

SEND (Special Educational Needs and Disabilities) Practice Standards

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1. Why do we need standards?

- 1.1 In Dorset we want to ensure all children thrive and our ambition is to provide children and families with access to the right level of service at the right time for them, with high quality services that begin from early and responsive intervention at the point of contact.
- 1.2 We also want to ensure that all of our work with families aligns with our practice framework, which we have developed to ensure excellence and consistency. Families will be treated with respect and honesty and kept informed throughout any work we do with them.
- 1.3 Our approach will be one of high support and challenge that is delivered in a strengths-based way and based on the achievement of identified improved outcomes that are measurable and appropriate for the child. For more details about our Dorset Children Thrive Practice Framework please visit the children hub: **Dorset Children Thrive Practice Model (sharepoint.com)**
- 1.4 Most of the standards are drawn from the national SEND Code of Practice¹. Where the Code of Practice indicates that a local authority 'must' undertake a particular action, this has in general been adopted as a standard. However, this is not so in every case; do refer to the Code if the guidance you are seeking is not in this Standards document.
- 1.5 This guidance refers to both the child/children and to the young person/young people. In most instances, the terms are used interchangeably, with the exception of those standards that relate to decision-making. A young person aged 16 or over may have capacity to make decisions on their own behalf, whereas parents will generally make decisions for children under that age (although the child should still be involved as fully as possible in the decision-making process).
- 1.6 Many of the standards relate to the development, implementation and review of Education, Health and Care Plans. The acronym EHCP/EHCPs is used for these plans throughout.
- 1.7 The UK Government is currently reviewing arrangements for children and young people with special educational needs and disabilities. It is likely that the national SEND Code of Practice will be substantially renewed in the coming year. These standards will be updated if and when it is.

¹ [Special educational needs and disability code of practice: 0 to 25 years](#), Department for Education and Department of Health, January 2015, viewed January 2023

2. What will our standards provide?

- 2.1 These standards govern all our work with children with SEND. They should be understood and applied by all employees of Children's Services.
- 2.2 A consistent, focused approach will ensure clear assessment of need and subsequent support that will meet the child's needs.
- 2.3 Clear expectations of front-line workers and managers that they can measure themselves against.
- 2.4 A confident professional service that is respected by families and other professionals.
- 2.5 A service that champions the needs of children delivered by professionals who will challenge others, where necessary, to promote the best outcomes for our children.
- 2.6 A set of standards and pathways that can be quality assured to drive continuous improvement.
- 2.7 Clear, SMART-focused plans for our SEND children, with clear realistic timelines with a focus on the right provision.

3. "Nothing about me without me"

We will ensure that:

- All Children's views are obtained through out our work, and where age or disability is a factor, we will work creatively to ensure we understand their views
- Children are involved in assessments, and have their views represented
- For those children in our care, we will know their interests, ambitions, fears, hopes, and dreams
- Children are included in any decisions or meetings about their life, this maybe through attendance, via an advocate where necessary
- Children have an opportunity to input into their plans and say what they want to be different or better, and to comment on the progress that has been made with their plan
- The child's needs in relation to race, ethnicity, language, communication, disability, gender, and sexuality will be considered in everything we do
- Seek approval for a photo of the child to be uploaded onto their EHCP; this is an expectation for all children in care

- We will ensure that children, young people and parents are provided with the information, advice and support necessary to enable them to participate in discussions and decisions about their support.

4. Leadership and Management Oversight

- 4.1 SEND Team Managers meet their Service Managers every week to review current performance against the SEND Data Dashboard. This meeting supports our Team Managers and drives continuous improvement.
- 4.2 For SEND children without provision, there is a fortnightly oversight meeting for children who are missing education / missing out on education, and a separate fortnightly meeting specifically for our children in care who are missing education / missing out on education. The purpose of these meetings is to monitor the progress towards moving children back into suitable education, providing recommendations for next steps where needed, and to hold locality staff to account for achieving these outcomes for our children. Children are identified for the agenda by:
- Inclusion Manager / Inclusion Lead / Virtual School or SEND Team Manager informing Business Support (at least week in advance of the meeting) the children that they wish to discuss due to their concerns; and
 - The Chair identifying cases by reviewing the case summaries provided each fortnight a week in advance of the CMOOE (Children Missing Out on Education) or Children in Care CMOOE meeting by informing Business Support.
- 4.3 Performance data is reported:
- At monthly Performance Board and via monthly performance dashboard,
 - In locality dashboards at SEND Team Manager meetings and with Service Managers

