

Who is this Toolkit for?

1. This Toolkit is designed to help everyone working with children and young people with special educational needs (SEN). It provides practical day-to-day guidance on the same matters as the Code and therefore should be read in conjunction with the SEN Code of Practice.
2. It was devised in collaboration with a number of partners representing all the professionals and people involved in meeting the needs of children and young people with SEN:
 - Pupils and Parents
 - Early education practitioners, SENCOs, teachers and head teachers in mainstream and special schools
 - LEA officers including advisers, educational psychologists and case workers
 - Social workers
 - Health professionals including paediatricians, psychiatrists, speech and language therapists, physiotherapists, occupational therapists and nurses
 - Voluntary sector colleagues.

What does the Toolkit seek to do?

3. The Toolkit provides practical suggestions on ways in which early education settings, schools, LEAs, health and social services could implement the statutory guidance set out in the SEN Code of Practice.
4. For ease of reading each section repeats some key material from the SEN Code of Practice. As in the Code, quotations from Acts of Parliament have not been included verbatim but have been paraphrased.

How should the Toolkit be used?

5. Different sections will be of particular relevance to certain groups of professionals and this is clearly stated at the start of each section. Each section relates and is cross-referenced to particular chapters in the Code.
6. The introduction includes some key general principles from the SEN Code of Practice that are not covered within the Toolkit itself. These pages can be copied to use as transparencies for training sessions. Most of the sections also start with similar pages designed to 'headline' the content of each section.
7. The Toolkit Sections and the 'transparencies' can be used as a source of ideas and as training materials to help professionals understand the SEN Code of Practice and the particular areas covered in the Toolkit.

SEN CODE OF PRACTICE

Fundamental Principles

The detailed guidance in the Code is informed by these general principles and should be read with them clearly in mind:

- *a child with SEN should have their needs met*
- *the SEN of children will normally be met in mainstream schools or early education settings*
- *the views of the child should be sought and taken into account*
- *parents have a vital role to play in supporting their child's education*
- *children with SEN should be offered full access to a broad, balanced and relevant education, including an appropriate curriculum for the foundation stage and the National Curriculum.*

SEN CODE OF PRACTICE

Critical Success Factors

- *the culture, practice, management and deployment of resources designed to ensure all children's needs are met*
- *LEAs, schools and settings work together to ensure that any child's SEN are identified early*
- *LEAs, schools and settings exploit best practice*
- *those responsible for SEN provision take into account the views and wishes of the child*
- *professionals and parents work in partnership*
- *professionals take account of parents' views*
- *provision and progress is monitored and reviewed regularly*
- *co-operation between all agencies*
- *LEAs make assessments in accordance with the prescribed time limits*
- *statements are clear and detailed, specify monitoring arrangements and are reviewed annually.*

SEN CODE OF PRACTICE

LEA Policy Framework

LEAs SEN policies must include how to:

- *promote high standards, inclusion and equal opportunities*
- *collaborate with early education settings, schools and other services and agencies*
- *develop partnership with parents*
- *encourage the participation of children and young people with SEN in making decisions about their education*

LEA must:

- *identify, assess and provide for children with SEN*
- *audit, plan, monitor and review SEN provision*
- *supporting pupils with SEN through School Action and School Action Plus*
- *secure training, advice and support for staff working in SEN*
- *review and update the policy and development plans on a regular basis.*

SEN CODE OF PRACTICE

School governing bodies should make sure that:

- *they are fully involved in developing and monitoring the school's SEN policy*
- *all governors, especially any SEN governors, are up-to-date and knowledgeable about the school's SEN provision, including how funding, equipment and personnel resources are deployed*
- *SEN provision is an integral part of the school development plan*
- *the quality of SEN provision is continually monitored.*

SEN CODE OF PRACTICE

SEN Policies in Early Education Settings and Schools

These educational settings and schools must have a written SEN policy:

- *settings in receipt of government funding for early education*
- *maintained nursery schools*
- *community, foundation and voluntary schools*
- *community and foundation special schools*
- *City Academies*
- *City Technology Colleges*
- *City Colleges for the Technology of the Arts*
- *Pupil Referral Units (LEA responsibility).*

SEN CODE OF PRACTICE

The Graduated approach

- *A model of action and intervention in schools and early education settings to help children who have SEN*
- *The approach recognises that there is a continuum of SEN*
- *Where necessary, increasing specialist expertise should be brought to bear on the difficulties that a child may be experiencing*

Early Years Action:

- *When early education practitioners who work day-to-day with the children or the SENCO identify that a child has SEN.*
- *Together they provide interventions that are additional to or different from those provided as part of the setting's usual curriculum offer and strategies.*
- *An IEP will usually be devised.*

Early Years Action Plus:

- *The early education practitioner who works day-to-day with the child and the SENCO are provided with advice or support from outside specialists*
- *Alternative interventions additional or different strategies to those provided for the child through Early Years Action are put in place*
- *A new IEP will usually be devised.*

SEN CODE OF PRACTICE

The Graduated Approach in the Primary Phase

School Action:

When a class teacher identifies that a pupil has SEN – the class teacher devises interventions additional to or different from those provided as part of the school's usual differentiated curriculum offer:

- *The class teacher remains responsible for working with the child on a daily basis and for planning and delivering an individualised programme – an IEP will usually be devised*
- *SENCO could take the lead in –*
 - *planning future interventions for the child in discussion with colleagues*
 - *monitoring and reviewing the action.*

School Action Plus:

- *SENCO and class teacher, in consultation with parents, ask for help from external services*
- *class teacher and SENCO are provided with advice or support from outside specialists*
- *additional or different strategies to those at School Action are put in place – an IEP will usually be devised*
- *SENCO should take the lead in –*
 - *any further assessment of the child*
 - *planning future interventions for the child in discussion with colleagues*
 - *monitoring and reviewing the action taken.*

PARENT PARTNERSHIP SERVICES

- *Schools, LEAs and all who support pupils with SEN should actively seek to work with parents*
- *LEAs must make arrangements to provide information and advice on SEN matters to the parents of children with SEN in their area*
- *LEAs and parent partnership services are expected to meet the minimum standards set out in the SEN Code of Practice*
- *Whether parent partnership services are LEA-based or bought in from another provider, parents must have confidence in the neutrality of the service*

PARENT PARTNERSHIP SERVICES

The core activities of parent partnership services are:

- *working with parents*
- *information and publicity*
- *training, advice and support*
- *networking and collaboration*
- *helping to inform and influence local SEN policy and practice*

The overall aim is to provide a menu of flexible services for parents whose children have SEN in order to empower them to play an active and informed role in their child's education. This includes access to an Independent Parental Supporter for those parents who want one.

Introduction

1. This section explains the legal requirements relating to parent partnership services as set out in the Education Act 1996 and the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001. It offers additional information on the statutory guidance set out in the SEN Code of Practice. It draws on some of the conclusions of research into what LEAs were doing voluntarily in terms of providing parent partnership services, into identifying the different models which have been adopted, and into previous good practice.¹
2. It sets out the considerations that LEAs are encouraged to take into account when setting up, modifying and running their services. The arrangements that are adopted should seek to meet local needs and take account of prevailing circumstances. Although LEAs have statutory duties, the information in this section is not intended to be prescriptive – an approach that suits parents in one LEA's area will not necessarily meet the needs of those in another. It therefore aims to strike a balance between setting out what is expected of effective parent partnership services and providing the flexibility needed to deliver services that suit the circumstances in any particular area.

Parent Partnership Services

A local education authority must arrange for the parent of any child in their area with special educational needs to be provided with advice and information about matters relating to those needs.

See Section 332A, Education Act 1996

A local education authority must make arrangements with a view to avoiding or resolving disagreements between authorities (on the one hand) and parents of children in their area (on the other) about the way LEAs and maintained schools carry out their responsibilities towards children with special educational needs.

A local education authority must also make arrangements with a view to avoiding or resolving disagreements between parents and certain schools about the special educational provision made for their child.

See Sections 332B (1) and (2), Education Act 1996

3. LEAs have a legal duty to make arrangements to provide information and advice on SEN matters to the parents of children with SEN in their area. These arrangements are generally known as parent partnership services. In securing such services, LEAs are expected to ensure that they have sufficient levels of

¹ Copies of the research reports – *Parent Partnership and Special Educational Needs: Perspectives on Good Practice* by Jeni Vernon, and *Resolving Disagreements Between Parents, Schools and LEAs: Some Examples of Best Practice* by Jane Hall – can be requested from the DfES on 0207 925 5524.

staffing and resources to enable them to provide an effective service to the parents in their area. LEAs are also expected to ensure that parent partnership services meet minimum standards, are subject to Best Value principles and make use of best practice.

4. It is for individual LEAs to decide how to plan and deliver parent partnership services locally. For instance, some LEAs may decide to provide an entirely LEA-based parent partnership service, although we would expect it to be run at arm's length. Others may decide to 'buy-in' the service from another provider, or there may be a mix of the two. However they are provided, it is important that parents have confidence that the services are accessible and flexible, and deliver neutral information and advice.

Minimum standards for LEAs

5. In delivering effective parent partnership services LEAs are expected to:

- take responsibility for setting and monitoring the overall standard of the service and ensure it is subject to Best Value principles
- set out their funding and budgeting plans for the service (where appropriate the budget should be delegated to the parent partnership service)
- ensure adequate resources and staffing to meet the needs of the parents in their area
- ensure appropriate management structures for the service
- ensure that the service has a development plan which sets out clear targets and is regularly reviewed; such plans should specify short, medium and long term strategies and arrangements for evaluation and quality assurance
- ensure that the service is flexible and responsive to local changes
- ensure that parents and schools are provided with clear information about the parent partnership services, and about the various other sources of support in their area, including statutory and voluntary agencies
- ensure that the service is provided with accurate information on all SEN processes as set out in the Education Act 1996, relevant Regulations, the SEN Code of Practice and relevant information about the Disability Discrimination Act 1995
- ensure, where the service is provided in-house, that the staff receive appropriate initial and ongoing training and development to enable them to carry out their role effectively

- establish, where the service is outsourced either wholly or partially, a service level agreement for delivering the service which ensures sufficient levels of resources and training, and clearly sets out the quality standards expected of, and the responsibilities delegated to, the provider
- have, irrespective of whether it is outsourced or provided in-house, appropriate arrangements for overseeing and regularly monitoring and reviewing the service, taking account of best practice both locally and nationally
- develop co-operative arrangements with the voluntary sector to ensure the mutual exchange of information and expertise
- promote and facilitate arrangements for the service to work in partnership with other agencies such as health and social services, using local planning structures, such as the Education Development Plan, Early Years Development and Childcare Plan, Connexions Plan and Children's Service Plan. Provisions under the Health Act 1999 allow LEAs and health and social services to pool budgetary and management resources; such arrangements might therefore include the provision of joint information services
- actively seek feedback from the service and service users to inform and influence decisions on SEN policies, procedures and practices in order to improve communications and minimise the potential for misunderstandings and disagreements.

From 2:18 SEN Code of Practice

Supporting Parent Partnership Services

6. LEAs are expected to support the parent partnership service by:
- being responsive to feedback from the parent partnership service and service users, such as:
 - actively seeking information on how their policies, procedures and practices are perceived by parents
 - taking account of the contribution of the parent partnership service in considering how LEAs can improve the way their policies and procedures impact on parents
 - identifying, with the parent partnership service, strategies to establish partnership with parents that can lead to improved working relationships and the avoidance of disputes
 - including the role and support of parent partnership services in their Education Development Plan.

Promoting Parental Confidence

7. Whether the parent partnership service is LEA-based or bought in from an independent provider or the voluntary sector, it is important that parents have confidence in the neutrality of the service. This is essential if the service is to have credibility with parents.
8. There are a number of different ways in which LEAs can promote the credibility and impartiality of an LEA-based service. These include, for example by:
 - providing oversight of the parent partnership work through a management group with representation from voluntary organisations and parents' groups
 - ensuring the service is independent of the decision-making professionals
 - operating the service away from the main education offices
 - running the service at arm's length and giving it its own budget
 - providing positive messages and clear evidence of commitment by the LEA towards the parent partnership service
 - giving it a high profile across all professional and parent networks
 - partnership and regular consultation with parent groups, the voluntary sector and organisations of disabled people so the LEA is aware of the views of parents, children and young people.

Monitoring and Evaluation

9. Each LEA needs to monitor and evaluate the performance of their parent partnership service against the minimum standards and ensure that it is delivering a high quality service that is capable of development and improvement. This can be achieved by:
 - sharing information
 - comparing the service to others
 - collating information from users
 - seeking the views of non-users
 - monitoring the effectiveness of staff and volunteers.
10. Monitoring of the provision of parent partnership services will be carried out by Ofsted as part of the normal LEA inspection process.

Information about Parent Partnership Services

LEAs must take whatever steps they consider appropriate to make parent partnership services known to parents, head teachers, schools and others they consider appropriate.

See Section 332A(3), Education Act 1996

11. LEAs **must** inform parents and schools in their area about the parent partnership service. They **must** also inform any other bodies or organisations that they consider need to know about the service. In addition, the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 require LEAs to remind parents in writing about the services available from parent partnership services when they give notice of their decision on whether or not to make a statutory assessment, and at the time a proposed statement or proposed amended statement is issued.
12. All parents and schools, including non-maintained schools, need to be aware of the service – what is available and when they can access it. A series of workshops, organised locally or regionally, could help to raise awareness of the services offered, how it can be accessed, and what the benefits are. The full range of services could also be publicised widely, for instance through:
 - the local press
 - newsletters
 - the LEA website
 - publicity campaigns using leaflets, booklets, posters in schools, local libraries, doctors' surgeries, health centres, local supermarkets etc
 - schools, which also have a key role in passing information to parents.
13. Information should be available in community languages. It should also be available in alternative formats for parents who may not be able to gain access to material through more conventional means.²

Minimum standards for parent partnership services

14. The role of the parent partnership service is to provide a menu of flexible services for parents tailored to meet their needs. Their aim should be to empower parents to play an informed and active part in their child's education.
15. The core activities of a parent partnership service are:
 - working with parents
 - information and publicity
 - training, advice and support
 - networking and collaboration
 - helping to inform and influence local policy and practice.

² As required by Part III of the Disability Discrimination Act 1995.

16. An effective parent partnership service is expected to meet the following standards and ensure:

Working with parents

- the provision of a range of flexible services including using their best endeavours to provide access to an Independent Parental Supporter for all parents who want one
- that practical support is offered to parents, either individually or in groups, to help them in their discussions with schools, LEAs and other statutory agencies
- that parents (including all those with parental responsibility for the child) are provided with accurate neutral information on their rights, roles and responsibilities within the SEN process, and on the wide range of options that are available for their children's education
- that parents are informed about other agencies, such as Health Services, Social Services and voluntary organisations, which can offer information and advice about their child's particular SEN. This may be particularly important at the time the LEA issues a proposed statement
- that, where appropriate and in conjunction with their parents, the ascertainable views and wishes of the child are sought and taken into consideration.

Information and publicity

- that information about the available services is publicised widely in the area using a variety of means
- the provision of neutral, accurate information for parents on all SEN procedures as set out in SEN legislation and the SEN Code of Practice
- the interpretation of information published by schools, LEAs and other bodies interested in SEN
- that a wide range of information for parents is available in community languages, and to parents who may not be able to gain access to information through conventional means.

Training, advice and support

- that advice on special educational needs procedures is made available to parents through information, support and training
- they use their best endeavours to recruit sufficient Independent Parental Supporters to meet the needs of parents in their area, including arrangements for appropriate training, ensuring that they are kept up to date with all relevant aspects of SEN policy and procedures so they can fulfil their role effectively
- that training on good communication and relationships with parents is made available to teachers, governors and staff in SEN sections of the LEA.

Networking and collaboration

- they work with schools, LEA officers and other agencies to help them develop positive relationships with parents
- they establish and maintain links with voluntary organisations.

Informing local policy and practice

- that parents' views are heard and understood, and inform and influence the development of local SEN policy and practice
- the regular review of the effectiveness of the service they provide, for instance by seeking feedback from users.

From 2:21 SEN Code of Practice

17. The purpose of parent partnership services is to encourage partnership between parents, LEAs, schools and voluntary bodies in the work of identifying, assessing and making provision for pupils with SEN. The best results are always delivered where parents, schools, LEAs and other agencies work together in partnership. This is particularly important where a child has special educational needs. Parent partnership services therefore need to provide a range of services that enable parents to be better informed about SEN procedures and provision and empower them to communicate confidently with schools, LEAs and other statutory agencies.

Working with parents

18. The overall aim of parent partnerships is to provide a service for parents to enable them to play a more active and informed role in their child's education. Most parents have their child's best interests at heart and represent their child in decisions taken about their provision. But it should also be borne in mind that children have their own point of view. It is therefore important to establish the views of the child, indirectly through those closest to them, and directly where possible. See Chapter Three of the SEN Code of Practice and Section 4 of this Toolkit.

19. A menu of flexible services for parents could include:

- provision of clear and accurate information in the local context, with explanation and interpretation of processes and procedures set out in primary legislation, Regulations and in the SEN Code of Practice. A range of formats could be used, for instance telephone helpline, booklets and publications, tapes, videos, conferences, meetings, training events, informal group meetings, workshops etc
- provision of a range of services including – advising parents during statutory assessments, at annual reviews and other meetings; enabling access to support for SEN Tribunal processes and hearings; providing information by way of training courses for parents
- provision of information for parents about, and acting as a signpost to, other agencies and organisations which can provide advice and support on non-SEN matters, for instance on housing, health, social services and benefits
- for those parents who want it, provide access to an Independent Parental Supporter (the role of the Independent Parental Supporter is discussed further in paragraphs 26 and 27)
- working with school staff and governors to develop parent friendly policies and partnership with parents
- working collaboratively with LEAs, voluntary sector and health and social services to promote understanding of the needs of parents of children with SEN
- monitoring and reviewing local arrangements for working in partnership with parents and taking account of best practice, both locally and nationally
- acting as a reference point for feedback of the parent perspective, both within the LEA and with schools, and providing input to promote positive change in professional policy, culture and practice in relation to parents
- if the parents moving into another LEA's area agree, liaising with the other parent partnership service to help the parents' and child's transition to the new area
- contributing to the development and delivery of local arrangements for avoiding and resolving disagreements between parents and LEAs or schools (see Section 3 of this Toolkit).

20. **All** parents of children with SEN **must** have access to advice and information about matters relating to SEN. An effective parent partnership service provides a flexible range of services to parents whose children have special educational needs. This can be provided in a number of ways, for instance:

- telephone helplines

- promoting mutual support in small groups
- supporting, and working with local parent support groups
- acting as a gateway to other sources of help
- working with individual parents.

Ensuring Equality of Access to the Service

21. Certain groups of parents may have difficulty in gaining access to the service. Such groups include those from minority ethnic groups, those for whom English is an additional language, and those who themselves may have special needs. Parents with disabilities, communication or other needs should have the support they require to work with the service and with the other agencies involved (see part III of the Disability Discrimination Act 1995 as amended by the SEN and Disability Act 2001). Corporate parents also have particular requirements. DfEE Guidance on the Education of Children and Young People in Public Care provides advice on what is expected of corporate parents (Chapter 4), and on the role of corporate parents in acting as children's advocates (Chapter 15).
22. Parent partnership services should reach out to those parents who, for one reason or another, may not seek to use the service. They should also be mindful of parents who may not have equality of access to the services being offered, and should adjust the delivery of those services accordingly. For example:
- access to the buildings where meetings are to be held should be suitable for wheelchair users or for those with visual impairments (see the Disability Discrimination Act 1995, as amended by the SEN and Disability Act 2001, for concepts of reasonableness)
 - literature/advice can be made available in Braille/audio format
 - account is taken of parents who might have literacy problems
 - "parity of esteem" is given to the cultures of ethnic minorities
 - interpreters can be made available for those for whom English is an additional language, or those who use sign language (see the Disability Discrimination Act 1995 as amended by the SEN and Disability Act 2001)
 - the different requirements of corporate parents are given consideration. For instance, the person acting as the child's advocate may be a foster carer, residential care worker, social worker, natural parent, or any combination of these, or the advocate chosen by the child.

