



The SEND Code of Practice: 0 to 25 years

A quick guide to the SEND Code of Practice: 0 to 25 years (2014) and its implications for schools and settings



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The SEND Code of Practice: 0 to 25 years

A quick guide to the SEND Code of Practice: 0 to 25 years (2014) and its implications for schools and settings

This guide is for headteachers, SENCOs, other senior staff and class and subject teachers in schools, colleges and other educational settings. It should be read in conjunction with the full SEND Code of Practice: 0 to 25 years, which provides greater detail in relation to the content outlined here. Relevant sections of the Code are highlighted throughout this guide, as appropriate. The Code can be found at www.gov.uk/government/publications/send-code-of-practice-0-to-25/



This guide aims to:

- + summarise the content of the SEND Code of Practice
- + highlight key changes from earlier statutory guidance
- + explore the implications of the Code for schools and settings
- + signpost readers to case studies and other sources of information, advice and support.



The background

The Children and Families Act (2014) reformed legislation relating to children and young people with special educational needs and disabilities (SEND).

The SEND Code of Practice is statutory guidance for organisations that work with and support children and young people with special educational needs and disabilities. It sets out duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations, and it applies to England.

The following bodies must 'have regard to' the Code:

- Local authorities – education, social care and relevant housing, employment and other services.





- School governing bodies (including non-maintained special schools), further education and sixth-form colleges.
- Proprietors of academies (including free schools, university technical colleges and studio schools).
- Management committees of pupil referral units.
- Independent schools and specialist providers approved under section 41 of the Children and Families Act 2014.
- Early years providers in the maintained, private, voluntary and independent sectors, funded by the local authority.
- The NHS Commissioning Board, NHS trusts, NHS foundation trusts and local health boards.
- Youth offending teams and relevant youth custodial establishments.
- The First-tier Tribunal (Special Educational Needs and Disability).

Terminology

The bodies listed here *'must have regard to' the Code*. This means they must:

- give consideration to what the Code says whenever they are making decisions – they cannot ignore it
- be able to demonstrate in their arrangements for children and young people with SEND that they are fulfilling their statutory duty to have regard to the Code.

Where the word *'should'* is used in the Code, it means the guidance *must* be considered and those who must have regard to it will be expected to explain any departure from it.

Action

- ◆ Ensure that governors/proprietors are aware of their specific duties towards children and young people with SEND. Arrange training for them on how to fulfil these duties.



What has changed from the SEN Code of Practice 2001?

- The Code of Practice (2014) covers the 0–25 age range.
- It includes guidance relating to disabled children and young people, as well as those with special educational needs (SEN). Disabled children and young people may not have SEN, but are covered by this guidance as well as by the Equality Act 2010.
- There is a clearer focus on the participation of children and young people and parents in decision making at individual and strategic levels.
- There is a stronger focus on high aspirations and on improving outcomes for children and young people.
- It includes guidance on the joint planning and commissioning of services to ensure close co-operation between education, health services and social care.
- It includes guidance on publishing a 'local offer' of support for children and young people with SEND.
- There is new guidance for education and training settings on taking a 'graduated approach' to identifying and supporting pupils and students with SEND (replacing School Action and School Action plus).
- For children and young people with more complex needs, a co-ordinated assessment process and the new 0–25 education, health and care (EHC) plan replace statements and learning difficulty assessments (LDAs).
- There is greater focus on support that enables those with SEND to succeed in education and make a successful transition to adulthood.
- Information is provided on relevant duties under the Equality Act 2010 and relevant provisions in relation to the Mental Capacity Act 2005.

The definition of 'special educational needs' remains the same; however, the four categories of need have changed. 'Behavioural, emotional and social difficulties' (BESD) has been removed as a sub-category and replaced with 'social, emotional and mental health'. Behavioural difficulties in themselves are no longer seen as an SEN, but rather as symptomatic of a possible unmet SEN.

So let's take a look at the Code, chapter by chapter (a more detailed summary of

the SEND Code of Practice can be found in the resources area of nasen's website at www.nasen.org.uk – an editable version is available to members only).

