



## SPECIAL EDUCATIONAL NEEDS AND DISABILITY CODE OF PRACTICE: 0-25 years

### What is it?

- Statutory guidance – mainly for local authorities – on the minefield of duties, policies and procedures arising out of Part 3 of the Children and Families Bill.
- LAs '**must** have regard to it' and **must** fulfil its statutory duties as laid out in the Bill. (musts vs should)
- Part and parcel of a much larger set of associated legislation including: *The Approval of Independent Educational Institutions and Special Post 16 Institutions Regulations (Clause 14)*
- Code of Practice for SEN(D) has been around since 1994 – revised in 2004. Guidance on the Identification, Assessment, Intervention and Monitoring of C&YP with SEND. Main differences with this one are:
  - Now 0-25 (previously 0-19)
  - Children, Young People and Families are at the centre of the processes - this includes having a clearer voice and a more prominent part in decision-making.
  - Joint planning and commissioning of services between the three main partners; Education, Health and Care to ensure that elusive joined-up co-operation
  - Move from statements to Education Health and Care plans – should emphasise the more equal nature of the 3 services (still an education plan)
  - New guidance on the support pupils and students should receive in education and training settings.
  - Greater focus on support for transition to adulthood.
- All encompassed in eleven pithy chapters giving very detailed guidance on how the regulations embedded in the Children and Young People's Act (part 3) must, or should be met by local authorities (education, health and care)

## INDIVIDUAL CHAPTERS

### 1. Principles

- Children, young people and families at the centre with good support to enable their full participation throughout the whole process including decision making. Greater control over their own destinies and greater choice and control over their support.
- Education, Health and Social Care **must** work together to identify, assess and provide support for C&YP with SEND
- High quality provision from the outset – person centred approach from EYFS – Post 16 and across all institutions. High aspirations
- Inclusive education
- Eye to the future – supporting the preparation for a successful transition to adulthood.

### 2. Impartial Information, advice & support

- LAs **must** provide all CYP& parents with clear and accurate information, advice and support through a single point of access (Local Offer) – have to make this available to range of providers including proprietors of independent special schools
- Services commissioned which are independent of the LA to give impartial advice and support to parents particularly throughout the statutory assessment process.

### 3. Working Together across Education, Health and Care for Joint Outcomes

- Developing joint arrangements for commissioning services to improve outcomes for 0-25 year old children.
- Must include services for C&YP with SEND whether it is on the EHC plan or not – includes: specialist support; therapies; clinical treatments; OT; SALT; CAMHs; equipment; short breaks; communication systems etc
- Joint commissioning **must** include arrangements for:
  - Securing EHC assessments
  - Securing EHC provision specified on EHC plans
  - Agreeing personal budgets
- Most important message in this chapter is that these 3 partners must work together.

### 4. The Local Offer

- Statutory duty on LAs to develop and publish a Local Offer setting out the support they expect to be available for local children and young people with SEND.
- 2 key purposes of the Local Offer:
  - To provide clear, comprehensive, accessible and up to date information about available provision and how to access it
  - Make it more responsive to local needs and aspiration by directly involving children, young people and their families in its creation and review.
- Local partners are required to co-operate with the LA including proprietors of independent special schools.

- Full contents of what must be included in the Local Offer are on page 66 & 67.

### **5,6& 7 The Three Phases – Education Providers in the Early Years; Schools and Further Education**

- All should have high expectations and aspirations for C&YP with SEND
- All should make the necessary provision for individuals with SEND based on a graduated approach with regular reviews and adaptations made as required
- Defines the four areas of SEN:
  - Communication and Interaction
  - Cognition and Learning
  - Social, mental and emotional health
  - Sensory and/or physical
- The 3 chapters focus on the relevant responsibilities of each of the 3 phases – common themes are:
  - Arrangements for identification, assessment and intervention for pupils with SEN
  - High quality differentiated teaching
  - Regular reviews of progress
  - Involving outside specialists where progress is slow
  - Role of the SENCO or named person in a college with oversight of SEN provision to ensure co ordination of support
  - Publication of information on the website about the implementation of the governing body or proprietor’s policy for pupils with SEND
  - Funding arrangements
  - Admissions and exclusions

### **8. Preparing for adulthood from the earliest years**

- Particularly relevant for those working with C&YP aged 14 and over
- High aspirations crucial to success – discussions about long term goals should begin long before the transition plan formally begins at age 13-14.
- Covers both the transition into Post 16 education and the transition from Post 16 to adult life including higher education; adult health services and adult social care and leaving education and training and progressing into employment.

### **9. Education, Health and Care needs assessments and plans - EHC**

- Longest chapter in the Code. Covers all the key stages in statutory assessment and planning and preparing the EHC plan.
- Who can request an EHC assessment – open to interpretation by individual LAs but must all ensure the knowledge and agreement of the parents or young person wherever possible.
- The rest of the chapter covers all aspects of this statutory process and will be interpreted into local practice by each individual authority but must pay due regard to the Code of Practice and must meet all statutory regulations.

- Timescales are very specific and the overall time from decision to assess to completion has been reduced through this legislation.
- The content of the plan is outlined and the major emphasis is on outcomes i.e. the personal benefit or difference made to an individual as a result of an intervention.
- Involvement of the child or young person and their families is more strongly reinforced.
- Education, Health and Care needs should be specified.
- The young person or the parents can request a particular school, college or institution to be named in the EHC plan and the LA must consult the governing body, principal or proprietor before deciding whether to name it in the plan.
- LAs must provide information on personal budgets and are under a duty to prepare a budget when requested.
- EHC plans must be reviewed by the LA every 12 months as a minimum focussing on the pupil's progress towards achieving the outcomes specified in the plan.
- All reviews from Y9 onwards must include a focus on preparing for adulthood including employment, independent living and participation in society.

#### **10. Children and young people in specific circumstances**

- This concerns groups of C&YP whose circumstances require additional consideration if they have SEND.
- The groups include: looked after children; care leavers; children in need; educated out of area; educated at home; in alternative provision; in hospital; youth custody; children of service personnel.
- Regardless of their circumstances, the LA must make relevant provision for their SEND.

#### **11. Resolving disagreements**

**NB** *Disagreement resolution arrangements are designed to resolve disagreements about the performance of duties, SEN provision, health and social care provision and disagreements between health commissioners and LAs and are voluntary for both parties. The mediation arrangements are specifically linked to decisions about EHC needs assessments and plans.*

- This is primarily concerned with the early resolution at a local level, of disagreements between parents/ young people and early years providers, schools, colleges, LAs or Health commissioners without recourse to the Tribunal.
- LAs must make disagreement resolution services available to parents and young people which are independent of the LA.
- Mediation services also have to be made available and must also be independent of the LA.
- Complaints procedures are also outlined in this chapter.