If the service is to be truly inclusive then it needs to identify measures that address all of these issues.

23. The prime role of parent partnership services is to help parents whose children have been identified as having special educational needs. However, there will be cases where parents believe that their child has special educational needs,

but the school or other professionals take a different view. This can arise because:

- parents may not be clear about the interpretation of the legal definition of special educational needs
- parents are concerned because their child is not doing as well as they expect or hope, although the child has no special educational needs
- a child's special educational need has not been identified or recognised by the professionals.

24. Parent partnership services should be flexible in their approach and handle such cases sensitively and sympathetically. They should consider parents' concerns carefully and not dismiss out of hand any enquiries for assistance or information. Services can help by explaining and clarifying the definition of special educational needs. They can also help by encouraging the parents and schools to discuss the matter so that each party can put forward their views, and the reasons for them, and come to an agreement on a way forward.

Independent Parental Supporters

25. Parents value the information and advice provided by the parent partnership service. However some parents may want or need more individual support at certain stages in the SEN process. As set out in the SEN Code of Practice, parent partnership services should ensure that those parents who want an Independent Parental Supporter (IPS) have access to one.

26. The IPS can be, for instance:

- another parent
- someone from a voluntary organisation or parent support group
- a volunteer who previously acted as a Named Person.

27. The IPS is someone who is independent of decision-making professionals, and therefore has no conflict of interest that could influence their capacity to advise the parent. The IPS can provide parents with:

- advice in their dealings with schools, LEAs, and the SEN Tribunal
- support at meetings or reviews
- helping them make their contribution to the assessment
- help in understanding the implications of any objectives set out in the statement
- a wide range of information on SEN, including the different options available for their child's provision.

IPSs should be fully informed about local and national policies and procedures around SEN and feel confident to work with parents in a variety of different

situations. LEAs can establish agreements with voluntary organisations or parent support groups to provide an IPS service or other services for parents.

28. Parent partnership services need to:
- ensure training for IPSs
 - consider providing accredited training where that is desirable
 - provide support, supervision and continuing professional development so that IPSs are kept fully informed about local and national SEN policies and procedures
 - monitor and review the service provided by IPSs to ensure that adequate standards are maintained
 - consider, with the LEA, the need for protection of IPSs against possible claims or litigation for negligence.
29. An effective parent partnership service maintains a register of IPSs and is responsible for parent referrals. In making arrangements for referral it is essential to respect the need for confidentiality. Parents' details (including details about their children) should not therefore be passed to a third party without their prior knowledge and agreement.

The role of parents

The parent of every child of compulsory school age must make sure that they receive efficient full-time education suitable –

- (a) to their age, ability and aptitude, and**
- (b) to any special educational needs they may have, either by regular attendance at school or otherwise.**

See Section 7, Education Act 1996

30. Parents have a vital role in their child's education. In working with schools they should:
- communicate regularly with school staff and alert them to any concerns they have about their child's learning or provision
 - fulfil their obligations under home-school agreements which set out the expectations of both sides.

31. As soon as parents feel that their child may have a special educational need and may need different arrangements made for them:
- they should discuss the matter with the school
 - the school should listen to, and take parents' views and concerns into account when considering any intervention
 - where a child is provided with any additional or different intervention through *School Action* or *School Action Plus*, parents can play a part in the processes of planning and reviewing their child's Individual Education Plan. They can also help the school in implementing *School Action* or *School Action Plus*, for instance by helping their child with any programmes to be followed at home.
32. If, despite the additional support provided by the school, parents feel their child needs more help than the intervention available through *Early Years Action Plus* or *School Action Plus*, they have the right to ask their LEA to consider whether it is necessary to carry out a statutory assessment. Where the school decides to request an assessment parents should help by providing information.
33. Parents have a legal duty to make sure that their child receives suitable education. They hold key information and have an important role to play in their child's education. Equally, schools need to recognise and embrace the value of parental input and the unique contribution that parents can make.
34. Parents may welcome guidance on how to contribute effectively to their child's assessment. LEAs might consider using the guidelines provided in Section 8 of this Toolkit. These guidelines are closely based on those published in the Code of Practice in 1994 and have been found to be helpful.

The views of the child

35. In working with parents, IPSs, teachers, governing bodies and other agencies, parent partnership services should, as a matter of course, emphasise the importance of eliciting the views of the child or young person. Parent partnership services may also provide support to children, for instance through arranging volunteer child supporters or running child-mentoring schemes, so as to ensure the wishes of the child are not overlooked. If those working in parent partnership services are likely to have a lot of unsupervised contact with children, LEAs should consider requesting a police check of criminal records. If that check reveals information that raises doubts about a person's suitability, the LEA may want to reconsider the appointment. Parent partnership services should be aware of the LEA and Area Child Protection Committee's locally agreed procedures for dealing with child protection issues. Further advice on child protection can be found in DfEE Circular 10/95.

Working with schools

36. In working with schools, parent partnership services should seek to:
- support school staff in the development of their awareness of parents' needs
 - encourage school staff to respect parents' views
 - liaise with governors and inform them of the services available
 - encourage parental influence on the development of school management, policy and practice
 - support schools in developing parent friendly policies and practices
 - encourage schools to tell parents about the parent partnership service when parents are informed that their child has SEN
 - work with schools on joint initiatives, such as initiating school based support groups for parents, training, etc.
37. Schools and parent partnership services should aim to develop relationships that are built on trust and mutual understanding. The relationship between the parent and the school is crucial to the educational progress of the child. Schools should recognise that parent partnership services can advise on ways to promote early, open and continuing communication with parents. Governing bodies in particular should work with parent partnership services in developing a whole school approach to working in partnership with parents.

Preventing disagreements

38. LEAs also have a duty to make arrangements with a view to avoiding disputes between themselves or maintained schools and parents about the way in which they have carried out their statutory functions relating to SEN matters, or between parents and certain schools about SEN provision. Parent partnership services are likely to be part of those arrangements.
39. Empowering parents to feel able to talk to the school or LEA is a key stage in the process of encouraging dialogue or engaging in disagreement resolution that can be instigated by the parent partnership service. Parent partnership services should:
- promote good communications and sharing of information between parents and schools and between parents and LEAs about matters relating to the child's SEN
 - promote consultation rather than confrontation.
40. Early intervention to explain and clarify issues may prevent misunderstandings and enable the two sides to talk about an issue and so prevent matters escalating. Where such intervention does not prevent or resolve a disagreement the parent partnership service might suggest that the parties

consider disagreement resolution. Separate practical advice is given in Section 3 of this Toolkit.

41. Under the Education (Special Educational Needs) (Information) (England) Regulations 1999 every maintained school is required to publish information about any arrangements made by the governing body relating to the treatment of complaints from parents of pupils with special educational needs concerning the provision made at the school. Parents should therefore, in the first instance, seek to resolve their differences with the school through this procedure. Where differences cannot be resolved, either the parents or the school can then consider requesting access to the local statutory SEN disagreement resolution process.
42. SEN disagreement resolution arrangements are not the appropriate vehicle for parents who have disagreements with the school about issues other than special educational needs, for instance the general conduct of the school or the National Curriculum. Parents should direct their complaint in the first instance to the head teacher or the governing body. All LEAs have to have separate procedures for handling complaints about the actions of governing bodies in relation to the National Curriculum. In these cases the person with the complaint should take the matter up with the governing body, or if after having done so they are still not satisfied, with the LEA.

Sharing good practice and information

43. All parent partnership services benefit from sharing good practice. This includes not only information on the performance of the service, but also the quantity and quality of the information that is passed from service to service. Parent partnership services and LEAs should seek to share successes and good practice with others.
44. Good practice can be disseminated in a variety of ways:
 - nationally, by networking through the National Parent Partnership Network (NPPN), including the NPPN newsletter and other publications, and/or the National Association of Parent Partnership Services (**NAPPS**)
 - regionally, through the work of the regional parent partnership groups and/or the SEN Regional Partnerships and by attending regional parent partnership meetings
 - by bringing together a range of documentation on parent partnerships
 - promoting an understanding of parent partnership networks within LEAs
 - keeping abreast of research into good practice
 - information exchanges such as conferences
 - maintaining close links with local schools.

Working with voluntary organisations

45. Parent partnership services work with voluntary organisations in a variety of ways. In some LEAs all or part of the service is provided by a voluntary organisation. In some, voluntary organisations are involved in overseeing the work of the service, through representation on a management group. In many LEAs there is co-operation over the provision of information, the sharing of expertise, training, mutual referral mechanisms and local consultation arrangements.
46. Parents receive a better service where there is good co-ordination between parent partnership services and voluntary organisations, for example where:
- parent partnership services have comprehensive information about local voluntary organisations and vice versa
 - there is mutual recognition of skills and expertise
 - there is some exchange of skills and resources
 - there are clear arrangements for specifying what services are to be provided by the voluntary sector.

In delivering the service, parent partnership services should seek to involve the voluntary sector wherever possible.

The National Parent Partnership Network

47. The National Parent Partnership Network (NPPN) operates under the aegis of the Council for Disabled Children to support the work of parent partnership services. NPPN was established in 1995 to: encourage the sharing of information between parent partnership services; encourage the development of co-operative arrangements with the voluntary sector and promote the development of interesting and innovative practice. In support of these aims NPPN provides a range of services to parent partnership co-ordinators:
- Information: NPPN maintains a database of information on parent partnership services, undertakes periodic reviews of particular aspects of parent partnership work and responds to individual enquiries
 - Communication: NPPN promotes communication on parent partnership issues through regular newsletters, summaries of current practice, and support to an electronic forum for parent partnership co-ordinators
 - Training and support: NPPN arranges training to support the professional development of parent partnership co-ordinators and provides direct support to co-ordinators on different aspects of parent partnership work
 - Liaison within and beyond the Network: NPPN staff liaise with regional groups of co-ordinators and with a range of national, regional and local bodies; with voluntary organisations, academic institutes, research bodies, LEAs and other statutory agencies to promote communication on parent partnership issues within and beyond the Network.

NPPN contact details:

Address: Council for Disabled Children
8 Wakley Street
London EC1V 7QE
Telephone: 020 7843 6058
Website: www.parentpartnership.org.uk

National Association of Parent Partnership Services

48. The National Association of Parent Partnership Services (**napps**) was established in 1997 to raise awareness of parent partnership services and their work. The association is a network of individual services that meet on a regional basis. Each region is represented on a national liaison group, which meets three times a year. **napps** was established to inform the professional role of those working in parent partnership services, to share ideas and to disseminate information at a national level. **napps** aims to define standards and quality of service; develop good practice; enhance and expand on the work of existing individual services and regional networks; inform and influence policy both locally and nationally; promote collaboration between regional groups; encourage new initiatives; ensure cost effective use of resources and work closely with other national organisations. The national liaison group represents both statutory and voluntary post holders and all parent partnership services are encouraged to attend regional meetings.

napps contact details:

Address: Hertfordshire Parent Partnership Service
Telephone: 01992 555922
e-mail: parent.partnership@hertscc.gov.uk

RESOLUTION OF DISAGREEMENTS

- *LEAs must make arrangements for avoiding or resolving disagreements that parents have either with them or with schools about SEN matters*
- *Independent persons must be appointed to facilitate these arrangements*

Preventing disagreements:

- *Good communications between parents, schools and LEAs is the key to good relationships*
- *Parents, schools, LEAs and others should start talking as soon as difficulties become apparent. This can prevent problems from developing into disagreements*
- *Feedback from users of the new arrangements can help schools and LEAs prevent similar disagreements in the future*

RESOLUTION OF DISAGREEMENTS

Resolving Disagreements:

- *In delivering effective disagreement resolution services, LEAs should meet the minimum standards set out in the SEN Code of Practice*
- *SEN disagreement resolution is designed to achieve early and informal resolution of differences of opinion*
- *The informal arrangements bring different parties together in the presence of an independent/neutral facilitator to seek an agreement*
- *The people in disagreement, not the facilitator, decide the terms of the agreement*

Introduction

1. This section explains the legal requirements as set out in the Education Act 1996, and the provisions in the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001. It offers additional detailed guidance to that set out in the SEN Code of Practice. It draws on research looking at what LEAs were doing voluntarily in resolving disagreements, identifying different models that have been adopted, and looking at previous good practice.¹
2. Although the framework for disagreement resolution is statutory, and must therefore be complied with, this Toolkit is not intended to be prescriptive. This section sets out considerations that LEAs should take into account when establishing or modifying their disagreement resolution arrangements. It aims to strike a balance between what is expected of an effective disagreement resolution service and allowing LEAs the flexibility they need to deliver services that meet local requirements. An approach that meets the needs of parents in one LEA will not necessarily meet the needs of those in another.

Preventing disagreements

A local education authority must make arrangements, that include the appointment of independent persons, with a view to avoiding or resolving disagreements between authorities (on the one hand) and parents of children in their area (on the other) about the way LEAs and maintained schools carry out their responsibilities towards children with special educational needs.

A local education authority must also make arrangements with a view to avoiding or resolving disagreements between parents and certain schools about the special educational provision made for their child.

LEAs must take whatever steps they consider appropriate to make disagreement resolution services known to parents, head teachers, schools and others they consider appropriate.

See Sections 332B, Education Act 1996

3. Parents², schools³, LEAs and others should start talking as soon as difficulties become apparent. Talking about concerns as soon as they arise may help prevent potential problems from developing into major disagreements.

1 Copies of the research report – *Resolving Disagreements between Parents, Schools and LEAs: Some Examples of Best Practice* by Jane Hall – can be requested from the DfES on 0207 925 5524.

2 Here, and throughout this section, ‘parents’ should be taken to include all those with parental responsibility, including corporate parents and carers.

3 Here, and throughout this section, ‘schools’ should be taken to include maintained schools, maintained nursery schools, pupil referral units, City Technology Colleges, City Colleges for Technology of the Arts, City Academies, Non-Maintained Special Schools and independent schools named in a child’s statement of SEN.

Dialogue should be built on a foundation of trust, respect, clarity and openness. Schools and LEAs should be flexible in the way in which they encourage early dialogue and ensure that they are able to respond to parents' needs in the most appropriate way. The views of parents should be actively sought and valued.

4. Good communications and the sharing of information between parents and schools, and between parents and LEAs is the key to good relationships. By talking early on there is greater chance of resolving potential problems. The longer things are left, the harder they become to resolve. Parent partnership services can play an important role in preventing disagreements by encouraging dialogue between the parents and the school or LEA, as soon as difficulties arise, to explore different options at an early stage.
5. Under the Education (Special Educational Needs) (Information) (England) Regulations 1999, every maintained school is required to publish information about any arrangements made by the governing body relating to the treatment of complaints from parents of pupils with special educational needs concerning the provision made at the school. Many schools and LEAs already have successful informal processes for resolving disputes. As soon as a difficulty becomes apparent therefore, parents and schools, and parents and LEAs should, in the first instance, have informal discussions with the aim of resolving their differences locally. Where these discussions or the normal complaints procedure have been exhausted and matters cannot be resolved, any of the parties may then wish to consider recourse to the statutory SEN disagreement resolution process.
6. Parent partnership services can encourage the parties to come together and help to keep lines of communication open by:
 - assisting the parties to assess their relevant positions
 - negotiating between them, or on behalf of them
 - identifying areas of compromise
 - making suggestions or recommendations about possible ways forward.

In exercising this function, parent partnership services should be neutral and should not be an advocate for any one party.
7. As part of the arrangements for disagreement resolution, LEAs should actively seek feedback from parent partnership services and independent facilitators on completion of disagreement resolution cases. The feedback should include information on the reasons that gave rise to the disagreement so that LEAs and schools can identify ways of improving their policies and practices to avoid similar disagreements arising in the future.

Disagreement Resolution

8. SEN disagreement resolution is an entirely voluntary process. It brings people who are in disagreement together with an independent neutral party (or facilitator), who then helps them to reach an agreement. Ideally, disagreement resolution should take place well within the two month statutory time limit for appeal to the SEN Tribunal, but can also take place once an appeal is lodged. A fundamental principle should be that the child's welfare and needs are key considerations.
9. The people in disagreement, not the facilitator, decide the terms of the agreement. The facilitator does not offer advice or solutions. An example model of the disagreement resolution process is at Annex A. Annex B shows how this model could be used in resolution of disagreements about SEN.
10. SEN disagreement resolution is designed to achieve early resolution of differences of opinion between parents and schools or LEAs about the provision being made for their child's special educational needs. It should ensure that practical educational solutions, acceptable to all the parties, are reached as quickly as possible with minimal disruption to the child's education. Disagreement resolution should aim to prevent the long term breakdown of relationships between parents and schools or LEAs, and in time reduce the need for recourse to the SEN Tribunal.
11. The principles of disagreement resolution are:
 - any agreement has to be to the satisfaction of all the parties concerned
 - all parties agree that a resolution is needed
 - the process is voluntary and confidential
 - the facilitator is, and is seen to be, independent and neutral
 - the parties have all agreed the choice of the facilitator
 - the process does not prejudice any rights to take issues further, for example to the SEN Tribunal
 - those involved have the authority to be able to settle the disagreement.
12. Independence and neutrality are key principles. All the parties concerned therefore need to be satisfied that the facilitator is truly independent and neutral.
13. Where a joint meeting is held, the discussions can often be concluded in less than one day.

Minimum standards for LEAs

14. LEAs **must** make arrangements for avoiding and resolving disagreements parents have either with them or with schools about matters relating to the SEN provision for their child. The arrangements **must** provide for the appointment of independent persons to facilitate the avoidance or resolution of disagreements.
15. In delivering an effective disagreement resolution service, LEAs:

- should take responsibility for the overall standard of the service and ensure it is subject to Best Value principles
- should have clear funding and budgeting plans for the service
- should ensure that the service is neutral and **must** involve an independent element
- should ensure that the service, whether outsourced or provided in-house, has a development plan that sets out clear targets and is regularly reviewed. Such plans should specify arrangements for evaluation and quality assurance
- **must** make the arrangements for disagreement resolution, and how they will work, known to parents, schools and others they consider appropriate (section 332B(5) of the Education Act 1996)
- **must** inform parents about the arrangements for disagreement resolution at the time a proposed statement or amended statement is issued, and that entering disagreement resolution does not affect their right of appeal to the SEN Tribunal (Education) (Special Educational Needs) (England) Regulations 2001
- should ensure that the independent persons appointed as facilitators have the appropriate skills, knowledge and expertise in disagreement resolution; an understanding of SEN processes, procedures and legislation; have no role in the decisions taken about a particular case, nor any vested interest in the terms of the settlement; are unbiased; maintain confidentiality; carry out the process quickly and to the timetable decided by the parties
- should establish protocols and mechanisms for referring parents to disagreement resolution
- should ensure that those providing the service receive appropriate initial and ongoing training and development to enable them to carry out their role effectively
- should establish a service level agreement for delivering the service which ensures sufficient levels of resources and training, and sets out the appropriate standards expected of, and the responsibilities delegated to, the provider

- should have appropriate arrangements for overseeing, regularly monitoring and reviewing the service, taking account of local and national best practice, whether the service is provided in-house or bought-in
- should actively seek feedback from the service to inform and influence decisions on SEN policies, procedures and practices
- should monitor and evaluate the performance of the service.

From 2:25 SEN Code of Practice

The Disagreement Resolution Process

16. The Education Act 1996 requires SEN related disagreement avoidance and resolution arrangements to be available to **all** parents whose child has SEN if their child is a registered pupil at:

- a maintained school, maintained nursery school, pupil referral unit, City Technology College, City College for the Technology of the Arts, City Academy
- a non-maintained special school
- an independent school named in the child's statement of special educational needs (where the disagreement is between the parent and the school).