Chapter 1: Principles

This chapter sets out the principles underpinning the legislation and guidance in the Code of Practice and the practice they are designed to support. In essence the principles seek to ensure that:

- children, their parents and young



people are involved in discussions and decisions about their individual support and local provision, and have the information, advice and support they need to enable them to participate in such discussions and decisions

- children, young people and parents are involved in planning, commissioning and reviewing services
- the needs of children and young people are identified early and there is early intervention to support them
- parents and young people have greater choice and control over their support
- there is greater collaboration between education, health and social care services to provide support
- there is high-quality provision to meet the needs of children and young people with SEND
- there is a focus on inclusive practice and removing barriers to learning
- young people are supported to make a successful transition to adulthood.

Chapter 2: Impartial information, advice and support

This chapter covers the information, advice and support that local authorities must provide for children, young people and parents. In essence:

- local authorities must arrange for children and young people with special educational needs and disabilities and their parents to be provided with information and advice about matters relating to their SEND, including those related to health and social care

- information, advice and support should be provided through a dedicated and easily identifiable service
- local authorities should recognise the different needs of children, young people and parents when providing information and support
- families may receive help from an independent supporter, recruited locally and trained to support them through the assessment process.

Chapter 3: Working together across education, health and care for joint outcomes

This chapter explains the duties local authorities and their partner commissioning bodies have for developing joint arrangements for commissioning services to improve outcomes for children and young people with SEND. In essence:

- local authorities should ensure integration between education and training, health and social care provision
- joint commissioning arrangements must cover the services for children and young people with SEND aged 0–25, with and without EHC plans
- information about joint commissioning arrangements must be reflected in the local offer
- young people and parents of children with EHC plans can request a personal budget, which may contain elements of education, social care and health funding.



Chapter 4: The local offer

This chapter explains the statutory duties on local authorities to develop and publish a local offer setting out the support they expect to be available for local children and young people with SEND. In essence:

- local authorities must publish a local offer, setting out in one place information about provision they expect to be available across education, health and social care for children and young people in their area with SEND, including those who do not have EHC plans
- it must include provision in the local authority's area and provision outside the local area that the local authority expects is likely to be used by children and young people with SEND for whom it is responsible.

The local offer has two key purposes:

- To provide clear, comprehensive,

accessible and up-to-date information about the available provision and how to access it.

- To make provision more responsive to local needs and aspirations by directly involving children and young people with SEND, parents and service providers in its development and review.

A list of what must be included in the local offer can be found in section 4.30 of the Code.

Chapter 5: Early years providers

This chapter explains the actions that early years providers should take to meet their duties in relation to identifying and supporting children with SEND, whether or not they have an EHC plan. In essence, this covers:

- focusing on high expectations and improved outcomes
- co-operating with the local authority to review available local provision

- having arrangements in place to identify and support children with SEND
- informing parents and the local authority where a child has, or probably has, SEND
- reviewing children’s development and progress and notifying parents
- working in partnership with parents to establish and support the needs of children with SEND
- adopting a graduated approach to SEND provision with four stages of action: assess, plan, do, review
- ensuring that there is a qualified teacher designated as SENCO in maintained nursery schools
- ensuring that there is sufficient expertise and experience to support children with SEND.

Chapter 6: Schools

This chapter explains the actions that mainstream schools should take to meet their duties in relation to identifying and supporting children with SEND, whether or

not they have an EHC plan. It focuses on the right of every child and young person to receive an education that enables them to make progress so that they:

- achieve their best
- become confident individuals leading fulfilling lives
- make a successful transition into adulthood.

