The SEN Code of Practice
Three Years On - Pearl Barnes

Pearl Barnes outlines some of the main effects of the governments landmark changes to the SEN system

The SEN and disability revised Code of Practice (2014) heralded the greatest revolution to SEN policy and provision for a generation. The original purpose and rationale behind amending SEN policy and practice was to provide easier access and support for those who need it most, to reduce the unnecessary bureaucracy which led to parents having to "fight" for provision for their son or daughter, and to provide a framework for agencies to work more closely together. Three years on, how has the new Code changed working practices across the country and what more needs to be done to support children and young people with SEN and disabilities?

The key changes brought about by the revised Code are:

• the scrapping of statements of SEN and the development of education, health and care (EHC) plans, which are designed to provide support to target areas of need which predominantly inhibit learning

• local authority (LA) core offer published for each locality with complete involvement from each setting

• longitudinal support for children and young people from birth to 25 years

• scrapping of School Action and School Action+ and replacing them with one layer of support – SEN Support – but with focus areas of low incidence, high level needs and high incidence, low level needs

• a more streamlined and graduated response to provision through the "assess-plan-do-review" cycle

• greater accountability of teachers for being responsible for the learning and progress of pupils with SEN and disabilities in their care, with greater focus upon support and differentiation

• greater involvement of, and information for, parents including personal budgets.

Who does the Code apply to?

• The Code is statutory guidance for all maintained schools, academies (including technical colleges), early years providers (including private, voluntary and independent settings), independent and free schools and non-maintained special schools, including pupil referral units and independent specialist providers. All these settings must have regard to the Code, along with a wide range of health authorities, for example NHS trusts, and clinical commissioning groups (CCGs). For this reason, local area inspections delivered jointly between the Care Quality Commission (CQC) and Ofsted are now taking place across LA regions to determine the effectiveness of the implementation of the Code.

By now, schools will have made a number of changes, including:

- revision of the SEN register

- an SEN Information Report published on the school website and updated annually

- SEN statements should have been transferred to EHC plans for all pupils within transition years, such as all those moving from primary to secondary school. All other statements must be transferred to EHC plans by 2018

- schools must now be working more closely with parents, providing a greater level of information and must be able to demonstrate how parents are consulted and involved within the development of provision

- LAs should have dedicated "0-25" teams to support children and young people longitudinally, they must have published their "core offer" and must be consulting and engaging with parents and pupils over the development of provision at LA level

- all schools should have a clear protocol for the implementation of the graduated response. This assess-plan-do-review approach is aimed at enabling teachers to target intervention and support appropriately

- schools should be actively sharing information with teachers to ensure they are able to be accountable for differentiating to meet their pupils' individual needs.

It is the responsibility of the SENCO to determine which pupils are in need of support

SEN Support

All schools should have revised their SEN register to replace the old categories with one category of need: SEN Support. This act of revision in itself has been a bone of contention for some schools, particularly in terms of who should be allocated the status of SEN Support.

Some schools have found that their information sharing systems are limited and hence have restricted their ability to revise their register. SEN Support is for pupils who are accessing additional help and support which is additional to, and different from, normal provision, due to lack of progress without it; it is needs led and ties in with the graduated approach

Revising the SEN Register

Key points to consider when revising the SEN register include:

- how do you identify pupils in need of additional support?

- is there a fair and equitable approach to identification which is needs led?

- how do you know you have the right pupils who most need support?

- do you have a mechanism for monitoring pupils who may dip in and out of support?

- do you differentiate between high and low level needs?

- how do you share information relating to pupils' needs across the setting?

- what information do you share across the setting?

- how do you measure progress for those in receipt of additional support?

- how do you support teachers to be able to differentiate their learning opportunities?

There is no one-size-fits-all approach to identification and intervention; it is the responsibility of the SENCO to determine which pupils are in need of support, substantiate their reasoning and monitor and track progress to evaluate the effectiveness of the support.

SEN Information Report

The Information Report is an essential part of sharing information and should be the single point of contact for parents to access information relating to the provision offered by the setting. The essential features of the Report are:

- easy access to information for parents

- the provision available in the setting, such as ramps for physical access or a sound-field system

- the expertise available, including the qualifications of staff

- interventions currently on offer, such as music therapy is part of the core offer

- any additional provision, for example an autism base unit

- categories of need supported by the setting, such as pupils with speech,

language and communication needs supported through intervention groups

- access to additional (external) support, for example hearing impairment and visual impairment support services are accessed

- other reasonable adjustments which are made, such as exam concessions

- how pupils are identified

- how parents and pupils are involved.