However, LEAs may use their discretion and make SEN disagreement resolution available to other parents if they wish. Representatives of LEAs and of the types of educational establishments listed above can request and participate in disagreement resolution. Parents, of course, can also initiate the use of the service – though participation by either party is voluntary.

17. Depending on the nature of the disagreement, the parties involved may be the parents and the school, the parents and the LEA, or the parents, LEA and a maintained school.

The Benefits of a Structured Disagreement Resolution Process

18. It is essential that parents, schools and LEAs recognise the need to deal with, and move on from what has happened in the past. It is also essential that all parties involved recognise the need to allocate sufficient time for the process of disagreement resolution. Disagreement resolution may have implications for schools' and LEAs' resources, but a structured process can bring benefits:

- **in exploring outcomes** – the solutions reached tend to be more creative than through other processes

- **to build trust and ownership** – which in turn might elicit outcomes that are more likely to be followed through. Because the resolutions are identified by the parties who have to carry them out they are more frequently complied with than those imposed
- **to facilitate communication** – because the parties have solved the problem together, they will have needed to communicate positively and build greater understanding. This creates a new pattern of communication for the future
- **in using a tiered process** – enabling the parties, at separate sessions, to work through their differences e.g. the school or LEA, and then parents separately.

Limitations

19. Offering a structured session may be inappropriate if:
 - either side does not wish to engage in the process
 - matters of policy are at stake
 - the main issue is one that would set a precedent on which the LEA is unwilling or unable to concede
 - there is no goodwill
 - there is a substantial change in the relationship between the parents and the LEA or school, for instance the parents have moved or are moving to another LEA area, or the child has or is about to transfer to a different school.
20. There will always be cases where it is not possible to reach agreement through the disagreement resolution process, for instance where there are legal restrictions on the action schools or LEAs may take. In such cases, it may be more appropriate for the parents to seek recourse to the SEN Tribunal.
21. Disagreement resolution arrangements are not the appropriate vehicle for parents who have disagreements with the school about issues other than special educational needs, for instance the general conduct of the school. In such situations, parents should direct their complaint in the first instance to the head teacher or the governing body. All LEAs must have separate procedures for handling complaints about the actions of governing bodies and LEAs. In these cases the person with the complaint should first take the matter up with the governing body, or if after having done so they are still not satisfied, with the LEA.

SEN Disagreement Resolution

22. There are a number of models that LEAs might adopt to include an independent element in their disagreement resolution arrangements, for instance:

- using a panel of trained facilitators, affiliated to a recognised body in the field of disagreement resolution. LEAs could then buy in the services as they were required
- expanding existing disagreement resolution services that cover a wide range of areas across the work of the authority to include SEN expertise
- using regional panels funded by a number of neighbouring LEAs, perhaps using the SEN Regional Partnerships. The LEAs within the region would then have access to a pool of facilitators.

Whichever model is adopted it is essential that the facilitator is acceptable to the parties involved. LEAs **must**, however, appoint independent persons to help facilitate their SEN disagreement resolution arrangements. These independent persons cannot be LEA officers.

23. Many organisations have expertise in disagreement resolution and are able to provide trained and experienced independent facilitators. LEAs should therefore consider working in partnership with other organisations in making their arrangements for disagreement resolution services – but see paragraph 40 on *Advocates*. LEAs should ensure such organisations are reputable bodies with expertise in the field of disagreement resolution.
24. The role of the independent facilitator⁴ includes:
- taking responsibility for the process of resolution, not the content
 - enabling all the parties concerned to articulate their view of the problems, either through separate or joint meetings, and their preferred solutions
 - managing the process so that people, on all sides, are given an equal opportunity to tell their story, have their perceptions validated or challenged, and to work through the possible outcomes
 - exploring and testing any agreements, including reaching an understanding on what happens if agreements are not complied with
 - assisting, if required, in drafting those agreements that the parties involved agree to abide by
 - assisting, if required, in drafting any feedback to the LEA so that the general lessons arising out of the disagreement can be fed back for wider consideration.
25. The need for confidentiality means that some boundaries have to be defined. For example, where child protection issues emerge during disagreement resolution they cannot be treated as confidential. This should be made clear to all the parties in advance. Taking part in disagreement resolution is entirely without prejudice to parents' rights to appeal to the SEN Tribunal. There should therefore be an agreement about any information that may be subsequently relayed to the Tribunal. As a general principle, nothing discussed during disagreement resolution should be made available to the Tribunal without the consent of all relevant parties.

4 The independent person required by section 332B(3) of the Education Act 1996. See also 27 to 32.

Following up Agreements

26. In cases where an agreement has been reached about steps to be taken, school and LEA representatives should check that what has been agreed is being put into practice, at regular intervals, to be decided by the parties to the agreement.

Facilitator Independence

The arrangements must provide for the appointment of independent persons with the function of facilitating the avoidance or resolution of such disagreements.

See Section 332B(3), Education Act 1996

27. The Education Act 1996 requires LEAs' arrangements to include the appointment of independent persons to help resolve disagreements. The 'independent person' (the facilitator) must be someone who:
- has no role in the decisions taken about a particular child's case
 - has no vested interest in the terms of the settlement
 - is unbiased
 - maintains confidentiality
 - carries out the disagreement resolution quickly and according to the timetable decided by the parties involved
 - is not an LEA officer.

This is to ensure that the parties feel that their views are being properly considered and given equal weight. Perceived bias is likely to cause resentment and hinder progress towards resolving disagreements. Where all parties are seen to be equal partners the facilitator is more likely to succeed in encouraging communication, and therefore reach an outcome that is acceptable to all.

Principles and Minimum Standards for Independent Facilitators

28. LEAs should use their best endeavours to ensure that those appointed as independent facilitators:

- unbiased and always act in good faith; have no vested interest in the outcome of the disagreement or the terms of the settlement; act fairly at all times showing no favouritism or bias; keep all concerned informed of progress and make any information available to the parties as is required; and have no personal involvement with any of the parties
- maintain confidentiality (as this encourages the parties to open up and be honest with the facilitator); should retain as private all information or materials received by them from any party unless disclosure is expressly authorised by the party concerned. There may, however, be exceptional situations where the rules of confidentiality would have to be set aside – such as in the case of disclosure of child protection issues when confidentiality would not be appropriate and legal requirements may require disclosure
- outline the procedures at the outset and ensure that all parties understand the process, and the role and neutrality of the facilitator; carry out the disagreement resolution expeditiously and according to the timetable decided by the parties involved
- ensure that all parties understand the proposed settlement and that they have had time to consider it thoroughly; where more than one resolution procedure is being considered, ensure that the parties are clear about the different procedures and the consequences of revealing information during one procedure which may later be used for decision making in another – see paragraph 48
- do not act fraudulently, deceitfully or in any way unlawfully, nor use their position to gain personal advantage for themselves, family or friends; do not accept gifts, favours or hospitality from any party that may be construed as an attempt to influence them
- have the necessary skills, expertise and knowledge to fulfil their role effectively, including an understanding of SEN processes, procedures and legislation.

The skills required of the independent facilitator

29. The independent facilitator needs to have a wide range of knowledge and skills including the ability to:

- manage the process
- be an active listener

- uncover the real issues
 - remain neutral and unbiased
 - ensure equality
 - provide neutral and accurate feedback
 - assist others to problem solve
 - recognise similarities and differences
 - frame agreements.
30. It is particularly important to avoid apportioning blame or to let the past dominate the entire session. Some discussion of the past may be necessary in order to enable the parties to move forward, but the session itself should be managed in order to draw a line under the past and move towards the future. Throughout the session, or sessions, the facilitator should work to re-establish direct communication between the parties. Part of the role of the facilitator is to demonstrate good communication. Enabling and encouraging the parties to communicate effectively during the facilitated sessions provides an opportunity to lay a foundation on which to build continuing positive relationships for the future.
31. A range of experiences, knowledge and qualifications is essential for those involved in SEN disagreement resolution, for instance:
- training and experience in disagreement resolution
 - counselling and negotiating skills
 - the ability to establish and maintain communications
 - knowledge of SEN legislation, the SEN Code of Practice and other educational issues.
32. Prospective facilitators will therefore need initial and ongoing specialist training to ensure they are kept up to date with developments. The precise nature and level of such training will depend to a great extent on the approach adopted by the LEA but should include training on SEN legislation, the SEN framework and the SEN Code of Practice and information on local LEA SEN policies and procedures.

Implementing the process

Providing Information

The authority must take such steps as they consider appropriate for making the arrangements known to the parents of children in their area, the head teachers and proprietors of schools in their area, and such other persons as they consider appropriate.

See Section 332B(5), Education Act 1996

33. LEAs **must** inform parents, schools and others they consider appropriate about their arrangements for avoiding and resolving disagreements. In addition, the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 requires that LEA **must** inform parents:

- about the arrangements for disagreement resolution when they give notice of their decision not to carry out a statutory assessment, and at the time a proposed statement or proposed amended statement is issued; and
- that, where parents have a right of appeal to the SEN Tribunal, taking part in disagreement resolution does not affect that right (see paragraphs 46 and 47).

It is important to ensure that parents, schools and all relevant LEA officers are fully aware of the arrangements – what is available, when they may have access to disagreement resolution, and where it might take place. One way of helping to achieve this – particularly when schemes are set up – might be to organise a series of workshops for parents, LEA SEN officers, governing bodies and school staff to raise awareness of what disagreement resolution entails, how it would operate and what the benefits are. Such sessions could be organised at a local or regional level.

34. LEAs should consider other ways of publicising the scheme, for instance through the parent partnership service as discussed in Section 2 of this Toolkit.

35. Information should be available in community languages. It should also be available in alternative formats for parents who may not be able to gain access to material through more conventional means. Schools also have a key role to play in promoting disagreement resolution and in passing on information to parents.

When and How Disagreement Resolution Could Be Used

36. Disagreement resolution can be entered whenever relations between parents and the school or LEA are becoming strained, or misunderstandings are developing. Any party (i.e. parents, schools or LEAs) can request disagreement resolution, or it can be suggested by the parent partnership service as an appropriate way forward. It is essential, however, that parent partnership services, schools or LEAs do not disclose parents' details to a third party without obtaining their prior agreement. Ideally, disagreement resolution should take place well within the two month statutory time limit for appeal to the SEN Tribunal, but can also take place once an appeal is lodged.

37. Independent disagreement resolution can take the form of a 'shuttle' service whereby a facilitator moves between the parties, or the parties come together at face-to-face meetings. Face-to-face meetings will usually be more fruitful. However, where relations between parents and the school or the LEA are strained, or where one party would have difficulty getting to a meeting, disagreement resolution by telephone may be appropriate. Whatever approach is adopted, it is important that all parties are aware that participation is voluntary.

Where and When Meetings Should Take Place

38. Careful consideration should be given to where and when the meetings take place. Wherever possible, disagreement resolution meetings should be held at a neutral place, and at a time convenient for and agreed by all parties. If it is not possible to hold the meetings in a neutral place, other possible locations include the LEA or other council offices or the child's school, although meetings at the LEA offices or school might not be seen as neutral, and might not be acceptable to some parents. However, there may be advantages in that they provide quick access to important information.
39. At the first meeting, it is beneficial if the parties decide who will attend any future meetings. Each case is different, but it will usually be helpful if the same people attend each meeting. This is helpful in sustaining dialogue and ensuring that the parties feel they are equal partners in the process. It is particularly important that parents are enabled to take part in negotiations on an equal footing. Independent Parental Supporters can play a valuable role in helping parents prepare for, and in providing support at, meetings. Parents should be encouraged to bring along their Independent Parental Supporter where they would find that helpful.

Advocates

40. Advocates speak for and on the behalf of their clients, usually parents. Where a voluntary organisation has been contracted to provide parent partnership services, or are involved in supporting parents, they are in effect acting as parental advocates and cannot also be facilitators in disagreement resolution. Similarly, LEA officers act on behalf of the LEA and cannot also be facilitators.
41. It is not envisaged that the various parties would require legal representation at this stage; that would be contrary to the spirit of informal disagreement resolution. Where less formal advocates, for example Independent Parental Supporters, are involved then they would need to be aware that disagreement resolution works best where clients are enabled to speak for themselves. The facilitator's role includes ensuring that all parties are fully supported and are given ample opportunity to confer privately.

Accessibility

42. Any disagreement resolution service needs to be credible to parents, schools and LEAs, and flexible enough to be commissioned quickly and, where appropriate, within the statutory time limit for lodging an appeal to the SEN Tribunal. Taking part in disagreement resolution is entirely voluntary: parents, schools and LEAs cannot be forced to participate. Disagreement resolution will only work if the parties are willing to engage in the process. Wherever possible, both parents should be invited to take part in disagreement resolution, particularly where they may have different views.

43. Parents can feel daunted by meetings with officers of the LEA or senior school staff. LEAs and schools should therefore consider agreeing to parents bringing a friend with them. Similarly, parents may need the sort of information and advice that is available from the parent partnership service, in advance of and during the structured disagreement resolution process. Parents need to have an understanding of SEN policies and procedures, and their entitlements under SEN legislation, so that they are empowered to participate fully and effectively in disagreement resolution discussions – see Section 2 of this Toolkit. As a matter of good practice, support might include training in effective communication and assertiveness techniques. LEAs and schools may also wish to hold pre-meetings to help them identify what they want to achieve from disagreement resolution and the points they want to raise.
44. At the first meeting it is often helpful for the parents to speak first, to set the scene from their point of view. This may help them to develop confidence in the process and feel at ease in expressing their views and concerns. Similarly, the school and LEA representatives should have the opportunity to explain the authority's position and the factors influencing it.

Role of Children in Disagreement Resolution

45. Chapter Three of the SEN Code of Practice emphasises the importance of the rights of the child and the necessity of involving them in decisions taken about the provision made for them. In most cases, it will not be appropriate to involve children in the disagreement resolution discussions that take place between their parents and their school or LEA. However, whilst they may not be involved directly in disagreement resolution meetings, they should be consulted to determine their wishes, needs and views. Every effort should be made early on in the process to ensure that the child's own point of view is established. It should also be recognised that the views of the child and their parents may differ. Children's views might be presented in various ways, for instance video, audiotapes, drawings. Further suggestions can be found in Section 4 of this Toolkit. Discussions that do not have the child at the fore can deteriorate into a battle between the parents and the school or LEA. It is therefore essential that the child's needs and best interests remain at the fore.

Appeals to the Special Educational Needs Tribunal

46. One aim of disagreement resolution is to help resolve as many disagreements as possible without recourse to the more formal mechanism of the SEN Tribunal. However, it is essential that disagreement resolution is not suggested as an alternative to parents registering an appeal with the Tribunal. At any stage parents can exercise their rights to go the SEN Tribunal. In certain circumstances, the SEN Tribunal may be the only option (see paragraphs 19 and 20).

47. LEAs **must** inform parents in writing that their legal rights to lodge an appeal continue regardless of whether they decide to enter disagreement resolution. Disagreement resolution should not therefore be presented as an additional process that parents have to go through before being able to register an appeal. That is likely to be seen by many as a delaying tactic and will do nothing to facilitate discussion during disagreement resolution meetings. Rather, it is expected that disagreement resolution should be offered or requested as soon as disagreement is evident, and, where possible and appropriate, within the two month statutory time limit for making an appeal.
48. Disagreement resolution discussions should be seen as confidential. However, during disagreement resolution the parties can make an agreement about any information that can be relayed to any subsequent Tribunal hearings. For instance, it would be appropriate to inform the Tribunal of any issues agreed during the process of disagreement resolution, thus narrowing the focus for the Tribunal hearing. If any other points made during disagreement resolution meetings are raised at the Tribunal, they should not be held against either party.
49. Separate arrangements apply under Part III of the Disability Discrimination Act 1995 where a person believes that a service provider (or person managing the premises, for instance an LEA or school governing body) has unlawfully discriminated against them on the grounds of disability. The appropriate avenue for resolution of disputes about disability discrimination under Part III of the Act is the independent conciliation service established by the Disability Rights Commission. Information and advice about the conciliation service is available from the Disability Rights Commission's Helpline on 08457 622 633. The Helpline also provides information and advice to disabled people about their rights under the Act, to employers and service providers about their obligations under the Act, and advice for those seeking to deploy best practice.

Monitoring and Evaluation

50. LEAs should review their arrangements periodically to ensure they are delivering a high quality service that is capable of development and improvement to meet changing needs. This can be achieved by:
- sharing information and comparing their service to others
 - collating information from users and seeking the views of non-users
 - monitoring the effectiveness of staff and volunteers
 - thorough independent evaluation.
- Users' views can then be used to improve or enhance the service.
51. There are many reasons why parents seek recourse to the SEN Tribunal. Many appeals could be avoided if LEAs were aware of the reasons and took steps, where possible, to avoid the need for parents to appeal. Therefore, as part of the monitoring process, LEAs should obtain feedback from the disagreement resolution service on the factors that appear to trigger disagreement. This will

identify changes that can be made to local SEN policy and practice to improve communications and practices, so minimising the potential for disagreement.

52. Benchmarking will be key to the success of monitoring and evaluation, including the benchmarking of funding, appeals to the Tribunal and against minimum standards.

Other methods of evaluation could include:

- monitoring who the key users are
- monitoring different aspects of the service
- regular feedback from LEA staff and other users
- monitoring individual casework.

53. LEAs should be aware that Ofsted, as part of the normal LEA inspection process, will carry out monitoring of the provision of disagreement resolution services.

ANNEX A

THE DISAGREEMENT RESOLUTION PROCESS – A SUGGESTED MODEL

Note: although specific to mediation rather than conciliation, the principles and practices set out below are broadly applicable to disagreement resolution and are likely to be of practical assistance to LEAs.

This model is based on the seven stages that appear in the Mediation (UK) training manual. It outlines the stages and the key tasks associated with each stage in face-to-face disagreement resolution, the first three of which take place before the parties move into face-to-face disagreement resolution. The stages are:

1. first contact with the first party
2. first contact with the second party
3. preparing to work on the dispute
4. hearing the issues
5. exploring the issues
6. building agreements
7. closure and follow-up.

Stage I: First contact with the first party

Key tasks:

- introductions
- find out about the situation
- acknowledge feelings
- build rapport
- explain what mediation is and is not
- seek agreement to continue the mediation process
- establish how confidentiality will work
- decide and agree upon next course of action.

Stage II: First contact with the second party

Key tasks:

- the second party has the opportunity to describe the situation from their perspective
- gain trust
- establish impartiality
- maintain confidentiality.

Stage III: Preparing to work on the dispute

Key tasks:

- identify the best way to continue the mediation
- prepare the conflicting parties
- establish commitment
- prepare the venue.

Stage IV: Hearing the issues

Key tasks:

- introduce the parties and the issues
- establish ground rules
- explain and agree the process
- provide uninterrupted time for both parties
- manage any early conflict and hostility
- provide a safe environment
- establish a climate of honesty, trust and openness
- summarise the key issues
- agree agenda and time limits.

Stage V: Exploring the issues

Key tasks:

- establish and present the issues
- encourage communication
- check understanding and clarify assumptions
- identify concerns, fears and reservations
- acknowledge the differences and agree to move on
- maintain a safe environment
- change focus from past to future
- summarise areas of agreement, and any disagreements that remain.

Stage VI: Building agreements

Key tasks:

- brainstorm for alternative and innovative solutions
- evaluate options
- encourage problem solving
- construct agreements
- establish fallback agreements
- in absence of agreement, identify what to do next.

Stage VII: Closure and follow-up

Key tasks:

- close session
- arrange follow-up.

ANNEX B

THE DISAGREEMENT RESOLUTION PROCESS – AN EXAMPLE

Note: this example is one way in which the model at Annex A could be adapted for use in resolution of disagreements about SEN.

