Resource document for school governors and schools

Summary of Special Educational Needs (SEN) Code of Practice for Wales

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Acknowledgements

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Teifion Rees
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The Status of the SEN Code of Practice

The Education Act 1993 placed a duty on the Secretary of State for Education to issue a Code of Practice and established the power to revise it from time to time. The first Code of Practice came into effect in 1994. Since then, the rights and duties contained in the 1993 Act have been consolidated into Part 1V of the 1996 Education Act. This Code of Practice replaces the 1994 Code in Wales.

The SEN Code of Practice for Wales is effective from 1 April 2002. From that date LEAs, schools, early year settings and those who help them - including health and social services - must have regard to it. They must not ignore it. That means that whenever schools and LEAs decide how to exercise their functions relating to children with special educational needs, and whenever the health and social services provide help those bodies must consider what this Code says. These bodies must fulfil their statutory duties towards children with special educational needs but it is up to them to decide how to do so - in the light of the guidance in this Code of Practice. The Code is designed to help them to make effective decisions but it does not - and could not - tell them what to do in each individual case.

The duty to have regard for this Code will continue for its lifetime.

Definition of Special Educational Needs

Children have special educational needs if they have a learning difficulty which calls for special educational provision to be made for them.

**Children have a learning difficulty if they:**

- have a significantly greater difficulty in learning than the majority of children of the same age; or
- have a disability, which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the local education authority.
Special educational provision means:

Educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the LEA, other than special schools, in the area.

Fundamental Principles

The detailed guidance in the Code is informed by these general principles and should be read with them clearly in mind:

- a child with SEN should have their needs met
- the SEN of children will normally be met in mainstream schools or early education settings
- the views of the child should be sought and taken into account
- parents have a vital role to play in supporting their child's education
- children with SEN should be offered full access to a broad, balanced and relevant education, including an appropriate curriculum for the foundation stage and the National Curriculum.

Critical Success Factors

The Code lists the following critical success factors:

- the culture, practice, management and deployment of resources in a school or setting are designed to ensure all children's needs are met
- LEAs, schools and settings work together to ensure that any child's special educational needs are identified early
- LEAs, schools and settings exploit best practice when devising interventions
- those responsible for special educational provision take into account the wishes of the child concerned, in the light of their age and understanding
- special education professionals and parents work in partnership
• special education professionals take into account the views of individual parents in respect of their child's particular needs

• interventions for each child are reviewed regularly to assess their impact, the child's progress and the views of the child, their teachers and their parents

• there is a close co-operation between all the agencies concerned and a multi-disciplinary approach to the resolution of issues
• LEAs make assessments in accordance with the prescribed time limits

• where an LEA determines a child's special educational needs, statements are clear and detailed, made within prescribed time limits, specify monitoring arrangements, and are reviewed annually.

Key Changes - Implications for Schools

• stronger rights for children with SEN to be educated at a mainstream school

• new emphasis on pupil participation.

• new duty on schools to tell parents when they are making SEN provision for their child

• new emphasis on partnership with parents and other agencies

• five stage model replaced by School Action / School Action Plus /Statement

• shared ownership of SEN issues

• new responsibilities for head teachers - transition reviews

• enhanced role of SENCO

• new duties on LEAs to arrange for parents of children with SEN to be provided with services offering advice and information and a means of resolving disputes.

All Schools:

• must have regard for the SEN Code of Practice

• should ensure Governing Bodies know and meet their responsibilities for SEN
• should encourage a whole school approach to SEN with all teachers taking responsibility for it
• should develop close working partnerships with parents of children with SEN
• should publicise the LEA Parent Partnership Scheme
• should encourage children to be involved with decisions being made about them
• amend Code stages to School Action, School Action Plus and Statement
• must accommodate new stages in all documentation
• should monitor effectiveness of SEN provision
• must provide evidence to support referral for statutory assessment
• should give the SENCO the time and resources to do the job well
• take the lead role in Transition Planning
• have a policy for working with other agencies
• must publish accessibility plans by 1.9.02
• must not discriminate against disabled pupils from 1.9.02
• must have designated teacher for Looked After Children.

