

SERVICE FOR CHILDREN WITH LEARNING DIFFICULTIES AND DISABILITIES LDD 1
PROCEDURE NO:

Special Educational Needs Policy

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CATEGORY:	Special Educational Needs
KEYWORDS:	SEN, Special Educational Needs, Code of Practice, Achievement, Every Child Matters, Disability Discrimination Act
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PROCEDURES CANCELLED OR AMENDED:	A review has taken place of the Special Educational Needs Policy
REMARKS:	This policy should be read in conjunction with all existing SBC and local policies and procedures.
SIGNED:	Clair Pyper
DESIGNATION:	Strategic Director, Education and Children's Services

AS A MANAGER YOU SHOULD ENSURE THAT:-

- You read, understand and, where appropriate, act in accordance with the policy
- All people in your workplace who need to know see this procedure, are aware of its content and you ensure that all staff act in accordance with the policy
- This document is available in a place to which all staff members in your workplace have access

AS AN SBC OFFICER/ MEMBER OF STAFF YOU SHOULD ENSURE THAT:-

- You read, understand and, where appropriate, act on this information
- Discuss any issues with your manager or supervisor which you do not understand

CONTENTS

1.	EXECUTIVE SUMMARY	3
1.1	Purpose	3
1.2	Scope	3
1.3	Policy	3
1.4	References to Legal, Central Government and Other External Documents, Including Research	4
1.5	Slough Borough Council References	5
1.6	Definitions	5
1.7	Roles	5
1.8	Authority to Vary the Procedure	5
2.	POLICY OVERVIEW	6
3.	PRINCIPLES	6
4.	IMPLEMENTATION OF THE SPECIAL EDUCATION NEEDS POLICY	7
5.	ADDITIONAL LEGISLATIVE CONSIDERATIONS	10
5.1	Early Support Programme	10
5.2	The Disability Discrimination Act and Disability Equality Schemes	10
5.3	SENCO Accreditation	11
5.4	Apprenticeship Skills Children and Learning Act (ASCL) 2009	12

EXECUTIVE SUMMARY

1.1 Purpose

- 1.1.1 Slough Local Authority maintains that inclusion is about much more than the types of school children/young people attend. It is about the quality of their experience, that they are fit, healthy and successful learners, socially and emotionally aware and equipped to meet the challenges of the 21st century in a diverse society.
- 1.1.2 The Directorate of Education and Children's Services, focuses on the needs of the child/young person by putting 'children first', building services around children/young people and supporting schools to develop an inclusive ethos. The Directorate is also clear that the needs of children/young people must be considered in the context of their families.
- 1.1.3 The Directorate is committed to inclusion, with all children/young people having the right to a good education and the opportunity to fulfil their potential.
- 1.1.4 This policy upholds and implements guidance outlined in '**Removing Barriers to Achievement**' that states that all teachers should expect to teach children/young people with special educational needs (SEN) and all schools should play their part in educating children/young people from their local community, whatever their background or ability.
- 1.1.5 The Directorate reflects this statement in this policy and associated strategy, in the way the Local Authority delivers training for teaching and non-teaching professionals, funds the schools, and judges their achievements.

1.2 Scope

- 1.2.1 The scope of this policy is to ensure that:
- all children/young people, wherever they are educated, have a good education that enables them to achieve their full potential, providing a firm foundation for adult life;
 - all pupils have regular and frequent opportunities to learn, play and develop alongside each other, within their community of schools, with a shared responsibility and a partnership approach to their support;
 - parents/carers have confidence that their child's needs are being effectively met in school without feeling that the only way to achieve this is through a statement of SEN;
 - the skills and capacity of our schools meet the diverse needs of pupils with only those children/young people with the most severe and complex needs requiring the protection that a statement provides.