Stage 1 – Contact

- One party requests disagreement resolution from the person who co-ordinates the service for the LEA (the co-ordinator)
- The co-ordinator contacts the people requesting disagreement resolution to clarify the process and to discuss the issues they want to bring to disagreement resolution
- The co-ordinator has an initial conversation with the other party, or parties, to ensure there are no blockages from their point of view to proceeding
- Strategies for getting round potential blockages might include:
 - focusing on the issues that are central to the disagreement and those most likely to rebuild trust and communication. Smaller and more peripheral issues, which may require the involvement of additional parties, can be addressed separately following the main disagreement resolution meeting
 - taking a layered approach when a number of issues need to be resolved, for instance dealing firstly with the core issues, then agreeing a process to deal with the other issues
 - addressing any disagreement between the school and the LEA separately in a pre-meeting, before the start of the full disagreement resolution, so that there can be some agreement on how the issue will be approached and on the range of potential outcomes that both the school and LEA can live with
 - encouraging LEAs to look at the overall cost of possible outcomes, as well as the costs of a range of packages, to see if they can be creative within those parameters
- Following these discussions, written confirmation is sent out and the party who requested disagreement resolution is asked to complete and return a disagreement resolution request form – one side of A4 that sets out the issues and the resolutions they are seeking.

Stage 2 – Preparing to work on the dispute

- Upon receipt of the written material, or material transcribed over the phone if there are communication difficulties, the co-ordinator contacts the other party or parties

- The other parties then have a chance to complete a form giving the same details: the issues they wish to bring to the session and the resolutions they are seeking
- The co-ordinator ensures that all parties have copies of each other's request forms
- The co-ordinator checks that the people attending the session have the authority to settle, that everyone knows who will be present, and has a chance to raise any objections before the session
- The co-ordinator selects a facilitator whose role is to manage the discussions between the parties. The name and details of the facilitator are given to all the parties so that they have a chance to object
- A time, date and neutral venue is agreed
- The parties are asked if they would like one-to-one meetings, or telephone conversations, with the facilitator before the session, so that the process can be explained before it starts
- If there is a need for the facilitator to meet any party to clarify issues, or to alleviate anxiety, this can be done either immediately before the joint session, or by prior arrangement. If the facilitator meets one party it is important that they meet both (or all).

Stage 3 – Hearing the Issues, Exploring the Issues

- A joint session is convened where the parties are able to meet together, in the presence of the facilitator, to go through the issues. Ideally this would start with everyone together, but separate meetings with the facilitator are possible at any time
- It is important that this session is kept as small as possible, so some issues that involve other agencies may be put on hold while the main issues are sorted out. In this way communication can be re-established first and then a process agreed by which other issues will be dealt with
- The session should be designed to explore the lessons from the past, acknowledge any shortcomings and then create agreements that the parties can live with for the future.

Stage 4 – Building Agreements

- The facilitator should keep a note of any agreements that have been reached by the parties. When there is a consensus that all the agreements necessary have been made, or as much as can be achieved in one session has been achieved, the facilitator should bring the session to a close. The facilitator should then test the agreements, and make provision for what should happen if there are any difficulties identified during implementation

- After the voluntary and confidential part of the session has been closed, the facilitator can help to draft agreements that the parties agree they will abide by, and draft any feedback to the school or LEA about the more general lessons that can be learned from the disagreement. In order to maintain confidentiality, the feedback should be in a suitably anonymised form
- All parties should receive copies of the agreements and any feedback. Before anything is destroyed, the parties should confirm that the written agreement accurately represents the agreement reached. The facilitator should ensure the feedback goes to the school and/or LEA co-ordinator, but otherwise should destroy any other notes in front of the parties.

Stage 5 – Closure and Follow-up

- The school or LEA (as appropriate) should monitor the effectiveness of the disagreement resolution process, ensure that agreements are complied with and that the more generic lessons are taken on board to prevent a re-occurrence elsewhere.

ENABLING PUPIL PARTICIPATION

Principles of Pupil Participation:

- *everyone must commit themselves to the challenge of ensuring pupil participation*
- *everyone must recognise the legitimate interests of the other partners in decision-making*
- *there has to be a commitment to the long-term involvement of pupils*
- *pupils need training and encouragement to help them become actively involved*
- *teachers and parents need to learn how to involve the pupil*
- *there has to be a determination on all sides to make pupil participation work.*

A whole school ethos –

- *Schools should be warm, welcoming and open in order to make a difference as to how school is experienced by all pupils.*

ENABLING PUPIL PARTICIPATION

To participate in decision-making:

Children need information so that they can work towards:

- *understanding the importance of information*
- *expressing their feelings*
- *participating in discussions*
- *indicating their choices.*

Adults need to:

- *give information and support*
- *provide an appropriate environment*
- *learn how to listen to the child.*

Children should be enabled and encouraged to participate in all decision-making processes that occur in education including:

- *setting learning targets and contributing to IEPs*
- *discussions about choice of schools*
- *contributing to the assessment of their needs*
- *contributing to the annual review*
- *being involved in transition planning.*

All pupils need to be a part of these processes, to know they are listened to and that their views are valued.

Introduction

1. The SEN Code of Practice¹ emphasizes the importance of finding out the ascertainable wishes and feelings of children and involving them when decisions are made that affect them.

Parent Partnership Services

Children, who are capable of forming views, have a right to receive and make known information, to express an opinion, and to have that opinion taken into account in any matters affecting them. The views of the child should be given due weight according to the age, maturity and capability of the child.

See Articles 12 and 13, The United Nations Convention on the Rights of the Child

2. The SEN Code of Practice recognizes that there is “a fine balance between giving the child a voice and encouraging them to make informed decisions, and overburdening them with decision-making procedures where they have insufficient experience and knowledge to make appropriate judgments without additional support.”²
3. This section of the SEN Toolkit sets out some principles of successful pupil participation, some whole school factors that enable it to flourish and some particular examples of how pupils with special educational needs can be enabled to participate in decisions about their learning and development.

Principles of successful pupil participation

4. Successful pupil participation is built on a culture of listening to all pupils' views and providing opportunities for them to take part in and make decisions. Provision will be more responsive and relevant to pupils' needs when pupils themselves play an active role. It is not enough to get pupils involved superficially. Participation must be meaningful and ongoing for all pupils:

¹ Chapter Three of the SEN Code of Practice.

² From The Children Act 1989 Guidance and Regulations, Vol. 6. Children with Disabilities (1991), HMSO.

- everyone involved with pupils must commit themselves to the challenge of ensuring pupil participation
- everyone must recognise the legitimate interests of other partners in decision-making
- there has to be a commitment to the long-term participation of pupils
- pupils need training and encouragement to help them become actively involved
- teachers and parents need to learn how to involve pupils
- there has to be a determination on all sides to make pupil participation work.

A whole school ethos

5. The ethos, organisation and culture of a school should encourage and support pupil participation. Schools should be experienced by all pupils as warm, welcoming and open. A positive and supportive atmosphere, robust anti-bullying strategies, open access to help with school work and support for access to the whole school environment for all pupils will encourage pupils to have a greater sense of commitment to their school and their education and have a positive impact on raising achievement.

Whole school approaches

6. Every effort should be made to enable access for all pupils to all the activities that make up the whole life of the school, both formal and informal, inside and out of school hours and within their local communities.
7. The national framework for Personal, Social and Health Education and the programmes of study for National Curriculum Citizenship provide opportunities across and beyond the curriculum for pupils to develop the skills of participation within their schools and in their communities. The National Healthy Schools Standard³ emphasizes the importance of the involving all pupils in the development of school policies and programmes and the National Healthy Schools Scheme provides support for schools in reaching the standard. Two of the more common ways of enabling pupil participation at a whole school level are school and class councils and pastoral support systems.

³ DfES/DH "National Healthy School Standard: Pupil Involvement." September 2000.

School and class councils

8. School and class councils enable pupils to have their voices heard and take part in decision making in a constructive way. They are successful in achieving real participation when pupils choose issues they want to discuss and have a real say in some aspects of the way the school is run. Pupils with SEN should be encouraged to be representatives and given support to take part in school and class councils as valued members of the school community.

Pastoral support systems

9. Most secondary schools have systems for regular, perhaps termly, discussions with all pupils undertaken by pastoral or academic staff in order to discuss their development and any problems, either curricular or of a more social nature that they may have. These discussions are to agree targets that aim to resolve these problems, improve learning and raise achievement. Carried out informally, such discussions can help build pupils' confidence, give them the opportunity to express their feelings, identify areas for improvement and encourage them to take an active part in the life of the school.
10. This kind of approach includes pupils with SEN with their peers. The routine interview schedule can be extended to include a pupil review of an IEP or to set up a Pastoral Support Programme (PSP) to help prepare pupils for giving their views within the statutory assessment framework, the annual review process, or in transition planning.

Enabling participation

11. Formal systems for consultation may be more prevalent in the secondary sector but younger pupils and those with greater learning difficulties can also be consulted successfully in less formal ways. By learning to make regular choices on simple daily matters at school⁴ and at home, by expressing their views on a regular basis, by having adults take notice of their views, all children, including young children with SEN, will gain greater confidence in their own opinions and gradually become more independent.
12. Consultation and participation will be successful if children and adults have developed and practised the skills of consultation and participation over the years. Adults can encourage self-advocacy by responding to the messages children give. For example:

- **if a year 9 pupil chooses subject options that do not reflect their expressed interests and aptitudes staff should follow this up in discussion with the pupil**
- **If a pupil feels they are experiencing discrimination because of a disability they should be encouraged to discuss what they would like to be done to address the problem.**

⁴ In this chapter "schools" also includes early education settings

13. Children with particular needs may require special arrangements to help them communicate their views:

- **children with a hearing impairment can be articulate and fluent in expressing their wishes if they have access to an interpreter, communicator or deaf support worker**
- **children and young people with special educational needs for whom English is an additional language are likely to require special and additional help in order to communicate, such as access to a translator**
- **children with learning disabilities may be able to share their views through signing systems with the support of a familiar professional or an advocate.**

14. When a child has difficulties in communication, the advice of any relevant professional who has worked with the child should be sought and the child themselves should be given the opportunity to make choices about how they would like to be supported, for example:
- children who require an adult facilitator for communication should ideally be able to choose that person
 - all children should be allowed to have a friend or ally with them at meetings but that choice must be theirs.
15. Where resources are used to help children communicate their wishes and feelings, they need to be chosen with care and with knowledge of the individual child. Care also needs to be taken to present different options to a child clearly and without bias – the more difficulties a child has with understanding or with communication, the more important it is to plan in order to make consultation meaningful.
16. For some children, there may be a need to encourage discussion by talking about simple familiar things such as favourite toys or foods. Some younger children or those with greater learning needs may have a limited understanding about their feelings and may be unable to distinguish verbally between different emotions, such as upset, unhappy or angry. Such strategies as pictures and play materials can enable them to communicate their feelings, if only at the simple level of 'happy' and 'sad'.
17. Children and young people communicate in a variety of ways - pre-verbally, verbally, through gesture and gaze, and by the way they hold their body or fill the space around them. It is very easy to misinterpret non-verbal cues, those adults who know the pupil well will need to help interpret these signals in order to ascertain, as far as possible, the pupil's feelings and wishes.
18. For a very few children with profound needs, it may not be possible to directly ascertain their feelings. Adults will need to interpret the child's responses and agree on a way forward that takes account of their interpretation of the child's feelings and wishes. The use of video recordings taken on different occasions, for example, may help professionals and parents form a view.

To participate in decision-making

- 19.
- | | |
|---|---|
| <p>Children need information and support so that they can work towards:</p> <ul style="list-style-type: none"> • understanding the importance of information • expressing their feelings • participating in discussions • indicating their choices. | <p>Adults need to:</p> <ul style="list-style-type: none"> • give information and support • provide an appropriate and supportive environment • learn how to listen to the child. |
|---|---|
20. Children should be enabled and encouraged to participate in all decision-making processes that occur in education including the setting of learning targets and contributing to Individual Education Plans, discussions about choice of schools, contributing to the assessment of their needs and to the annual review and transition processes. They need to be a part of these processes, to know they are listened to and that their views are valued.

Contributing to Individual Education Plans

21. Wherever possible pupils should be involved in setting their own targets for the IEP, in agreeing and implementing appropriate strategies, and evaluating the outcomes. Where possible, targets should be recorded in the pupil's own words or symbols. Teachers⁵ should usually aim to talk to pupils about their IEPs in a quiet place away from the rest of the group or class.

Building pupils' confidence

22. Pupils will need to practice and gain confidence in setting targets, helping to identify strategies, and monitoring their own progress. It may sometimes be easier to build a pupil's confidence by talking to them separately from their parents. Another pupil may find working with their parents more supportive. Teachers will need to account for this in their planning. They will also need to identify the most appropriate member of staff to work with the pupil. This may be especially important in secondary education where a number of staff may need to contribute to the IEP. A pupil may find it difficult, if not intimidating, to discuss their IEP with a group of teachers.

Working with parents

23. Parents may also need time to understand the IEP process and help in supporting their child to understand their needs, and identify targets and strategies to help. Some parents may not initially understand that an IEP will

⁵ In this section "teachers" refers to any adult working with the pupil to elicit their wishes and feelings.

only concentrate on three or four targets at the most, and will need reassurance that prioritizing targets does not mean that all of the child's needs will not be met over time. Teachers and SENCOs will need to consider whether to talk to parents with the child present or whether it may be more helpful to do so prior to their child being involved.

Encouraging pupils to monitor their own progress

24. Wherever possible, pupils should be encouraged to monitor their own progress towards targets and, as they mature, to take more responsibility for the IEP. In many schools, especially in the secondary sector, pupils hold a copy of their IEP, perhaps as part of a link book or home-school diary. Teachers should recognize there is a balance between pupil ownership and confidentiality – a pupil may not wish their classmates to be aware of the targets and strategies. Suggestions on managing IEPs can be found in Section 5 of this Toolkit.

Contributing to statutory assessment

25. Pupils' views about their needs and difficulties should, wherever possible, be recorded and taken into account as part of the statutory assessment process. They should be included as part of the "Appendix F: Other Advice" section.
26. In addition to asking them directly, special arrangements for gathering the pupil's views could include:

- **asking parents, class teachers or form tutors, educational psychologists, social workers and other adults who know the child well to report the views of the child**
- **producing simple questionnaires in word, pictures, signs or symbol format that can be used by either parents or school staff to elicit pupils' views.**

27. Questionnaires need to be drawn up carefully, as the way in which questions are posed can influence the pupil's response. "Blanket" questionnaires may not suit all pupils. Producing symbolled resources is a skilled task that needs thought, time and knowledge of the individual child. The challenge is both to find a means by which a child can communicate effectively and adults can understand and interpret accurately the child's views.

Contributing to the annual review process

28. The annual review process is a good opportunity for pupils with special educational needs to express their views and take part in decisions about their education. They should be invited to contribute.

Annual review meetings

29. Where pupils are present at the annual review meeting, teachers and parents should be sensitive to the content of the discussion and aim to make it a positive experience for the pupil.
30. Pupils are often invited to either the beginning or end of the meeting. But, waiting till the end for their "contribution" may cause unnecessary anxiety and they may worry about what is being said and decided in their absence. A positive alternative is to invite the pupil to the start of the meeting, ask for their views and explain that they may leave the meeting at any time.
31. If sensitive issues are to be discussed, related perhaps to home circumstances or medical conditions, it might not be appropriate for the pupil to be present. But instead of the pupil being excluded for part of the meeting, some adults should only be present for part of the time. Where confidential or personal issues are being considered only the relevant adults should be present. Striking a balance should help build the confidence of the pupil and the parents.
32. Careful planning will minimize any surprise element. The preparation for the review meeting should:

- explain what the meeting will be about
- tell the pupil who will be at the meeting
- forewarn the pupil what kinds of things will be said and by whom
- provide help for the pupil with their contribution
- see if they want a friend or advocate present
- check suitability of venue and layout of meeting area.

33. During the meeting, the Head Teacher should:

- make sure the pupil is given time to think about what they want to say
- check that the pupil is satisfied that all their questions have been answered
- give the pupil the opportunity to ask further questions
- sum up the main points of the meeting clearly and in a way the pupil understands.

34. Following the review meeting, the Head Teacher should:

- **provide an accessible copy of the report or at least the recommendations**
- **check whether the pupil wishes to talk about the meeting**
- **make sure the pupil receives feedback about decisions in a positive way**
- **ensure that a key adult is available to explain the implications of any decisions.**

35. The experience of expressing their views in consultation will help pupils to develop greater confidence and autonomy. But it may take some years before a pupil actively participates in a review meeting. Some pupils may never attend. But whatever their circumstances, pupils they should be encouraged to take part in the review process in some way. Teachers should make sure that they offer opportunities for all pupils to express themselves. Even if a pupil declines to attend or contribute in other ways to a review meeting, every effort should be made to convey key messages from the review process and to discuss any proposed action.

Pupils who are unable to attend the annual review meeting

36. Pupils who are not able to attend the meeting should be consulted in pre-meeting discussions and their contribution recorded in advance.
37. Pupils are better able to contribute to the planning and review process if they are given sufficient time to think about their wishes and feelings. When teachers are consulting pupils and recording their views for annual reviews a number of sessions may be needed, depending on the particular circumstances and abilities of the pupil. Teachers should take care to explain to pupils that their views are very important and will be listened to and taken into account. But they should also explain that there is no guarantee that everyone else will agree or that their views and wishes will prevail.
38. Pupils with the most profound needs may be unable to make their views known directly. But teachers and parents can find ways of bringing their feelings to the attention of others attending the review meeting:
- photos or videos of the pupil showing when they are happy or when they are uncomfortable can show what are positive stimuli and what are not. Prompts and aids to communication such as pictures, signs, symbols, audio and video materials can be used.
39. Evidence of this kind can be used to start planning future targets and strategies.

40. Teachers should collect their own resources for eliciting the views, wishes and feelings of pupils. When talking with the pupil, teachers should be aware that the way questions are phrased could influence the pupil's response. Successful consultation focuses on the pupil's views, rather than those of adults – who should not express their own opinions.

Working with parents

41. For some pupils with whom it is difficult to communicate or gain trust it may be appropriate to see them with other family members or carers present. The head teacher will need to consider the balance between getting the pupil's own views and achieving an atmosphere in which they will confide freely to one adult on their own. If the parents and the child wish to discuss a particular issue separately, their views should be respected.
42. Parents are very often present at review meetings when their child's views are either reported or the child is encouraged to express opinions. It is important that they understand the benefits and importance of their child being involved in the review meeting. The chairperson of the meeting has a key role in explaining to parents that the child's opinions will be considered alongside their own.

Involving young people in transition planning

43. It is imperative that young people are fully involved in making decisions about their future and what they will do when they leave school. Transition planning can involve careers education and guidance programmes, the Connexions Service and, where a young person is 'looked after' by the local authority, the social services department.

44. Some of the key issues for young people in transition planning include:

- **difficulties in asserting their aspirations and expressing their own ideas and opinions**
- **difficulties in contemplating the future especially after leaving school**
- **apparently unrealistic career aspirations of some pupils and their parents.**

45. These issues can affect all young people, not just those with special educational needs and school careers education and guidance programmes should tackle them in an inclusive way.

46. Some of the key issues for the professionals involved include:

- having to act as advocates on behalf of pupils with parents
- facilitating pupil involvement in meetings
- providing real and suitable choices and options.

47. Promoting young people's involvement in transition planning means enabling them to communicate, and planning with them rather than for them. Many of the pointers for involving pupils in Individual Education Plans and in annual reviews apply equally to transition planning. Thus the involvement of young people, their parents and their advocates in the transition planning process is central to a successful outcome for the young person. Further suggestions can be found in Section 10 of this Toolkit.

MANAGING INDIVIDUAL EDUCATION PLANS

What is an IEP?

- *The IEP is a planning, teaching and reviewing tool*
- *The IEP should underpin the process of planning intervention for the individual pupil with SEN*
- *IEPs should be teaching and learning plans setting out:*
 - *'what' should be taught*
 - *'how' it should be taught and*
 - *'how often' particular knowledge, understanding and skills through additional or different activities from those provided for all pupils through the differentiated curriculum.*
- *The IEP is the structured planning documentation of the differentiated steps and teaching requirements needed to help the student achieve identified targets*
- *The IEP is a working document for all teaching staff*
- *The IEP must be accessible and understandable to all concerned.*

MANAGING INDIVIDUAL EDUCATION PLANS

When should an IEP be used?

