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Directorate of People and Communities Policy

Special Educational Needs and Disability Provision

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INTRODUCTION AND CONTEXT

The Education Act 1996 states, 'a child has "special educational needs" if he or she has a learning difficulty which calls for special educational needs provision to be made for him or her'.

A child has a learning difficulty if he or she:

- a) has significantly greater difficulty in learning than the majority of children of the same age; or
- b) has a disability which either prevents or hinders the child from making use of educational facilities of a kind provided for children of the same age in schools, within the area of the local authority; or
- c) is under compulsory school age and falls within the definition at (a) or (b) above or would do if special educational provision was not made for the child.

AIMS

The purpose of this document is to clarify the policy of North East Lincolnshire Local Education Authority with regard to pupils who have special educational needs (SEN) and to ensure that, in exercising its functions in relation to children with special educational needs, the local authority (LA) has due regard to the provisions of the Special Educational Needs Code of Practice 2001.

OBJECTIVES

It is the policy of the local education authority that:

- ◆ all children will receive education appropriate to their ability so that they can maximise their potential to participate in the life of the community;
- ◆ all children with special educational needs will receive provision in their local mainstream school or when deemed necessary in special schools and units;
- ◆ all parents will be consulted and involved in the process of identifying, assessing, and making special provision for pupils with special educational needs;
- ◆ all schools and specialist services will have clearly defined roles and responsibilities (supported by appropriate resources) to meet the needs of children with special educational needs;
- ◆ regular reviews and inspections will be carried out to investigate the effectiveness of mainstream schools, support services and special schools in meeting the needs of children with special educational needs;
- ◆ all children with special educational needs will have access to impartial guidance to assist them and their parents/carers to make informed and realistic decisions regarding post 16 progression;
- ◆ elected members will receive on a regular basis details of reports, research, and developments in the field of special educational needs so as to inform their decision making;
- ◆ equality impact assessed with regard to sex/gender, sexual orientation, religion or belief, age, race, and disability

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GUIDELINES

What is meant by “disability”?

- ◆ A person has a disability if he or she has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.
- ◆ Physical or mental impairment includes sensory impairment, and hidden impairments such as mental illness or mental health problems, dyslexia and conditions such as diabetes or epilepsy.

Is disability the same as SEN?

- ◆ A child with a disability has special educational needs where any special educational provision needs to be made.

“Special Educational Provision” means:

- ◆ in relation to a child who has attained the age of two years, educational provision which is additional to, or otherwise different from, the educational provision generally made for children of the child’s age in maintained schools in the area (other than special schools); and
- ◆ in relation to a child under that age, educational provision of any kind.

The Special Educational Needs Code of Practice 2001 describes a ‘graduated response’ where differing levels of support, help or alternative approaches to learning are offered in the form of an array of strategies or opportunities. This approach recognises that there is a continuum of special educational needs and, where necessary, brings increasing specialist expertise to bear on the difficulties a child may be experiencing (Code of Practice 4:10, 5:20, 6:22).

The majority of children with special educational needs as defined in the Act will continue to be educated within the resources of their mainstream school and will not require the LA to determine how their needs are best met.

However, for a small percentage of children who have severe or complex learning difficulties it will be necessary for the authority to determine the appropriate provision to be made in respect of individual special educational needs. A statement of special educational needs may be written by the LA where extra resources in terms of staffing or equipment would be required to cater for those needs in a mainstream school.

According to the Warnock Report it has become generally accepted that 20% of pupils at some point in their school life will have special educational needs. Of these a very much smaller number (approximately 2%) will require the protection of a statement of special educational needs.

Provision for children with special educational needs is a matter for everyone in the early years setting, or in a maintained mainstream school, a matter for the school as a whole.

“All teachers are teachers of children with special educational needs. Teaching such children is therefore a whole school responsibility.” (Code of Practice 5:2, 6:2)

It is essential that the LA monitors and keeps under review all aspects related to special educational needs provision and practices.

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Pupils without statements of special educational needs

The majority of the 20% of pupils who have special educational needs do not require different or extra provision from that which is normally available in schools. It is the responsibility of the governors of each school to identify and provide for the special needs of these pupils from the school budget. Special educational needs funding is clearly identified, comprising 5% of the school's Age Weighted Pupil Unit (AWPU), 50% of the school's compensatory funding and the SEN formula funding delegated to schools to meet high incidence low need. In addition, the LA has a range of support services, which can give practical advice and support to assist schools in meeting the needs of pupils who fall into this broad category.

