

Special Educational Needs (SEN)

Special Educational Needs (SEN) refers to the additional requirements of children with learning difficulties, physical and, sensory disabilities. Some pupils with SEN or other additional educational needs may benefit from temporary or extended support. The school also has obligations to improve access for disabled pupils and prevent discrimination.

Principles

The duties of schools under Part 4 of the Disability Discrimination Act 1995 (DDA, as amended by the Special Educational Needs and Disability Act 2001) are:

- Not to treat disabled pupils 'less favourably';
- To make reasonable adjustments to ensure that disabled pupils are not at a substantial disadvantage compared to their peers;
- To draw up plans to show how, over time, they will increase access to education for disabled pupils; and
- To comply with the Disability Equality Duty (DED).

The DDA definition of disability is broad and includes a wide range of impairments including learning disabilities, dyslexia, diabetes, HIV and epilepsy, where the effect of the impairment on the pupil's ability to carry out normal day-to-day activity is adverse, substantial and long-term.

The Disability Equality Duty (DED) places a **general duty** on schools to have regard to the need to:

- Promote equality of opportunity between disabled people and other people;
- Eliminate discrimination that is unlawful under the DDA 1995 (as amended);
- Eliminate harassment of disabled people that is related to their disability;
- Promote positive attitudes towards disabled people;
- Encourage participation by disabled people in public life; and
- Take steps to meet disabled people's needs, even if this requires more favourable treatment.

Additionally, schools have a **specific duty** to develop, implement and publish, in consultation with disabled pupils, staff and parents/carers, a **disability equality scheme**. Schemes should be published in a school's prospectus or on its website and hard copies should be freely available in reception areas. Schemes should be reviewed annually and replaced every three years.

Minimum requirements

Fair admissions

Free Schools must participate in local Fair Access Protocol arrangements that ensure that hard-to-place pupils, including those with SEN but without a Statement, are admitted equitably to local

schools – even where schools are already full. You can obtain a copy of your local Fair Access Protocol from your LA or Council. There may be slight regional variations in procedure, but generally a panel will make decisions about the appropriate school for hard-to-place pupils. The school, which may be a Free School, will be expected to enrol the pupil.

The Fair Access Protocol does not apply to children with a SEN statement. However, parents of a child with a SEN statement have the right to express a preference for the school at which they wish their child to be educated, and the LA has a duty to name the parents' preferred school in a Statement. Free Schools must consent to being named in a Statement in almost all circumstances, "unless the school is unsuitable to the child's age, ability, aptitude or special educational needs, or the placement would be incompatible with the efficient education of the other children with whom the child would be educated, or with the efficient use of resources." (Education Act 1996, Schedule 27)

Special Educational Needs Co-ordinator (SENCO)

This is a requirement for all schools. The SENCO (also called an Inclusion Co-ordinator or a Learning Support Co-ordinator) must have Qualified Teacher Status (QTS). They are responsible for the following tasks:

- Managing school-based provision;
- Providing professional guidance to school staff on matters relating to SEN;
- Advising the school leadership on SEN strategy; and
- Liaising with parents, carers, external agencies, professionals and the LA.

Statements

Schools have a responsibility to prepare and manage statutory assessment paperwork for current pupils. Statutory assessment may lead to a Statement of Special Educational Needs. A Statement is normally made when the needs of a pupil cannot reasonably be provided within the resources available to the school. Assessments are carried out by the LA and can be requested by either the school or the parent. If the LA decides to carry out an assessment the school will need to provide information about the pupil. The school will also need to compile paperwork (including the view of parents or carers) for the Annual Review of a pupil's Statement and prepare an Annual Review report.

Areas to Consider in Your Application

- How the curriculum will be accessible to pupils with special educational needs;
- Whether ICT could increase access and support pupils with additional and special educational needs;
- To what extent pupils' needs will be met in the classroom and when it might be appropriate to provide other support, resources and spaces;
- The role of the SENCO, class teachers and teaching assistants and how they will work together to meet identified additional or special educational needs; and
- Links with external services and agencies such as health and social care and with the LA where pupils with SEN require additional help.

Creating your SEN plan

It is up to schools to decide how to meet their legal duties to support each pupil with SEN following consideration of the individual child's needs. In doing this, the school must 'have regard' to the guidance in the SEN Code of Practice

(<http://www.education.gov.uk/childrenandyoungpeople/sen/sen/guidance/a0013160/the-sen-code-of-practice>).

The SEN Code of Practice sets out guidance on policies and procedures aimed at enabling pupils with SEN to reach their full potential, to be included fully in their school communities, and make a successful transition to adulthood. You must read the SEN Code of Practice before devising the SEN plan for your school.

Different Levels of Need and Support – A Graduated Approach

Some pupils with SEN or other additional educational needs (AEN) may need temporary or extended support. The diagram below sets out the continuum of support that you may want to consider when developing a strategy for supporting pupils with SEN or AEN.

The Class Teacher

- A range of strategies and interventions can be used in the classroom when a pupil is having a temporary difficulty.
- This approach is likely to meet the needs of the majority of pupils.