Requirements for schools

Every school is required to identify and address the SEND of the pupils it supports by:

- building the identification of SEND into the school’s overall approach to monitoring the progress and development of all pupils – see sections 6.14–6.27 of the Code for more details
- doing everything they can to meet pupils’ special educational needs
- ensuring that pupils with SEND engage in activities alongside their peers
- designating a teacher (a SENCO) to be responsible for co-ordinating SEND

Working in partnership with parents

This video features staff and parents at Lymhurst Day Nursery talking about how the nursery works with families to include children with SEND and to support the emotional needs of children and their families: <http://y2u.be/j1Qbzt63Cys>

You can view further videos about Lymhurst’s work with parents on the nasen YouTube channel by following this link: <http://goo.gl/jWUWNT>

Action

- ◆ Ensure that all pupils with SEND are on the SEN register/record.
- ◆ Note the provision they are receiving that is additional or different from that made for pupils without SEND.
- ◆ Consider whether this provision will enable pupils to receive the best possible outcomes.
- ◆ Consider whether any further support from the local authority is necessary to achieve this.



Action



◆ **Publication of the SEN information report has been a legal requirement since 1 September 2014. Ensure that yours is in place and that it is updated at least once a year.**

provision – see sections 6.84–6.90 for more information

- informing parents when they are making SEND provision for a child
- publishing an up-to-date SEN information report on their website about the implementation of the school or setting's policy for pupils with SEND. The information required in the SEN report is set out in section 6.79 of the Code
- identifying a governor with specific oversight of the school's arrangements for SEN and disability – see section 6.3 for more information
- making the quality of teaching and progress for pupils with SEND a core part of the school's performance management arrangements and professional development for teaching and support staff.

Definition of SEND provision

Special educational provision is educational or training provision that is additional to or different from that made generally for others of the same age, ie provision that goes beyond the differentiated approaches and learning arrangements normally provided as part of high-quality, personalised teaching.

Broad areas of need

Four broad areas of need give an overview of the range of needs that should be planned for, not to fit a pupil into a category. For more information see sections 6.28–6.35 of the Code. The broad areas of need are:

- 1 Communication and interaction
- 2 Cognition and learning
- 3 Social, emotional and mental health
- 4 Sensory and/or physical needs.

Special educational provision and support

- Teachers are responsible and accountable for the progress and development of the pupils in their class, including where pupils access support from teaching assistants or specialist staff.
- High-quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have SEND. Additional intervention and support cannot compensate for a lack of good quality teaching.

Action



◆ **Ensure that teachers in your school or setting understand that they are responsible and accountable for the progress and development of the pupils in their class(es), including where pupils access support from teaching assistants or specialist staff. Provide training to ensure that there is high-quality, differentiated teaching, every day in all classes and that specialist provision builds on and feeds into what is being taught in class.**



The role of the teacher

In this video, staff from Finham Park School, a mainstream school in Coventry, explain how teachers and teaching assistants work together to support Hassan, a pupil with a vision impairment. Notice how the class teacher retains responsibility for Hassan's progress and development: <http://y2u.be/1XcPVf1UPGU>

- The identification of SEND should be built into the overall approach to monitoring the progress and development of all pupils.

