

The Special Educational Needs and Disability (SEND) Code of Practice 2014

Kelvin Hall School Guide for Parents/Carers

This guide is for parents and carers of children and young people aged 0-25 years who have special educational needs (SEN) or a disability.

A new SEND system is being introduced from 1 September 2014, putting children, young people and parents at the heart of things and being much more involved in decisions that affect them. Organisations that provide support for children and young people with SEN or disabilities need to work together, and with families, to make sure that the support being provided takes full account of what families say they need.

Local authorities and schools will be given some time to move children and young people who were in the old system on to the new system.

This guide is intended to provide some general information. It aims to give you the key points, but can't cover everything. You are very welcome to contact school if you would like to find out more.

What changes have been made?

From September 2014 the local authority will not start any more assessments for statements of SEN. These are being replaced by Education, Health and Care (EHC) plans.

No child or young person should lose their statement and not have it replaced with an EHC plan simply because the system is changing.

Your child's statement will remain in force until it is replaced with an EHC plan; this should happen within 18 months and must be completed by April 2018.

Pupils currently on School Action (SA) or School Action Plus (SA+) will transfer to a new 'SEN support' category. This process should be complete by Easter 2015.

What if my local authority is part way through assessing my child for a statement on 1 September 2014?

If your local authority is part-way through assessing your child for a statement of SEN on 1 September 2014, you should discuss with them whether they will continue to assess your child for a statement, or your child should be assessed for an EHC plan instead.

What do we mean by SEN?

Children with SEN all have learning difficulties or disabilities that make it harder for them to learn than most children and young people of the same age. These children may need extra or different help from that given to others.

If your child's first language is not English, this doesn't count as a learning difficulty. The law says that children and young people do not have learning difficulties *just* because their first language is not English, although, of course, some of these children and young people may have learning difficulties as well.

Many children and young people will have SEN of some kind at some time during their education. At Kelvin Hall School, we can help most children succeed with minor changes to our practice or additional support. However, some children will need extra help for some or all of their time in education.

Children with SEN may need extra help because of a range of needs, and the new Code of Practice puts these needs into four clear areas:-

Communicating and Interacting – for example, where children have speech, language or communication difficulties which make it difficult for them to make sense of language or to communicate effectively and/or appropriately with others

Cognition and Learning – for example, where children learn at a slower pace than others their age, have difficulty in understanding parts of the curriculum, have difficulties with organisation and memory skills, or have a specific difficulty affecting one particular part of their learning performance such as in literacy or numeracy

Social, Emotional and Mental Health Difficulties – for example, where children have difficulty in managing their relationships with other people, are withdrawn, or if they behave in ways that may hinder their and other children's learning, or that have an impact on their health and wellbeing

Sensory and/or Physical Needs – for example, children with visual and/or hearing impairments, or a physical need that means they must have additional on-going support and equipment

Some children and young people may have SEN that covers more than one of these areas.

What is meant by disability?

Many children who have SEN may also have a disability.

A disability is described in law as ‘a physical or mental impairment which has a long-term (a year or more) and substantial adverse effect on their ability to carry out normal day-to-day activities.’ This includes, for example, sensory impairments such as those that affect sight and hearing, and long-term health conditions such as asthma, diabetes or epilepsy.

The law requires that schools:

- **must not** directly or indirectly discriminate against, harass or victimise disabled children and young people
- **must** make reasonable adjustments, including the provision aids, so that disabled children are not disadvantaged compared with other children and young people. This duty is what is known as ‘anticipatory’ – schools also need to think in advance about what disabled children *might* need.

At Kelvin Hall School we have an Accessibility Plan which details how we help students with disabilities to access both the school environment and the school curriculum.

Where to go for help if you think your child has a special educational need or a disability.

Children with SEN or disabilities will usually be able to get help directly from school, sometimes with the help of outside specialists. This is often where SEN are first identified.

If we do identify that your child has SEN, we will contact you and discuss with you what support to offer your child, and what provision plan to make.

If you think your child has SEN, you should contact us and speak to our Special Educational Needs Co-ordinator (SENCO) – Mr R Khan, or Assistant SENCO Mrs A Wallace. They will discuss any concerns you have, tell you what they think and explain to you what will happen next.

At Kelvin Hall School our view is that all children have a right to an education that enables them to make progress so that they achieve their best, become confident individuals and make a successful transition into adulthood.

