



# Special Educational Needs and Disability Policy (0-25) 2011-2014

Version: 2.1

Issue Date: November 2011	Responsibility/owner: Fintan Bradley
Review Date: 2012	Equality Impact Assessment ref:CHI

## SEND POLICY

### Cheshire East Council 2011- 2014

#### Contents

1.	Introduction	
2.	Vision	
3.	Principles	
4.	Scope of Policy	
5.	Definitions	
6.	Cheshire East Context	
7.	National Context	
8.	Local Authority – Roles and Responsibilities	
9.	Schools and Parents/Carers Roles and Responsibilities	
10.	The Pledge	
11.	Resources	
12.	Equality	
13.	Glossary	
14.	Appendix 1 - SEND Early Intervention	

## Introduction

### No Child or Young Person is Left Behind

The Local Authority's (LA) Special Educational Needs and Disabilities (SEND) Policy 2011- 14 sets out the actions which will be taken by the Children and Families Service, and our partners, to ensure that the needs of children and young people aged 0 to 25 with SEND are met effectively, and that they have every opportunity to access high quality provision as close to their local community as possible.

The policy defines the roles and responsibilities of service providers and sets out the support that parents, children and young people can expect to receive, in order to ensure that ***NO CHILD OR YOUNG PERSON IS LEFT BEHIND*** and that every child and young person achieves the best possible outcomes.

## Vision

Cheshire East Council's vision for Special Educational Needs and Disabilities is:

***“To work together to ensure all children have a fair start in life”***

The overarching vision for Children and Families is:

***“For Cheshire East to be a place where all children and young people are supported well to maximise their life choices”***

***“To provide responsive, locally based services which makes sense to children, young people and their families, that addresses their needs earlier”***

***“To be a place where no child or young person is left behind because organisations do not work together”.***

It is our aim to work with a range of service providers to ensure that ***NO CHILD OR YOUNG PERSON IS LEFT BEHIND*** and that every child and young person receives the support they need to lead successful lives.

## Principles

Our vision is underpinned by a number of shared principles that guide the provision and commissioning of services for children and young people with special educational needs and disabilities.

Children and young people in Cheshire East with special educational needs and disabilities have an entitlement to:

- Effective early intervention based on a secure assessment of their needs
- Quality first teaching, wherever possible in a mainstream school, that is as close to their home as possible
- Specialist provision if their needs cannot be met in a mainstream school or college
- Provision which gives best value for money at the right time in the right place
- Support from services and agencies which work well together to provide the right service, at the right time, in the right way
- Services which listen and involve them in decisions about matters which directly affect them
- Services which involve their parents/carers as equal partners in their education
- High quality SEND information, which is easy to find, up to date, relevant and available in a range of formats
- The right support as they make the transition from one setting to the next, into the world of work and into supported or independent living

## **Scope of the Policy**

This policy applies to all children and young people in Cheshire East between the ages of 0 -25 who have SEND and to whom the Authority has a statutory obligation as defined by the Education Act 1996 and the SEN Code of Practice (2001). The policy applies equally to all pupils and their families whatever their gender, ethnic origin, home language, religion, disability or social circumstances.

This policy also has implications for all our partners in the SEND process, i.e. schools/colleges, independent specialist providers, governing bodies, parents/carers and statutory/voluntary agencies.

## Definitions

For the purpose of this policy the definitions provided in this section are taken from the legislative framework that underpins provision for pupils with Special Educational Needs and Disabilities.

**‘Children and young people aged to 0 – 25 with additional needs’** is a broad term used to describe all those at risk of poor outcomes as defined by the 5 outcomes (“Every Child Matters”). An estimated 20-30% of children have additional needs at some point in their childhood, requiring extra support from education, health or social care. This could be for a limited period, or on a long term basis.

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:

- a) have significantly greater difficulty in learning than the majority of children of the same age (it is proposed there will be a set of national descriptors, which will define the term ‘significant’); and/or
- b) have a disability which prevents or hinders them from making use of educational facilities of a kind provided for children of the same age; and
- c) are under compulsory school age and fall within the definition of (a) or (b) above or would do so if special educational provision was not made for them.

Children and young people must not be regarded as having a learning difficulty solely because the language or form of

language of their home is different from the language in which they will be taught.

**Special educational provision** means:

- a) for children of two or over, 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 LA (other than special schools in the area); and
- b) for children under two, educational provision of any kind (Education Act, 1996)

**Children and young people with a disability** are defined under the Equality Act 2010 as having a physical or mental impairment, which has substantial and long-term effect on his or her ability to carry out normal day-to-day activities. Impairment does not itself mean that a child or young person has a disability; it is how this impairment affects normal day-to-day activities and whether or not this is a long-term and substantial impairment.

**'Long-term'** is defined in the Equalities Act 2010 as having lasted or being likely to last 12 months or more. Ability to carry out day-to-day activities must affect one or more of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift or carry or otherwise move every day objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;

- perception of risk.

