

Hertfordshire Association of School Governors

**Embedding the SEND Reforms –
what governors need to know**

Dr Rona Tutt OBE

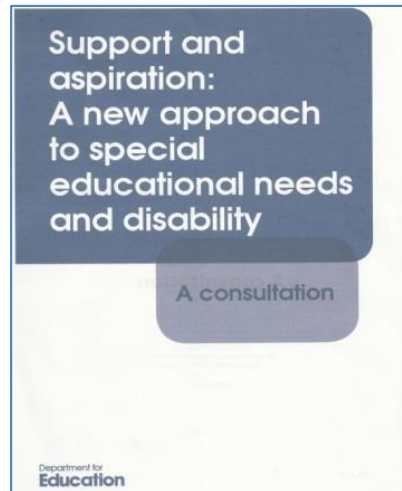
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The effects on pupils with SEND

- A new curriculum – higher expectations of what will be achieved by set ages makes it tougher for SEND pupils
- Life without levels – higher expectations has opened up the gap between the lowest point of the NC and the top of the P scales
- Additional assessments – more checks, assessment, tests and retakes reinforces sense of failure
- A new examination system – removing course work disenfranchises some pupils
- Ofsted's requirements – greater emphasis on inspecting SEND means having enough inspectors qualified to do so
- Funding arrangements – bringing in the SEND Reforms at a time of austerity makes it harder to make improvements.

The start of the SEND Reforms

The **Green Paper, *Support and Aspiration: A new approach to special educational needs and disability***, was launched for consultation by Sarah Teather, Minister for SEN at the time, in March 2011.



A change in culture

CYP and families, (from Early Years through to FE Colleges), will:

- ❖ Have their views, wishes and aspirations taken into account
- ❖ Be involved in decisions that affect them
- ❖ Contribute to improving the system as a whole

They will be involved in:

- Helping to draw up and review EHC Plans
- Planning and reviewing the Local Offer

The Children and Families Act (2014)

- ❖ Adoption and Children Looked After by the LA
- ❖ Family Justice
- ❖ **Children & Young People with SEND (Part 3)**
- ❖ Childminder Agencies
- ❖ The Children's Commissioner
- ❖ Statutory Rights to Leave and Pay
- ❖ Time Off Work: Ante-Natal Care etc
- ❖ Right to Request Flexible Working

The SEND Regulations 2014

- EHC needs assessment and EHC Plans
- Mediation
- Appeals (tribunals)
- SENCOs
- **SEN Information Report (see Schedule 1)**
- Local offer (see Schedule 2)
- Independent special schools and special post-16 institutions
- Parents and young people lacking capacity
- Personal budgets
- The SEND (Detained persons) Regulations 2015

The New SEN Framework 2014

It consists of :

- 1) The Children & Families Act (Part 3)
- 2) The Regulations
- 3) The new SEND Code of Practice

Independent supporters

Independent supporters, drawn from independent, voluntary, community and private organisations have been trained.

They are working in partnership with LAs and their Information, Advice and Support Services (IASS), (formerly known as PPS), to help families find their way through the new SEN system

The funding is due to continue until March 2016.

SEND Peer Network programme

The Pathfinder programme finished in March. The SEND Peer Network programme is due to run for a further year to make sure there is a regional lead in each area to share effective practice & offer targeted support, particularly in relation to:

- the development of Education, Health and Care plans
- the Local Offer
- personal budgets
- multi-agency working and joint commissioning
- preparing for adulthood
- participation of children, young people and parent carers
- organisational change
- workforce development

Which Code?

1. The 2001 SEN Code of Practice remains relevant for information about statements, which are being phased out between Sept 2014 and March 2018.
2. The July 2014 SEND Code of Practice was in use from Sept 2014 – March 2015.
3. The Jan 2015 SEND Code of Practice superseded the July 2014 version from April 2015.

Chapters in the SEND Code 2014

Introduction

Chapter 1

Principles

Chapter 2

Impartial information, advice and support

Chapter 3

Working together across education,
health & care for joint outcomes

Chapter 4

The local offer

Chapter 5

Early years providers

Chapter 6

Schools

Chapter 7

Further education

Chapters in the SEND code cont.