Pupils with statements of special educational needs

The Authority has a responsibility to identify, assess and provide for a small number of pupils whose special educational needs are severe and complex. Where a statement of special educational needs is prepared for a pupil (subject to parental agreement) the following types of provision are available:

- ◆ additional ancillary support in mainstream schools usually under the guidance of an appropriate support service/class teacher;
- ◆ direct teaching from specialist teachers, e.g. Education Service for Hearing and Vision;
- ◆ attendance at a special school maintained by the LA;
- ◆ attendance at a special school maintained by another LA;
- ◆ attendance at a non-maintained or independent school which has been approved by the Department for Children, Schools and Families.

North East Lincolnshire Local Authority is committed to the principle of inclusion and will:

1. Comply with the 'Duty to Educate in Mainstream'

At the UNESCO World Conference, Salamanca, Spain 1994 the Government agreed to support the 'Salamanca Statement' which called upon all Governments to:

"adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise."

Amendment to Section 316 (3) Education Act 1996 – "If a statement is maintained under Section 324 for the child, he/she must be educated in a mainstream school unless that is incompatible with:

- (a) the wishes of his/her parents, or
- (b) the provision of efficient education of other children."

These are the only reasons a mainstream placement can be refused outright.

Under Schedule 27, SEN Regulations, LAs are also required to educate in mainstream unless:

- (a) the child's own needs cannot be met, and

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- (b) it is incompatible with the efficient use of resources
2. Offer a high quality scheme of continuous professional development. In order to facilitate inclusion the authority will provide training to staff in mainstream schools;
 3. Seek funding opportunities to undertake any necessary building work;
 4. Provide specialist support to mainstream schools and settings as/when required, including the development of outreach support arrangements;
 5. Provide specialist equipment wherever it is deemed necessary;
 6. Develop links between special and mainstream schools.

Principles which underpin inclusion

We are not only concerned about the provision created to include the young person, but how the young person 'feels'. This is the true spirit of inclusion.

1. All children are best educated as close to their family and local community as possible.
2. All reasonable steps will be taken to ensure children are educated in mainstream schooling and participate fully with their peers in the curriculum and life of the school.
3. Inclusive schools are schools that solve problems by working together with their community and support services to develop effective partnerships. They work with parents/carers to promote their rights and responsibilities as co-educators.
4. Effective management of available financial resources involves targeting SEN resources towards:
 - supporting those with the greatest needs;
 - preventative work;
 - early intervention.
5. Emphasis is on developing a coherent response to the needs of children, where professional concern has been expressed, to ensure:
 - early identification;
 - effective assessment;
 - quality provision;
 - appropriate skills within educational settings.

Decisions and actions will be taken based upon the above principles and through evidence based intervention.

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Identification of Children with Special Educational Needs

The general principle is that the earlier a child can be identified as having special educational needs the better. The Authority works closely with the Health Authorities and provides a SEN/LDD Service for Early Years which comprises early years practitioners who contribute towards multi-agency assessment either in the home and/or Child Development Centre and/or setting and fixed term outreach support for pre-school children in their setting and home as appropriate. The Educational Psychology Service provides advice to early years practitioners at the Child Development Centre and also at this early stage to those involved in nursery education. Termly meetings are held with the Area SENCOs for pre-school settings at which children's needs are raised and reviewed and any direct involvement determined. Local General Practitioners keep in contact with local Educational Psychologists concerning issues relating to very young children so that the Authority can, where appropriate, begin an assessment.

On receipt of a parental request for a statutory assessment the Authority requests information from all relevant agencies. Within 6 weeks of receipt of the request the Authority must decide whether to comply with the request and advise the parents accordingly. In the case of a child under the age of 2 years, an assessment shall be made in such a manner as the Authority considers appropriate. In all cases, the Authority will notify the parents of their right of appeal to an independent Tribunal against the LA's decision.

The Code of Practice sets out a three stage assessment procedure. Certain principles are central to the Code:

- ◆ provision for a child with special educational needs should match the nature of his or her needs;
- ◆ there should be careful recording of a child's special educational needs, the action taken and the outcomes;
- ◆ consideration should be given to the wishes and feelings of the child;
- ◆ there should be close consultation and partnership with the child's parents;
- ◆ outside specialists should be involved, particularly, but not necessarily only, in the stage preceding any referral to the LA for a statutory assessment;

Monitoring Pupils' Progress in Schools

All schools are expected to keep detailed records about pupils' progress. This will be largely the responsibility of the class teacher or subject teacher, however the assigned adviser, educational psychologist or support service can participate in the monitoring of progress. Advice has been given to schools on the writing of individual education plans and recording systems.

Monitoring the Performance of Schools

The School Improvement Team has a brief for inspection and monitoring of schools' performance. All adviser visits are recorded centrally.

Monitoring and Performance of Support Services

Support services set their objectives for the year along with performance indicators in order to measure outcomes.

