

SEND PROVISION IN BEDFORD BOROUGH

Introduction:

This document summarises, the respective responsibilities of schools, governors and the Local Authority (LA) in order to ensure that the additional needs of pupils identified as having special educational needs (SEN) and/or a disability are met in a timely and effective way, with minimum bureaucracy and effective use of available funding.

Parents and carers should feel confident that schools have secure systems in place and that they offer a flexible range of provision available to meet the individual needs of all of their children. They want to be listened to and treated with respect. Where children have additional needs and advice from outside agencies is required, parents want to be fully involved and be confident that schools are able to respond to that need as quickly as possible.

Relevant Legislation and Guidance

The Children and Families Act 2014 includes changes to the support and services children and young people with special educational needs and disabilities will receive. These changes came into force on 1 September 2014 and they affect all schools.

All children and young people are entitled to an education that enables them to achieve their best and leave school or college prepared for adult life, whether that's in higher education, training or employment.

The way in which schools work with pupils, including those with special educational needs, has moved on considerably since the last Code of Practice was issued. The new 0 to 25 Special Educational Needs and Disabilities Code of Practice draws on the experience of parents, schools, colleges, councils and health care providers.

It sets out a more individualised and better graduated response to support children and young people with special educational needs and disabilities.

Other relevant legislation includes the following:

- Working Together to Safeguard Children (2013): Statutory guidance from the Department for Education which sets out what is expected of organisations and individuals to safeguard and promote the welfare of children
- Keeping Children Safe in Schools (2014): Statutory guidance from the Department for Education which schools and settings must have regard to when carrying out their duties to safeguard and promote the welfare of children.
- The Children Act 1989 Guidance and Regulations Volume 2 (Care Planning Placement and Case Review) and Volume 3 (Planning Transition to Adulthood for Care Leavers): Guidance setting out the responsibilities of local authorities towards looked after children and care leavers
- Equality Act 2010: Advice for schools: Non-statutory advice from the Department for Education, produced to help schools understand how the Equality Act affects them and how to fulfil their

duties under the Act

- Reasonable adjustments for disabled pupils (2012): Technical guidance from the Equality and Human Rights Commission
- Supporting pupils at school with medical conditions (2014): statutory guidance from the Department for Education
- The Mental Capacity Act Code of Practice: Protecting the vulnerable (2005)
- The Care Act (2014): General responsibilities of local authorities: prevention, information and advice, and shaping the market of care and support services_

Arrangements for SEN:

Parents and carers of children and young people will be informed that all schools:

- receive funding within their delegated notional budget to enable them to make provision for children with SEN; and
- have the autonomy to arrange from within their existing staffing or to seek external advice and support

Where a child has SEN and/or a disability, the responsible body is required to fulfil the following statutory duties under the Education Act 1996 or the Children and Families Act 2014.

Schools and Governors must ensure that:

- to the best of their endeavours, the necessary provision is made for any pupil who has SEND
- where an LA has informed the responsible person (generally the head teacher) that a pupil has SEND, those needs are made known to all who are likely to teach or support the pupil.
- teachers are aware of the importance of identifying and providing for pupils who have SEND
- there is a designated member of the staff at the school (to be known as the “special educational needs co-ordinator” SENCO) responsible for co-ordinating the provision for pupils with special educational needs and disability
- a pupil with SEN and/or a disability joins in the activities of the school together with other pupils, so far as is reasonably practical and compatible with the child receiving the special educational provision their learning needs call for, the efficient education of the pupils with whom they are educated and the efficient use of resources
- they report to parents on the implementation of the school's policy for pupils with SEN
- they have due regard to the statutory guidance within the current SEN Code of Practice when carrying out its duties toward all pupils with SEN
- the school ensures that parents are notified of a decision by the school that SEN provision is being made for their child

The new code makes it clear that additional intervention and support cannot compensate for a lack of good teaching. As such it reflects that high quality teaching, appropriately differentiated for individual pupils, is the first step in responding to possible special educational needs. For pupils that need special educational provision the code sets out the principle of a graduated response. This acknowledges that some children will benefit from specific support from the school or external experts (such as an Educational Psychologist or a Speech and Language Therapist). The categories of School Action and School Action Plus will no longer apply and will be replaced with special educational needs (SEN) support. The new approach is designed to ensure support is focused on individual need and personal outcomes rather than classification.