**Working in Partnership with Parents**

**The Code of Practice requires that:**

• governing bodies present an Annual Report to Parents on the implementation of the schools' policy for pupils with special educational needs. (Reports to the governing bodies from the SEN governor and/or a relevant committee can be drawn upon for the Annual Report to Parents)
• parents are notified of a decision by the school that SEN provision is being made for their child
• parents of children with special educational needs must be kept informed and consulted in various ways about their child's progress as indicated in the SEN Code of Practice.
Parents should be supported so as to be able and empowered to:

- recognise and fulfil their responsibilities as parents and play an active and valid role in their children’s education
- have knowledge of their child’s entitlement within the SEN framework
- make their views known, and have them carefully considered, about how their child is educated
- have access to information, advice and support during assessment and any related decision-making processes about special educational provision.

The SEN Code of Practice lists a number of key principles:

- Positive attitudes to parents.
- User-friendly information and procedures.
- Awareness of support needs.
- All staff should bear in mind the pressures a parent may be under because of the child’s needs.
- Ensure that parents understand procedures, and are aware of how to access support.
- Documents to be discussed are given to parents well before meetings.
- Respect the validity of different perspectives and seek constructive ways of reconciling different viewpoints.
- Schools should always seek parental permission before referring them to others for support (e.g. the local Parent Partnership Service).
- Where parents do not wish to have their details passed on to third parties, these wishes should be respected.

Parents have a responsibility to communicate effectively with professionals to support their children’s education. Parents should:

- communicate regularly with their child’s school
- fulfil their obligations under home-school agreements which set out expectations of both sides.
Pupil Participation

- where possible all children should be involved in making decisions
- the school should ensure that where an IEP is developed the child is involved at an appropriate level and should become progressively more involved in setting and evaluating targets
- pupils' views should be sought and recorded as part of the statutory annual review process where possible as well as within the IEP and any other assessment and review
- a pupil's view can be ascertained at other times as well as during consultation, formal choices and decision making
- most young people should be ready to play a constructive role in the transition review process
- planning for transition necessitates young people being encouraged to have high aspirations, and encouraged to indicate and discuss the options they would like considered.

Whole School Responsibility

The National Curriculum is a statutory requirement for all pupils.

Effective management, school ethos and the learning environment, curricular, disciplinary and pastoral arrangements can help prevent some special educational needs arising, and minimise others. Differentiation of learning activities in subjects within the curriculum framework will help schools to meet the learning needs of all pupils. Schools should not assume that pupils' learning difficulties always result solely, or even mainly, from problems within the young person. Pupils' rates of progress can sometimes depend on how or what they are taught. A school's own practices make a difference - for good or ill. The governing body, head teacher, SENCO heads of department, and pastoral staff should be alert to any particular patterns in the school's identification of special educational needs or parents' expression of concern. Schools may need to reconsider policies and practice in the light of the pattern and incidence of the special educational needs identified.

Teachers should teach the National Curriculum programmes of study using a variety of methods that are appropriate to the abilities of individual pupils. For some pupils it will be necessary to choose work from earlier key stages so they are able to progress and demonstrate attainment.
The National Curriculum Access Statement emphasises the importance of providing access to the full National Curriculum and using the flexibility available to ensure that learning opportunities are appropriate to the needs of individual pupils. The common requirements also provide a framework to help teachers use National Curriculum subjects as contexts to meet pupils’ more complex needs.

Subject teacher and class teacher planning should be flexible so as to recognise the needs of all pupils as individuals and to ensure progression, relevance and differentiation. Many schools choose to aid curriculum planning and differentiation through the use of setting and streaming of pupils. An individual pupil may progress at different rates in different subject areas and thus consideration of placement in a set should be made subject by subject. Where setting and streaming occur, either the curriculum content or the speed of the lesson presentation should still vary to reflect the needs of the particular class group.

**Note:**

- Teaching and providing for pupils with SEN is a matter for the school as a whole.
- Curriculum and pastoral planning at transition from each key stage is critical.
- **ALL TEACHERS ARE TEACHERS OF SPECIAL EDUCATIONAL NEEDS.**

**Graduated Response**

The graduated response approach seeks to avoid identifying ever-increasing numbers of pupils with Special Educational Needs, such identification is counter productive because it: creates an excessive bureaucratic burden, hinders the school and LEA’s ability to target specialist resources, serves little useful purpose.

- Strands of action need to be organised so that progressively more powerful interventions can be used to meet increasing need.
- The range, type and intensity of interventions can also be reduced as a child makes adequate progress.
- The actions may be appropriate at:
  - **School Action**
  - **School Action Plus**
  - or for pupils with statements of special educational needs.
For most pupils, extra help will be provided within the classroom, managed by the class/ subject teacher. Where it involves spending some time outside the ordinary classroom, it will nonetheless be in the context of the inclusive curriculum.