1.3 Policy

- 1.3.1 This policy offers an overview of:
- The Community Strategy
 - The Key principles relating to SEN

- The Implementation of SEN

1.4 References to Legal, Central Government and Other External Documents, Including Research

- Aiming High for Disabled Children
<http://www.dcsf.gov.uk/everychildmatters/healthandwellbeing/ahdc/AHDC/>
- ASCL Act 2009 http://www.opsi.gov.uk/acts/acts2009/ukpga_20090022_en_1
- Birth to Three Matters Guidance
<http://nationalstrategies.standards.dcsf.gov.uk/node/157774>
- DfEE National Curriculum 2000; <http://curriculum.qcda.gov.uk/>
- DCSF Guide to SEN for Parents www.teachernet.gov.uk/wholeschool/sen/
- DfES Special Educational Needs: Code of Practice 2001; (DfES/581/200)
www.teachernet.gov.uk/doc/3724/SENCodeofPractice.pdf
- Disability Discrimination Act 2005
http://www.opsi.gov.uk/Acts/acts2005/ukpga_20050013_en_1
- Disability Equality Duty <http://www.dotheduty.org/>
- Early Support Programme
<http://www.dcsf.gov.uk/everychildmatters/healthandwellbeing/ahdc/earlysupport/home/>
- Every Child Matters 2004
<http://www.dcsf.gov.uk/everychildmatters/about/aims/aims/>
- Key Stage Three National Strategy
<http://nationalstrategies.standards.dcsf.gov.uk/secondary>
- National Behaviour Strategy
<http://nationalstrategies.standards.dcsf.gov.uk/inclusion/behaviourattendanceandseal>
- National Standards for Head Teachers
<http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DFES-0083-2004>
- Primary National Strategy <http://nationalstrategies.standards.dcsf.gov.uk/primary>
- Special Educational Needs and Disability Act 2001
http://www.opsi.gov.uk/ACTS/acts2001/ukpga_20010010_en_1
- The Government's Strategy for SEN – Removing Barriers to Achievement
www.teachernet.gov.uk/doc/5970/removing%20barriers.pdf
- Together from the Start – Practical Guidance for Professionals working with Disabled Children and their Families
<http://www.dcsf.gov.uk/everychildmatters/download/?id=3252>

1.5 Slough Borough Council References

- Inclusion Policy 2005, (being reviewed in 2010), Slough Borough Council, Directorate of Education and Children's Services;
<http://sbcinsite.ad.slough.gov.uk/files/inclusion.pdf>
- Slough Sustainable Community Strategy
<http://www.slough.gov.uk/mycouncil/articles/2414.aspx>
- Slough Children and Young People's Plan
<http://www.slough.gov.uk/services/17507.aspx>

1.6 Definitions

1.6.1 The **Code of Practice 2001** definition of a special educational need is:
'a child has a special educational need if he or she has a learning difficulty which calls for special educational provision to be made for him or her. A child has a learning difficulty if he or she:

- a. has a significantly greater difficulty than the majority of children of the same age;*
- b. has a disability which either prevents or hinders the child from making use of educational facilities of a kind provided for children of the same age in schools within the area of the local education authority;*
- c. is under five and falls within the definition at (a) or (b) above or would do if special educational provision was not made for the child.'*

1.6.2 The **Disability Discrimination Act Code of Practice** defines a disabled person as one who:

'...has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.' (Disability Rights Commission, 2002).

1.6.3 The Authority's definition of special educational need is broad. It is about equal opportunities for all pupils with special educational needs, whatever their age, ability, gender, culture, ethnicity, religion, attainment and background. It pays particular attention to the provision made for and the achievement of different groups of young people with SEN/disability within schools.

1.7 Roles

1.7.1 All staff that work with children with a special educational need must adhere to the guidelines outlined within this policy.

1.8 Authority to Vary the Procedure

Education and Children's Services Senior Management Team

2 POLICY OVERVIEW

2.1 The Authority will build on existing good practice in Slough to enable children/young people with SEN/disabilities to access opportunities to specialist support, after hours activities, flexible transport arrangements and health and safety considerations.