**'Physical impairment'** includes sensory impairment and mental impairment including learning difficulties and an impairment resulting from, or consisting of, a mental illness. The definition can include a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments and Attention Deficit Hyperactivity Disorder (ADHD). Pupils with severe disfigurements are also covered by the Equalities Act 2010, as are those with progressive conditions that are likely to change over time such as cancer.

Many, although not all, children and young people with a disability will have a special educational need if they have difficulty accessing education or if they need special educational provision to be made for them.

The term Learning Difficulties and/or Disabilities (LDD) is used to refer to individuals or groups of learners who have either a learning difficulty in relation to acquiring new skills or who learn at different rates to their peers and who have a disability as defined under the Equalities Act 2010.

The terms **SEND** and **LDD** are often used interchangeably. However, for the purposes of this policy, and the LA's Children and Young People's Plan, children and young people with SEND include children with LDD but do not exclusively make up this vulnerable group.

## Cheshire East - Context

Cheshire East Council came into being in April 2009, when Cheshire County Council was disaggregated and two new unitary authorities were formed. As the Children's Act 2004 placed a new duty on agencies to co-operate to improve outcomes for children and young people and established new Children's Services Authorities, the new Cheshire East Children and Families Service was established in September 2009.

The mid-year estimates for 2007 suggested that Cheshire East had a population of 360,700. There are just over 80,000 children and young people aged 0 to 18 in Cheshire East. 19,800 aged between 0 to 4, 20,000 aged between 5 to 9, 22,100 aged between 15 to 19. Approximately 6,500 Cheshire East children and young people that live in

LSOAs fall into the 20% most disadvantaged in the country.

### ***Key strategies and priorities***

The following documents provide strategic direction to the policies of the Children and Families Service:

[The Cheshire East Sustainable Community Strategy 2010 – 2025](#)

[The Cheshire East Council Corporate Plan](#)

[The Children and Young People's Plan](#)

[The Children and Families Service Plan](#)

### ***The Special Educational Needs and Inclusion Team***

The Special Educational Needs and Inclusion Team discharge the LA's statutory responsibilities for children and young people with special educational

needs and disabilities. The team and consists of:

- Statutory Assessment and Monitoring Team
- Educational Psychology Service
- Sensory Inclusion Service (Vision and Hearing Support)
- Early Years Service
- The Child Development Service
- Autism Support Service
- Medical Needs
- Elective Home Education

The future pattern of provision, including support and outreach services for children and young people with Autism Spectrum Conditions (ASC) and/or Behavioural Difficulties (behavioural, emotional and social development or BESD) is under review.

The 14-25 Team discharge the LA's statutory responsibilities to secure suitable education and training opportunities for young people. The team must take account of autonomous schools, colleges and other education and training providers to ensure all sectors work in partnership with each other, and the local authority, to meet the needs of young people.

### ***Children and Families approach***

The Specialist Services described above provide support for schools based on an Early Intervention Model. This model describes provision across a continuum from Universal provision, for all children living within the borough, through to Targeted Complex and Specialist provision, which is targeted at children identified as having complex and special needs. The model of early intervention

provision for SEND is set out in Appendix 2.

Additional resources are also made available to some schools in areas of high deprivation, which recognises their greater need for input and supports collaborative working. This additional support leads to better outcomes for the children at these schools.

### ***Cheshire East Parents' and Carers' Voice***

This parental support group has produced a report entitled 'The Parents' Perspective on Special Education in Cheshire East', providing insights into their children's experiences of special educational needs in their schools, and providing some recommendations for action. [Link](#)

## National Context

### **Legislative framework**

The Local Authority must provide services for children and young people with special educational needs or disabilities in line with the statutory framework set out in:

- [SEN Code of Practice 2001](#)
- [Education Act 2002](#)
- [Education Act 1996](#)
- [Education and Inspections Act 2006](#)
- [Education and Skills Act 2008](#)
- [Apprenticeships, Skills, Children and Learning Act 2009](#)
- [Equality Act 2010](#)

### **Special Educational Needs and Disabilities Green paper**

The publication of the government's Green Paper, '[Support and Aspirations: A new approach to special educational needs and disability](#)', March 2011 marks the start of a period of consultation and testing in

local areas from September 2011. 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. This policy reflects the main themes and ethos of the Green Paper.

