

## **CHESHIRE EAST COUNCIL**

### **REPORT TO: Children and Families Scrutiny Committee**

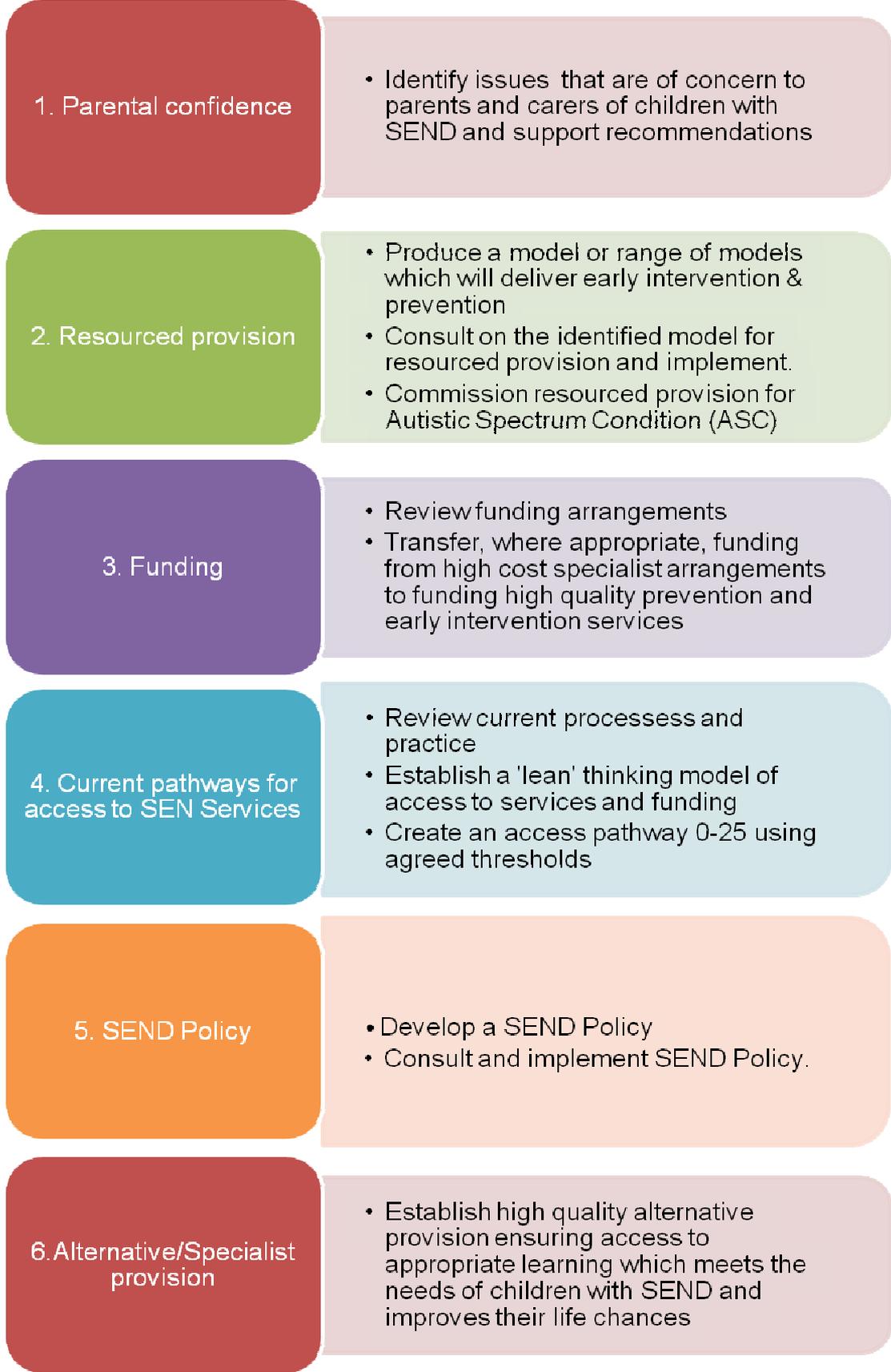
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<b>Date of Meeting:</b>	15 <sup>th</sup> November, 2011
<b>Report of:</b>	Lorraine Butcher, Director of Children's, Families and Adults
<b>Subject/Title:</b>	Draft Special Educational Needs and Disability Policy
<b>Portfolio Holder:</b>	Councillor Hilda Gaddum

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#### **1.0 Report Summary**

- 1.1 In 2010, Cheshire East Local Authority began a process of reviewing its educational arrangements for children and young people with Special Educational Needs and Disability (SEND).
- 1.2 The SEND plan has six key strategic priorities, which are supported by wider working groups which provide access and analysis to the networks represented by the members of that group.
- 1.3 The six key strategic priorities and remits are outlined below



1.4 The Special Education Needs review has received feedback from schools, partners and parents/carers that has highlighted the requirement for a clearly stated Special Educational Needs and Disability (SEND) policy, which reflects the priorities for SEND provision, principles, aims and objectives.

1.5 Cheshire East Children and Families Services has drafted a policy on SEND (Appendix A) which sets out the policy framework within which the local authority and its partners will maintain and develop provision for children and young people with special educational needs and disability from birth to 25 years of age.

## **2.0 Recommendation**

2.1 As part of the consultation process Children and Families Scrutiny Committee are asked consider the proposed SEND policy and provide feedback to officers on the draft document.