Points to consider when reviewing the Information Report:

- in addition to the parents' version, consider writing a child/young-person friendly report

- the report is often lengthy and complex to read; why not publish it in the form of a video interview where you are asked questions such as: what do you do to support pupils with dyslexia?

- involve pupils by videoing them in different situations to demonstrate the support on offer

- provide signing alongside the video to aid accessibility

- invite parents to be involved in the development of the Information Report.

When identifying the areas of need and support, ensure you are able to cost each are

Here are some of the key points to consider when transferring a statement to an EHC plan or when designing a plan from the outset:

Ensure that appropriate staff identify the specific needs of the child or young person in all categories of need, such as:

- cognition and learning needs should be identified by the SENCO, education psychologist and/or specialist advisory teacher, for example for autism

- speech, language and communication needs should be identified by the SENCO, educational psychologist, speech and language therapist and/or advisory teacher

- social, emotional and mental health needs should be identified by the SENCO, educational psychologist, health professionals involved (such as a clinical psychologist) and behavioural support services, if available

- physical and sensory needs should be identified by the SENCO, educational psychologist, physiotherapist, occupational therapist, school nurse, specialist advisory teacher (if appropriate) and any clinician involved in the management of care.

Education, health and care plans

For some areas, the transition from a statement of SEN to an EHC plan has triggered questions, as it has led to uncertainty surrounding continued support.

The Code is very clear that no child should lose their provision as a result of the transition to the new system. The purpose of the EHC plan is to ensure pupils' needs are identified and dealt with swiftly and appropriately, the focus being upon removing barriers to learning.

Assess how these specific needs impact upon the individual's learning.

For example, Joe has complex needs and struggles to stay awake and alert for the whole day, and requires several movement changes throughout the day as he becomes uncomfortable. What does the pupil need to enable them to access the learning environment? In this example, Joe needs specialist provision, access to hoists, access to trained TAs for moving him and access to a quiet environment where he can rest.

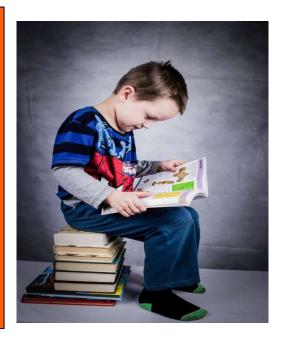# Other considerations in formulating an EHC Plan include:

- who will be responsible for implementing provision or funding the support and how will the effectiveness of it be measured? For example, who will train the TAs?

- social care should also be involved in the development of the plan in order to determine the level of care needs required. For example, Joe's family will need training in moving him, modifications to the home including hoists and access to respite care

- parents' view must be integral to the development of the plan

- the responsibility for the implementation of the plan rests with the LA; they must draw the individual reports together into the final plan. Parents have a right of appeal to an independent tribunal.

Parent participation

It is up to each setting to consider how to improve information sharing and enable parents to participate in the development of SEN and disability provision and their own child's support.

Consider:

- how to involve parents in developing provision at LA level; what are the strengths and weaknesses and how will these be addressed?

- how to involve parents in the decision-making process of support and intervention to be provided for their child

- how to provide information for, and involve parents in, the transition process to the next setting to ensure they are fully aware of the provision available when moving from one setting to another.

Data and the Graduated Approach

The graduated approach should now be embedded within the fabric of any setting. It defines who is falling behind and who may require additional support, the progress made, the effectiveness of intervention and the next steps.

Points to consider include:

- **assess** – are you collating the necessary data? Does it give you the information you need to make an informed judgement about the support needs of the pupils? Do you have appropriate baseline data?

- **plan** – are you using the data to plan appropriate support and intervention? When planning interventions ensure you are outcomes focussed; what are you hoping to achieve and how will you know whether you have achieved it?

- **do/implementation** – do you have the resources for adequate implementation of the intervention? What are the aims of the intervention? How will you know whether it is effective?

- **review** – are your assessments appropriate for measuring progress in the specific area? Has the support been effective? If not, why not? What might you do differently?

Moving forwards

Once you have your systems in place, ensure you keep them up to date. Keep evaluating the practice of your setting for its effectiveness and added value. Ensure your assessment and tracking systems give you the information you require and keep a summary data file which collates a summary of the information across the setting, to enable you to evaluate your provision for pupils with SEN and disabilities. By regularly reviewing and monitoring your provision you will be collating the correct information required for Ofsted, EHC plan applications, high-needs funding applications and JCQ Regulations. Ultimately, though, you will be doing the right thing for the pupils themselves by providing them with a supportive, personalised approach which is effective in the long-term.

Pearl Barnes is the Founder and Executive Director of SENDISS:

An independent Support Service for SENCOS and parents of children

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