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Statements of special educational needs

An annual review of each statement of special educational needs is a statutory requirement. It is the duty of every school to ensure that the provisions specified in the statement are met. However where a school feels it is unable to do this it can seek advice from an educational psychologist, adviser, support service, or education officer.

Where a pupil has been subject to a statutory assessment but a statement of special educational needs has not been issued, it is the responsibility of the appropriate support service to review the implementation of the Authority's Note in Lieu. In the majority of cases where the Authority has issued a Note in Lieu the pupil will be at School Action Plus and it is the responsibility of the school to have an IEP in place.

Annual Review in year 9

The aim of the annual review in year 9 and subsequent years is to:

- (a) review the young person's statement
- (b) draw up and subsequently review the Transition Plan.

The annual review of the statement held in Year 9 should involve the agencies that may play a major role in the young person's life during post-school years and **must** involve the Connexions Service. The Transition Plan draws together information from a range of individuals within and beyond the school in order to plan coherently for transition to adult life.

Post 16 Provision

Students with special educational needs have an entitlement to post 16 education. The Authority provides pupils leaving school with the appropriate guidelines on career options, and the receiving institutions with the relevant assessments. Inter-Agency networking provides the smooth transition between school, college and work opportunities.

The aim of the North East Lincolnshire Local Authority will be to encourage greater inclusion of students with special educational needs into mainstream provision. A minority of students will require specialised placements, but the majority of students should have their additional needs met locally.

Special Educational Needs Review

The Authority is constantly engaged in reviewing and improving its special educational needs provision and procedures. The review criteria are:

- ◆ strategies to promote the inclusion of pupils with special educational needs into mainstream schools;
- ◆ cost effectiveness of provision;
- ◆ provision appropriate to need;
- ◆ high quality support services providing consultation, assessment and teaching;
- ◆ choice for parents within the context of provision of efficient education;
- ◆ continuum and equity of provision irrespective of where a pupil lives;

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This policy is written in line with the Corporate Equality and Diversity Policy and assessed in accordance with the Corporate Equality Assessment Procedure, which seeks to value diversity and promote equality through practice and procedures.

Legislation (Related Documents)

The Education Act 1996

SEN and Disability Act 2001

The Code of Practice on the identification and assessment of Special Educational Needs 2001

DFE Circular 2/94 - Local Management of Schools

DFE Circular 6/94 - The Organisation of Special Education Provision

The Education (Special Educational Needs) Regulations 1994

The Special Educational Needs Tribunal Regulations 1994

The Education (Special Schools) Regulations 1994.

Staffing for Pupils with Special Educational Needs, DES 11/90.

Pupil Behaviour and Discipline - Circular 8/94.

The Education of Children with Emotional and Behavioural Difficulties - Circular 9/94.

Exclusions from School - Circular 10/94.

The Education of LEAs of Children Otherwise than at School - Circular 11/94.

The Education of Sick Children - Circular 12/94.

The Education of Children being looked after by Local Authorities - Circular 13/94.

Crime & Disorder Act 1998 (Section 17)

The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001

The Education (Special Educational Needs) (England) (Consolidation) (Amendment) Regulations 2006

The Education (Non-Maintained Special Schools) (England) (Amendment) Regulations 2007

The Education (Independent School Standards) (England) (Amendment) Regulations 2007

NELC Corporate Equality and Diversity Policy

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Background Information				
Document Purpose	The purpose of this document is to clarify the policy of North East Lincolnshire Local Education Authority with regard to pupils who have special educational needs (SEN) and to ensure that, in exercising its functions in relation to children with special educational needs, the local authority (LA) has due regard to the provisions of the Special Educational Needs Code of Practice 2001.			
Author	Strategy and Planning Team strategyandplanning@nelincs.gov.uk			
Subject	SEN and Disability Provision			
Children and Young People's Plan		Levels of Impact		
Priority Outcomes	High	Medium	Low	None
All children and young people achieve their best at school, are ready for work and have skills for adult life	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All children and young people are involved in developments that affect them	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All children and young people grow up healthy, emotionally secure and confident	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All children and young people grow up living in a safe environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outcomes for looked after children will be at least as good as those of all other children and young people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lives and life chances for children with a disability and emotional needs will be improved	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corporate Priorities		Levels of Impact		
	High	Medium	Low	None
Be an effective and efficient council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improve the health and well-being of all, especially vulnerable people	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enable children, young people and adults to learn and be ready to work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increase jobs and strengthen the local economy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Review Date	Amendments made	By Whom (name/job title)	Stakeholders Approval (Name, Job title/Organisation)
Feb 2012	Updated template and background information	D Ferguson Strategy and Planning Officer	