### **National policy framework**

The policy is also governed and informed by the following national policies and guidelines:

- [Supporting young people with learning difficulties to participate and progress, DfE \(2010a\)](#)
- [Ofsted Common Inspection Framework for Further Education and Skills, 2009](#)
- [Healthy Lives, Brighter Futures; The Strategy for Children and Young People's Health, 2009](#)
- [Aiming High for Disabled Children: better support for families, May 2007](#)

- [Improving the Life Chances of Disabled People, 2005](#)
- [National Service Framework for Children and Young People and Maternity Services, 2004](#)
- [Removing Barriers to Achievement - The Government's Policy for Special Educational Needs and Disability, 2004](#)
- [Inclusive Schooling - Children with Special Educational Needs, Guidance 2001](#)
- [REACT 2010 Commissioning Funding and Funding for 16-19 Education and Training - High Level Guide for Local Authorities](#)
- [Young People's Learning Agency \(YPLA\) Placement Technical Guidance for Independent Specialist Providers, 2011/12](#)
- [Assessments Relating to Learning Difficulties, 2010](#)

### **Government reviews**

The policy is also influenced by strategic developments of the following Government reviews:

- [Ofsted Review SEND, 2010](#)
- [Salt Review, 2010](#)
- [Lamb Inquiry, 2009](#)
- [Bercow Review, 2008](#)
- [Rose Review, 2008](#)
- [Aiming High for Disabled Children, 2008](#)
- [Learning for Living and Work Framework, \(LflW\) 2010](#)

## Local Authority – Role and Responsibilities

The Local Authority has a number of key statutory responsibilities which are set out in this section of the policy.

### ***Providing Information***

The LA has a responsibility to provide information as set out under Schedule 2 of the SEN Regulations to:

- Promote high standards of education for children and young people with SEND
- Encourage children and young people with SEND to participate fully in their school and community to take part in decisions about their education
- Encourage schools in their area to share their practice in providing support for children and young people with SEND

- Work with other statutory and voluntary bodies to provide support for children and young people with SEND

The Children and Young People's Plan, together with key priorities in the Children and Families service plans, provide information about the actions that Services for Children and Families taking with respect to the above.

### ***Identifying children with SEND***

The SEND and Inclusion Team and the Early Years Team work on an ongoing basis with health services, all settings, schools and a range of agencies. They will identify children with SEND of all levels of intervention, taking into account the action taken by the setting or school, and the progress made by the child and young person, in accordance with the SEN Code of Practice.

### ***Monitoring the admission of children with SEND to maintained schools***

The schools admission team is responsible through the admissions forum for setting out the LA's policy in relation to the admission of children with SEND and

our response, where this gives cause for concern or complaint.

The statutory assessment and monitoring team is responsible for the admission to school of a child with a statement of SEN. The procedure followed is in accordance with schedule 27 of the Education Act 1996.

The LA Admissions Team and the SEND and Inclusion Team liaise to address concerns relating to admissions procedures and time scales.

The percentage of statements amended by 15th February each year for phase transfers is monitored and action taken where needed by The Statutory Assessment and Monitoring team.

### ***Organising the assessment of children's special educational needs***

Organising the assessment of children's special educational needs under section 323 of the Education Act 1996 is carried out by the Statutory Assessment and Monitoring Team, in accordance with guidance in Sections 7 and 8 of the SEN Code of Practice, 2001.

In 2007 the LA introduced a funding mechanism called Individual Pupil Funding (IPF). IPF is a funding stream for children and young people who in the past would have undergone a statutory assessment. IPF still acknowledges where the child has needs beyond the level which can reasonably be funded through the school budget. Individual Pupil Funding is currently under review.

***Organising the making and maintaining of statements including any local protocols***

This is carried out in accordance with guidance in Sections 7 and 8 of the SEN Code of Practice 2001, by the Statutory Assessment and Monitoring Team.

***Providing information for parents/carers, settings and schools***

Information for parents of children and young people with SEND is provided through the [Parent Partnership Website](#).

The [Family Information Service](#) provides a range of impartial leaflets for parents as well as links to other useful local and national organisations.

Cheshire East's SEND and Inclusion Team provide a range of published resources which sets out the LA's information in relation to SEND provision for children and young people.

The Statutory Assessment and Monitoring Team provides a booklet for parents which sets out the LA'S procedures and guidelines for the identification and assessment of children and young people with SEND, entitled 'The Graduated Approach' and the 'Companion', which were adopted by Cheshire East Council in 2009.

Pre- and post-16 institutions and other agencies provide information and guidance for parents/carers and young people.

Information on the process for the Independent Specialist Provider Placement Procedure is provided to parents, carers, schools, and specialist providers. This procedure outlines the process for new placements at an Independent Specialist Provider commissioned by the LA for young people with learning difficulties and/or disabilities, who are subject to a learning difficulty

assessment, who are over compulsory school age but under the age 25 is available. **Hyperlink not available yet**

***Securing training, advice and support for staff working with children with SEND***

The LA provides a learning and development programme aligned to local and national priorities. This programme includes:

- Special Educational Needs Co-ordinators (SENCO) Networks – induction for new SENCOs
- National training programmes – Ofsted 'SEN in Mainstream Schools' and 'Judging the achievement of children with Profound and Multiple Learning Difficulties'
- Targeted use of resources to support specific training programmes e.g. moving and handling, medical needs in school, Communication Aids Project, Let's Talk Project