To plan the interventions for individual pupils made through:

- *Early Years Action or Early Years Action Plus*
- *School Action and School Action Plus*
- *and for pupils with statements of SEN.*

What should be included in an IEP?

IEPs should focus on up to three or four key individual targets and should include information about:

- *the short-term targets set for or by the pupil*
- *the teaching strategies to be used*
- *the provision to be put in place*
- *when the plan is to be reviewed*
- *success and/or exit criteria*
- *outcomes (to be recorded when IEP is reviewed).*

MANAGING INDIVIDUAL EDUCATION PLANS

Managing IEPs

- *Whatever systems are in place in the school or setting, the procedures for devising IEPs and reviewing them must be manageable*
- *All IEP targets must be achievable for both the pupil and the teacher.*

What is a Group Education Plan?

- *When pupils in the same group, class or subject lesson have common targets and hence, common strategies a group learning plan can be drawn up rather than producing IEPs for each child.*

Monitoring and Reviewing IEPs

- *Ideally IEPs should be continually kept 'under review,' and in such circumstances there cannot be a 'fixed term' or a formal meeting for review. However the success of all IEPs should be evaluated at least twice a year.*

MANAGING INDIVIDUAL EDUCATION PLANS

IEPs should:

- *raise achievement for pupils with SEN*
- *be seen as working documents*
- *use a simple format*
- *detail provision additional to or different from those generally available for all pupils*
- *detail targets which are extra or different from those for most pupils*
- *be jargon free*
- *be comprehensible to all staff and parents*
- *be distributed to all staff as necessary*
- *promote effective planning*
- *help pupils monitor their own progress*
- *result in good planning and intervention by staff*
- *result in the achievement of specified learning goals for pupils with SEN.*

What is an IEP?

1.
 - The IEP is a planning, teaching and reviewing tool. It should underpin the process of planning intervention for the individual pupil with SEN.
 - IEPs should be teaching and learning plans setting out 'what', 'how', and 'how often' particular knowledge, understanding and skills should be taught through additional or different activities from those provided for all pupils through the differentiated curriculum.
 - The IEP is the structured planning documentation of the differentiated steps and teaching requirements needed to help the student achieve identified targets. It is a working document for all teaching staff.¹
 - The IEP must be accessible and understandable to all concerned. It should be agreed, wherever possible, with the involvement of parents and the pupil, depending on the pupil's needs and particular circumstances. IEPs are likely to be most effective when the pupil is fully involved in the process.

IEPs should:

- raise achievement for pupils with SEN
- be seen as working documents
- use a simple format
- detail provision **additional to** or **different from** those generally available for all pupils
- detail targets which are **extra** or **different** from those for most pupils
- be jargon free
- be comprehensible to all staff and parents
- be distributed to all staff as necessary
- promote effective planning
- help pupils monitor their own progress
- result in good planning and intervention by staff
- result in the achievement of specified learning goals for pupils with SEN.

¹ In this context teaching staff refers to early years practitioners, teachers, learning support assistants, therapists and any other staff that are involved in delivering the IEP.

When should an IEP be used?

2. IEPs should be used to set out the interventions for individual pupils made through *Early Years Action*, *Early Years Action Plus* or *School Action* and *School Action Plus*, and for pupils with statements of SEN. The IEP should only record key short-term targets and strategies that are different from or additional to those in place for the rest of the group or class. The targets in the IEP are likely to have a specified timescale that will be dependent on the identified need.
3. Where a pupil has a statement of SEN the setting of short-term targets and the strategies employed should be linked to the overall objectives and provision as set out in the statement. In the majority of cases the strategies to meet these targets should be set out in an IEP. As at *School Action* and *School Action Plus* the IEP should record only that which is additional to or different from the differentiated curriculum plan. Therefore there will be children with SEN, with and without statements, who do not have an IEP because their needs are met and recorded through alternative methods. However, their individual targets, the strategies to meet them and their progress must be recorded as part of the overall records of all the children in the group.
4. IEPs are **not** meant to duplicate any other planning including individual target-setting processes or curriculum planning that is recorded for the child elsewhere.
5. When devising IEPs teachers must be clear about their purpose or purposes and their audience. IEPs should be written in straightforward, jargon-free language.

What should be included in an IEP?

6. IEPs should focus on:
 - up to three or four key individual targets set to help meet the individual pupil's needs and particular priorities
 - targets should relate to key areas in communication, literacy, mathematics, and aspects of behaviour or physical skills
 - the pupil's strengths and successes should underpin the targets set and the strategies used.

7. The IEP should include information about:

- the short-term targets set for or by the pupil
- the teaching strategies to be used
- the provision to be put in place
- when the plan is to be reviewed
- success and/or exit criteria
- outcomes (to be recorded when IEP is reviewed).

5:60 and 6:58 SEN Code of Practice

8. Setting too many targets at one time is not appropriate. Obviously the full breadth of the curriculum should continue to be offered to the pupil but the IEP targets should be limited to current agreed priorities.
9. Where a child with identified SEN is at serious risk of disaffection or exclusion the IEP should reflect appropriate strategies to meet their needs². A Pastoral Support Programme should not be used to replace the graduated response to special educational needs.
10. Some schools may choose to add overarching long-term aims so as to put the IEP into context. A long-term aim can also help identify the outcomes and the pupil progress, which should be linked to the original targets and inform the setting of the next targets. Success criteria in an IEP mean that targets have been achieved and new targets need to be set, whilst exit criteria mean that not only have the targets been achieved but that an IEP may no longer be required.
11. Teachers should generally aim to include SMART targets:
- **S**pecific
 - **M**easurable
 - **A**chievable
 - **R**elevant
 - **T**ime bound

But, there will be occasions when less measurable but assessable targets that can record progress would be more appropriate.

12. It is often helpful to precede targets with a phrase similar to:
“by the end of the term, John will be able to...”
13. Although not part of the IEP, teachers will need to refer to the pupil’s individual record or pupil profile, which should include baseline or entry level assessment as well as information about a pupil’s particular needs and current strengths. Where appropriate, the profile should also record information about the pupil’s needs in relation to the general strategies to enable access to the curriculum and the school day.

² Guidance is set out in DfES Circular 10/99 ‘Social Inclusion: Pupil Support’.

14. The information about a pupil's particular needs for access to the curriculum will need to be communicated to all staff. In some situations this may be an addendum to the IEP, although issues of confidentiality about certain issues may need to be considered.
15. When pupils have severe and complex needs there will be a number of individual needs of which all staff should be aware. It is a matter for the school, in consultation with parents, professionals and the pupil, to decide how strategies for such activities as eating, dressing and mobility are recorded and disseminated; but targets in these areas may need to be recorded in the pupil's IEP. However such targets and strategies are recorded, they must be shared with parents and reviewed on a regular basis and discussed at the annual review.³

Nature of intervention

16. There is often an assumption that the intervention, the strategies or targeted help recorded in an IEP (the 'how') will take the form of the deployment of extra staff to enable one-to-one tuition. However, this may not be the most appropriate way of helping the pupil. A more appropriate approach might be to provide further differentiated, different or additional learning materials or special equipment or to introduce some group, individual or peer support; or to devote extra adult time to devising the nature of the planned intervention and to monitoring its effectiveness. The teaching strategies and provision could reflect the Strands of Action as described in Section 6 of this Toolkit.

Managing IEPs

17. Whatever systems are in place in the school or setting, the procedures for devising IEPs and reviewing them must be **manageable**. The IEP should be considered within the context of the overall class management of all pupils and staff. Timeslots for delivery of the IEP should be realistic and integral to classroom and curriculum planning. Regular periods of time to work with the pupil, or for the pupil to be working at specific IEP targets, should be recorded in the teacher's daily or weekly teaching plans for the class.
18. All IEP targets must be **achievable** for both the pupil and the teacher. Targets should be in small steps so that success is clearly visible to the pupil, the parents and the teacher. As the pupil becomes more self-confident and the rate of progress increases so the challenges can be made more rigorous.

Roles of class and subject teachers and SENCOs

19. All relevant staff in the school or setting who may come into contact with the pupil should be made aware of the individual targets and the planned

³ Teachers may find QCA's *Guidelines on planning work for pupils with learning difficulties* helpful.

strategies. They should provide feedback to the SENCO or appropriate class or subject teacher. So far as possible, the IEP should build on the curriculum the pupil is following alongside fellow pupils and should make use of programmes, activities, materials and assessment techniques readily available to the pupil's teachers. The plan should usually be implemented, at least in part, in the normal classroom setting. The SENCO may need therefore to facilitate close liaison between class or subject teachers, curriculum, literacy and mathematics coordinators and pastoral colleagues.

20. The SENCO should not be solely responsible for devising and delivering all IEPs within the school. Depending on the pupils' needs and the complexity and size of the school, the SENCO may need to oversee the management of the process for all pupils with SEN, providing advice and support to colleagues as and when necessary.
21. Coordinating the planning of the pupil's IEP, especially setting appropriate targets may be the responsibility of the school or link SENCO, or they may act in a consultative and supportive role to colleagues. On the other hand, devising strategies and identifying appropriate methods of access to the curriculum should lie within the area of expertise and responsibility of individual class or subject teachers. All staff should be involved in providing further help to pupils. For this reason the arrangements for devising and recording IEPs should be planned and agreed with all the staff, and endorsed by senior management. The effective delegation of IEPs to class or subject teachers requires a regular and cyclic programme of SEN INSET.
22. The SENCO, link workers, subject specialists, and the literacy and mathematics coordinators and any external specialists, individually or in consultation with each other, should consider a range of different teaching approaches and appropriate equipment and teaching materials, including the use of ICT.
23. The SENCO and senior management team will need to ensure continuity. There should be an agreed protocol for providing information about IEPs to new staff when a pupil moves classes, and at school transfer.

External specialists

24. External specialists may act in an advisory capacity, provide additional specialist assessment or be involved in teaching the pupil directly. Better management or alternative arrangements in school, based on advice from outside specialists such as health professionals, may considerably reduce the pupil's special educational needs. When IEPs are developed with the help of outside specialists, the strategies specified in the IEP should usually be implemented, at least in part, in the normal classroom setting.

Class curriculum planning to meet common targets

25. Where a group of pupils are likely to share similar learning needs, some targets may be common to those pupils. A number of pupils within a class or a whole class may have similar difficulties and similar targets. In such situations the teacher should use class curriculum planning as the vehicle for achieving the targets. The class plan should focus on precise learning targets that all the pupils in the group or class can achieve, but the assessment of whether targets have been achieved must be made on an individual basis. This approach could be useful in mainstream settings, but is likely to be more applicable in special schools. In such cases, an IEP would duplicate curriculum targets and would not be required. However, where pupils have significantly different needs from the rest of the group, an individual IEP should be used to record and plan the features that are additional to or different from the general curriculum and lesson plans. In such situations, schools should ensure that parents have access to the class curriculum plans and common targets as well as the pupil's IEP.

Group Education Plans

26. Some LEAs may organise group tuition for pupils with particular needs at an off-site provision on a part-time basis; and some schools may arrange for a group of pupils with similar needs and at least one target in common to be taught together in an appropriate setting, which might include withdrawal for a short period of time. There will frequently be pupils in the same group or subject lesson with common targets and hence, common strategies will be employed.
27. If common strategies beyond the differentiated curriculum, such as additional resources or adult support, are employed, it might be appropriate to consider recording the pupils' common targets and strategies in a group learning plan – sometimes referred to as a group education plan. Where pupils have targets and strategies additional to the group education plan, these together with details of their individual progress in both the common and individual targets should be recorded in an IEP.

IEPs in relation to assessment and recording arrangements

28. IEPs cannot be considered in a vacuum. Schools should have appropriate systems for overall planning and target setting for all pupils. Teachers need to discuss progress, set and review targets for all pupils and record the outcomes. Where this occurs as a whole school process for all pupils, IEPs for pupils with SEN become a 'subset' of the whole. By integrating IEPs within the general organisation of planning, assessment, recording and reporting, the management of IEPs will be less onerous. Thus monitoring the effectiveness of IEPs should be a part of monitoring the school's overall planning and target setting processes.

29. Senior leadership teams need to examine the role of IEPs within the school's overall assessment and recording arrangements. Governors and senior leadership teams should consider the application of ICT systems in the context of writing and recording IEPs. Access to such systems needs to be readily available during the school day so that staff are able to plan and review IEPs both with colleagues and the pupils.
30. Teachers need to be clear as to how IEPs should relate to the school's literacy and mathematics action plans and targets.⁴ Planning for the Literacy Hour and the daily mathematics lesson for pupils with SEN should be considered alongside other strategies that are in place as part of the IEP to make sure there is both consistency and continuity for the pupil.
31. There is also a need to consider whether the IEP can be modified to serve as a Pastoral Support Programme (PSP). If a school wishes to link the two processes together the IEP will then need to be expanded to address the particular issues in sufficient detail.⁵

Monitoring and reviewing IEPs

32. Ideally IEPs should be continually kept 'under review', and in such circumstances there cannot be a 'fixed term' or a formal meeting for review. However the success of all IEPs should be evaluated at least twice a year and for children in early education settings or with particular needs IEPs may need to be reviewed termly or even more frequently.
33. The review of an IEP should not be confused with the annual review of a statement of SEN, although the current IEP should be discussed as part of the agenda at an annual review meeting. The statutory annual review process is different from the ongoing teacher review of an IEP. Further information about the statutory annual review process can be found in Section 9 of this Toolkit.
34. The frequency with which the IEP is revised, and the timing of such reviews, including discussion with parents, should always be dependent on the nature of the pupil's needs and the provision being made to meet those needs. It may be that some targets are achieved more quickly than others and hence the total IEP changes gradually.
35. At least one review in the year could coincide with a routine Parents' Evening, but in such circumstances schools might consider allocating additional time for those particular parents. Reviewing the IEP need not be unduly formal, but parents' views on their child's progress should be sought as part of the process. Wherever possible, the pupil should also take part in the review and be involved in setting the targets. Section 3 of this Toolkit provides suggestions on enabling pupil participation.

⁴ 'The SEN Code of Practice: three years on' OFSTED

⁵ DfES Circular 10/99 'Social Inclusion: Pupil Support.'

36. The evaluation of the success of an IEP needs to be judged in the context of the nature of the strategies employed and the frequency of delivery of the targeted intervention. If targets are not achieved then the teacher will need to consider all the possible reasons – that the teaching strategy or the resources need changing, or even that the target is not appropriate. It may be necessary to break the target down to smaller steps or choose an alternative target within the same area of need, and to return to the original target at a later date.
37. Reviewing IEPs on a regular basis and evaluating their success should not take the place of ongoing monitoring of the child's progress. The teacher needs to check that the particular strategies used in a lesson achieve their objective and to ensure that the child understands the content of any additional or different input to a lesson at that time. A continuation of inappropriate or unsuccessful strategies should not be continued merely because the IEP review has not taken place.
38. The headteacher should consider whether it is appropriate to provide time for the SENCO to visit classes to oversee monitoring the success of IEPs and classroom practice, or whether alternative monitoring arrangements are more appropriate. The school must have a system for evaluating the overall success of all its SEN provision including planning and delivery through IEPs.
39. ***In reviewing IEPs teachers should consider:***
- the progress made by the pupil
 - the parents' views⁶
 - the pupil's views
 - the effectiveness of the IEP
 - any specific access issues that impact on a child's progress
 - any updated information and advice
 - future action, including changes to targets and strategies, addressing particular identified issues and whether there is a need for more information or advice about the pupil and how to access it.
40. After considering the pupil's progress, the targets to be achieved by the next review should be set by appropriate staff with the involvement of the pupil and parents where possible.
41. If progress remains adequate after two reviews it may be decided to increase the period between reviews. If satisfactory progress continues to be made it may be possible to conclude that the pupil no longer needs special help and their needs can now be met by the differentiated curriculum available to all pupils. Parents should always be consulted before such decisions are finalized.

⁶ Reference to 'parents' in this Section should be taken to include all those with parental responsibility.

42. For progress to be considered adequate, the targets once achieved need to be maintained, so that the pupil is able to continue to perform the skill over and after a period of time. Teachers should look at classroom practice and plan to generalize skills and knowledge by providing activities that enable the pupil to continue to apply the acquired knowledge, understanding and skills. In some cases it may be clear to the staff and the SENCO that the pupil is not making adequate or reasonable progress.
43. Adequate progress could be defined in a number of ways. It might, for instance, be progress which:

- closes the attainment gap between the pupil and the pupil's peers
- prevents the attainment gap growing wider
- is similar to that of peers starting from the same attainment baseline, but less than that of the majority of peers
- matches or betters the pupil's previous rate of progress
- ensures access to the full curriculum
- demonstrates an improvement in self-help, social or personal skills
- demonstrates improvements in the pupil's behaviour
- is likely to lead to appropriate accreditation
- is likely to lead to participation in further education, training and/or employment.

6:49 SEN Code of Practice

STRANDS OF ACTION TO MEET SEN

Action to meet pupils' SEN tends to fall within four broad strands:

- *assessment, planning and review*
- *grouping for teaching purposes*
- *additional human resources*
- *curriculum and teaching methods.*

Relating action to special educational needs:

- *Strands of action need to be organised so that progressively more powerful interventions can be used to meet increasing need.*
- *The range, type and intensity of interventions can also be reduced as a child makes adequate progress.*
- *The actions may be appropriate at School Action, School Action Plus or for pupils with statements of special educational needs.*
- *For most pupils, extra help will be provided within the classroom, managed by the class or subject teacher. Where it involves spending some time outside the ordinary classroom, it will nonetheless be in the context of the inclusive curriculum.*

STRANDS OF ACTION TO MEET SEN

Progress:

- *The key test of the need for further action is evidence that the current rate of progress is inadequate*
- *There should not be an assumption that all pupils will progress at the same rate.*

Relating intervention to individual needs:

- *Decisions about which actions are appropriate for which pupils must be made on an individual basis*
 - *by a careful assessment of the pupils' difficulties*

and
 - *the pupil's need for different approaches to learning*

and
 - *the school and classroom context.*

Introduction

1. The SEN Code of Practice sets out how schools should identify, assess and make provision in school for pupils with special educational needs. As the education system is increasingly inclusive, this guidance focuses on mainstream schools, and on the main forms of additional or different forms of action that staff could take to enrich and extend their normal range of teaching strategies for pupils who need extra help. The actions described may be appropriate at *School Action*, *School Action Plus* or for pupils with statements of special educational needs.
2. For most pupils, extra help will be provided within the classroom, managed by the class or subject teacher. Where it involves spending some time outside the ordinary classroom, it will nonetheless be in the context of the inclusive curriculum.
3. The National Curriculum handbooks¹ provides statutory guidance on developing a more inclusive curriculum that is based on the principles of:
 - setting suitable learning challenges
 - responding to pupils' diverse learning needs
 - overcoming potential barriers to learning.
4. Most pupils make progress within an inclusive curriculum without any great difficulties. Skilled teachers can usually meet whatever learning needs pupils may have even when pupils have more persistent or serious difficulties. The more flexible and responsive the teachers' strategies are, the more likely it is that pupils with a range of learning needs will make adequate progress.
5. When additional or different action is needed to help pupils with particular learning needs make adequate progress, the resources and expertise already available in the mainstream school will usually be able to cover this.
6. The school will need to consider, for each pupil with special educational needs, what form of action is most appropriate. This means looking at pupils' progress in the round; their attainments and difficulties as well as their successes and strengths. It will involve assessing the strategies that are currently being used to meet the pupil's learning needs and how these might be made more effective.

¹ National Curriculum handbook for primary teachers in England (QCA/99/457) and National Curriculum handbook for secondary school teachers in England (QCA/99/458)

7. Action to meet pupils' special educational needs tends to fall within four broad strands:
- assessment, planning and review
 - grouping for teaching purposes
 - additional human resources
 - curriculum and teaching methods.