We want to hear your views, and those of your children, to ensure that you can participate as fully as possible in decisions that affect their education and well-being.

We will always strive to provide you with access to impartial information, advice and support, including how to challenge decisions you might disagree with.

By Law, all local authorities have to provide children with SEN or disabilities and their parents, with information and advice. To meet this requirement there is an advice and support service in every local authority area and you can find contact details for this at www.parentpartnership.org.uk.

SEN support

If your child has a disability, whether or not they have SEN, we must make reasonable adjustments, including the provision of any necessary aids and services to prevent them being put at a substantial disadvantage. We also have wider duties to prevent discrimination, to promote equality of opportunity and to foster good relations.

If your child has SEN, we will do our very best to give your child the support they need. That could include getting advice and support from specialists outside the school (such as an educational psychologist, a speech and language therapist or a specialist teaching and advisory service).

Children with SEN will be provided with SEN support. SEN support is the new term that replaces school action and school action plus.

SEN support can take many forms. It could include:

- A special learning programme
- Extra help from a teacher or a learning support assistant
- The use of special materials and/or equipment
- Working with your child in a small group
- Observation of your child in or out of class
- Helping your child to take part in the class activities
- Making sure that your child has understood things by encouraging them to ask questions or encouraging them to try something they find difficult
- Supporting your child with physical or personal care difficulties, such as eating, getting around school safely, toileting or dressing

We will produce an annual report on your child's progress and talk to you regularly about how they are doing. We will do this by agreeing clear outcomes and providing a report detailing progress towards these. Some of our reviews and discussions might take place at a regular parents' evening. It's important to us that you and your child feel comfortable to give your views in these discussions.

The Graduated Approach

SEN support is part of what is known as a 'graduated approach' and in general should work as follows.

You may be contacted by your child's teacher or SENCO if as think your child needs SEN support. Your views will be needed throughout the process of organising support, and you will be kept up to date with the progress made. Equally, if you think your child might have SEN, you can approach school and ask for help.

The four stages of the SEN support process are:

- Assess
- Plan
- Do
- Review
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Assess: Your child's difficulties must be assessed so that the right support can be provided. This should include, asking you what you think, talking to professionals who work with your child (such as their teachers), and looking at records and other information. This assessment is reviewed regularly so that the support provided continues to meet your child's needs. That might mean getting advice and further assessment from someone like an educational psychologist, a specialist teacher or a health professional.

Plan: Your school needs to agree, with your involvement, the outcomes that the SEN support is intended to achieve – in other words, how your child will benefit from any support they get – and you need to be involved with that. Everyone involved will need to have a say in deciding what kind of support will be provided, and decide a date by which they will review this so that they can check to see how well the support is working and whether the outcomes are being achieved.

Do: The school will put the planned support into place. The teacher remains responsible for working with your child on a daily basis, but the SENCO and any support staff or specialist teaching staff involved in providing support should work closely to track your child's progress and check that the support is being effective.

Review: The support your child receives should be reviewed at the time agreed in the plan. You can then decide together if the support is having a positive impact, whether the outcomes have been, or are being, achieved and if or how any changes should be made.

If the school, despite its best endeavours, can't meet your child's needs then you should consider whether your child might need an Education, Health and Care (EHC) needs assessment which might lead to an EHC plan. EHC plans replace statements of SEN and are sometimes needed by children with more complex needs.

Education, Health and Care needs assessments and plans

Kelvin Hall School will usually be able to meet the needs of children through SEN support. However, a child sometimes needs a more intensive level of specialist help that cannot be met from the resources available to us to provide SEN support.

In these circumstances, you could consider asking the local authority for an Education, Health and Care (EHC) needs assessment for your child. Anyone at your child's school (such as your child's teacher) can also ask for an assessment to be carried out. Others who work with your child can also tell the local authority if they think an assessment is needed (such as your doctor).

This assessment could lead to your child getting an EHC plan.

An EHC plan brings your child's education, health and social care needs into a single, legal document. Your child must have SEN to be eligible for a plan.

Deciding whether to conduct an EHC needs assessment

Once your local authority identifies that your child has SEN or receives a request for an assessment, they have up to six weeks to decide whether to carry one out. During that time, they will ask you and others, such as us, for information to help them make that decision.