2.2 All parties will ensure:

- the development of coordinated early education and childcare services for children/young people with SEN/disabilities;
- settings become more accessible through training and networking opportunities to share knowledge and increase confidence;
- support for parents/carers and liaison with specialist voluntary and commercial organisations;
- promotion of increased collaboration between mainstream, special schools and resource base provision to create a structure for pupils to have access, when appropriate, to this wider network of schools and the opportunities that a partnership can offer;
- the capacity of our special schools and special resource bases is enhanced to develop an outreach role and build on the services offered by the education, social care, health and voluntary support services;
- a more consistent, qualitative, available and cost effective coverage of specialist expertise across the education, social, health and voluntary services so that all schools know where to find the help they need and further develop inclusive practice;
- parents'/carers' right to choose a mainstream place for their child is enhanced whilst we recognise that some children have such severe and complex needs that they require more specialist provision than that which is currently available in most mainstream schools;
- the demand for statements is reduced by highlighting the advantages of an approach whereby individual needs can be addressed quickly and without a period of failure before additional resources can be accessed.

3 PRINCIPLES

3.1 A sustained programme of action and review in four key areas in providing for children/young people with special educational needs:

- **Early intervention** – to ensure that children/young people who have difficulty learning are as soon as possible identified, receive the help they need and that the parents/carers of children with special educational needs/disabilities have access to suitable childcare and short breaks;
- **Removing barriers to learning** - by embedding inclusive practice in every school and early years setting;
- **Raising expectations and achievement** – by developing teachers' skills and strategies for meeting the needs of children/young people with SEN/disabilities and

sharpening focus on the progress children/young people with SEN/disabilities make, with an emphasis on narrowing the attainment gap;

- **Delivering improvements in partnership** – taking a hands-on approach to improvement so that parents/carers can be confident that their child will get the education, social and health care support he/she needs, making sure that all partners work together to enable parents/carers, extended families and communities to support children/young people.

4 IMPLEMENTATION OF THE SPECIAL EDUCATION NEEDS POLICY

4.1 The Government's strategy for SEN 'Removing Barriers to Achievement' is very constructive in providing the guidance for removing barriers to achievement. In this regard, the four principals outlined previously form the foundation for the implementation of our strategy and require schools, parents/carers supported by the Directorate of Education and Children's Services, health and the voluntary sector to work in partnership.

4.2 In order to achieve the four principles the LA will focus on:

- implementation of the Early Support Programme to identify children with complex needs as early as possible and provide co-ordinated support, putting the child and the family at the heart of the programme;
- the delegation of SEN/AEN resources to support early intervention and development of inclusive practice within schools, which will encourage open, transparent funding arrangements that are seen to distribute resources equitably, with increased clarity about the respective responsibilities for schools and the local authority. Promotion of the Government's Value for Money Resource Pack to support schools in measuring the impact of additional provision;
- schools' admission and exclusion arrangements that ensure potentially vulnerable groups, such as looked after children and children with SEN/disabilities are effectively provided for. Schools need to work together locally to share responsibility for excluded pupils and those at risk of exclusion so that children and young people are not out of school;
- further developing local capacity to meet a range of special educational needs and disability, thus reducing the need for out of authority placements; this includes the development of outreach work, residential provision and short breaks;
- children/young people, including those with SEN/disabilities, achieving as well as they can; this is fundamental to sustaining improvements in every Slough school's performance. The Authority will continue to take forward specific initiatives focused on raising the achievement of the lowest performing pupils and address issues of SEN, disability discrimination, ethnicity and under achievement and narrow the SEN/non SEN gap;
- improved data and reporting mechanisms, giving parents/carers and teachers a clearer picture of how well children/young people are working and progressing when children/young people have below age-related expectations e.g. the use of P scales which help schools to assess the progress made by pupils working towards Level 1 of the National Curriculum with a moderation process in place and support the use of the Government's Progression Guidance materials;