Relating action to special educational needs

8. Schools will need to organise these strands of action so that they can either call upon progressively more powerful interventions to meet increasing need or reduce the range, type and intensity of interventions as a child makes adequate progress. The Table below indicates the different forms of action available to schools on a continuum of intervention. Schools could use the table as a basis when setting out an overview of the ways they meet pupils' special educational needs.
9. This section, and in particular the table, is drawn from the research on SEN thresholds carried out by the Special Needs Research Centre, University of Newcastle.

Strands of action to meet special educational needs

Assessment & planning	Grouping for teaching purposes	Human resources	Curriculum and teaching methods
<p>Assessment by class or subject teacher and SENCO; continuous assessment and curriculum assessments may be supplemented by standardised and/or diagnostic tests.</p> <p>IEP setting 'SMART' targets (some may be shared with other pupils in a Group EP). Regular reviews. Parents informed & may be involved in supporting targets in the home.</p> <p>External services (specialist support service, educational psychologist) undertake specialist assessment leading to a more specifically-focused IEP. Parents involved in supporting targets in the home.</p> <p>Involvement of both education and non-educational professionals in assessment and planning.</p> <p>Longer-term plan for provision, supported by shorter-term IEPs. Parents involved in both long and short-term planning.</p>	<p>Pupil based in the ordinary classroom.</p> <p>Grouping strategies used flexibly within the classroom.</p> <p>Out-of-hours learning opportunities (homework clubs, lunchtime clubs etc.) provided where possible.</p> <p>Pupil based predominantly in the ordinary classroom, supported through flexible grouping strategies.</p> <p>Access to individual or small group tuition to support IEP targets, delivered within the classroom, through limited periods of withdrawal and/or through out-of-hours provision.</p> <p>Pupil works predominantly in small groups or on an individual basis in the ordinary classroom, in a withdrawal situation, in a resource base and/or through out-of-hours provision.</p>	<p>Main provision is by class or subject teacher with SENCO involved in assessment and planning rather than teaching.</p> <p>Pupil support used routinely and some adult support may be provided on an ad hoc basis, (e.g. if Teaching assistant or parent helper already working in the classroom).</p> <p>Specialist teachers or educational psychologist may be involved in providing advice on strategies.</p> <p>Main provision is by class or subject teacher. Pupil support used routinely in the classroom, with some limited targeted adult support provided by Learning Support Assistant (LSA) or other adult.</p> <p>Individual or small group tuition provided by LSA (under guidance), specialist teacher (or other specialist) and/or SENCO.</p> <p>Pupil support used routinely in the ordinary classroom with sustained targeted support provided by LSA or other adult.</p> <p>Individual or small group tuition is provided by LSA (under guidance), specialist teacher (or other specialist) and/or SENCO.</p>	<p>Emphasis on differentiation for curriculum access. Possibly some specific reinforcement or skill-development activities in support of IEP targets.</p> <p>Emphasis on increasing differentiation of activities and materials.</p> <p>Some individual programming to support specific targets.</p> <p>Access to ICT and to specialist equipment and materials as necessary</p> <p>Increasingly individualised programme (though within the context of an inclusive curriculum).</p> <p>May involve the use of specialist teaching and/or communication techniques, supported by appropriate equipment and materials.²</p>

Pupils may be at different points on each Strand at different times, in different contexts or during different lessons.

² "Curriculum guidelines for pupils with learning difficulties".

Progress

10. The key test of the need for further action, whatever the level of pupils' difficulties, is evidence that the pupil is not making adequate progress. Not all pupils will progress at the same rate. A judgement has to be made in each case as to what is reasonable for a particular pupil to achieve. Where progress is not adequate, some additional or different action will need to be taken to enable the pupil to learn more effectively. Further information about adequate progress is in Section 5 of this Toolkit.

Relating action to individual needs

11. Teachers, in discussion with parents and pupils, will need to decide which actions are appropriate for each individual. This involves careful assessment of both pupils' difficulties and their need for different approaches to learning, and the school and classroom context. Pupils with similar needs will not always need the same balance of individual or group tuition, number of hours of in-class support, or size of teaching group.
12. Therefore, teachers should not simply 'read off' provision for particular pupils from the Table. Pupils could be at different points on each strand at different times.
13. Nonetheless, all teachers, schools and LEAs will wish to ensure that they are using their available resources appropriately and parents will want to be satisfied that their child's needs are being catered for.

Assessment, planning and review

14. Schools can supplement their normal systems of assessment, monitoring and planning for all pupils by:
 - more detailed monitoring of pupils' classroom performance
 - using more powerful assessment instruments
 - calling on more specialist expertise in assessment and planning
 - involving pupils and parents more fully in assessment and planning
 - increasing the individualisation of planning
 - carrying out frequent and detailed reviews of progress.

Grouping for teaching purposes

15. Teachers can use grouping strategies of different types and sizes within ordinary classrooms to help pupils make progress. Groups may work together either for particular activities or on a long-term basis. There are many possible grouping strategies:

- creating small groups, within the ordinary classroom, which receive additional attention from the teacher or other adult
- creating small groups which work with a teacher or other adult outside the ordinary classroom for part of the time
- using small group withdrawal sessions to prepare pupils for inclusion in a later lesson as opposed to withdrawal for parallel teaching
- giving pupils access to out-of-hours provision such as lunch-time or after-school clubs where specialist help is available
- giving pupils flexible access within school to a base where SEN resources and teaching expertise are available
- teaching pupils in groups which are permanently small and where specialist teaching, support and resources are available.

Additional human resources

16. Class and subject teachers form the major resource for enabling all pupils to learn. Professional development of teaching staff, enabling them to work in supportive teams and using them flexibly for tasks where they have the greatest skills will help schools maximise the value of teachers. Teaching assistants and nursery nurses may support teachers with all their pupils. Parents, adult helpers, sixth formers or other volunteers can also provide support under the supervision of a teacher, although care needs to be taken to avoid having too many adults, at any one time, in a classroom. If additional support becomes a burden in organisational and planning terms for teachers, this could outweigh the benefits of additional help to pupils with SEN.
17. Schools can use extra classroom support by:
 - targeting the additional support that is already available in the classroom on pupils who are experiencing difficulties
 - deploying additional support specifically for one or more pupils in a class
 - extra training for staff who offer additional support
 - using pupil support from within the class group
 - using targeted cross-aged pupil support
 - seeking advice or teaching input from specialist teachers, educational psychologists, health professionals or others with specialist expertise
 - drawing on advice and expertise from voluntary agencies and parental organisations.

Curriculum and teaching methods

18. The inclusive curriculum offers scope for considerable flexibility so that pupils with diverse learning needs can make progress. The National Curriculum statement on inclusion explains how to enhance normal teaching strategies for pupils with special educational needs. This includes:
- more focused differentiation of existing curriculum activities and materials, relating them more specifically to individual learning strengths and needs
 - individualised teaching programmes directly targeting pupils' particular difficulties
 - alternative means of accessing curriculum and assessment through, for instance, the use of ICT, adapted teaching materials, specialist equipment and alternative or augmentative forms of communication
 - using the flexibility within the curriculum to devote additional time to activities which address pupils' learning needs or build on their strengths and interests
 - using specific teaching methods that are appropriate for meeting particular pupils' learning needs
 - using small group intervention programmes developed for the National Literacy and Numeracy Strategies.

Using additional support within the Literacy Hour and daily mathematics lesson

19. Most schools can successfully include all pupils in the Literacy Hour and daily mathematics lesson. Very few pupils should need to be regularly withdrawn from the whole of the Literacy Hour or daily mathematics lesson. Teachers need to plan carefully so that appropriate interventions can be incorporated to meet individual needs. This may sometimes involve a degree of individual tuition or withdrawal from part of a lesson, but the aim should be to include the pupil back in the lesson as soon as possible. Decisions about in class work or individual teaching should be based on the learning objectives for the particular session and whether these can be made accessible to the pupil. Grouping will depend on teaching styles adopted and pupils' preferred learning styles.

WRITING A STATEMENT OF SEN

The layout of a statement is:

Part 1 Introduction

Part 2 Special Educational Needs

Part 3 Special Educational Provision, including objectives and monitoring arrangements

Part 4 Placement

Part 5 Non-educational Needs

Part 6 Non-educational Provision

WRITING A STATEMENT OF SEN

Part 2 Special Educational Needs:

- *The most important element of Part 2 is the description of the child's current difficulties described clearly and thoroughly*
- *Part 2 should set out clearly the nature and severity of the child's difficulties and the implications of these difficulties for the child's learning needs in the context of a classroom*
- *Part 2 should be set out in a fashion that relates directly to the description of provision set out in Part 3b.*

Part 3 Special Educational Provision:

Part 3 must specify all the provision to be made by the LEA and the school to meet the child's SEN. It is split into three sections:

a) Objectives

- *setting out the main educational and developmental long-term objectives to be achieved by the special educational provision over the life of the statement. Objectives should directly relate to the learning needs described in Part 2.*

b) Provision

- *specify all the special educational provision that the LEA considers appropriate for all the learning difficulties identified in Part 2.*

WRITING A STATEMENT OF SEN

The LEA must specify:

- *any appropriate facilities and equipment, staffing arrangements and curriculum*
- *any appropriate modifications to the application of the National Curriculum*
- *any appropriate exclusions from the application of the National Curriculum, in detail, and the provision which it is proposed to substitute for any such exclusions in order to maintain a balanced and broadly based curriculum*
- *and where residential accommodation is appropriate, that fact*

c) Monitoring

- *This sub-section should refer to the drawing up by the school of an IEP within a set time after the issue of the final or amended Statement. The monitoring section of the Statement should also refer to the Annual Review*

WRITING A STATEMENT OF SEN

Part 4 Placement

- *This Part must be left blank when the proposed statement is issued so that parents can state a preference for any maintained school which can meet the needs set out in Part 2 and make the provision specified in Part 3b, or make representations to the LEA in favour of a non-maintained or independent special school*
- *In the final Statement Part 4 must specify the type of school and the name of the particular school which the LEA consider appropriate for the child, or the provision for education otherwise than at school which the LEA consider appropriate.*

Part 5 Non-Educational Needs

- *Part 5 must specify any non-educational needs of the child for which the LEA consider provision is appropriate if the child is to benefit from the SEN provision set out in Part 3.*

Part 6: Non-educational provision

- *Part 6 must specify the non-educational provision which is required to meet the needs identified in Part 5 and which the LEA either propose to make available, or is satisfied will be commissioned by the health authority in discussion with the NHS Trusts for the area or others, or provided by social services or another body.*

Introduction

1. The format and contents of Statements of special educational needs are prescribed in Schedule 2 of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001.
2. Although the Statement must follow the format as set out in the Regulations and should always contain the prescribed information, different Local Education Authorities may have different 'house styles' and choose to use different styles of language within the document. Whatever the style, the LEA should use clear, unambiguous language and refrain from the use of jargon, acronyms or very specific educational and medical terms, or if they are unavoidable, provide an explanation as well.

Part 1 Introduction

3. The layout for Part 1 of the Statement is clearly set out in Schedule 2. All LEAs **must** follow this format. The front page **must** state whether the statement is a proposed, a final or an amended statement and **must** be clearly numbered to show whether it is a first, second or subsequent statement. The date of the statement **must** also be on the front page.
4. Placing the list of Appendices on the front page aids easy reference for all parties who use the statement. It helps parents check if all the documents they expected to be attached are present and allows a professional to see quickly if their advice has been included. It is also a very useful practice when a Statement is amended, as the additional advice can be listed below the originals and the dates of the new advice will easily link with the date of the amendment.

Part 2 Special Educational Needs

5. Part 2 of the statement must describe in detail all the child's special educational needs as identified during the assessment. This part should also include a description of the child's current functioning – what the child can and cannot do – which is also drawn from the advice received as part of the assessment.
6. The most important element of Part 2 is the description of the child's **current** difficulties. It is important to ensure that **all** the child's difficulties are described clearly and thoroughly. The description should be based on the advice in the Appendices. It is not appropriate for the LEA to state merely that they have adopted or accepted the description of the child's special educational needs as set out in the Appendices: there must be a complete description of the child's special educational needs within the statement itself. Parents and professionals should be able to relate the description in Part 2 to specific sentences or paragraphs within the Appendices.

7. It is useful to imagine a stranger, perhaps a new teacher, needing to read the Statement in order to know how they are going to teach the child. Thus Part 2 should set out clearly the nature and severity of the child's difficulties and the implications of these difficulties for the child's learning needs in the context of a classroom.
8. Whatever style is chosen, Part 2 should be set out in a fashion that relates directly to the description of provision set out in Part 3b. Hence it is useful if the needs are listed clearly, perhaps numbered or 'bulleted', with provision set out to meet each need listed in the same order and using the same numbers.
9. Many LEAs choose to start Part 2 with a general and positive paragraph setting out the child's strengths and interests, as well as weakness and areas for development, so it is clear that the Statement is particular to the child and that the LEA has read the advice. Where parental advice has been received the LEA should always make a reference in Part 2 to at least one piece of information from the advice, especially if is non-contentious and helpful as part of the full picture of the child.
10. Phrases such as:

- **Bill is the oldest of four children and his mother says that he enjoys helping her with the new baby**
- **Mary is a generally healthy and active girl, she can pedal a bicycle, climb well, throw, kick and catch a ball and enjoys playing football with her father and brothers**
- **Jay shows a keen interest in helping in the family shop**

help to 'contextualise' the Statement. However, LEAs should be careful not to demean the child or cause offence in the description.

11. Where there has been a long history, particularly in the case of an amended or second or subsequent Statement, it can be useful for Part 2 to include a brief history of the child, their needs over time and previous SEN provision. In the case of an amended statement, unless it is the result of a phase change and therefore a change of school, it is useful if the reason for amendment is given.
12. Phrases such as:

- **Indira has made excellent progress in hand/eye coordination and therefore no longer needs to work at a programme provided by the occupational therapist**
- **Steven can now work quietly and without close supervision, although he still requires access to support to advance his spelling skills**

celebrate the child's success and provide justification for the amendment.

13. Sometimes the advice received may contain conflicting opinions or opinions open to interpretation. The LEA must reach a conclusion based on **all** the evidence and explain clearly the reasons for choosing one view rather than another, or give the reasons for the interpretation they have chosen. It is often useful, in such situations, for an LEA officer to discuss the different opinions with the professionals involved. It may then be easier to come to a view and to explain it. There may also be occasions when a frank discussion may resolve the issue and the advice might be amended. Advice upon which all can agree is likely to reassure parents and less likely to be contentious.
14. It may be helpful to parents if at least part of the structure of Part 2 reflects the kinds of sub-headings used in advice. Thus advice is likely to report on the child's ability and attitudes to learning by setting out the child's functioning in the basic skills, the child's communication skills and social and emotional needs. Advice may also describe known medical conditions and detail both physical and medical needs.
15. The LEA could, therefore, after the introductory paragraph and background history, structure Part 2 under headings such as:

Approaches to learning

- Learning style
- Ability to concentrate
- Reading skills
- Spelling skills
- Writing skills
- Mathematical skills

At pre-school level the skills could be related to the Early Learning Goals of the Foundation Stage curriculum. These skills could be listed in the order most appropriate to the individual child and only included if appropriate.

Communication

- Receptive skills
- Expressive skills
- Social use of language
- Ability to use 'school' language
- Non-verbal communication skills
- Use of signing

Social and Emotional

- Relationships with peers
- Relationships with adults
- Play skills
- Social skills
- Behaviour, and impact of behaviour on others
- Self-esteem
- Level of independence
- Ability to respond in an age appropriate manner

Physical, Sensory and Medical

- Gross and fine motor skills
- Vision
- Hearing
- Medical conditions affecting child's functioning in school
- Any access needs (induction loop; special equipment etc.)

16. An alternative set of headings could be:

Educational

- Cognitive Functioning
- Acquisition of Concepts
- Literacy
- Numeracy
- Approaches and attitudes to Learning
- Learning Styles
- Educational attainment (including National Curriculum levels)

Communication

- Listening and speaking skills
- Receptive and expressive language
- Social use of language
- Non-verbal communication skills
- Use of signing

Personal, Social and Emotional

- Interests
- Independence
- Interpersonal Skills
- Emotional Development
- Behaviour

Motor and Sensory Skills

- Mobility
- Gross and Fine Motor Skills
- Vision
- Hearing

Other

- Any other areas which are appropriate

17. A third alternative format is set out below:

A. A summary paragraph outlining strengths and difficulties and a brief relevant history, followed by headed sections for each area of difficulty (headings should be listed only where relevant).

B. *Headings:*

- Academic skills
- Concentration and listening skills
- Language skills
- Play skills
- Social skills
- Behaviour
- Emotional development
- Attendance
- Motor skills
- Medical issues
- Health
- Self-help skills
- Self-esteem/confidence

- Motivation
 - Organisation/independence skills
 - Strengths
 - Family issues
18. Sets of such headings are to some extent arbitrary and may differ depending on the style and nature of the advice received during assessment. Whatever style is used, clarity will be maintained if the language used in Part 2 reflects that of the advice.
19. LEAs may find it helpful to discuss formats for professional advice with the Education Psychology Service, the designated medical officer and the local designated officer for social services in order to achieve, where appropriate, consistent designs. Such consistency will make writing statements easier and, more importantly, enable teachers and parents to know what to expect.

Part 3 Special Educational Provision

20. Part 3 of the Statement must specify all the provision to be made by the LEA and the school to meet the child's special educational needs. The LEA should resource that which is additional to or different from that already provided by the school; the LEA provision will frequently 'top up' that already provided by the school. (Where LEAs place a child in a non-maintained special school or an independent school they will be responsible for arranging all the provision).
21. Part 3 is split into three sections:
- a) Objectives
 - b) Provision
 - c) Monitoring

Objectives

22. This sub-section should set out the main educational and developmental long-term objectives to be achieved by the special educational provision over the life of the statement. Objectives should directly relate to the learning needs described in Part 2.
23. This section could be written as a list which links up either numerically, or by the order in which it is presented, with the needs in Part 2. There may be one or more objectives relating to each need.

24. It is helpful to parents and teachers if the objectives are couched in straightforward terms, such as:

- for Matthew to be able to eat independently
- to develop Adam's handwriting skills so that others can read his work
- for James to be able to take a part with his friends at play times
- for Nafisha to develop the skills needed to cope with the organisational demands of secondary school
- for Daniel to form friendly links with other pupils in his class
- to enable Mary use similar language to the rest of her class
- to enable Raj to communicate at an age-appropriate level using Braille.

Provision

25. This section must specify all the special educational provision that the LEA considers appropriate for all the learning difficulties identified in Part 2. As suggested above, LEAs could choose to set out the description of the provision in a way that directly relates to Part 2 and possibly to Part 3a, thus listing or numbering the provision in the same manner and order. LEAs should make clear to parents and professionals what will be delivered and by what mechanism. The statement should make clear what provision is made by the LEA and the school.
26. The Regulations describe four areas of provision that **must** be addressed, but they are not exclusive. The LEA must specify:

- (a) any appropriate facilities and equipment, staffing arrangements and curriculum,
- (b) any appropriate modifications to the application of the National Curriculum,
- (c) any appropriate exclusions from the application of the National Curriculum, in detail, and the provision which it is proposed to substitute for any such exclusions in order to maintain a balanced and broadly based curriculum; and
- where residential accommodation is appropriate, that fact.

See the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001

27. It is acceptable, for most children, to encompass all the issues concerning the curriculum into a general statement such as:

Fred will have full access to the National Curriculum and Religious Education. The National Curriculum will be differentiated to take account of his particular needs and modified on an in-house basis to ensure the maximum flexibility and attention to his academic and personal development.

28. This should usually be followed by a list of particular provisions including facilities, equipment and staffing to meet each identified need. Thus within the 'Provision' section the LEA should usually describe all the mechanisms that will support the child. Such mechanisms could include the particular class environment, teaching and learning strategies and personnel.