High-quality teaching

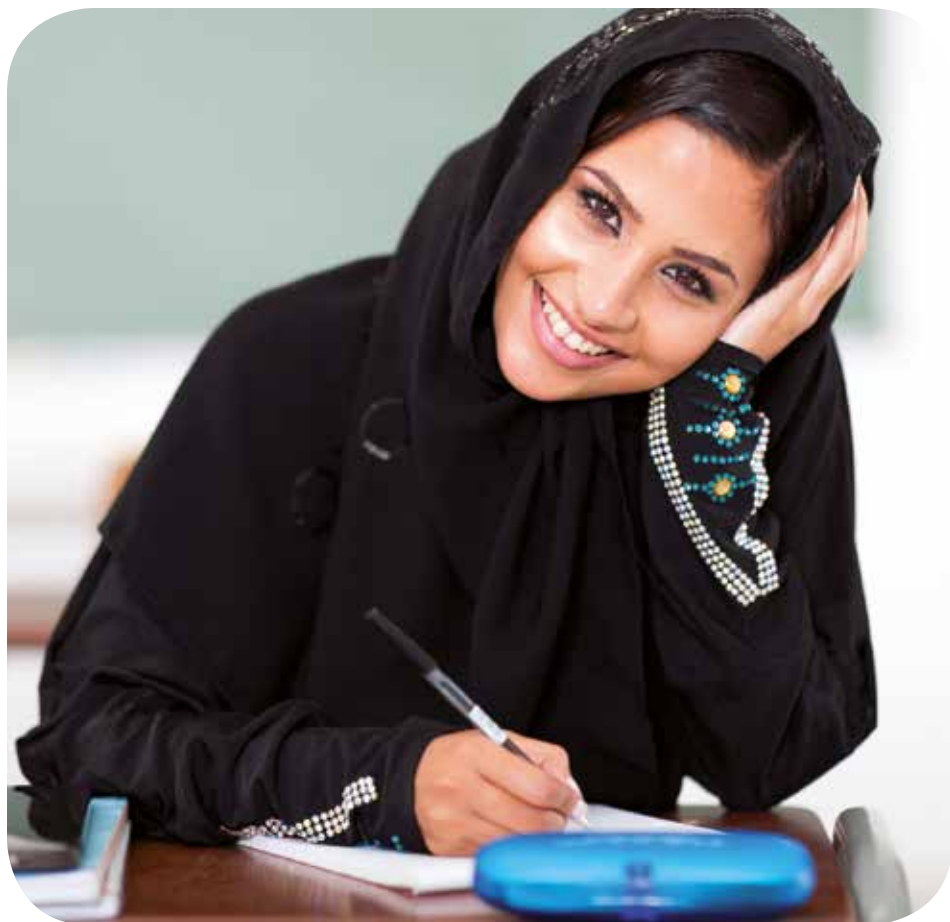
Finham Park School is a mainstream secondary school. In this film, staff, students and a parent explain how a personalised programme of support, including high-quality, differentiated subject teaching, has enabled Cameron, a Year 8 pupil with autism spectrum disorder and dyslexia, to learn and make progress: <http://y2u.be/1a4w9udD5a8>

- Schools and settings can take their own approach to record keeping but SEND provision should be recorded accurately and kept up to date. Ofsted will expect to see evidence of pupil progress, a focus on outcomes and a rigorous approach to the monitoring and evaluation of any SEN support provided.

Action



- ◆ Review your record-keeping processes to ensure that you record what provision is being made for children and young people with SEND (whether they are on SEN support or have an EHC plan) that is additional to or different from that made for other children and young people.
- ◆ Make sure that you record outcomes and that progress is recorded against these.
- ◆ When you share this information with parents and carers, at least termly, make sure that you have an acknowledgement of their response, such as a note of the meeting, or a signed, returned copy of the record, with comments.



For further information, see the nasen quick guide *Tracking Progress and Managing Provision*.

- Class and subject teachers, supported by the senior leadership team, should make regular assessments of progress for all pupils. Where pupils are falling behind or not making expected progress given their age and starting point they should be given extra support.
- Once a potential special educational need is identified, schools should take action to remove barriers to learning

and put effective special educational provision in place. This is 'SEN support' which should take the form of a four-part cycle – assess, plan, do, review. This is

SEN support and the graduated approach

Listen to Kate Browning, educational associate of nasen, explaining the implications of SEN support and the graduated approach for schools and settings: <http://y2u.be/6CBGR11GOS8>

Action



- ◆ Work through the reflection and readiness questions in Jane Friswell's article 'Assess – Plan – Do – Review' in nasen's publication *Everybody Included: The SEND Code of Practice explained*, available at www.sendgateway.org.uk/resources/everybody-included-the-send-code-of-practice-explained.html

known as the graduated approach (see sections 6.44–6.56 of the Code).

For further information, see the nasen quick guide *SEN Support and the Graduated Approach*.