Special Educational Needs Policy

- young people being able to follow courses which build on their interests and aptitudes and lead to recognised accreditation;
 - children/young people with SEN/disabilities having a voice and being actively involved in decisions about their education, options post-16 and having real opportunities for progression, training and work, promoting person centred approaches;
 - further developing the Communication in Partnership Project (CIP), encouraging through ICT in schools and e-learning strategies the wider use of ICT to improve access to education for children/young people with SEN/disabilities;
 - providing personalised education that brings out the best in every child/young person, builds on their strengths, enables them to develop a love of learning and helps them to grow into confident and independent citizens, valued for the contribution they make and equipped to meet the challenges of the 21st century in a diverse society;
 - building on the experience of collaborative initiatives such as federations, specialist school networks, consortia and Excellence Clusters to develop strong local networks of schools, sharing responsibility for the success of all children/young people in their area;
 - further developing the skills and confidence of all teachers and school staff through access to specialist advice and dissemination of the Government's Inclusion Development Programme, thereby helping children/young people with SEN/disabilities reach their potential;
 - ensuring that the access to specialist advice, training and development for SENCOs, teachers and teaching assistants takes into account the wider reform strategy for the children's workforce (Every Child Matters), reflects the needs of our schools and develops their professional skills and confidence in understanding the duties and responsibilities they have under the SEN Code of Practice (2001), Disability Discrimination Act (1995) and Special Educational Needs and Disability Act (2002);
 - working within the framework of the integrated children's services agenda set out in Every Child Matters, the Authority will build the capacity of schools and early years setting to meet children's/young people's SEN/disability;
 - working in partnership with the DCSF, National Strategies, the SEN Regional Hub, social care, health services and voluntary organisations to ensure that our most vulnerable children/young people who may have a disability or have SEN, enjoy the highest quality of life possible, gain maximum benefits from educational opportunities, health care and social care, and that their needs and those of their families are promptly and sensitively addressed and their choices respected. The Authority will continue to explore further ways in which specialist therapy staff can support and train others, such as teachers and teaching assistants, to deliver programmes within the child's/young person's school or early years setting in line with strategies agreed with teachers to support the child's/young person's learning.
- 4.3 The National Curriculum Inclusion Statement – 'Inclusion – providing effective learning opportunities for all pupils provides statutory guidance on planning and teaching the curriculum', requires teachers to set suitable learning challenges for all pupils, tailor the curriculum to provide all pupils with relevant and appropriately

challenging work, and to overcome the potential barriers to learning, including those arising from SEN and disability.

- 4.4 The Authority will plan strategically and adopt an integrated approach, working with schools to ensure greater flexibility and responsiveness to individual needs, exploring concerns related to pace and progress, helping schools to identify best practice, thereby helping all learners to achieve.
- 4.5 For the 14-19 phase, (and to 25 for these young people with a Learning Difficulty Assessment from April 2010) high and realistic expectations for all young people will be pursued as will be a broad range of learning opportunities. The Authority takes seriously its responsibilities to improve standards for all children, especially those with special educational needs/disabilities. It will ensure that all teaching and non-teaching professionals throughout the Directorate:

- have high expectations and set high expectations for all children/young people;
- build on the knowledge, interests and aptitudes of every child/young person, involving them at both the individual and policy level;
- involve children/young people by making them active partners in their own learning through shared objectives;
- help children/young people become confident learners by structuring and pacing the learning experience;
- enable children/young people to develop the skills, such as problem solving and negotiation, that they will need beyond school.

4.6 The Authority takes seriously its responsibility to improve standards for all children/young people, especially those with special educational needs and it will know when it has made a difference when:

- children/young people with SEN/disabilities have their needs met as soon as they become apparent, without a delay in the provision of effective support;
- children/young people with SEN/disabilities feel valued members of their school community;
- increased collaboration and partnership working between mainstream, special schools, education, social care, health services and the voluntary sector ensures that the needs of local children/young people are met, enabling parents/carers, extended families and the community to support the individual child's needs;
- there is greater consistency in the quality of provision that children/young people with SEN/disabilities receive in schools and parents/carers are confident of this;
- children/young people are supported to fulfil their present and future potential as they move into adult life;
- children/young people who are at risk and in need are safeguarded and remain emotionally and physically healthy;
- the achievements of all children/young people, particularly those who are underperforming or have SEN/disabilities improve;

- children/young people have a voice and citizenship in the community;
- all children/young people develop and equip themselves with the skills, knowledge and personal qualities needed for life, school and work;
- all other plans and policies complement and support the inclusion of children and young people with a special educational need and/or disability.