- Signpost support for tailored development programmes aligned to specific aspects of SEND e.g. Dyslexia-friendly schools, Associate Member of the British Dyslexia Association
- Accredited training for staff working with children and young people on the autistic spectrum continuum
- School-based training aligned to identify developmental needs in individual schools or groups of schools
- Guidance to schools on entitlement to additional support
- Learning development programme for early years SEND consultants
- Family Support Workers carry out a Bridging Worker role for children and young people with disabilities who require after school provision
- Statutory Assessment and Monitoring Team support and advice to SENCOs

who are new to the post in statutory procedures / IPF requirements

In addition, an integrated Workforce Development training plan, as detailed in the Early Years Foundation Stage (EYFS), has been drawn up to address the needs of the practitioners from the different early years providers. The plan covers ten priority areas for training.

#### ***Planning and reviewing provision for pupils with SEND***

The Council is expected to keep its pattern of provision for special educational needs under review. A comprehensive review was undertaken in 2005-2006 and a new pattern of provision for SEND was agreed by the Council. The Council is currently (2010-11) undertaking a review of SEND provision and has identified interim key priorities for improvement.

The Inclusion Quality Mark enables schools to self-evaluate the provision that

they make for all children, including those with SEND.

The LA's strategy for Monitoring, Challenge, Intervention and Support for settings and schools promotes high standards of education and well-being for all children and young people, and sets out how we will ensure that settings and schools make inclusive provision for children with SEND.

#### ***Reviewing and updating SEND policy and development plans***

The SEN Policy will be reviewed on a 3-year cycle.

The CYPP objectives, targets and milestones are reviewed annually.

The SEND action plan will be reviewed on a 3-year cycle. This action plan has been developed by the Council and its partners to develop and implement an integrated approach to the delivery of services for children and young people with SEND, with the aim of improving outcomes.

Service development plans/action plans are reviewed at least annually.

### ***Auditing and monitoring performance***

The SEND database is monitored quarterly to provide management information relating to children with SEND. The Monitoring and Intervention Manager (in the Children and Families Quality Assurance Team) and the Principal Manager for SEND (2011) monitor the effectiveness of provision through a range of indicators. Specialist Services contribute to this process through:

- Monitoring and review of locality action plans to improve service delivery and outcomes for children and young people
- Annual meetings with Education Improvement Partnerships to agree how best to support and advise settings and schools
- Service involvement in individual casework and in developing the capacity of mainstream schools to better meet the needs of children with SEND

- Attendance at annual reviews of children with IPF and statements of SEND
- Fortnightly IPF panel meetings to allocate additional resources
- Half-termly educational psychology group consultations
- Weekly operational meetings of the Statutory Assessment and Monitoring Team to monitor, review and allocate a range of resources
- Bi-annual quality assurance board to ensure the consistency and quality of statements of SEND (as recommended in the Lamb Inquiry 2009)

The Statutory Assessment and Monitoring Team (within the SEND and Inclusion Team) provides data in line with the national performance indicators for the completion of Statutory Assessments within the expected time limits of 26

weeks. These are provided in June, based on the previous financial year, and published in November by the DFE.

The LA completes a self-evaluation of SEND provision, performance and progress and this is reviewed with the Children and Families Senior Management Team on a quarterly basis.

### ***Challenge and intervention***

The Local Authority must monitor, challenge, intervene and support schools in making provision for children with SEND. Schools are monitored to ensure that the local authority is able to account for the money which it delegates and spends itself in connection with schools, and gives best value for money. The Children and Families Service through the Quality Assurance Team's Monitoring and Intervention Service and its other Service Groups acts as the 'critical friend'; both

supporting schools and settings in what they do well, and challenging them, when appropriate, to do better. This requires:

- a detailed analysis of all performance data related to standards, wellbeing and finances;
- close knowledge of the current picture gained through regular visiting to targeted schools, with the school's agreement;
- a good grasp of a school's aspirations including its plans and targets;
- a system of regular meetings of those with knowledge and understanding of the schools.

If there is an issue with a school regarding the quality of SEND and or inclusion, further investigation and challenge will take place. This will be undertaken by the Monitoring and Intervention Officer and or personnel from the Special Education and Inclusion Team or an external specialist

adviser. The investigation will take the form of one or all of the following:

- Immediate communication
- School visit
- Paired visit
- Focussed review
- Themed review

If, following the monitoring review, serious and/or chronic concerns around SEND and/or inclusion are evident, a focused review will take place. This will occur with one to three days' notice.

### ***Providing education and training post-16***

For the majority of young people (over the age of 16) who have learning difficulties and/or disabilities, education and training provision will be delivered in a mainstream setting.