29. A Statement might identify:

- home/school liaison
- specialist teaching time
- learning support assistance time
- specialist support and advice for the teaching staff
- staff supervision during lunch and play times
- access to specialist teaching programmes
- one to one or small group work
- specialist equipment
- advice or support from external specialists¹
- small classes
- staff to pupil ratios
- staff who specialize in teaching pupils with a particular need or range of needs
- residential provision².

30. LEAs are required to be specific about provision. Provision should normally be quantified, for example in terms of hours and frequency of support, but there are times where some flexibility needs to be retained either to meet the changing needs of the child or to allow for appropriate and alternative

¹ Detailed guidance on speech and language therapy as an educational need is set out at 8:49 of the SEN Code of Practice.

² This list is not exclusive but merely provides examples.

responses from within the school to reflect particular class or school arrangements. If the provision is not quantified, the detail must still be such that it is clear to parents and professionals what will be delivered and by what mechanism.

31. Therefore a statement should specify clearly the provision necessary to meet the needs of the child. It should detail appropriate provision to meet each identified need and quantify provision as necessary. Provision should be described in such a way as to leave no room for doubt about what is to be provided, who will provide it and how it will be delivered, but the statement can leave schools the scope to use resources flexibly by for example specifying "access to 6 hours per week learning support" to allow the support to be shared with another child with a statement. It will always be necessary for LEAs to monitor, with the school or other setting, the child's progress towards identified outcomes, however provision is described.
32. It will be helpful to the child's parents and teachers if the provision in this subsection is set out in the same order as the description of needs in Part 2.
33. The list of particular provisions should explain how the provision is to be used, and how it links with the child's needs. It would be not be helpful or appropriate to say "provision of a sloping desk" or "access to 5 hours learning support assistance" without any explanation. So the reasons for the provision of equipment, personnel or other resources should be explained in relation to the objectives in part 3 a) and make clear the links with the child's particular needs as set out in part 2 of the statement.
34. For example:

- **provision of a sloping desk to aid hand/eye co-ordination and improve writing techniques**
 - **access to 5 hours learning support assistance to deliver a language programme devised and monitored by the speech and language therapist**
 - **a group social skills programme to help Adam learn how to relate to his peers.**
35. LEAs, when considering whether or how far to quantify provision, will need to bear in mind the particular needs of the child, the resources required and any flexibilities of provision that are appropriate.

36. The examples below illustrate some of the circumstances where quantification is likely to be necessary:

- Pupils in mainstream schools with severe language difficulties might require a daily or weekly period of time to be provided by school staff to deliver an individual language programme. The amount of time would need to be quantified.
- Pupils in mainstream schools with physical needs may require support at breaks and play times for health and safety reasons. This would need detailing and quantifying to ensure that the time for support was always available.
- Pupils in special schools who have needs that are additional to those for which the school usually provides might need specific programmes, specialist aids or equipment detailed and quantified. For instance, quantified support so as to learn to access a new communication device.
- Pupils in mainstream schools with severe emotional and behavioural needs might require quantified one to one support in order to maintain them in class and help them concentrate and access the curriculum.
- Pupils needing to acquire social skills might need a limited period of concentrated support for a social skills programme. This could be quantified on a daily or weekly basis depending on the particular programme.
- Blind or severely visually impaired pupils, especially when they are young, will need individual support when they are included in mainstream schools. They will need support to access the building and the curriculum, and will also need quantified specialist support to learn how to use Braille or low vision aids. As pupils mature these needs are likely to lessen.

37. Although provision should normally be quantified, the examples below illustrate circumstances in which flexibility may be appropriate:

- Visually impaired children in mainstream schools may require access to a teacher of the visually impaired (detailed but not quantified); low vision aids (neither detailed nor quantified), some Information and Communications Technology equipment (detailed and possibly quantified but the particular make or model not specified) and mobility training (usually a short course provided by the LEA Visually Impaired Service or bought in from an outside provider). It might not be necessary to quantify low vision aids and ICT equipment because as the child matures or curriculum requirements change, they become out of date and the specialist teacher at the school will identify more appropriate aids. Similarly, the amount of time with the specialist teacher may fluctuate according to the particular needs of the pupil and the requirements of other teaching staff for support and advice.
- Many children on the autistic spectrum attend mainstream schools. They may require some support from an LSA to enable them to access the curriculum, perhaps to deliver a language programme and to help them at play times with social skills. The amount of support, and whether it needs to be 1:1, will depend on the level and complexity of need (quantified and detailed as to what the support is for). Teaching staff will also require specialist advice (this should be detailed but may not need to be quantified).
- High functioning autistic children, often designated Aspergers' Syndrome, attending mainstream schools, may need LSA support to help them understand the complexities of school life and to teach them social skills (quantified but possibly shared with a group). Teaching staff will also require specialist advice (this should be detailed but may not need to be quantified).
- Pupils with severe specific learning difficulties may have variations in performance in different curriculum areas and significant difficulties in literacy that impede access to the curriculum and so may need targeted 1:1 support. If they are in a mainstream school it is likely that LSA time will be devoted to specific multi-sensory reading and spelling programmes, possibly based in National Literacy Strategy time, plus some support to access other curriculum areas requiring literacy. The provision will need to be detailed but the level and nature of the support (LSA or teacher, individual or group) might need to be left to the school.

- Pupils in mainstream schools with emotional and behavioural difficulties which could disrupt their own learning and that of their peers will need support. Dependent on the level of disruption there may be a need for LSA support, counselling or withdrawal preferably in a small group. The provision will need to be detailed but the level and nature of the support (LSA or teacher, individual or group) might need to be left to the school.
- Pupils with physical needs may need support for personal care or to access the curriculum. They may also need special equipment including chairs and desks. Depending on the level of need and the type of equipment it may be necessary to detail and quantify support and equipment. Obviously if the pupil needs support for PE or in the playground for health and safety reasons this might need to be on a 1:1 basis and so specified, but where support is needed a few times during the day, perhaps for toileting, then resources need to be accessible on a flexible basis.

38. LEAs will always need to specify provision but they will need to consider whether there are times when it would be inappropriate to provide further detail or quantify provision when a child is placed in a special school or specially resourced provision in a mainstream school which is funded by the LEA but provided by the school. In such settings there is a wide range and availability of specialist help and facilities on site with specific support and equipment provided by the school and teaching and learning programmes that can be varied day-to-day as required by the individual pupil. Such resources can therefore be managed flexibly to meet the child's changing needs. There will be times when a particular pupil regularly requires resources additional to those generally available and these will need to be set out in more detail.
39. Schools and LEAs will need to make decisions about the interventions and provision appropriate to each pupil on an individual basis. This can sometimes only be done by a careful assessment of the pupil's difficulties in the school and classroom context. It may therefore sometimes be inappropriate to *quantify* in advance the action that might be taken in terms of *how much* individual tuition a pupil might need, or *how many* hours of in-class support may be necessary, or *what size* of teaching group may be most appropriate.
40. Although the Statement should be written to reflect the appropriate provision to meet the individual needs of the child, the circumstances in which the provision will be delivered may depend on the type and nature of the school. Thus the description of provision may differ depending on the particular mainstream school the child will attend or whether the child will attend a mainstream or a special school. This may cause difficulties as the LEA may not know, at the time of writing the proposed Statement, which school or type of school the parent will prefer.

41. The assessment itself may indicate the need for an alternative placement from that already discussed informally or the parents' preferred school may not be able to make the provision specified in Part 3 of the proposed statement. In such situations the LEA may decide that it is necessary to change Part 3b to reflect the preferred type of school. It may even be necessary to change some of the provisions if the type of school remains the same, but the actual school to be named is in some way different from the school originally discussed. For instance, one mainstream school may be particularly resourced for certain kinds of needs or have designated specialist provision, whilst another would have to be provided, through the individual Statement, with a different kind or level of resource to meet the needs.
42. It is essential to explain to parents, preferably at a face-to-face meeting, the nature and reasons for the changes to the proposed statement and to gain agreement to these before issuing the final Statement.

Monitoring

43. This section should refer to the drawing up by the school of an IEP within a set time after the issue of the final or amended Statement. The SENCO may be named as responsible for the IEP process, or it may be appropriate for another teacher to be nominated. In particular cases, specialist support teachers or the educational psychologist may also be required to help in preparing the first, and sometimes, subsequent IEPs. Where therapists are working with the pupil, it may be appropriate to list them as partners in the IEP process. This section might say:

The school will regularly monitor Pardeep's progress in meeting the objectives set out above. Within two months of the Final Statement the SENCO, in consultation with Pardeep's parents and the appropriate professional³ will establish short-term educational targets and the strategies to meet them. These will be set out in an Individual Education Plan.

44. The monitoring section of the Statement should also refer to the Annual Review. This is especially important if the first review is to be held within a shorter time period than the year (or six months if the child is below five) that is required. When a child has rapidly changing needs, or the parents require reassurance that the Statement is appropriate, it is good practice to arrange more frequent reviews, or certainly an early first review:

Pardeep's achievements in the light of the objectives and the targets set should be considered at the first annual review and new targets set. The first review should take place after six months to monitor the appropriateness of the provision. Pardeep should be actively involved in setting the targets and monitoring them, if he is able to do so.

³ The appropriate professional may be the educational psychologist, a specialist support teacher or a therapist.

Part 4 Placement

45. This Part **must** be left blank when the proposed statement is issued. Parents **must** be invited to consider their preference for any maintained school which can meet the needs set out in Part 2 and make the provision set out in Part 3b, or to make representations to the LEA in favour of a non-maintained or independent school.
46. In the final Statement Part 4 must specify the type of school and the name of the particular school which the LEA consider appropriate for the child, or the provision for education otherwise than at school which the LEA consider appropriate.
47. Parents can choose to make alternative provision for their child. This might be at an independent school or at home. If the LEA is satisfied that the provision made is suitable, they do not have to make the provision specified in the statement. The provision does not have to be identical to that set out in the statement, but it should meet the child's special educational needs as identified in the statement and be generally suitable to the child's age, ability and aptitude. (If parents decide to send their child to an independent school the provision cannot be considered suitable unless it is intended to and can carry on for a reasonable length of time).
48. Once the LEA is satisfied of the suitability of the alternative provision, it is under no obligation to contribute towards the cost of educating the child. The LEA may then identify the type of provision in Part 4 of the statement, but not name any school. The LEA is, however, still under a duty to maintain the child's statement and to review it annually.
49. If the parents choose to educate their child at home rather than in an independent school, then Part 4 should state both the type of school the LEA consider appropriate and also that: *"parents have made their own arrangements under section 7 of the Education Act 1996."*

Part 5 Non-Educational Needs

50. Part 5 must specify any non-educational needs of the child for which the LEA considers provision is appropriate if the child is to benefit from the SEN provision set out in Part 3.
51. These needs might include the need for therapy, other particular specialist medical interventions, mobility training, respite care, specialist travel provision or be related to health and safety issues.⁴

⁴ More information is provided in Sections 11 and 12 of this Toolkit.

Part 6: Non-educational provision

52. Part 6 must specify the non-educational provision which is required to meet the needs identified in Part 5 and which the LEA either propose to make available or is satisfied will be commissioned by the health authority in discussion with the NHS Trusts for the area or others, or provided by social services or another body.
53. Part 6 should also state the objectives to be achieved by such non-educational provision and should set out such arrangements as have been agreed by the LEA and the providing body for its delivery.

Signature and date

54. The Statement must be signed by an appropriate officer of the LEA and dated.

Appendices

55. All the advice obtained during the assessment process must be attached as appendices to the Statement.

Parental advice

56. Parental evidence should include parental representations presented to the LEA when considering the necessity for assessment, as well as parental views and evidence submitted as part of the assessment. Parents must be asked to give any advice they consider to be relevant.
57. LEAs may consider it helpful to produce guidance for parents on writing their views. A suggested set of guidelines for parents is set out in Section 8 of this Toolkit. Alternatively, the parents could be supported in this process by the Named LEA Officer or through the parent partnership service.

Educational advice

58. Advice should be provided by the school at which the child is currently registered and, if appropriate, from those responsible for providing education otherwise than at school (for example, the LEA's home tuition service).
59. The school should provide relevant information about the child's current levels of functioning, together with evidence of the school's identification and assessment of, and provision for, the child's special educational needs. LEAs may choose to provide a standard format for gathering this information.

60. If schools follow the guidance set out in Chapters Four, Five and Six of the SEN Code of Practice they will be able to react quickly and effectively to an LEA's request for advice and will have to hand much of the necessary advice which the LEA needs. They should ensure that the school's advice covers all the required areas. LEAs could also request a summary record of the school's work with the child unless it had already received as part of the request for assessment.
61. Where a school makes the request for an assessment it is likely that the information provided to the LEA at that time will cover much of what is required as educational advice. In those circumstances the LEA should not expect the school to repeat the original report but merely to update the information including the child's progress since the date of the request. In the light of the evidence received from the school, the LEA should consider whether they should seek separate advice from any teacher or professional from a learning support service involved with the child over the past year. This should be any specialist working with the child and the school through *School Action Plus*. If it appears to the LEA that the child is visually or hearing impaired or deaf blind, the LEA must obtain educational advice from a teacher qualified to teach visually or hearing impaired or deaf-blind children.

Medical advice

62. In all cases the LEA must seek advice on all aspects of a child's health and development from the health service. In practice, the LEA will normally approach the NHS designated medical officer for special educational needs. This doctor should co-ordinate the advice from all the health professionals concerned. Medical advice may include advice from the child's general practitioner and the school doctor and from therapists, school nurses, health visitors, other community nurses, child and adolescent mental health workers, and all other medical specialists who might be involved, for example orthopaedic surgeons, paediatric neurologists and child psychiatrists. Parents may also submit reports from non-NHS practitioners if they wish. The LEA must consider these reports in parallel with the professional advice provided by the designated medical officer.
63. The contribution of the health professionals to identification and assessment of special educational needs is essential. Medical advice may include information on:
- physical and mental health problems and/or developmental conditions which are likely to affect a child's learning ability
 - therapy programmes required
 - medical treatment which is likely to affect the child's learning ability
 - recent tests of hearing and vision.

64. This information should, where appropriate, include reference to contributing factors such as home circumstances and family background, which will need to be written with sensitivity and care.
65. The medical advice should state clearly the likely impact of the medical or developmental condition or its treatment on the child's education. It should include:
- specific advice on management of the condition in the school context including advice on management of emotional and behavioural difficulties where appropriate
 - specific advice on any special aids, equipment or access which the child may need
 - advice relevant to health and safety in schools e.g. the need for additional supervision during potentially hazardous activities or for lifting the child
 - where medical problems are likely to be short-term, advice on the likely period of time during which it will be necessary to make special provision and advice on the arrangements for monitoring this
 - advice on any non-educational provision, including therapy services, which may be needed and the mechanism for commissioning such provision
 - advice on specialist transport needs.
66. The designated medical officer for SEN will have overall responsibility for informing parents about the assessment process within the health service context. Where a child has a serious or life threatening condition care should be taken to ensure that parents are fully aware of the probable outcomes. It would be distressing for parents to first be made aware of such information through seeing their child's proposed statement of SEN.
67. LEAs may consider it appropriate to agree with the designated medical officer a common format for medical reports including any advice from therapists, school nurses, health visitors, other community nurses, child and adolescent mental health workers and any other medical specialists who might be involved.

Psychological advice

68. The views of an educational psychologist are essential in fully assessing a child's special educational needs and in planning for any future provision. The educational psychologist from whom the advice is sought **must** be employed or engaged for the purpose by the LEA. In making the report, the educational psychologist should address a wide range of factors that may affect a child's functioning. Such factors may include the child's cognitive functioning; communication skills; perceptual skills; adaptive and personal and social skills; the child's approaches and attitudes to learning; their educational attainments; and their self-image, interests and behaviour.

69. LEAs may consider it appropriate and helpful to agree a standard format for such advice under common headings that will recognize both the factors and their implications within the school setting.
70. Educational psychologists may need to liaise with sensory support teachers, occupational therapists, physiotherapists and other health professionals for advice when investigating particular types of special needs, for example motor skills and their relationship to perceptual skills or sensory impairments. Educational psychologists should also consider and record the views of parents when compiling their advice.
71. It is desirable that the educational psychology service has had a long-term relationship with a particular child and their parents and will therefore be able to contribute a considerable body of opinion about the child's progress. In other cases, it may be necessary for the educational psychologist to observe children, possibly in more than one environment, in order to formulate a clear picture of their needs. It is to be noted that a one-off assessment may not always provide adequate information. However, this should not prevent the advice being provided to the LEA within the statutory timescale. As part of these observations, and depending on the age of the child, the educational psychologist may wish to visit the child and parents at home.
72. The educational psychologist from whom the LEA seeks advice must consult and record any advice received from any other psychologist whom it is believed has relevant knowledge of, or information about, the child. The LEA must consider any advice provided by a fully qualified educational psychologist that has been commissioned independently and submitted by the parents. Where possible, it is good practice for the LEA educational psychologist to talk with the independent educational psychologist about their report and its conclusions. The LEA may wish to ask the local authority's educational psychologist to compare and contrast the evidence provided by the independent psychologist and incorporate discussion of both reports into final advice.

Social Services advice

73. The LEA would have informed the social services department that they were considering whether or not to undertake a statutory assessment. They must also seek advice as to whether the SSD is aware of any care or welfare needs affecting the child or can provide advice and information on the child relevant to the assessment.
74. Having been notified that the LEA will assess the child the social services department should give the LEA any relevant information that they have about the family or the child. In particular:
 - if the SSD do not know the child and the family, and if they have no reason to suppose from evidence provided by the school or the LEA that they should seek further information, they should say so and this will then constitute their advice and should be so recorded

- if the child is 'looked after' by a local authority and therefore has a Child Care Plan (including a Personal Education Plan), the SSD should give the LEA full details of that Care Plan and make available to the LEA any relevant observations, information and reports arising from such placements
 - if the child is in the care of a local authority and the local authority has parental responsibility, the SSD should ensure that any relevant information is provided and that social services staff attend assessments and medical examinations as appropriate
 - if the child is, or may become, subject to child protection procedures, the SSD should give appropriate advice.
- 75.** If evidence indicates that the SSD should carry out a 'child in need' assessment as set out in the 'Framework for Assessment'⁵ this should be initiated immediately but preliminary advice to the LEA should not be delayed because of a social work assessment.
- 76.** Social services departments should give LEAs information on services generally available for families of children 'in need' (as required under Schedule 1 of the Children Act) and should make available to the LEA any relevant information on planning processes or data collection (such as the register of Children with Disabilities, the Children's Service Plan or the Community Care Plan).
- 77.** Even if the child is not currently known to social services, the LEA should inform the designated officer of the social services department if it seems likely that the child should be educated at a residential school. The LEA and SSD will wish to jointly consider carefully how best to promote the educational and social development of the child. The social services department will wish to ensure that a parental request for residential education is not made on the basis of lack of support and practical help in their local community and that proper arrangements are made to ensure family contact if the child is placed outside the authority.
- 78.** When the child is known to social services, especially if the child is recognized as a child 'in need' under the terms of the Children Act 1989, social services may choose to use the advice received as part of the 'Framework for Assessment' in writing their report. They may also consider it appropriate to use a report that was originally written for a different purpose as advice to the LEA.

⁵ DH et al 'Framework for the Assessment of Children in Need and their families'. April 2000

Any other advice

79. The LEA should try to establish the views of children and young people themselves on their special educational needs and the way in which their needs might be met. However they are ascertained, the wishes and feelings of the child have a separate identity even though they may overlap or coincide with the views of others. The LEA may wish to have the child's views set out separately from those of the parents and professionals. The child's views may be reported by parents or professionals or be recorded by the child with or without the help of an adult. The mode of eliciting the child's view should also be recorded. Suggestions as to ways of seeking children's views are set out in Chapter Three of the SEN Code of Practice and in Section 4 of this Toolkit.
80. This section should also include any additional advice from other agencies or individuals suggested by the parents.
81. Advice from Service Children's Education (SCE) **must** be sought where the child's parent is a serving member of the armed forces.