5. Standards for needs assessments

- 5.1 The following have a right to request an education, health and care needs assessment for a child or young person aged 0 to 25 ordinarily resident in the Dorset Council area:
- the child's parent
 - a young person over the age of 16 but under the age of 25, and

- a person acting on behalf of a school or post-16 institution (this should ideally be with the knowledge and agreement of the parent or young person where possible)
- 5.2 Anyone else may bring a child or young person to the attention of Dorset Children's Services when they believe that there is a need for an assessment
- 5.3 When Dorset Children's Services receives a request for assessment, or is otherwise made aware of a possible need for assessment, it will decide whether an assessment is necessary within 6 weeks
- 5.4 When we are considering whether to carry out an assessment, we will notify:
- the child's parent or the young person (and we must inform them of their right to express written or oral views and submit evidence to the local authority)
 - NHS Dorset (or NHS England where it has responsibility for a child or young person)
 - Dorset Children's Services officers responsible for social care for children or young people with SEND
 - where a child attends an early years setting, the manager of that setting
 - where a child or young person is registered at a school, the head teacher (or equivalent)
 - where the young person attends a post-16 institution, the principal (or equivalent)
- 5.5 When we have decided whether or not to carry out an assessment, we will inform all of those listed at 5.4 above of our decision,
- 5.6 If we decide not to carry out an assessment, we will give our reasons for this; we will also make the young person, or the child's family, aware of their right to appeal against our decision.
- 5.7 Where we decide to carry out an assessment, we will work with the young person, or with the child and their family throughout the assessment and the development of their Education, Health and Care Plan (EHCP).
- 5.8 We will have due regard to the views, wishes and feelings of the young person, or the child and their family, throughout the assessment and planning process.
- 5.9 We will ensure that the assessment and planning process is easy to understand, so that children, young people and families can contribute and ensure that the child or young person's needs are at the heart of the plan.

- 5.10 We will ensure that children and young people who need the support of an independent advocate to make their views known have access to one throughout the assessment and planning process.
- 5.11 We will work with children, young people and families in a way that does not disrupt their care or daily lives more than is absolutely necessary; this means that we will always try to hold meetings and appointments at times that suit them.
- 5.12 We will provide young people, children and families with impartial information, advice and support so that they can take part effectively in the assessment and planning process. This will include the EHC needs assessment process, EHCPs and Personal Budgets (including the take-up and ongoing management of direct payments).
- 5.13 We will ask young people, children and families about the personal information they are happy for us to share with other agencies, and we will record the permissions they give us.
- 5.14 We will identify and work with people in other agencies who can contribute most to the assessment and planning process.
- 5.15 When we assess that a child or young person has a current need for a service, including a social care service, we will provide it without waiting for the EHCP to be completed.
- 5.16 Save in exceptional circumstances, we will work with young people, children and families to complete EHCPs within 20 weeks of the date of the original request. If exceptional circumstances apply, we will inform the young person or the child's parent of the reason for any delay.
- 5.17 Where we request information from another agency as part of the assessment process, that agency must provide the information within 6 weeks.
- 5.18 If we decide, having completed the assessment, not to issue an EHCP, we will advise the young person or the child and their family of this decision within 16 weeks of the original request for assessment.
- 5.19 We will give the young person or the child's parent at least 15 days to consider and comment on a draft EHCP and to ask that a particular educational institution be named in it. The parent(s) have a right to meet with Children's Services officers during this period to discuss the draft EHCP if they wish.
- 5.20 We will arrange for the young person or child to be placed in the educational institution nominated by the young person or parent(s) save where:
- it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or

- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources
- 5.21 We will consult with and listen to the representations of the principal of any educational establishment named by the young person or parent(s) at 5.20 before deciding to place. Where a Direct Payment is to be used, we will give the principal formal notification of this.
- 5.22 We will consider any request that the young person or child be placed in independent educational provision, though we are not obliged to name this in the EHC. We will follow the principle that children should be educated in accordance with their parents' wishes, so long as this is compatible with the provision of efficient instruction and training and does not mean unreasonable public expenditure.
- 5.23 In completing the assessment we will always seek information and advice from:
- The young person or the child's parent
 - The principal of the early years or educational setting attended by the child or young person (or from another source approved in the SEND Code of Practice 9.49)
 - If the child or young person is vision and/or hearing impaired, the educational advice and information must be given after consultation with a person who is qualified to teach pupils or students with these impairments
- 5.24 We will share with those giving advice copies of any representations made by the child's parent or the young person, and any evidence submitted by or at the request of the child's parent or the young person.
- 5.25 We will only vary a draft EHCP following and in accordance with representations from the young person or the parent(s).
- 5.26 Where, despite representations from the young person or parent, we decide not to amend a draft EHCP, we will notify them of their right to appeal to the Tribunal, and the timescales for doing this.
- 5.27 Where an EHCP is created, we will share the final version with the young person or the child's parent(s), the principal of any named educational establishment, and with NHS Dorset.