## **3.0 Reasons for the Recommendation**

3.1 The council has a statutory responsibility to have a policy that sets out how it will provide services and support for children and young people who have special educational needs and disability.

3.2 The policy reinforces Cheshire East Council's commitment with its partners to continue supporting, maintaining and developing a range of high quality provision to meet the needs of children and young people with special educational needs and disability

## **4.0 Wards Affected**

4.1 All

## **5.0 Local Ward Members**

5.1 All

## **6.0 Policy Implications including**

6.1 The SEND review has highlighted the requirement for a SEND policy. The Local Authority (LA) has a statutory responsibility to provide services for children and young people who have special educational needs and disability.

## **7.0 Financial Implications (Authorised by the Borough Treasurer)**

7.1 The cost of the design of the document commissioned to Opening Doors is £2,000.

## **8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 The LA has a range of statutory duties for SEND of which include<sup>1</sup>:

- Keep under review LA arrangements for SEND provision
- Identify and assess needs of SEND children, matching with additional appropriate provision
- Plan strategically with schools and other significant partners to develop systems for monitoring and accountability for SEND
- Provide high quality support and service delivery to schools
- Develop co-ordinated multi-agency SEND provision
- Promote high standards in education for SEN pupils
- Improve accessibility to curriculum, premises and written information for pupils with SEND
- Consult the governing bodies of maintained schools and nurseries in its area for the purpose of co-ordinating SEND provision

## **9.0 Risk Management**

9.1 The risks include:

- The Local Authority not fulfilling its statutory duties

## **10.0 Background**

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<sup>1</sup> SEN Code of Practice, SEN and Disability Act, Disability Discrimination Act 1995 and 2005, Government Strategy for SEN, ECM, OFSTED integrated inspection framework for Children Services, National Service Framework for Children, Young People and Maternity Services.,

**10.1** In 2010, Cheshire East Local Authority began a process of reviewing its arrangements for children and young people with Special Educational Needs and Disability (SEND).

**10.2** The key drivers of the review are:

- concern with addressing a number of issues raised by stakeholders,
- compliance of statutory responsibilities against the backdrop of a national radical recasting of services for SEND,
- limitations of the range of specialist and resourced provision,
- Individual Pupil Funding (IPF),
- lack of a clearly stated SEND policy,
- assessment pathways and,
- the implications of the Green Paper 'Support and Aspiration' ( A new Approach to Special Educational Needs and Disability) March 2011.

**10.3** The aim of the SEND review was to address the drivers set out above, address challenges, identify and formulate priorities for improvements in the effectiveness and efficiency of provision for children, young people with SEND and their families.

**10.4** The LA has a general responsibility to promote high standards for all pupils, including those who have special educational needs and disability. The aim of the SEND policy is to describe the provision of support for children/pupils with SEND within the LA.

**10.5** Underpinning the SEND Policy is a national framework, which provides guidance as to the way in which the LA and local partners will implement the policy.

**10.6** The framework includes:

- The United Nations Educational Scientific Cultural Organisation (UNESCO) Salamanca Statement (1994) which reinforces the notion that all pupils should attend their local community mainstream school “unless there are compelling reasons for doing otherwise.”
- The Disability Discrimination Act 1995, which aimed to end discriminatory practices faced by many disabled people.
- The 1996 Education Act, which made provision for the publication of the SEN Code of Practice, designed to give education providers guidance on the identification and assessment of children and young people with special educational needs.

- The 1997 Government publication “Excellence for All Children – Meeting Special Educational Needs” which sets out a strategy for improving the standards for pupils with SEN
- The 1998 publication “Meeting Special Educational Needs – A Programme of Action” which, in conjunction with the 1999 Disability Rights Task Force Report “From Exclusion to Inclusion”, reinforces the rights of all pupils to be educated in mainstream schools
- The Special Educational Needs and Disability Act (2001), which amended the Disability Discrimination Act (1995) to make it unlawful for education providers to discriminate against disabled pupils, students and adult learners. As a result, education providers must make reasonable adjustments to ensure that disabled people in education do not suffer a substantial disadvantage in comparison to their peers who are not disabled. Part 1 of the Act strengthens the rights of children and young people with special educational needs to be educated in mainstream settings. The Act also requires schools and LAs to plan strategically to increase access to education.
- The revised SEN Code of Practice , which takes account of the Special Educational Needs and Disability Act (2001) and “provides practical advice to Local Authorities, maintained schools, early education settings and others on carrying out their statutory duties to identify, assess and make provision for pupil’s special educational needs.

10.7 The publication of the government’s Green Paper, ‘[Support and Aspirations: A new approach to special educational needs and disability](#)’, marks the start of a period of consultation and testing in local areas from September 2011.

10.6 The Government will set out detailed plans by the end of 2011, which will form the basis for the legislative changes which will be taken forward from May 2012 at the earliest. The SEND policy reflects the main themes and ethos of the Green Paper.

## 11.0 Access to Information

11.1 Further background papers relating to this report include the:

- END Draft Policy (Appendix A) S
- END Consultation documentation (Appendix B) S

11.2 These can be inspected by contacting the report writer or are available from the Cheshire East Website [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)  
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## **Appendix A – Draft SEN Policy Document**

## **Appendix B Consultation Document**