Local Authorities have a duty to secure enough suitable education and training to meet the reasonable needs of persons who have SEND who are over compulsory school age, but under 19, as well as for those aged 19 or over but under 25, who are subject to a learning difficulty assessment (section 15ZA of the Education Act 1996, inserted by the Apprenticeships, Skills, Children and Learning (ASCL) Act 2009).

Local authorities have existing duties to encourage, enable and assist the participation of all young people with learning difficulties and/or disabilities up to 25 years and also in respect of transport arrangements. It is important that all of these duties are aligned with the interests of the learner.

The Cheshire East Independent Specialist Provider Placement Procedure 2011/12

provides information in relation to the small number of young people in receipt of a learning difficulty assessment whose education and training needs can only be met by an independent specialist provider.

Local Authorities have a statutory duty as defined in Section 80 of the Education and Skills Act 2008 to undertake assessments relating to learning difficulties.

### ***Providing boarding accommodation post-16***

Section 46 of the ASCL Act provides Local Authorities with the power to secure boarding accommodation for persons who are over compulsory school leaving age but under 25 and subject to a learning difficulty assessment.

The documents below provide guidance and documented procedures in line with

national policy to facilitate and record placement decisions for provision at independent specialist providers, for young people aged 19 but not yet 25, with a learning difficulty assessment. These documents can also be used to communicate the procedures to young people, their parents, carers and advocates, referring agencies, schools, colleges and independent specialist providers.

- [YPLA's Placement Information: Learners with Learning Difficulties and/or Disabilities at Independent Specialist Providers 2011/12](#)
- Cheshire East Council's Independent Specialist Provider Placement Procedure 2010/12 **(Link not yet available)**

## Schools and Parents/Carers Roles and Responsibilities

This section of the policy sets out the role and responsibilities schools, parents and carers have for children and young people with special educational needs and disabilities.

### ***Schools must:***

- Ensure that the 5% nominal funding provided for SEND is used to deliver the necessary provision for any pupil who has SEND.
- Inform the pupil's parents/carers that special educational provision is being made for them because they have SEND (i.e. they are being supported at School Action of the SEN Code of Practice).
- Ensure that parents/carers have knowledge about the SEND provision that the school makes, is able to make their views known about how their child is educated and have access to

information, support and advice regarding their child's SEND.

- Ensure that, where the responsible person - the head teacher and the appropriate governor - has been informed by the LA that a pupil has SEND, those needs are made known to all who are likely to teach/support them.
- Ensure that teachers in the school are aware of the importance of identifying, and providing for, those pupils who have SEND.
- Ensure that a pupil with SEND joins in the activities of the school together with pupils who do not have SEND. The school must do this so far as is reasonably practical and compatible with the child receiving the special educational provision required by their learning needs, in relation to the efficient education of the pupils with

whom they are educated, and the efficient use of resources.

- Work in partnership with the LA and the governing bodies of other schools, when it seems to be necessary or desirable, in the interests of co-ordinating special educational provision in the area as a whole.
- Have a written SEND policy containing the information as set out in the Education (Special Educational Needs) Regulations 1999 (reproduced in the SEN Code of Practice), and report to parents on it in the school prospectus, including the name of the person responsible for coordinating SEN provision.
- Have regard to the SEN Code of Practice, which is designed to help schools make effective decisions, but does not set out what to do in each individual case

**Performance information**

In order to support the Local Authority in its role of monitoring, challenging and supporting schools in making provision for children with SEND, schools should maintain the following information:

- Recent OFSTED inspection reports
- Fischer Family Trust/school data
- Self-Evaluation Form judgements about all aspects of provision;
- School's strategic plan
- Analysis of trend data and moving averages (very important for schools with small cohorts)
- Analysis of pupil progress data matching individual pupils' results between key stages
- Exclusion and attendance data
- SEND policy, process and protocols
- Financial data including open and transparent information about how the notional 5% SEND funding is spent

- Visits/information available from any other Service Group including - Human Resources, Specialist Support Services and the Parent Partnership Service
- Human resources data

**Provision for children with statements**

For children and young people with SEND for whom the Authority maintains a statement, schools must:

- Use the funding allocated by the Local Authority to deliver the provision specified in statements
- Monitor the child and young person's progress against the objectives as set out in the statement
- Initiate the annual review of the statements, ensure that all relevant representatives are invited to the review meeting and provide a report to the LA no later than 10 days after the

annual review or the end of term, whichever is earlier

**The duty to promote equality - disability equality scheme**

From 2007 schools must publish a three-year equality scheme or plan showing how they will promote equality of opportunity for disabled pupils, staff and those for whom they provide services. They must also publish an annual action plan showing how they are implementing their scheme. A school's equality plan should show:

- How people with an interest in the plan have been involved in its development
- The methods for assessing the impact of policies and practices on equality for disabled persons
- The steps that will be taken to promote equality of opportunity for disabled people
- The effect of policies and practices for disabled people, including information

on recruitment, development and retention of disabled employees

- Educational opportunities for and achievements of disabled pupils
- The arrangements for making use of this information to help promote equality of opportunity