6. Standards for children with an Education Health and Care Plan

For all children with an EHCP there will be:

- 6.1 A plan recorded on the Dorset Children's Services EHCP template, which includes all the sections required by the SEND Code of Practice.
- 6.2 A record in the relevant section of the EHCP of the young person's aspirations, or those of the child and their family.
- 6.3 A history of the child or young person's special educational needs, and the services they have drawn on to meet these.
- 6.4 A record of the special educational provision needed to meet each of the child or young person's special educational needs set out in the relevant section of the EHCP.
- 6.5 A record of the young person or child's health and social care needs within the relevant sections of the EHCP.
- 6.6 A record in the relevant section of the EHCP of any Personal Budget (including any Direct Payment) and which of the specified special educational needs this will meet.
- 6.7 A record in the relevant section of the EHCP of the outcomes sought for the child or young person, which support preparation for adulthood.
- 6.8 A record of the name and type of the educational provision to be attended by the child or young person.
- 6.9 An appendix to the EHCP setting out the advice and information received during the assessment, with an index.
- 6.10 A SEND Provision Lead / Social Worker who is the lead professional and works directly with the child and family if they have an EHCP or are supported by a Social Worker
- 6.11 An agreed SMART plan (If the child is a Child in Need, or has a Child Protection or Early Help Plan, this will be their SMART plan, and the plan for education with SMART targets will be added to it)
- 6.12 A clear chronology and all casework recorded on Mosaic (or in the case of children with an EHCP, the SEND Provision Lead will record case notes on the SEND case management system)
- 6.13 Recorded supervision from line manager monthly.
- 6.14 An allocated Inclusion Lead who holds the responsibility for all our children identified as Children Missing Out on Education (CMOOE) and this lead will work closely with the Provision Lead
- 6.15 A fortnightly case summary on the CMOOE spreadsheet which identifies the actions taken to date, what current steps are being taken, including any dates of meetings / key actions.

- 6.16 Where a child is unable to attend their normal provision, there will be provision of a suitable alternative whilst a more suitable education provision is being sought. This might precipitate an early Annual Review if the child's needs have changed.
- 6.17 Education provision in place from day 6 following a permanent exclusion, with a clear register of this, the cost, the provider, and a full list of these children for each locality.
- 6.18 Education provision in place from day 1 following a permanent exclusion of a Child in Care with SEND.

7. Reviewing an EHCP

- 7.1 For each child or young person with an EHCP, there will be an annual review which takes place in partnership with the child's provision. This may be led by the School or the Local Authority dependent upon the circumstances of the child. Each review will ensure that the EHCP outcomes continue to enable the young person to complete their education and training successfully and to move on to the next stage of their lives, including employment or higher education and independent living.
- 7.2 For a child aged 0 to 5 years, the EHCP review will take place at least once every six months.
- 7.3 The young person, or child and their family, will be full participants in the review process; we will take account of their views, wishes and feelings.
- 7.4 There will be a first review of the EHCP within 12 months of the EHCP being finalised. Subsequent reviews will be held within 12 months of the previous review (or every three to six months for a child aged 0-5 years).
- 7.5 There will be an EHCP review for a child or young person who has an EHCP and is released from custody. We will review their EHCP with them to ensure that it continues to reflect their outcomes.
- 7.6 We will give timely notice (2 weeks before term starts) to all principals of educational establishments attended by children with an EHCP of reviews due in the coming term, including which of these should be focused on transition and preparation for adulthood.
- 7.7 We will seek advice and information about the child or young person before the meeting and send any advice and information gathered to all those invited at least two weeks before the meeting takes place.