This 'Graduated Response' approach recognises that:

- there is a continuum of special educational needs
- it is possible to bring increasing specialist expertise to bear
- the school should make full use of all available classroom and school resources before calling upon outside resources, and provide evidence to show what has already been done.
  If progress continues to cause concern additional action should be taken.
  Interventions will not usually be steps on the way to statutory assessment but are part of the continuous cycle of planning action and review.

School Action:

- When staff identify that a pupil has SEN - class/ subject teachers, in consultation with the SENCO, devise interventions additional to or different from those provided as part of the school's usual differentiated curriculum.

- Class/ subject teachers remain responsible for working with the pupil on a daily basis and for planning and delivering an individualized programme - an IEP will usually be devised.

- SENCO should take the lead in -
  - planning future interventions for the pupil in discussion with colleagues
  - facilitate this process through the pastoral system where appropriate
  - monitoring and reviewing the action taken.

Co-ordinating the planning of the pupil’s IEP, especially setting appropriate targets, should be the responsibility of the school. On the other hand devising strategies and identifying appropriate methods of access to the curriculum should lie within the area of expertise and responsibility of individual class/ subject teachers. All staff should therefore be involved in providing further help to pupils through School Action. For this reason the arrangements for devising and recording IEPs should be planned and agreed with all staff, and endorsed by senior management.

Parents should always be consulted and kept fully informed of the action taken to help pupils, and of the outcome of this action.
School Action Plus:

- **SENCO and class teacher, in consultation with parents**, ask for help from external services.

- Teachers and SENCO are provided with advice or support from outside specialists.

- **Additional or different** strategies to those at *School Action* are put in place - an IEP will usually be devised.

- **SENCO** should take the lead in -
  - any further assessment of the child
  - planning future interventions for the child in discussion with colleagues
  - monitoring and reviewing the action taken.

Requesting statutory assessment:

*Before requesting statutory assessment the school should be in a position to provide written evidence of, or information about:*

- the school’s action through School Action and School Action Plus
- IEPs for the pupil
- records of regular reviews and their outcomes
- the pupil’s health including the pupil’s medical history where relevant
- National Curriculum levels including those in literacy and numeracy
- educational and other assessments, for example from an advisory specialist support teacher or an educational psychologist
- views of the parents and of the pupil
- involvement of other professionals
- any involvement by the social services or education welfare service.
Role of the LEA

The LEA has a statutory duty to promote high standards of education for all children, including those with SEN.

An essential function of the LEA is to make effective arrangements for SEN by ensuring that:

- children with SEN are identified and assessed quickly and matched by appropriate provision
- high quality support is provided for schools - including, through educational psychology and other support services, and arrangements for sharing good practice in provision for children with SEN
- close partnerships are developed between parents, schools, health and social services and the voluntary sector so that children with SEN can benefit from co-ordinated provision
- systems for monitoring and accountability for SEN are developed
- LEA arrangements for SEN provision are kept under review as required under the Education Act 1996
- LEAs should work with schools to evaluate the effectiveness of their school funding arrangements in supporting and raising the achievements of children with SEN.

LEA policy framework

LEAs are required to publish their policies on SEN and information how the authority is:

- promoting high standards of education for children with SEN
- encouraging children with SEN to participate fully in their school and community and to take part in decisions about their education
- encouraging schools to share good practice
- working with other statutory and voluntary bodies to provide support for children with SEN.
LEAs must also publish their general arrangements, including any plans setting out objectives, targets and time scales covering local arrangements for:

- identifying children with SEN
- monitoring the admission of children with SEN (whether or not those children have a statement)
- organising the assessment of children's SEN statements, including any local protocols for so doing
- providing support for schools with regard to making provision for children with SEN
- auditing, planning, monitoring and reviewing provision for children with SEN
- supporting pupils through School Action and School Action Plus
- securing training, advice and support for staff working in SEN
- reviewing and updating the policy and development plans on a regular basis
- explaining that element of provision for children with SEN (but without statements) which the LEA expects normally to be met from maintained schools' budget shares and that element of such provision that the authority expects normally to be met from funds which it holds centrally.