### **Planning**

Schools should plan well and make good provision for pupils with SEN by ensuring:

- Outstanding quality first teaching
- Learning targets for individual pupils are identified
- Additional or different provision from the differentiated curriculum is planned and offered to all pupils
- That SEND provision is reviewed in light of individual pupil progress
- That If a school has a policy of planning, target setting and recording the progress of all pupils, as part of

personalised learning, then there is not a need for the school to write Individual Education Plans for children and young people with SEND

### **Responsibilities for governing bodies**

Governing bodies have a responsibility to ensure that:

- The school has a Special Educational Needs and Disability policy which includes the arrangement for both the identification and provision for special educational needs and disabilities, and that this information is available to parents
- The necessary provision is made for any pupil who has SEND through school action or school action plus
- A member of the governing body is named as the 'responsible person' for SEND

- Teachers in the school are aware of the importance of their responsibility for identifying and providing for SEND pupils
- The SENCO receives appropriate training and has the time to carry out their role and responsibilities

### **Other responsibilities for headteachers and teachers**

In addition to many of the responsibilities outlined above, headteachers and teachers have a responsibility to ensure that:

- The school's special educational needs and disability policy is implemented in line with requirements of the current legislation
- Staff attend appropriate in-service training to meet the needs of CYP with special educational needs and disability

- Arrangements are in place to report on the use of SEND funding to the Governing Body and that systems are in place for setting, monitoring and reviewing Individual Education Plans (IEP's) and Individual Behaviour Plans (IBPs) and reviews of Statutory Statements
- Visits by the LA's are facilitated, when requested, and pupil records are made available for inspection, for those children at School Action, School Action Plus and with Statements
- High standards of SEND provision are promoted
- Children with SEND are encouraged to access and participate in learning in a setting or school as close to their home as possible

### ***Responsibilities for parents***

Parents are responsible for ensuring that their child receives full time education

suitable to their age, ability and aptitude and to any special educational needs they may have, either by regular attendance at school or otherwise.

Parents of pupils with statements of special educational needs and disabilities have a right to express a preference for school placement. They also have the right to appeal to the First Tier (SEND) Tribunal if it is not possible to reach an agreement with the Local Authority regarding appropriate special educational needs provision.

If parents/ carers have any concerns or questions about this process, or disagree with any part of the statement, advice or support is available from the local Parent Partnership Service. In addition, they can contact Global Mediation Ltd, which is an independent service set up to help resolve or prevent disagreements between parents/ carers and the Local Authority. Using either of these services does not prevent an appeal to the First Tier Tribunal (SEND) and their rights are not affected. An appeal to the Tribunal can run at the same time as any disagreement resolution. Parents/carers can also

request a copy of the school's published complaints policy which sets out the formal complaints process for the school community.

## The Pledge

Children and Families Services pledges to ensure that:

- ✿ The needs of children and young people with special educational needs and disability will be identified early, assessed quickly and matched effectively to appropriate provision.
- ✿ Each child and young person's special educational needs and disability will be identified, recorded and their progress will be regularly reviewed in a manner consistent with the Code of Practice on SEN 2002.
- ✿ Formal assessments of a child's and/or young person's special educational needs and disability will be undertaken by the local authority, and all agencies involved will endeavour to do their best to complete these within the recommended statutory timescale.
- ✿ Parents/carers will be treated with respect and their expertise will be valued and will inform the provision put in place for the child or young person.
- ✿ Children and young people will be listened to and they will have a voice in deciding what happens to them.
- ✿ Children and young people with SEND will benefit from co-ordinated provision, because services work effectively in partnerships with parents/carers and each other.
- ✿ High quality support will be provided for parents/carers, settings and schools.
- ✿ The curriculum will be suitably differentiated and/or supported to ensure that there are clear objectives and targets which are appropriate for the child or young person.
- ✿ Schools will use their resources effectively, and where necessary seek external specialist support.
- ✿ Where appropriate, children and young people with SEND will be provided for in a local school alongside his or her peers in a local setting.
- ✿ Out of borough placements and residential provision will only be considered when it is clear that the child or young person's needs cannot be met appropriately in a Cheshire East setting.
- ✿ Effective transition from one phase to the next and into adulthood will be in collaboration with Services for Children and Families, parents/carers and external agencies working together.

## Resources

### *The Management of SEND Funding*

Funding for SEND is provided through the Dedicated Schools Grant (DSG). The LA currently retains 11% of DSG and this funds the LA's statutory responsibilities for school age children and young people. The remainder is devolved to schools to meet their statutory responsibilities for children and young people. The DSG funding devolved to schools contains a **notional element** for SEND. The LA also receives funding from the Early Intervention Grant which funds early year's provision and support for SEND.