School Action

- For pupils who still make insufficient progress.
- Identified in discussion with the SENCO.
- May result in the development of an 'Individual Education Plan' (IEP), providing additional support for a limited period.

School Action Plus

- Where difficulties continue despite School Action.
- Combination of additional help and more input from external professionals is considered
- Requires the parents'/ guardian's consent.

Referral & Statutory Assessment

- Applies to a very small number of pupils.
- May result in a statement of SEN which specifies the long-term support required.
- The school, in consultation with the parents and external agencies can make a formal referral, asking the Local Authority (LA) to initiate a statutory assessment.
- Parents or guardians can also make a formal referral.
- The LA will need information and evidence about the pupil's progress and support to date.

Funding for SEN

- **School Action and School Action Plus** will be funded from the school's budget. The Governing Body will need to decide how to spend the school's available resources to meet the needs of any pupils with SEN and to do this in a way that is in line with the guidance and any statutory aspects of the SEN Code of Practice.
- **Any additional support that is identified in a Statement is funded by the LA.** It is the LA that assesses if the individual pupil's needs should be supported with additional resources. Some LAs delegate the funding for this resource directly to schools, so this should be clarified.
- **Where a school does not meet its SEN funding agreement obligations,** the Secretary of State has the role of ensuring that those obligations are met.

Potential changes to SEN legislation

The Coalition Government has recently published a Green Paper titled *Support and aspiration: A new approach to special educational needs and disability*. The consultation will run until 30 June 2011 and may lead to changes in SEN legislation.

The paper makes wide-ranging proposals including:

- A new approach to identifying SEN through a single Early Years setting-based category and school-based category of SEN;
- A new single assessment process and Education, Health and Care Plan by 2014;
- The option of a personal budget for all families with children with a statement of SEN or a new Education, Health and Care Plan;
- Giving parents a real choice of school, either a mainstream or special school; and
- Introducing greater independence to the assessment of children's needs

<http://www.education.gov.uk/childrenandyoungpeople/sen/a0075339/sengreenpaper><http://www.education.gov.uk/childrenandyoungpeople/sen/a0075339/sengreenpaper>

Further information

Contact NSN for tailored specialist advice: info@newschoolsnetwork.org

The Qualifications and Curriculum Development Agency (QCDA) at qcda.gov.uk with specific case studies at <http://www.qcda.gov.uk/resources/search-results.aspx?keys=&page=0&phase=&topic=20&format=&for=&sortby=2&sortdir=0>

The International Primary Curriculum at www.internationalprimarycurriculum.com

The international Baccalaureate website at: <http://www.ibo.org/>

Completing the record of inspection evidence and judgements. Section 162A independent school Inspection guidance (Ofsted, Reference no: 090051) provides guidance for inspecting the curriculum of Independent schools which may be helpful.

www.ofsted.gov.uk/.../Completing%20the%20ROIEJ%20Jan%2011.doc

The Framework for School Inspection (Ofsted, Reference no: 090019) provides the criteria and descriptors set out in the inspection framework and guidance illustrate the standards of performance and effectiveness expected of schools. It is therefore a valuable source document for schools seeking to implement a robust, nationally referenced, self evaluation system.

<http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Framework-for-the-inspection-of-maintained-schools-in-England-from-September-2009>

Proposals for inspection arrangements for maintained schools and academies from January 2012

<http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Documents-by-type/Consultations/Inspection-2012-proposals-for-inspection-arrangements-for-maintained-schools-and-academies-from-January-2012>

Guidance on the organisation of learning from the Specialist Schools and Academies Trust (SSAT)

http://curriculumdesign.ssatrust.org.uk/Resources/index.php/How_do_we_organise_learning%3F

Specific to SEN:

- **DfE's official page:** <http://www.education.gov.uk/childrenandyoungpeople/sen/sen>
- **Implementing the Disability Discrimination Act in schools and Early Years settings** is an essential guide to the duties set out in the DDA in the CD-ROM publication. It is designed to help schools and LAs to fulfil their obligations to improve access and prevent discrimination: <http://www.education.gov.uk/publications/standard/publicationdetail/page1/DfES%200160%202006>.
- **Disability Equality Schemes (DES) and schools: A duty under the Disability Discrimination Act (DDA)** was produced by the DfE (then DCSF) and National Strategies produced in 2005. It is a step-by-step guide for schools, outlining the actions they need to take to comply with the DDA. The National Strategies also produced a self-evaluation resource to help schools to evaluate the effectiveness of their disability equality schemes: <http://nationalstrategies.standards.dcsf.gov.uk/node/245305>.

- **SEN National Guidance and FAQ:** www.education.gov.uk/schools/pupilsupport/SEN
- **Information on meeting pupils' needs, SEN resources, training and Information Sheets, e.g. 'The Effective Role of the SENCO':** www.nasen.org.uk
- **Developing Inclusion in your school:** a range of supportive resources and information <http://nationalstrategies.standards.dcsf.gov.uk/inclusion>
- **SEN & ICT weblink:** <http://www.abilitynet.org.uk/>