Where a child with SEN continues to make little progress despite the support provided through the

school's SEN provisions including external support and advice, and there is evidence that the child has severe and complex needs that cannot be met within the resources ordinarily available to school, the school should consider asking the local authority to undertake a statutory assessment of the child's SEN through a request for an education, health and care plan.

There are 13 generally accepted categories of Special Educational Need.

No	Special Educational Need	Data Descriptor
1	Visual Impairment	The learner is declared to have a Visual Impairment
2	Hearing Impairment	The learner is declared to have a Hearing Impairment
3	Multi-Sensory Impairment	The learner is declared to have a Multi-Sensory Impairment
4	Physical Disability Affecting Mobility	The learner is declared to have a Physical Disability affecting Mobility
5	Other Physical Disability	The learner is declared to have another Physical Disability
6	Social, Emotional and Mental Health	The learner is declared to have Social, Emotional or Mental Health needs or Difficulties
7	Other Difficulty/Disability	The learner is declared to have an Other Difficulty/Disability
8	Moderate Learning Difficulty	The learner is declared to have a Moderate Learning Difficulty
9	Severe Learning Difficulty	The learner is declared to have a Severe Learning Difficulty
10	Specific Learning Difficulty	The learner is declared to have a Specific Learning Difficulty
11	Speech, Language and Communication Needs	The learner is declared to have Speech, Language and Communication Needs
12	Autism (including Asperger's syndrome)	The learner is declared to have Autism (including Asperger's Syndrome)
13	Profound & Multiple Learning Difficulty	The learner is declared to have a Profound & Multiple Learning Difficulty

Schools will be expected to have clear systems for identification, assessment, monitoring and securing appropriate support for children with special educational needs. The code also requires schools to involve parents in a more structured and systematic way to shape the support their child receives and to be more transparent about what the school can provide. In particular the code places an emphasis on working with parents to agree and review the outcomes the support is intended to achieve rather than counting the hours or resources given to a child at school.

In practice most schools in Bedford already use assessments and data effectively to review progress and shape teaching. For many schools the changes will primarily be about ensuring this process is informed by a good knowledge of special educational needs, and the relevant interventions, and involving parents in a more constructive and transparent way.

Schools should review the support currently given to pupils on School Action or School Action Plus in light of the changes during the next school year. We would expect most reviews under the new approach to take place, in consultation with parents, by the spring term 2015. From 1 September onwards schools must use the new system. The school census in January 2015 will not distinguish between School Action and School Action Plus, schools will simply be asked to record pupils as receiving SEN support.

Respective Responsibilities of the LA, School and Governing Body

The policy of the LA and partners is to encourage all schools to provide for children with special educational needs within their own locality area in accordance with the Children's and Families Act 2014.

It should be remembered that additional resources for children/young people with SEN are provided to supplement schools' own resources and are not instead of them. It is not expected that resources will usually be delivered on a 1:1 basis with an individual child but rather there will be effective and flexible deployment of resources. Decisions on how best to support children/young people will always take into account the context within which the child is educated.

Schools must:

- identify children with SEND and ensure provision is made in accordance with the SEN and Disability Code of Practice (2014)
- monitor the progress of SEND and ensure that the provisions specified in Statements of SEN and Education Health and Care Plans are made
- appoint a SENCO
- invest in whole school and targeted training for staff.
- ensure inclusive teaching and support practice is embedded throughout the school and that all teachers understand that they are teachers of all pupils including those with SEND.
- provide information on school arrangements for SEND to parents and governors
- schools typically can access a notional 5% of their budget to support children with additional needs. This can equate to 12 hours of support. This does not necessarily mean individual support but support in needs led context often in smaller group work for example
- consider pre-emptive arrangements for pupils present and future with a disability

Governors must:

- set up appropriate staffing and funding arrangements and oversee the school's work
- comply with the duties detailed above in accordance with Section 66 of the Children and Families Act 2014
- conduct the school with a view to promoting high standards, these standards relate to all pupils in the school including those with special educational needs

Governors should also:

- appoint an SEN Governor to have oversight of the arrangements for SEN
- know how many pupils in the school have SEN and what provision is made to meet their needs
- know how much money the school gets for SEN and ensure an appropriate budget arrangement is in place to discharge its duties to arrange provision for pupils with SEN and/or disabilities
- all governors, especially SEN governors are up to date and knowledgeable about the school's SEND provision, including how funding, equipment and personnel resources are deployed
- monitor, review and approve the SEN policy and any other relevant policies
- ensure the quality of SEN provision is continually monitored
- monitor the expenditure on SEN
- monitor the progress of SEN and ensure that the provisions specified in statements of SEN are made
- ensure that SEN provision is integrated into the school improvement plan

- publish on a school website the school SEN policy and a description of the arrangements and specialist provisions made for children with SEN have access to appropriate SEN related training and are encouraged to attend the governor training.