The LA has a notional budget to secure suitable education and training for young people aged 16-25, with a learning difficulty assessment, which will be used to contribute to:

- The learning costs of continuing and new learners with high level specialist needs in placements in Independent Specialist Providers commissioned by the LA;
- Learning support costs of continuing and new learners with high level support needs in placements commissioned by the LA, through special arrangements with mainstream providers;
- Actual learning support costs for continuing and new learners in a General Further Education College, where the costs of additional learning support are over £19,000.

In practice this means that the LA works closely with the Young Peoples Learning Agency (YPLA) to ensure that all commissioning decisions, for all learners, take into consideration the

YPLA national budget available. There is also a duty to ensure that the placement process is managed collaboratively and the funding is used with equity and transparency.

### *The notional SEND budget*

The notional SEN budget comprises **5% of the relevant parts of schools budgets plus a general special needs allowance (GSNA)** which has been delegated on an attainment-based formula. These are represented by amounts 'A' and 'B' on the school's Special Educational Needs and Additional Educational Needs statement. Together these budgets are the notional amounts intended for **'Level 1' intervention and support at School Action and School Action Plus**. Early and effective use of this resource for additional and different interventions should enable pupils to

progress and increasingly **prevent** the need for additional resource at levels 2 & 3 under Individual Pupil Funding (IPF).

Depending on the number and type of children with SEN, many schools will need to spend more than this total figure for C&YP at School Action and School Action Plus. The 5% budget amount and the GSNA should not be regarded as a limit; it is intended to support the schools evaluation of SEN spending. Some authorities, for example, have suggested a notional figure of 7% of budget.

Expectations of effective interventions and support at Level 1 are set out in the IPF handbook.

### ***Individual Pupil Support***

Many schools will receive delegated funding (amount 'C') allocated via statements for classroom assistant hours, or more recently via Individual Pupil Funding (IPF). **IPF is only provided to support pupils with the longest standing most complex needs who in previous years would have required a Statement.**

One of the key criteria is the range and effectiveness of **Level 1** interventions through the graduated response, which in many cases will prevent the need for additional resource under IPF. Once IPF is agreed it is transferred quickly to schools and should be used flexibly, **rather than necessarily funding individual Teaching Assistant support.**

There continues to be pressure on the teaching assistant budget and there is

an ongoing review by the Authority into the overall approach to SEN funding and provision to ensure Value for Money within allocated resources.

Some primary schools are designated as specially resourced for Autism, Hearing Impairment, Complex MLD or BESD. These schools receive an additional resource in the form of a "lump sum" to support their additional responsibilities. Resource provision is currently being reviewed as part of the SEND review.

### ***Other budgets for use at School Action and School Action Plus***

Secondary schools receive a lump sum for the development of **inclusion resource provision** which is intended for early, targeted intervention for a range of vulnerable pupils including

those with learning needs or behavioural needs.

They also receive funding for **Additional Educational Needs (AEN)**. Whilst in some cases schools may be targeting support for specific groups, e.g. pupil mobility or English as an Additional Language (EAL), the Audit Commission has advised that, given the correlation between deprivation and SEN, many schools will use some of this funding to add to general SEN spending detailed in section 1 above.

#### ***Other funding available for SEN***

Over recent years Age Weighted Pupil Unit (AWPU) has grown due to the addition of specific amounts for **personalisation**. Whilst some of this has been delegated through the notional SEN budget described in

section 1 above, the remainder has been allocated as part of general AWPU.

In 2010-11 some schools received funding from national primary and secondary strategies to support intervention programmes for groups who are making less progress. The relevant amount included in the 2011-12 budget, and in future budget delivery, is no longer ring fenced and is included in the 'Source of Funds – Supplementary Information' statement. The same applies to the relevant amount previously received as School Development Grant, some of which has previously been used for staff development relating to SEN and Inclusion and/or specific projects to develop new approaches.

In some Education Improvement Partnerships (EIPs) there have been agreements to jointly fund specific activity and development particularly for outreach and staff development around SEN inclusion.

The LA retains DSG funding to support a range of SEND activities related to the statutory responsibilities defined in the SEN Code of Practice.

School transport may be provided for pupils due to the complex nature of their special educational needs which prevents them from either walking to school or using multi-occupancy vehicles. The Local Authority's [Complex Special Needs Transport Policy](#) sets out entitlement to transport on complex/special needs grounds and is reviewed annually.

### ***Evaluating Impact of SEN Spending – Audit Commission Value for Money Toolkit***

As part of self evaluation of the effective use of funding and ensuring successful outcomes for children, schools are strongly advised to use the Audit Commission on-line self-evaluation tool to evaluate the use of their budget for vulnerable children and the impact this is having on their progress. The DfE are concerned about the national growth of delegated resource for SEN and the lack of detailed evaluation evidence across schools, local authorities and nationally of the impact of SEN spending on outcomes for individual pupils. The inspection framework which will be introduced in January 2012 will enable inspections to make a judgement on the impact of expenditure on pupil outcomes.