To fulfil their role effectively, LEAs' planning should provide for the inclusion of children with SEN in mainstream schools. They should monitor and review the role and quality of central SEN support services and parent partnership services; take account of current and predicted pupil numbers; monitor the kinds of needs that are identified and where children are placed; and should develop their SEN policies in consultation with schools and their other partners and keep them under review.

**Role of the SENCO**

The SENCO, in collaboration with the head teacher and governing body, plays a key role in helping to determine the strategic development of the SEN policy and provision in the school to raise the achievement of pupils with SEN.

The SENCO should seek to develop effective ways of overcoming barriers to learning and sustaining effective teaching through the analysis and assessment of pupils' needs, by monitoring the quality of teaching and standards of pupils' achievements, and by setting targets for improvement.
The SENCO should collaborate with HODs and pastoral colleagues to ensure that learning for all pupils is given equal priority, and that available resources are used to maximum effect.

**The key responsibilities for the SENCO may include:**

- overseeing the day-to-day operation of the school's SEN policy
- liaising with and advising fellow teachers
- managing the SEN team of teachers and learning support assistants
- co-ordinating provision for pupils with special educational needs
- overseeing the records on all pupils with special educational needs
- liaising with parents of pupils with special educational needs
- contributing to the in-service training of staff
- liaising with external agencies including the LEA's support and educational psychology services, Careers Wales, health and social services and voluntary bodies.

**The Code also recommends:**

- that it is inappropriate for the SENCO to have other school-wide responsibilities
- costs of the SENCO (or those parts of the post holders work devoted to SENCO duties) should be set against core or base budget of the school rather than against delegated funds for SEN
- SENCOs require time away from the classroom (observing pupils, liaising with and advising staff, managing LSAs, liaising with other colleagues)
- SENCOs need:
  - access to a telephone
  - access to an interview room
  - allocated administrative time
  - ICT support for SEN management systems.
Duties of Governing Bodies

Governors play a major part in school self-review and should establish mechanisms to ensure that they are fully informed about the school, including the systems for and the outcomes of in-school monitoring and evaluation.

In relation to SEN the governing bodies should make sure that:

- they are fully involved in developing and monitoring the school's SEN policy
- all governors, especially any SEN governors, are up-to-date and knowledgeable about the school's SEN provision, including how funding, equipment and personnel resources are deployed
- SEN provision is an integral part of the school development plan
- the quality of SEN provision is continually monitored
- they decide with the head teacher the school's general policy and approach (for those with statements and without)
- appropriate staffing and funding arrangements are established
- objectives set for head teacher need to include SEN (performance management framework)
- they liaise and support the 'responsible person' (usually SENCO)
- they appoint a governor or sub-committee to have specific oversight of arrangements and provision for meeting special educational needs
- they ensure that parents are notified when SEN provision is made for their child
- they report annually to parents on the implementation of the school's policy for pupils with special educational needs.
The governing bodies role gives them the opportunity to:

- raise the profile of inclusion in the school
- revisit and update school policies/procedures
- identify school training needs
- involve the whole school in establishing the process of a graduated response
- contribute to school development plan
- raise the status of the SENCO
- learn from good/best practice.
**Glossary**

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<th>Term</th>
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<tr>
<td>ACE</td>
<td>Advisory Centre for Education.</td>
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<td>Annual Report to Parents</td>
<td>Schools are legally obliged to present an annual report on the implementation of the school’s policy for pupils with special educational needs.</td>
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<td>Annual review</td>
<td>The review of a statement of special educational needs which an LEA must make within 12 months of making the statement, and annually thereafter. (see also ‘Statemented Pupils’ &amp; ‘Statutory Assessment’ below)</td>
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<tr>
<td>Core or base budget</td>
<td>The budget allocated to the school by the LEA.</td>
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<td>Differentiation of learning activities</td>
<td>Schools can help to meet the needs of all pupils by developing activities that can meet the individual needs of pupils.</td>
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<td>EBD</td>
<td>Emotional and behavioural difficulties.</td>
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<td>Estyn</td>
<td>Aims to raise standards and quality in education and training in Wales through inspection and advice, in support of the vision and strategic direction set out by The National Assembly.</td>
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<td>ICT</td>
<td>Information and Communications Technology.</td>
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<td>IEP</td>
<td>Individual Education Plan. The IEP is a planning, teaching and reviewing tool. It is a working document for all teaching staff recording key short-term strategies and targets for individual pupils that are <strong>different from</strong> or <strong>additional to</strong> those in place for the rest of the group/class. The interventions will be provided under School Action, School Action Plus and statements of SEN.</td>
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<td>INSET</td>
<td>In-service training for teachers.</td>
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Key Stage (KS)  Children are continually assessed through the National Curriculum Assessment process.
Key Stage 1: years 1 to 3
Key Stage 2: years 4 to 6
Key Stage 3: years 7 to 9
Key Stage 4: years 10 & 11.
Children sit tests at the end of Key Stages 2 & 3.
Key Stage 4 - assessed by external examinations.