5 ADDITIONAL LEGISLATIVE CONSIDERATIONS

5.1 Early Support Programme

5.1.1 The Early Support programme is managed by the DCSF, and was developed in response to the Government guidance Together from the Start. Early Support is now part of the wider Aiming High for Disabled Children programme which is transforming services for disabled children across England.

5.1.2 Early Support is for families with disabled children under five and anyone who regularly works with them. There is a wide range of people using Early Support, including;

- families with young babies leaving hospital with medical and support needs
- older children where the need for extra help becomes clear only in the second or third year of life.

5.2 The Disability Discrimination Act and Disability Equality Schemes

5.2.1 The DDA places the following duties on schools:

- a duty not to discriminate unreasonably against disabled pupils for a reason relating to their disability
- a duty to make 'reasonable adjustments' to avoid putting a disabled pupil at a significant disadvantage
- a duty to produce an accessibility plan to be reviewed every three years and need not include fixtures and fittings and auxiliary services.

5.2.2 The LA will support schools to ensure that they comply with the duties placed upon them to produce a Disability Equality Scheme which may incorporate the accessibility plan and should relate to the curriculum and other policies surrounding areas such as bullying and harassment.

5.2.3 The LA will support schools to ensure that the following guidelines are adhered to in the creation of their **Disability Equality Scheme:**

- involves disabled pupils, staff and parents in its development and shows how they have done that
- brings together information on participation in all aspects of school life, in particular educational outcomes for disabled pupils
- assesses the impact of policies on disabled people: pupils, staff, parents and others using the school
- sets out priorities for action and supports these priorities with a detailed action plan
- will be implemented within three years

Special Educational Needs Policy

- has been agreed and published by the Governing Body
- is being reported on annually and revised every three years

5.2.4 The LA will ensure that schools are able to fulfil their obligation to promote Disability Equality through:

- promoting equal opportunities
- eliminating unlawful discrimination
- eliminating harassment
- fostering positive attitudes
- encouraging participation of disabled people in public life e.g. as a school governor
- more favourable treatment/ reasonable adjustment.

5.2.5 Since the Disability Equality Duty was introduced on 4 December 2006, the LA has a duty to publish a 'Disability Equality Scheme'. The scheme includes:

- a statement of how disabled people have been involved in developing the scheme
- an action plan that includes practical ways in which improvements will be made
- information about the arrangements in place for gathering information about how the public sector organisation has done in meeting its targets on disability equality

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- will be implemented within three years
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5.3 SENCO Accreditation

5.3.1 Regulations introduced in September 2009 outline the need to ensure that a SENCO be:

- a **qualified teacher**, or
- the **head teacher** or acting head teacher — this situation is generally rare and will occur mainly in small primary schools, or
- a SENCO already in the position for **at least six months** before the regulations come into force, who has shown a reasonable prospect of becoming a teacher within two years of the regulations coming into force.

5.3.2 By September 2011, the intention is that all SENCOs will be a qualified teacher or the head teacher. Aspects of the role could still be supported by non-teaching staff — either as individuals or part of a team.

5.3.3 Other aspects that should fall to the qualified teacher include: the development of the school's SEN policy; advising the head teacher, governing body and senior leadership team on resource provision for children with SEN and disabilities; and

supporting other teachers — including advising them on how to modify their teaching approach for children with SEN and disabilities.

5.4 Apprenticeship Skills Children and Learning Act (ASCL) 2009

- 5.4.1 From April 2010, local authorities will have a statutory duty to provide learning places for 16-19 year olds, young people (aged 10-17 and some 18 year olds) subject to youth detention, and learners subject to a **learning difficulty assessment up to the age of 25**.
- 5.4.2 This will complement their statutory duty, from 2013, to promote full participation of young people to age 17 from 2013 and age 18 from 2015, under the Education and Skills Act 2008.