### ***Proposed/Future funding restructure***

The SEN Green Paper, 'Support and Aspiration' makes reference to devolving funding to parents.

- **“To give parents confidence by giving them more control over the support their family receives,** we will introduce more transparency in the provision of services for children and young people who are disabled or who have SEN. Parents will have real choice over their child’s education and the opportunity for direct control over support for their family.
- We propose that **“Local authorities and other services will set out a local offer of all services available** to support children who are disabled or who

have SEN and their families. This easy-to-understand information for parents will set out what is normally available in schools to help children with lower-level SEN, as well as the options available to support families who need additional help to care for their child; and

- **The option of a personal budget by 2014** for all families with children with a statement of SEN or a new 'Education, Health and Care Plan', many of whom will have complex support needs. Key workers will be trained to advise families and help them navigate the range of help available across health, education and social care”.

## Equality

By law, all new policies, services and functions should be subject to an equality impact assessment (EIA).

The Equalities Act 2010 requires an assessment of impact, both positive and negative; to be made using robust data on the following protected characteristics:

- Age
- Gender

- Caring responsibilities
- Disability
- Religion and Belief
- Transgender
- Race (language barriers are seen as a race issue)
- Gypsies and Travellers
- Socio-economic disadvantage
- Sexual orientation

## Glossary

ADHD	Attention Deficit Hyperactivity Disorder	IBP	Individual Behaviour Plan
AEN	Additional Educational Needs	IEP	Individual Education Programme
ASC	Autism Spectrum Conditions	IPF	Individual Pupil Funding
ASCL Act	Apprenticeships, Skills, Children and Learning Act 2009	LA	Local Authority
AWPU	Age Weighted Pupil Unit	LDD	Learning Difficulty and Disability
CYP	Children and Young People	LLDD	Learners with Learning Difficulties and/of Disabilities
CYPP	Children and Young People's Plan	MLD	Mild Learning Difficulties
DfE	Department for Education	SENCO	Special Educational Needs Coordinator
DSG	Dedicated School Grant	SEND	Special Educational Needs and Disability
GSNA	General Special Needs Allowance	YPLA	Young People's Learning Agency

## Appendix 1 – SEND Early Intervention

	Universal	Targeted	Complex	Specialist
	<ul style="list-style-type: none"> <li>□ Quality first teaching (every teacher is a teacher of SEND)</li> <li>□ Fund school notional 5%</li> <li>□ Ofsted</li> <li>□ Inclusion development programme strands 1-4</li> <li>□ Information for parents</li> <li>□ Family Information Service</li> <li>□ All pupil voice</li> <li>□ Complaint procedure</li> <li>□ Reasonable adjustment</li> <li>□ Statutory compliance – sen code of practice, Equalities act 2010</li> <li>□ School 2 school support</li> <li>□ Transition review</li> </ul>	<ul style="list-style-type: none"> <li>□ Advice and guidance - SENCO</li> <li>□ Parent partnership service</li> <li>□ Individual Education Plan / Individual Behaviour Plan</li> <li>□ School Action and funded at school level with the notional 5%</li> <li>□ Early years school action</li> <li>□ CEASS</li> <li>□ SEN Register</li> <li>□ Opportunities for families to share success and challenges</li> <li>□ Clear, helpful advice</li> <li>□ Pre-CAF</li> <li>□ EWO's</li> <li>□ Access to local quality assurance team</li> <li>□ Parent partnership service</li> <li>□ Half termly SEND reviews</li> </ul>	<ul style="list-style-type: none"> <li>□ School action plus where more than one agency is involved</li> <li>□ CAF Process</li> <li>□ Additional funding supplied above the 5% notional budget is provided using agreed funding criteria (IPF)</li> <li>□ Access to statutory assessment process</li> <li>□ Access to specialist services</li> <li>□ Access to multi professional team</li> <li>□ Access to out of year admissions protocol</li> <li>□ Learning difficulty assessment 19 - 25</li> <li>□ Individual specialist educational placement</li> <li>□ Mediation, parent partnership, multi professional team</li> <li>□ Half termly review</li> </ul>	<ul style="list-style-type: none"> <li>□ Statement of special educational needs</li> <li>□ Resourced provision place</li> <li>□ Special school place</li> <li>□ PRU</li> <li>□ Travel arrangements in accordance with the SEND policy</li> <li>□ Residential provision</li> <li>□ Learning difficulty assessment 19 – 25</li> <li>□ Individual specialist educational placement</li> <li>□ Statutory annual review</li> <li>□ Transition plan</li> <li>□ Access to statutory appeals process</li> <li>□ Mediation, parent partnership, multi professional team</li> </ul>