- Where a child continues to make little or no progress, despite well-founded support that is matched to the child's area of need, the school should consider involving specialists, including those from outside agencies.
- Where a pupil is receiving SEN support, schools should meet parents termly to

Involving outside agencies

Frederick Bird Primary School is a mainstream school in Coventry. In this video, the SENCO explains why her school decided to employ an educational psychologist and a clinical psychologist directly, and the impact this has had on staff and pupils. The psychologists explain how they work, and a class teacher comments on the benefits for her practice and, therefore, for the children she teaches: <http://y2u.be/7UpuTqp-oks>

You can watch three more videos from Frederick Bird by following this link: <http://goo.gl/WbWPGb>

Alternative provision

Luke is 15 years old and attends Swanwick Hall School, a secondary school in Derbyshire. He has dyslexia and associated memory difficulties and has always found academic work challenging. Luke also has many strengths and a passion for working with animals. In this sequence of clips, Luke's mother Michelle describes how, through discussion with the family, the school put an alternative curriculum in place for Luke to meet his needs. She explains how a more personalised curriculum has improved Luke's mood, his behaviour and his attainment across all subjects, and what the wider impact has been on family life.

- Barriers to learning – <http://y2u.be/y35CL3Pwzlg>
- Approaching the school – <http://y2u.be/J1XNjPyqdoY>
- Working with the school – <http://y2u.be/eDyfcP56Rrk>
- An alternative curriculum – <http://y2u.be/2TEv6gWSc6w>
- Impact on family life – <http://y2u.be/f80x0uht-U>

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.

Funding for SEN support

Arrangements for funding SEN support are set out in sections 6.95–6.99.

For further information, see the nasen quick guide *The Pupil Premium*.



Chapter 7: Further education

This chapter explains and provides guidance on the statutory duties on post-16 providers to identify, assess and provide support for young people with SEND.

Statutory duties on post-16 institutions

- To co-operate with the local authority on arrangements for children and young people with SEND.
- To admit a young person if the institution is named in an EHC plan.
- To have regard to the Code of Practice.
- To use their best endeavours to secure the special educational provision that the young person needs.

Identifying SEND

Colleges should be involved in transition planning with schools so that they can

prepare to meet the student's needs and ensure a successful transition into college life. For further information, see the nasen quick guide *Transition*.

SEN support in college

Where a student has a learning difficulty or disability that calls for special educational provision, the college must:

- use its best endeavours to put appropriate evidence-based support in place
- ensure that appropriately qualified staff provide the support needed
- review regularly the effectiveness of the support and its impact on the student's progress
- keep students' profiles and records of support up to date to inform discussions with students about their progress and support.

Moving between school and college

This video features students with SEND from West Lakes Academy. The Academy and Lakes College work together to provide a transition programme designed to reduce anxiety and build students' confidence. The differentiated curriculum at Lakes College and the range of support available help to ensure that students feel confident, safe and able to learn and make progress:

http://y2u.be/ulvBTX-4N_c

You can view three more related videos from Lakes College's approach to transition on nasen's YouTube channel by following this link: <http://goo.gl/sTe1b1>

All mainstream colleges are provided with resources to support students with SEND (see sections 7.28–7.35).

Preparing for adulthood

Listen to Ellen Atkinson from the Preparing for Adulthood team at the Council for Disabled Children as she discusses the importance of early action, positive aspirations and person-centred approaches in helping children and young people with additional needs to move on from school into a fulfilling and productive adult life: <http://y2u.be/Wv43nIPc6k>

Chapter 8: Preparing for adulthood from the earliest years

This chapter sets out how professionals across education, health and social care should support children and young people with SEND to prepare them for adult life, and help them go on to achieve the best outcomes in employment, independent living, health and community participation.

Key points

- Local authorities must ensure that the EHC plan review at Year 9, and every





- review thereafter, includes a focus on preparing for adulthood.
- All schools have a statutory duty to ensure pupils from Years 8 to 13 are provided with independent careers guidance.

For further information, see the nasen quick guide *Transition*.

Chapter 9: Education, health and care needs assessments and plans

This chapter covers all the key stages in statutory assessment, planning and

Action

- ◆ Request a statutory assessment for pupils who are not achieving better outcomes.
- ◆ Be clear what needs you have identified, the provision you have put in place to support them and the outcomes that have not been achieved.
- ◆ Gather all the additional evidence you have already to support the statutory assessment process, including any additional professional reports and notes of meetings that have taken place to review SEN support.

preparing the education, health and care plan, and guidance on related topics.

