

## **Engagement with parents**

**Myth: SENCOs are expected to lead discussions with parents about their child's SEN.**

**Fact:** The Code makes clear that discussions with parents should be led by a teacher with good knowledge and understanding of the pupil. This will usually be the class teacher or form tutor, supported by the SENCO. The discussion should provide an opportunity for the parent to share their concerns and, together with the teacher, discuss their aspirations and agree outcomes for the pupil. Schools should ensure that sufficient time is planned for these meetings.

## **Funding for SEN support**

**Myth: The Department is introducing more changes to high needs funding in order to cut funding.**

**Fact:** This is not true. In fact, changes proposed to the distribution of funding for mainstream schools within local authorities' dedicated schools grant are to address some of the unfairness in the current allocations. As part of this, work is ongoing to

explore whether, and how, to reform the distribution of funding for pupils with high cost SEND. We currently have issued a [call for evidence](#)<sup>10</sup>. Schools are encouraged to contribute by 27 February.

### **SEN Information Report and the Local Offer**

**Myth: Schools are not required to have an SEN policy.**

**Fact:** The statutory requirement on schools to publish information about the implementation of their SEN policy means that they must have one, although there is no requirement to publish it as a separate stand-alone document.

A school's SEN policy provides the vision, values and broader aims of the school's SEND arrangements. As such, it acts as a framework from which the statutory requirements are drawn.

The SEN Information Report should be easily accessible by young people and parents and be set out in clear, straightforward language. Schools need to consider what wider information and training they need to provide staff to support the cultural shift which underpins the Code. Schools may find it useful to include this in an overarching SEN policy document which supports the statutory requirements and sets out what, in practice, using 'best endeavours' will look like to achieve the best outcomes for pupils with SEN.

**Myth: The SEN Information Report is the same as the Local Offer.**

**Fact:** The SEN Information Report and the Local Offer are two separate documents.

The Local Offer is a statutory requirement on local authorities to develop and publish information setting out the support they expect to be available for children and young people with SEND. The SEN Information Report is a statutory requirement on governing bodies of maintained schools and maintained nursery schools and proprietors of Academies to publish information on their websites about the implementation of the governing body's or the proprietor's policy for pupils with SEND.

Schools are subject to a statutory duty to co-operate with their local authority in the development of the Local Offer; but they are not required to reproduce in their School Information Reports the depth and range of information required for Local Offers.

The SEN Information Report provides a starting point for the school's ongoing engagement in the development of the Local Offer. But it is not the end point.

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<sup>10</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/374719/DfE\\_cfe\\_SEN\\_funding\\_overview\\_document.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/374719/DfE_cfe_SEN_funding_overview_document.pdf)



Information on how the school accesses wider services can then be fed into longer terms reviews of the school's SEN policies, processes and structures.

The function of both the SEN Information Report and the Local Offer is that children and young people with SEN and disabilities and their families can have access to information about support available to them.

In a nutshell, the Local Offer should set out at the 'local authority level' what the local authority expects to be available in every school; while the SEN Information Report sets out in greater detail what provision is available in an individual school.

**Myth: Only secondary schools need to focus particularly on the Preparing for Adulthood agenda.**

**Fact:** Preparing for Adulthood should underlie the thinking about special educational provision right from the point when a child's needs are first identified, whether or not an EHC plan is to be put in place. Early years providers and schools need to support pupils with SEND to acquire the information and skills they need to help them gain independence and prepare for adult life.

Where an EHC Plan is in place, from Year 9 onwards the nature of the outcomes in the Plan must reflect the need to ensure young people are preparing for adulthood. However, this should not be something new – it should build on the SEND provision that has gone before.