- 7.8 We will ensure that we seek advice and information during the Annual Review from ALL the people and professionals involved in supporting the child or young person. This includes the following people:
- A Social Care or Early Help worker
 - An education professional
 - A health care professional
- 7.9 Within four weeks of the review, we will provide the young person or the family with the updated EHCP. Once they have received the final version, they have the right to appeal against it, should they wish to do so. We will make them aware of this right.
- 7.10 Where the child or young person under 16 is moving between key phases of education, we will complete the review and any amendments by 15 February of the calendar year in which their move is due to take place. We will complete the review and any amendments for young people moving into post-16 education by 31 March of the calendar year in which their move is due to take place. For a move between post-16 institutions, the review should take place in the autumn term preceding the intended move the following September.
- 7.11 All reviews taking place from Year 9 at the latest and onwards will include a focus on preparing for adulthood, including further education, employment, independent living and participation in society. These reviews will result in clear outcomes for the young person, which are ambitious and prepare them for adulthood.
- 7.12 We will help children and their families prepare for the change in status under SEN law that occurs once the child reaches the end of compulsory school age.
- 7.13 The following services and information should be considered when supporting a young person to prepare for adulthood:
- [Preparing for adulthood - Dorset Council](#)
[Independent advocacy - Dorset Council](#)
[Education, employment, training and re-engagement and support team - Dorset Council](#)
[Preparing for adulthood/ transitions in health - Dorset Council](#)
[Moving from Children's Services to Adult Social Care - Dorset Council](#)
[Preparing For Adulthood and Annual Reviews \(councilfordisabledchildren.org.uk\)](#)
[Preparing for Adulthood: All Tools & Resources - NDTi](#)

8 Amending an EHCP

- 8.1 Where we propose to amend an EHCP, we will send the young person or parent(s) a copy of the existing plan and notice of our proposed amendments,

giving them 15 calendar days to make representations, including the naming of a particular educational institution in the EHCP.

- 8.2 If following the steps at 7.1 we decide to make the amendments, we will issue the new plan to the young person or parent(s) within 8 weeks of the original notice. If we decide not to make the amendments, we will inform the young person or parent(s) within 8 weeks, giving our reasons.
- 8.3 When we send the amended EHCP, we will inform the young person or parent(s) of their right to appeal, and the relevant timelines for doing so.

9 Ending an EHCP

- 9.1 We will never end an EHCP on the basis of age alone for any young person aged under 25.
- 9.2 We will only end an EHCP where we decide that that it is no longer necessary for the EHCP to be maintained. Before reaching this conclusion, we will consider whether all of the outcomes in the EHCP have been met.
- 9.3 Where we are considering ending an EHCP, we will:
- inform the child's parent or the young person that we are considering this
 - consult the young person (if aged over 16 and they have capacity) or with their parent
 - consult the school or other institution that is named in the EHC plan
- 9.4 Where we decide to end an EHCP we will inform the young person or parent(s), any named educational institution, and NHS Dorset (or the relevant NHS body).
- 9.5 Where we decide to end an EHCP, we will advise the young person or the parent(s) of their right to appeal, and the relevant timelines.
- 9.6 Once we have notified the child's family of our intention to cease their EHCP, we will not do so until the timeframe for an appeal has lapsed. Where the young person or family appeals, we will not cease the EHCP until the appeal is concluded.
- 9.6 When an EHCP ends, we will give you information about other kinds of support that are available for continuing education, and for health and social care needs.
- 9.7 Where a child or young person who has an EHCP moves to another local authority area, we will transfer their EHCP to the new authority on the day of their move, or within 15 working days if we have not had 15 working days' notice of the move.

10. Sharing of Information (including personal data)

- 10.1 In line with our practice framework, it is important that we are open and transparent with our families and that we share copies of key documents when appropriate.
- 10.2 Evidence of this should be captured on the child's file so it is clear which family members or children have had copies of particular documents. This is extremely important as some information may be restricted to certain individuals. If in doubt about what can or can't be shared, please speak with your line manager. Here are some examples of the documents that should normally be shared with children and/or families:
- Children's plans (Child in Care, Child in Need, Child Protection, Team Around the Family Early Help Plan, EHCP, Pathway plans etc.) and review meeting minutes
 - Child Protection conference reports
 - Core Group minutes
 - Assessments
 - SMART Plan from Inclusion Lead
 - Their Annual Review and Supporting EHCP documentation
- 10.3 We will only share information with the consent of the young person (if over 16) or the parent if the child is under 16.