Chapter 8 Preparing for adulthood from the earliest years

Chapter 9 EHC needs assessments

Chapter 10 CYP in specific circumstances

Chapter 11 Resolving disagreements

Annex 1 Mental capacity

Annex 2 Improving practice and staff training

Glossary of terms

References



Introduction to the Code - Definitions

- The definition of **SEN** remains the same and is used across the 0-25 age range, replacing LDD (learning difficulties & disabilities), which has been used for post-16
- Many CYP with SEN also come under the definition of **disability**, provided their disability is 'long term' (= a year or more) and it is 'substantial' (= more than minor or trivial)
- Greater prominence is also given to CYP with **medical conditions**
- There is also a recognition of **mental health issues**

Ch 4 The Local Offer

“Local authorities must publish a local offer, setting out in one place information about provision they expect to be available across education, health & social care for CYP in their area who have SEN or are disabled, including those who do not have an EHC Plan.” (p.59, 4.1).

In addition it should include provision outside the area that the LA expects to be used by CYP with SEND.

Ch 5: Early years providers

Maintained nursery schools must:

- use their best endeavours to make sure that a child with SEN gets the support they need
- ensure that children with SEN engage in the activities of school alongside children who do not have SEN
- designate a teacher to be responsible for co-ordinating SEN provision (the SEN co-ordinator, or SENCO)
- inform parents when they are making special educational provision for a child

Chapter 6 Areas of need

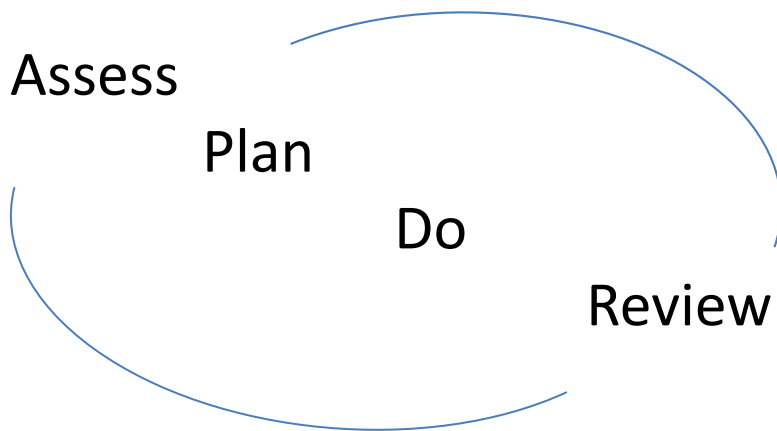
Three of the four 4 descriptions from the 2001 Code remain in place.
These are:

- Communication & interaction
- Cognition & learning
- Sensory and/ or physical needs

- Behaviour, emotional & social development (BESD) is replaced by:
Social, emotional & mental health difficulties (SEMH).

Ch 6: A single school stage

- ❖ SEN Support replaces School Action & School Action Plus
- ❖ A graduated approach refers to a recommended cycle of:



Schools are still encouraged to draw on outside specialists when needed, but **every teacher is a teacher of pupils with SEND.**

Ch 7: Further Education

FE colleges, sixth form colleges, 16-19 academies & some independent specialist colleges have a statutory duty to:

- Co-operate with the LA re CYP with SEN
- Admit a YP if the institution is named on the statement
- Have regard to the Code of Practice
- Use their best endeavours to secure the SEP they need.

Ch 8: Preparing for adulthood from the earliest years

- Starting early
- Support from Year 9 onwards
- Preparing for adulthood reviews (for those with an EHC Plan)
- Preparing for decision making
- 16-17 year olds
- Planning the transition to post-16 education & training
- Careers advice
- Pathways to employment
- Transition to HE
- YP aged 19-25

Ch 9 cont: Personal Budgets

A personal budget is for the additional support the child or family may need. It is optional, but LAs must prepare a budget if requested, in which case, the details will be set out as part of an EHC Plan.

Parents can choose:

- whether they wish the LA, or a third party, to manage the funds on their behalf
- whether they would like a **direct payment** and commission services themselves.

Where there is a direct payment, the LA must secure the agreement of the early years setting, school or college.

Ch 11: Resolving disagreements

- LAs must make disagreement resolution services available to parents & YP, although their use is voluntary. The service, while commissioned by it, **must** be independent of the LA. Parents & young people can also access informal support in resolving disagreements through the local impartial information, advice & support service and, between 2014 - 2016, with the help of independent supporters.
- LAs must also make arrangements for parents & YP to receive information about mediation so that they can take part in mediation if they so choose before a possible appeal to the Tribunal.

Annex 2: Improving practice & staff training in education settings

Support is delivered most effectively where there is a structured approach to:

- Engaging parents and children
- Tracking and measuring progress
- Ensuring a good level of knowledge across all staff of different types of SEN and suitable teaching approaches and interventions.