Introduction

- The majority of children and young people with SEND will have their needs met within local mainstream early years providers, schools or colleges.
- A local authority must conduct an assessment of education, health and care needs and prepare an EHC plan when it considers that a child or young person may need special educational provision to be made for them in this way.
 - EHC plans must specify how services will be delivered as part of a whole package and explain how, together, the services will deliver



improved outcomes across education, health and social care for the child or young person.

The chapter also sets out:

- those who can request an assessment (see sections 9.9 and 9.10)
- the local authority's role in considering whether an assessment is necessary (see sections 9.11–9.19)
- the principles underpinning co-ordinated assessment and planning, including a requirement for the local authority to:
 - consult the children, young people and parents in the process of assessment and production of an EHC plan
 - have regard to the views, wishes and feelings of the children, young people and parents
 - provide, children, young people and parents with impartial information, advice and support in relation to SEN to enable them to take part effectively in the assessment and planning process (see sections 9.20–9.38)
- timescales – there should be no more than 20 weeks from the initial request for assessment until the EHC plan is issued (see sections 9.39–9.44)
- requirements for gathering advice and information for EHC assessments from children, young people, parents and relevant professionals (see sections 9.45–9.52)
- what happens when a local authority decides that a statutory EHC plan is not necessary (see sections 9.57–9.59)
- the principles, requirements, format, focus and content of EHC plans (see sections 9.61–9.69)

Action



- ◆ Support parents and young people to identify other professionals from whom they need to request the local authority obtains evidence and information, for example speech and language therapist, occupational therapist, behaviour support. The local authority can then instruct specialist professionals to assess needs and specify the provision to be put in place to meet those needs and the outcomes they would expect the child or young person to achieve.

Action



- ◆ When considering draft EHC plans sent to you for consultation by the local authority, be clear what your school or setting can provide from existing resources and what you will need in terms of extra support – financial or specialist input – from the local authority in order to make the provision necessary to meet the needs. Make sure the EHC plan is clear about who has to do what, when and how often. Watch out for woolly words, such as 'opportunities for', 'regular access to', 'as required', which are not specific. Without provision being clear you will not be able to ensure you have delivered it, or have the funding to do so.
- ◆ Ensure that any therapies or specialist support are specified in the special educational provision section on the EHC plan if, without them, the pupil would not be able to access education or training fully.

- information about consulting on the draft plan – parents or the young person must be given at least 15 days to give views and make representations on the content
- requests for a particular school, college or other institution (see sections 9.88–9.94)
- requests for personal budgets and direct payments (see sections 9.95–9.124)

Personal budgets

You can hear Jane Friswell, nasen's Chief Executive, explaining more about personal budgets by following this link: <http://y2u.be/zxkckrX5Y0I>

- finalising and maintaining EHC plans (see sections 9.125–9.141). Headteachers and principals should ensure that all those teaching pupils with SEND are aware of their needs and have arrangements in place to meet them
- reviewing EHC plans, including:
 - using EHC plans to monitor progress towards outcomes
 - regular review – every 12 months, and more frequently for under-fives
 - focus on preparation for adulthood from Year 9 (see sections 9.166–9.185)
- reassessing, transferring, amending and ceasing EHC plans.

Action

- ◆ Make sure you are aware of the circumstances in which a parent or young person could use personal budgets within your school or setting.

Action

- ◆ Be clear about what is involved in reviewing an EHC plan and put in place a process for careful consideration of its contents.
- ◆ Look for any amendments that need to be made so that the plan reflects current levels of need.

Chapter 10: Children and young people in specific circumstances

This chapter looks at particular groups of children and young people whose specific circumstances require additional consideration by those who work with and support their SEND. These include:

- looked-after children
- children and young people with SEND and social care needs, including children in need
- children and young people educated out of the area
- those educated at home
- children and young people in alternative provision
- those who have SEND and are in hospital
- children and young people in youth custody
- children of service personnel.

Chapter 11: Resolving disagreements

This chapter is about arrangements for resolving disagreements between parents or young people and early years providers, schools, colleges, local authorities and health commissioners.

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