11. Standards for recording

- 11.1 All information relating to the child must be captured on the case management system.
- 11.2 All case work must be recorded on the relevant case management system within 48 hours.
- 11.3 Case summaries must be completed on the CMOOE register on a fortnightly basis in line with the CMOOE meetings.
- 11.4 Managers supervision notes must be recorded and shared with the person being supervised within 10 working days. Case supervision records must be added to the case management system.

12. Disagreements and complaints

- 12.1 We will seek to resolve disagreements quickly and informally where possible.
- 12.2 Where it has not been possible to resolve matters informally, we will make known to young people and parents the means for resolving disagreements

and complaints about EHCPs, including disagreement resolution and mediation services, the complaints procedures of education, health and social care providers, and appeal to the first-tier Tribunal.

- 12.3 We will commission an independent disagreement resolution service available to all young people and parents involved with the EHCP pathway. We will set out details of this service in our Local Offer.
- 12.4 We will make known the availability of independent mediation for young people or parents who have concerns about the following specific decisions by us:
- Not to carry out an EHC needs assessment
 - Not to draw up an EHCP
 - After they receive a final EHCP or amended plan
 - Following a decision not to amend an EHCP
 - A decision to cease to maintain an EHCP
- 12.4 A young person or parent who wishes to appeal to the first tier Tribunal must first engage with mediation services.
- 12.5 We will set out the arrangements we have made for independent mediation in our Local Offer.
- 12.6 Where a young person or parent advises us, through the mediation adviser, that they wish to take up mediation, we will ensure that a session is arranged within 30 days of this notice. We will attend the mediation session.
- 12.7 Where a parent or young person appeals the content of an EHCP, we will create a working document, which will be shared with the family.
- 12.8 We will implement any agreements reached at mediation within the time limits specified by the Special Educational Needs and Disability Regulations 2014.
- 12.9 When issuing or re-issuing an EHCP, we will make the young person or parents aware of their further right to mediation in respect of the health and social care elements of the plan. There is no right to take concerns about these matters to a Tribunal, however.

13. Glossary

This glossary explains the acronyms and specialist terms used in this document.

Child in Care

If a child's parents voluntarily agree to their being looked after by the local authority, or if the Court orders this to happen, the child is described as a Child in Care.

Child in Need

A child is defined as 'in need' under section 17 of the Children Act 1989, where:

- they are unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for them of services by a local authority
- their health or development is likely to be significantly impaired, or further impaired, without the provision for them of such services; or
- they are disabled²

Child Protection

Child Protection happens when a local authority, the Police or NHS acts under their Safeguarding policy framework to protect a child from harm.

Chronology

A summary of key events, meetings and decisions set out in date order.

CMOOE

Children who are Missing Out on Education; that is, children who are suspended or excluded from school for whom no alternative provision has been made and children who are missing attendance at their school or alternative provision and so losing out on their education.

Core Group

The Core Group is the group of professionals that meets following a Child Protection Conference to ensure that the Child Protection Plan agreed by the Conference is carried out in full and on time.

Direct Payment

A direct payment is a personal budget that is paid directly to the young person, or to the child's family, so that they can choose and pay for their own educational or social care support.

Early Years Setting

A care or educational setting attended by a pre-school-age child, for example a nursery or pre-school.

² [Children in need of help and protection](#), 1.1, Department for Education, March 2018, viewed January 2023

EHCP

Education, Health and Care Plan

Pathway Plan

When a child in care reaches 16 years old, the local authority must carry out an assessment to find out what advice and support the young person needs, and then agree a Pathway Plan with the young person to make sure this support happens.

Personal Budget

A sum of money identified following an assessment, that the local authority will commit to meeting the educational or social care needs of a child or young person.

Post-16 Institution

An educational provision for those aged 16 and above, such as a school sixth form or a college of further education.

SEND

Special educational needs and disabilities

SMART Plan

A SMART Plan is a plan that has goals that are Specific, Measurable, Achievable, Realistic and Timebound.

Standards

Standards are levels of service that an organisation aims to meet at all times.

14. Key documents

SEND Code of Practice

Children and Families Act 2014

The Special Educational Needs and Disability Regulations 2014

The Special Educational Needs (Personal Budgets) Regulations 2014

The Special Educational Needs and Disability (Detained Persons) Regulations 2015

The Children and Families Act 2014 (Transitional and Saving Provisions)(No 2) Order 2014

Dorset SEND Scheme of Delegation