LEA  Local Education Authority.

Looked after children  children who are looked after by a local authority, either in care or voluntarily accommodated.

LSA  Learning Support Assistant. An assistant providing in-school support for pupils with special educational needs and/or disabilities.

National Curriculum  this sets out clear, full and statutory entitlement to learning for all pupils; what should be taught; setting attainment targets and how performance will be assessed and reported.

NNEB  National Nursery Examination Board merged with the Council for Early Years Awards in 1994. The qualification - NNEB Diploma in Nursery Nursing, is now administered by the Council for Awards in Children's Care and Education. The course trains Nursery Nurses in the care and education of children aged from 0 to 7 years 11 months. Nursery Nurses are employed primarily in early years education as support for the nursery and reception class teachers.

Note in lieu  a note explaining to parents why the LEA has decided not to make a statement following a statutory assessment. The note should describe the child’s special educational needs, explain why the LEA does not think it necessary to make a statement and make recommendations about appropriate provision for the child. All the advice received during the assessment should be attached to the note sent to the parents and, with their consent, should also be sent to the child's school.
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<th><strong>Parent Partnership Scheme</strong></th>
<th>provides advice and information to parents whose children have special educational needs. Funded by the LEA, they provide neutral and factual support.</th>
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<td><strong>Performance Management Framework</strong></td>
<td>performance management is a system of annual performance review that involves professional dialogue about aims and achievements between teachers and their team leaders and the head teacher and the governing body. The SEN Code of practice indicates that head teacher objectives should be inclusive of special educational needs. ‘Request for confirmation only’ is indicated in Q4 page 34 in Part 2 so that the confidentiality that surrounds the performance management process can be preserved.</td>
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<td><strong>Responsible Person</strong></td>
<td>this can either be the head teacher or a school governor. In a nursery school the responsible person is the head teacher. The LEA must inform the designated person when they decide that a pupil has SEN. The responsible person must then inform all those who will teach the child about the child’s special educational needs.</td>
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<td><strong>SATs</strong></td>
<td>Standard Assessment Tests.</td>
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<td><strong>School Action</strong></td>
<td>when a pupil is identified as having special educational needs, interventions are provided that are additional to or different from those provided by the usual differentiated curriculum. An IEP will usually be devised.</td>
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<td><strong>School Action Plus</strong></td>
<td>when class/subject teacher and SENCO are provided with advice/support from outside agencies. Interventions will be additional to or different from those provided under School Action. SENCO usually takes the lead but the class/subject teacher is responsible for the day to-day provision. A new IEP will usually be devised.</td>
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<td><strong>SEN</strong></td>
<td>Special Educational Needs.</td>
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<td><strong>SENCO</strong></td>
<td>SEN co-ordinator. Member of staff responsible for coordinating SEN provision within the school.</td>
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<td><strong>Setting</strong></td>
<td>the placing of pupils in groups or ‘sets’ within a particular subject.</td>
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SSD Social Services Department.

Statemented Pupils a pupil with SEN for whom a statement has been drawn up by the LEA following a statutory assessment. (see next entry)

Statutory Assessment schools may request a Statutory Assessment if the help given by the school through Action Plus has not been sufficient to enable adequate progress. It will be for the school, in consultation with parents and any involved external agencies to consider whether to ask the LEA to initiate a statutory assessment. The LEA will seek detailed evidence from the school supporting the request for the statutory assessment. It is for the LEA to decide whether or not a statutory assessment will be made.

Transition the time at which a pupil transfers from one educational sector to another. Viz.: - nursery to primary school; primary school to secondary school.(see also Transition Plan below).

Transition Plan a plan devised following year 9 Annual Review and up dated each following year. The purpose is to plan the young persons transition to adult life, by drawing together information from a range of individuals from the school and external agencies.