If your local authority decides not to carry out an assessment, they need to let you know their decision within six weeks of receiving the request. Your local authority is still expected to help you find other ways that your child can be supported in school.

Conducting an EHC needs assessment

Local authorities need to make sure that you and your child are fully involved in the EHC needs assessment. They need to provide you with impartial information, advice and support to help you understand the process and make sure you are properly involved.

The assessment includes talking to you and your child and finding out from you what support you think your child needs, and what aspirations you and your child have for his or her future. The assessment also includes seeking information and views from people who work with your child, such as class teachers, doctors and educational psychologists.

Deciding whether an EHC plan is needed

After your local authority has made its assessment, having involved you and your child fully in the process, it will then decide whether or not an EHC plan is necessary. If they decide that an EHC plan is not needed, they must tell you within 16 weeks of the date they received a request for an assessment.

Preparing an EHC plan

If your local authority decides to proceed with an EHC plan, they should work closely with you and your child to make sure the plan takes full account of your views, wishes and feelings. Once the plan has been written, a draft will be sent to you, which must not contain the name of the school your child will attend. You will be given 15 days to comment on the draft and you can ask for a meeting to discuss it if you want one. At that point you will also be able to request the specific school you want your child to attend. This could be a mainstream school or special school. Your local authority has 20 weeks from the request for the EHC needs assessment to issue the final plan to you.

Once an EHC plan has been finalised, your local authority has to ensure that the special educational support in the plan is provided, and the health service has to ensure the health support is provided. This should help to enable your child to meet the outcomes that you have jointly identified and agreed. Your local authority has to review your child's EHC plan at least every 12 months. That review has to include working with you and your child and asking you what you think and what you want to happen, and a meeting which you must be invited to.

What you can do if you disagree with your local authority's decisions

If you disagree with your local authority's decisions on - not proceeding with an EHC needs assessment, not producing an EHC plan, or the special educational support that is included in the EHC plan - you have the right to challenge it.

Your local authority will tell you when and how you can challenge their decisions. Your local information, advice and support service will be able to help you.

Personal Budgets

You are entitled to request a Personal Budget if your child has an EHC plan or has been assessed as needing a plan. A Personal Budget is an amount of money your local authority has identified to meet some of the needs in your child's EHC plan, if you want to be involved in choosing and arranging a part of the provision to meet your child's needs. You (or your representative) will need to agree this with your local authority. A Personal Budget can only be used for agreed provision in the EHC plan. If you are interested in having a Personal Budget more information about this is available from school.

The SEN Information Report

Kelvin Hall School will publish an SEN Information Report on our website, and update it annually. The report will include the kinds of SEN support the school provides, our approach to teaching children and young people with SEN, and the arrangements we have for consulting parents and involving them in their child's education (and also for engaging young people directly).

It will also set out our arrangements for admitting children with disabilities, what steps we are taking to make sure children with disabilities are treated fairly and not discriminated against, what facilities are provided for disabled children and what plans we have for improving access in the future.

Challenging or disagreeing with decisions

You may occasionally not agree with a decision we have made about your child's support. We always work hard to resolve any disagreements quickly and amicably. However, if we can't reach agreement, we can advise you on our procedures for making complaints.

Your local authority also provides disagreement resolution and mediation services. These services are independent of the local authority and can lead to a quick and informal way of resolving disagreements.

Mediation is a voluntary process for parents and young people, which you can use if you cannot reach an agreement with your local authority or CCG in matters relating to EHC plans.

Appealing to the Special Educational Needs and Disability (SEND) Tribunal

Before you can appeal to the SEND Tribunal, you must have contacted a mediation adviser (unless your appeal is only about the school your local authority has named in your child's plan or if they have not named a school in it). You will need a certificate from the mediation adviser to register an appeal with the SEND Tribunal. You have one month from receiving the certificate or two months from the original decision (whichever is the later date) to register an appeal with the Tribunal.

The SEND Tribunal is a legal body. It hears appeals against decisions made by local authorities about EHC needs assessments and EHC plans.

Disagreeing about other things

Local authorities and others have arrangements in place if you disagree with decisions taken, or want to complain about other things such as health provision, social services provision or your local authority.

The Local Offer

Every local authority must identify education, health and social care services in their local area provided for children and families who have SEN or disabilities and include them in an information directory called the Local Offer. We will contribute to the local offer by detailing the provision we make for students with SEN and disabilities and publishing it on our school website.