It is good practice for the governing body to ask the Headteacher to arrange for regular information and reports to be received from the SENCO.

The LA must:

- ensure a sufficiency of provision for pupils with SEN and review it annually
- make arrangements for the Statutory Assessment of Pupils and maintain and review Statements of SEN and EHC Plans
- publish information on SEN funding and provision
- monitor the progress of children with SEN and Disability
- provide information, support, advice and guidance to parents of children with SEN and Disability including the provision of a statutory Parent Partnership Service and a Mediation Service

Consequences:

Parents have the following rights of redress, should the school, Governors or LA fail in its duty to provide, or if the parent disagrees with a decision or feels that there is discriminatory practice:

- the school or LA complaints procedure
- an appeal to The SEN and Disability Tribunal (LA decision)
- a claim against the responsible body (Chair of Governors or LA) for disability discrimination to the SEN and Disability Tribunal
- a complaint to the LA Ombudsman (Schools and LAs)
- mediation through the LAs contracted service

SUMMARY OF PROVISION MADE BY SCHOOLS, THE GOVERNING BODY AND LOCAL AUTHORITY		
	SCHOOL/GOVERNORS PROVIDES	LOCAL AUTHORITY PROVIDES
UNIVERSAL (All children / Young People)	<ul style="list-style-type: none"> • Trained SENCO with QTS, who has a direct link to SMT • SEN policy, provision and practice in place • SEN Information Report published on school website • Accessibility plan in line with Equality Act 2010 • Information on Inclusion and SEN provided to all parents/carers • SEN governor • SEN development plan • Inclusive ethos and curriculum • Range of teaching strategies and learning opportunities • Range of ICT equipment • Target setting and tracking of progress 	<ul style="list-style-type: none"> • Financial resources (Element 1) • Published strategy, policy and provision • School Standards and Intervention Team • Whole school advice and training • SENCO Training • TA Training • Education Welfare Service • Alternative curriculum advice and support • Jobs Hub • Locality Panel support, advice and guidance • Anti-bullying support advice and guidance
TARGETED (Children /Young People with additional needs(SEN))	<p>As above plus:</p> <ul style="list-style-type: none"> • Assessment of: Learning environment, grouping of children/young people, teaching styles, curriculum materials, individual children/young people's physical, sensory, cognitive barriers, children/young people's social emotional needs and other relevant circumstances • Individualised Education Plan/support and intervention provided by the setting or Pastoral Support Program • Additional and different provision such as individualised or small group planning • Small group and/or individual support • Increased use of ICT resources • Staff collaboration with specialists within setting 	<p>As above plus:</p> <ul style="list-style-type: none"> • Additional resources (Element 2) • Consultation with Inclusion Support Team • Educational Psychology Service • Advisory teachers for ASC • Sensory and Communication Support Team • Early Years SEN Team • Student Support Panel • Key Working Scheme • Fair Access Panel • Managed Moves support • Behaviour Support • Parenting Officer • Partnership placements at Pupil Referral Unit

	<p>and outside agencies</p> <ul style="list-style-type: none"> • More detailed planning incorporating specialist information • Individualised programmes in more than one foundation curriculum area • Increased classroom support and small group support • Environmental adaptations • 14 – 19 personalised learning • Peer mentoring • Transition support plans • Behaviour Partnerships between schools and settings 	
<p>SPECIALIST (Statutory Provision as specified in a Statement of SEN; EHCP or SLA)</p>	<p>As above plus</p> <ul style="list-style-type: none"> • Very detailed planning and tracking • Individualised programmes in several areas of the curriculum • Additional small group and individual support • Arranging the provision specified in a Statement of SEN or EHC Plan • Arranging the annual review of a Statement of SEN or EHC Plan and submitting recommendations to the LA 	<p>As above plus</p> <ul style="list-style-type: none"> • Joint Agency Panel • Funding units for mainstream Statements or EHC Plans Delegation of funding to specialist provision -(planned places in special and mainstream schools) • Coordination of multi-agency statutory assessment • Production of an EHC Plan or Note in Lieu setting out needs and provision • Support for the annual review of Statements or EHC Plans • Specialist Post 16 advice and support • Personal Budget advice and Support • Parent Partnership and Independent Parental Supporters.