The Annex provides links to a number of organisations offering support and training to schools on overall identification and teaching approaches for pupils with SEN as well as on specific conditions.

3. Knowing where to find the relevant information and the timescale for implementation

Although implementation will take a number of years, embedding the changes may take even longer.

This is because bringing about cultural change involves adapting ways of working and, at a time of so many changes, it is not surprising if some delay or resistance occurs.

Yet without this change in culture, it may be difficult to improve outcomes for children and young people with SEN/ SEND.

Key documents

Special educational needs and disability code of practice: 0-25 years (Jan 2015)

Implementing a new 0-25 special needs system: LAs and partners. Duties and timescales - what you must do and when (July 2014), updated March 2015

Transition to the new 0 – 25 SEND system

Statutory guidance for LAs and organisations providing services to CYP with SEN (August 2014) + same title (March 2015) –

Departmental advice for LAs and their partners

DfE Factsheet for schools (Feb 2015)

Available from www.sendgateway.org.uk, this includes:

- ❖ A list of 12 expectations of schools
- ❖ The role of the SENCO, class teacher & TA
- ❖ Engagement with parents, children & young people
- ❖ A section on Myths and Facts.

DfE checklist (Feb 2015)

- Review of SEN policy, **engaging governors**, staff, CYP and families
- Review and refresh the process for early identification and assessment, to follow the graduated approach
- Review and refresh procedures for effective engagement, so that CYP & parents are involved in decision-making and planning
- Review how pupils with SEND are supported with transition to post-16 education and preparation for adult life

DfE checklist cont.

- publish information on the provision (SEND Regs 2014)
- engage with LAs, on the Local Offer and transfer to EHC Plans
- review pupils on School Action and School Action Plus, engaging child and parent in decision-making & planning, being clear about extra support needed, its impact and timescale
- ensure SENCOs have the right qualifications (or are working towards them); explore how SENCO fits into strategic management of the school.

DfE checklist cont.

- have arrangements in place to support pupils with medical conditions
- tell parents about the reforms and 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 the pupils in their class
- **ensure there is a governor with responsibility for SEN.**

March 2015

Special educational needs and disability: supporting national accountability. DfE

- Describes the vision for the whole of the SEND system
- Looks at the data and analysis that will judge how well it is working
- Provides information about the new arrangements for independent assessment, including by Ofsted & the Care Quality Commission (CQC).

Health issues

- ***Supporting pupils at school with medical conditions*** – statutory guidance (April 2014)
- ***Templates*** – Supporting pupils with medical conditions (May 2014)
- ***Mental health and behaviour in schools*** – Departmental advice for school staff (June 2014), updated March 2015

SEN Information Report

- 1.The kinds of SEN that are provided for
- 2.Policies for identifying CYP with SEN and assessing their needs.
- 3.Information about provision, whether or not the pupil has an EHC Plan, including:
 - (a)how the effectiveness of the SEN provision is evaluated
 - (b)arrangements for assessing & reviewing progress
 - (c) the approach to teaching CYP with SEN
 - (d)adaptations made to the curriculum & environment
 - (e)additional support for learning that is available

(cont.)

SEN Information Report cont.

(f) how pupils with SEN are able to engage in school activities alongside their peers

(g) the support for emotional, mental & social development

4. The SENCO's name and contact details

5. The expertise and training of staff to support CYP with SEN and how specialist support will be secured

6. How equipment & facilities will be secured

7. Arrangements for consulting parents and involving them in their child's education

8. Arrangements for consulting YP with SEN and involving them in their education

SEN Information Report cont.

9. Arrangements made by the GB for dealing with complaints from parents about the SEN provision made
10. How the GB involves health and social care, LA support services & voluntary sector organisations
11. The contact details of support services for parents
12. Arrangements for supporting transitions & preparation for adulthood and independent living
13. Information about where the LA's Local offer is published

Summary for School Leaders and Governors

- Publish and revise at least annually an SEN Information Report, which covers the 13 points set out in the Regs.
- Contribute to the local Authority's Local Offer
- Update the school's SEN Policy in the light of the SEND Reforms
- Continue to make reasonable adjustments to support disabled pupils and those who have medical needs
- Refer to the DfE's checklist (Feb 2015) to check on the progress being made.

THE END



ronat@naht.org.uk

www.ronatutt.webspace.virginmedia.com