Guidelines for contributions to statutory assessment

82. LEAs may consider it helpful to provide guidelines or questionnaires to help parents and others provide advice as part of the assessment process. A set of examples is set out in Section 8 of this Toolkit.

GUIDELINES FOR WRITING ADVICE

The LEA must seek written:

- A. *Parental advice*
- B. *Educational advice*
- C. *Medical advice*
- D. *Psychological advice*
- E. *Social services advice*
- F. *Any other advice, such as the ascertainable wishes of the child, which the LEA or any other body from whom advice is sought, consider desirable.*

In particular advice from Service Children's Education (SCE) is to be sought where the child's parent is a serving member of the armed forces.

- *LEAs must also seek any other advice they consider appropriate and, where reasonable, should consult those whom the parents have named.*

Parental advice:

- *LEAs should offer assistance with completion of parental advice. It may be appropriate for the Named Officer to help parents or to delegate such assistance to the Parent Partnership Service.*

GUIDELINES FOR WRITING ADVICE

Professional advice

- Regulations require that the advice must relate to the educational, medical, psychological or other features that appear relevant to a child's current and future educational needs.
- The advice must set out how those features could affect the child's educational needs and the provision that advisers consider is appropriate in the light of those features.
- The advice must not be influenced by consideration of the name of a school at which the child might eventually be placed. Specific schools must not be suggested.
- The LEA will decide placement at a later stage in the light of any preferences or representations made by the parents.
- Professionals may discuss the child's needs and options in general with parents. But discussions and advice should not commit the LEA nor pre-empt the parents' preferences. These are matters for the LEA to determine on the basis of its consideration of all the advice received.
- Written advice can include consideration of options for provision including the scope for mainstream education and the type of school in which the child's needs might best be met – mainstream, special or residential.

Guidelines for writing advice

LEAs must identify and make a statutory assessment of those children for whom they are responsible who have special educational needs and who probably need a statement.

See Sections 321 and 323, Education Act 1996.

1. As part of the process of assessment the LEA **must** seek written:
 - A. Parental advice
 - B. Educational advice
 - C. Medical Advice
 - D. Psychological Advice
 - E. Social services advice
 - F. Any other advice, such as the ascertainable wishes of the child, which the LEA or any other body from whom advice is sought, consider desirable. In particular advice from Service Children's Education (SCE) is to be sought where the child's parent is a serving member of the armed forces.
2. LEAs must also seek any other advice they consider appropriate¹ and, where reasonable, should consult those whom the parents have named.
3. Many LEAs find it useful to provide questionnaires or checklists for those from whom they are seeking advice. This section provides a series of guidelines for seeking advice that LEAs might like to consider and amend to suit their particular circumstances. It would be good practice to work with the particular professionals to agree a format that reflects local practice.

Parental advice

4. The questionnaire set out below aims to assist parents in the production of their advice. Parents **must** be asked to give any advice they consider relevant. The following guidelines are closely based on those first published as part of the Code of Practice in 1994. LEAs should consider making adjustments to the text according to the child's age. Many of the questions are irrelevant for pre-school children; and the early years information may not be as useful when the assessment is of an adolescent. The questionnaire can be personalised by inserting the child or young person's name in the spaces provided.
5. LEAs should offer assistance with completion of parental advice. It may be appropriate for the Named Officer to help parents or to delegate such assistance to the Parent Partnership Service.

¹ If a child is currently the subject of public law proceedings the LEA should involve the Children's Guardian (formerly known as the guardian ad litem) in the assessment process.

Guidelines for writing parental advice

These guidelines are to help you with your contribution to the statutory assessment of [*child's name*]. **You do not have to use them if you do not want to.** You can change the order, leave bits out or add things you feel are important, but it would be helpful if you used the four headings we have suggested. Your written contribution can be as short or as long as you like.

A – THE EARLY YEARS

The following questions are a guide to help you remember about the early years.

1. What do you remember about the early years that might help?
2. What was [*child's name*] like as a young baby?
3. Were you happy about progress at the time?
4. When did you first feel things were not right?
5. What happened?
6. What advice or help did you receive - from whom?

B – WHAT IS YOUR CHILD LIKE NOW

The following 9 headings are a guide to help you give a detailed description of your child.

1. **General Health** – Eating and sleeping habits; general fitness, absences from school, minor illnesses – coughs and colds. Serious illnesses/accidents – periods in hospital. Any medicine or special diet? General alertness – tiredness, signs of use of drugs – smoking, drinking, glue-sniffing.
2. **Physical Skills** – Walking, running, climbing – riding a bike, football or other games, drawing pictures, writing, doing jigsaws, using construction kits, household gadgets, tools, sewing.
3. **Self-Help** – Level of personal independence – dressing, etc; making bed, washing own clothes, keeping room tidy, coping with day-to-day routine; budgeting pocket money, general independence – getting out and about.
4. **Communication** – Level of speech – explains, describes events, people, conveys information (eg messages to and from school), joins in conversations; uses telephone.
5. **Playing and Learning at Home** – How does [*child's name*] spend time – watching TV, reading for pleasure and information, hobbies concentration, sharing.
6. **Activities Outside** – Belonging to clubs, sporting activities, happy to go alone.

7. **Relationships** – With parents, brothers and sisters; with friends; with relations; with other adults at home, 'outside' generally. Does [*child's name*] mix well or stay on [*his/her*] own?
8. **Behaviour at Home** – Co-operates, shares, listens to and carries out requests, helps in the house, offers help, fits in with family routine and 'rules'. Moods good and bad, sulking – temper tantrums, affectionate.
9. **At School** – Relationships with other children and teachers; progress with reading, writing, number, other subjects and activities at school.
10. How has the school helped? Have you been asked to help with school work – with what result?
11. Does [*child's name*] enjoy school? What does [*child's name*] find easy or difficult?

C – YOUR GENERAL VIEWS

1. What do you think your child's special educational needs are?
2. How do you think these can be best provided for?
3. How do you compare your child with others of the same age?
4. What is your child good at or what does [*child's name*] enjoy doing?
5. What does [*child's name*] worry about? Is [*he/she*] aware of difficulties?
6. What are your worries or concerns?
7. Is there any other information you would like to give about the family – perhaps major events that you think might have affected [*child's name*]?
8. With whom would you like more contact?
9. How do you think your child's needs affect the needs of the family as a whole?

D – ADDITIONAL INFORMATION

1. Please attach any reports from other professionals that you would like us to consider.
2. Are there any professionals you would like us to write to for advice? If so please provide their names and addresses.

E – [*CHILD'S NAME('S)*] VIEWS

Does [*child's name*] realise that [*he/she*] has difficulties? If so, what are [*child's name ('s)*] views on how [*he/she*] would like to be helped in school? How has [*child's name*] told you?

Guidelines for writing educational advice: Appendix B

The guidance set out below aims to assist early education settings and schools in the production of the educational report required as the school's contribution towards statutory assessment. The purpose of a statutory assessment of special educational needs under the Education Act 1996 is to gain a clear picture of the child as a whole person in terms of educational and social strengths as well as educational weaknesses and difficulties. The LEA **must** seek educational advice from the school or setting that the child is currently attending.

Early education settings and schools **must** respond within six weeks of the request for advice unless the request is made one week before the school or setting is closed for a continuous period of more than 4 weeks from that date and ends one week before the date on which it reopens.

Regulations require that the advice must relate to the educational, medical, psychological or other features that appear relevant to a child's current and future educational needs. Your advice must also set out how those features could affect the child's educational needs and the provision that you consider is appropriate in the light of those features.

The advice **must not** be influenced by consideration of the name of a school at which the child might eventually be placed. Specific schools must not be suggested. The LEA will decide placement at a later stage in the light of any preferences or representations made by the parents. However, you may discuss the child's needs and options in general with parents, and your written advice can include consideration of options for provision including the scope for mainstream education and the type of school in which the child's needs might best be met – mainstream, special or residential. But your discussions and advice should not commit the LEA nor pre-empt the parents' preferences. These are matters for the LEA to determine on the basis of its consideration of all the advice received.

Reports should be written in straightforward language, avoiding the use of jargon so that they can be clearly understood by both parents and other professionals. It is important to remember that all reports are copied to parents and the other professionals involved in the assessment process. Any views or comments made in the report should be backed up by clear evidence, and care should be taken to avoid subjective descriptions or judgements. Therefore there should be a clear indication of the sources of information that are being used in drawing up your advice. Discussions with parents and other professionals should be clearly referenced, and any written reports used should be appended. You should also refer to the nature of any assessments made (curriculum-based assessment, standardised tests, with dates and timescales.)

Set out below is a checklist for consideration by schools and settings when completing their reports:

1. *Context*

Briefly describe the school/setting organisation and curricular arrangements and how they assist children with special educational needs.

2. *Background*

The following information should be included in this section:

- i. earlier education history: this should include a record of schools previously attended by the pupil and the pupil's attendance records when known.
- ii. background information: this may include family details, environmental factors and medical information.

Please note that only those factors which relate to the pupil's educational needs require comment and only factual information should be provided about family background if it is considered to be relevant.

3. *Description of the child's current skills and attainments*

1. physical development – general health, fine and gross motor skills, vision, hearing.
2. approaches and attitudes to learning – self image, confidence and independence, motivational factors, child's own view of progress.
3. speech and communication skills – articulation skills, fluency of speech, willingness to communicate, vocabulary, comprehension, language structure.
4. educational attainments² – literacy and numeracy skills, other curriculum areas.
5. cognitive development including reasoning, organisational and problem-solving skills.
6. social skills and interaction – school, home and elsewhere (state whether observed or reported).
7. behaviour³ – classroom behaviour, playground behaviour, outside school (reported or observed).
8. self-help and independence skills.

² Please include National Curriculum assessment information, where available and appropriate. Where standardised tests are used, please detail the name of the test and date administered

³ Please indicate positive aspects of behaviour as well as any aspects of behaviour that interfere with schooling.

4. *Relevant home and school factors*

1. at school – size/age range of class, description of school-based interventions, SEN arrangements from school's own resources, curriculum provision, quality of teaching, physical limitation of building, if relevant.
2. at home and in the community – home language, parental views, care situation, home/school liaison arrangements, involvement in clubs, outside activities etc.
3. record of attendance.

5. *Summary of special education needs*

Identify and list all of the child's special educational needs and for each need describe the child's level of functioning, that is what the child can and cannot do.

1. the child's main areas of strengths.
2. the child's main areas of difficulty.
3. child's rate of progress – levels of attainment should be stated.

6. *Aims of Provision*

Please suggest main long-term educational and developmental objectives for the child, referring to each need as listed above.

7. *Educational facilities and resources*

1. What special educational provision has already been made for the child through *Early Education Action* and *Early Education Action Plus* or *School Action* and *School Action Plus*? Describe the progress the child made. (Please append IEPs and a record of IEP reviews – it is likely that they will provide sufficient information about past and current provision).
2. For each need and objective, please consider what features of provision might meet the special educational needs as identified:

(You are not being asked to recommend a particular alternative school or type of provision)

- curriculum features – with details of any National Curriculum modifications or disapplication considered necessary and how a broad and balanced curriculum is to be maintained
- teaching strategies and approaches
- any differentiation of class or curriculum organisation
- specific programmes/activities/materials/equipment/staffing
- pastoral care arrangements

- physical environment
- need for staff advice/training/support.

Please state clearly any features in addition to those normally available in the school or setting that in your opinion are necessary to meet the needs.

8. *Pupil's views*

Please record the ascertainable views of the child about their needs and the ways in which they like/would like to be helped. Please describe the way in which the child was consulted and how the views were initially recorded and by whom.

9. *Other information*

Please provide any additional relevant evidence or advice.

SUMMARY

Please ensure that you provide all the relevant information or evidence

1. Skill levels and functioning in school/setting:
 - whether following age appropriate programmes of study
 - details of programmes of study
 - exclusions from the National Curriculum
 - attainments in core subjects compared to peers
 - (or) details of progress towards the early learning goals
 - whether falling progressively behind peers
 - recent progress over a given period
 - details of moves from *Early Years Action/School Action to Early Years Action Plus/School Action Plus* with reasons.
2. Identification of learning needs:
 - how has this been carried out?
3. Strategies used to date:
 - details of IEPs with evidence of outcomes
 - evidence of child's functioning, programmes used and progress
 - details of outside specialist involvement
 - details of structured programmes including targets and outcomes
 - evidence of progress within such programmes.

4. Resources made available by the school through school-based intervention:
 - details of additional staffing support from within settings'/schools' own resources
 - details of materials used
 - details of aids or adaptations
 - details of equipment
 - details of liaison arrangements.
5. Parental involvement:
 - level of parental involvement
 - views of the parents.
6. Other factors:
 - views, wishes and feelings of the pupil and how obtained
 - evidence of other identifiable factors.

Please make sure your report is signed and dated.

Guidelines for writing medical advice: Appendix C

This guidance aims to assist the designated medical officer and/or relevant assessing paediatrician in producing the report required for an SEN statutory assessment.

The purpose of a statutory assessment of special educational needs under the Education Act 1996 is to gain a clear picture of the child as a whole person in terms of educational and social strengths as well as educational weaknesses and difficulties.

The LEA **must** seek medical advice on all aspects of a child's health and development from the designated medical officer. Regulations require that advice must relate to the educational, medical, psychological or other features that appear relevant to a child's current and future educational needs, and must also set out how those features could affect the child's educational needs and the provision that is appropriate.

Regulations also require that says that your advice **must not** be influenced by consideration of the name of a school at which the child might eventually be placed. Specific schools must not be suggested. The LEA will decide placement at a later stage in the light of any preferences or representations made by the parents. However, you may discuss the child's needs and options in general with parents, and your written advice can include consideration of options for provision and the type of school in which the child's needs might best be met – mainstream, special or residential. But your discussions and advice should not commit the LEA nor pre-empt the parents' preferences. These are matters for the LEA to determine on the basis of its consideration of all the advice received.

Time Limits

The health services **must** normally respond within six weeks of the date of receiving the LEA request for advice. Health services are not obliged to respond within six weeks if they have had no relevant knowledge of the child concerned prior to the LEA informing them that they are considering whether to assess, or prior to the LEA notifying the health service that they have received a request for an assessment. In those circumstances, however, the health service should make every effort to respond promptly.

Medical Advice – Set out below is a checklist for consideration when completing reports:

General points

Medical advice should:

- include your views about any **known** educational needs which you feel the child may have
- include your views about any special educational needs which you feel the child may have
- indicate what you consider to be the type of medical or therapeutic support, on the advice of the relevant therapists, which might be necessary to overcome or ameliorate the child's difficulties
- indicate clearly the aims and objectives of any future health care/provision which needs to be provided or specially commissioned by the health authority
- be written in a manner which will be easily understandable to parents as well as to the other professionals involved in the assessments.

If there are no medical factors that appear to be affecting a child's performance at school, this should be stated in your advice.

Where possible use layman's language or explain any specific medical terms which are used.

Relevant medical history

1. Details of birth, hospitalisation, description of any medical condition and prognosis and the likely effect on learning of treatments including medication, therapies and diet.
2. Description of the child's physical state and functioning. Provide current information on:
 - hearing
 - vision
 - colour vision
 - physical health
 - mobility
 - motor control
 - continence
 - self-care
 - speech and communication

- height and weight including centiles
 - behaviour/emotional state.
3. The advice may include information on:
- a medical condition which is likely to affect future learning ability
 - medical treatment which is likely to affect the child's future learning ability
 - general health or developmental problems which may relate to social conditions, including social and family disadvantage
 - mental health problems which may cause emotional and health problems
 - shorter term but acute medical problems which may necessitate special arrangements for a child made with the understanding that the child's special educational needs are likely to be temporary and that the child will resume full participation in school within a reasonable period of time.
4. Consequences for the child's education. Medical advice should state the likely consequence for the child's education and could include:
- any aspect of the child's medical condition which may affect their progress in school and advice on how best to manage the condition in school
 - special aids and equipment
 - the child's welfare and safety especially participation and supervision in the playground and taking part in sport and out of school activities
 - the physical environment for education including any health and safety considerations
 - facilities for non-ambulant pupils
 - lighting, acoustic, thermal environment
 - other resource implications, continence management, drug administration, supervision requirements, feeding, behaviour management
 - any special transport arrangements.
5. Recommendations on facilities and services arising from medical conditions:
- speech and language therapy
 - occupational therapy
 - physiotherapy
 - clinical psychology
 - nursing
 - CAMHS
 - medical input and review
 - training and guidance for school staff

- advice on special transport requirements
 - dietary advice
 - medication (self-administered or supervised, required to be given on a regular basis or in an emergency)
 - arrangements made to administer medication.⁴
6. Other health reports that should be read in conjunction with the medical report by:
- speech and language therapist
 - occupational therapist
 - physiotherapist
 - clinical psychologist
 - nurse
 - CAMHS
 - dietician
 - GP.
7. Any further information on:
- organisations or support groups that can provide further information e.g. voluntary sector groups, social services
 - specific details of the medical condition e.g. information from the *Contact-a-family* Directory.

Depending on local agreements and protocols, the designated medical officer should either co-ordinate the health response so that the LEA is provided with an overarching report, or make sure that where there are reports from other health professionals these are appended to the medical advice.

Please make sure your report is signed and dated.

⁴ Teachers' contracts do not require them to supervise self-medication or administer medication.

Speech and language therapy advice – Set out below is a checklist for consideration on what to include when completing reports:

The following headings are suggested when completing your advice:

A. Description of the child's speech, language and communication skills

1. background information and relevant history.
2. developmental history.
3. description of child strengths and difficulties in the following areas:
 - pre-linguistic development
 - play
 - social development
 - non-verbal skills including gesture and signing
 - language comprehension
 - hearing, listening, attention, auditory skills
 - conceptual understanding
 - processing
 - response to signing, visual support etc.
 - expressive language
 - structure, content and use of language
 - speech
 - fluency
 - social interaction.

B. Consequences for child's education

- list major speech, language and communication needs
- describe any changes to teaching and learning styles
- describe changes needed to classroom environment eg, language use, visual support (sign, symbols, visual timetables, pictures), class grouping
- specify individual support/training needed eg. sign system, communication aids, ICT etc.
- state speech and language therapy provision required including the level of expertise required (qualified SLT, SLT assistant, SLT programme delivered by teachers or LSAs etc.)
- where appropriate, state recommended level of intervention
 - amount and frequency
 - individual, group, in class
 - who should devise and monitor programme
 - regularity and timing of review.

Physiotherapy advice – Set out below is a checklist for consideration when on what to include completing reports:

The following headings are suggested when completing your advice:

A. Description of the child's physical state and functioning:

1. Background information and relevant history.
2. Developmental history.
3. General overview of child (e.g. diagnosis/prognosis, main physical needs) and an outline of physiotherapy input to date.
4. Description of the child's strengths and difficulties in the following areas:
 - posture
 - mobility
 - balance and co-ordination
 - motor planning
 - hand function
 - self-help skills
 - social skills and understanding
 - aids and appliances.

B. Consequences for the child's education

- List major areas in terms of the child's physical needs.
- What are the implications for the child's education.
- Provisions recommended:
 - physical requirements (e.g. the level and type of physical assistance the child needs from educational support staff)
 - environmental needs
 - special transport requirements
 - specialist resources including furniture and equipment requirements
 - additional school staff required to assist in the delivery of the physiotherapy programme/approach
- Physiotherapy aims and objectives.
- Where appropriate, state recommended level of intervention to meet the objectives listed:
 - amount and frequency
 - individual, group, in class
 - who to devise and monitor programme
 - level of expertise required (e.g. qualified physiotherapist, physiotherapy assistant, physiotherapy programme delivered by classroom staff)
 - regularity and timing of review.

Occupational therapy advice – Set out below is a checklist for consideration on what to include when completing reports:

Reports should be cross-referenced to those of other disciplines where relevant.

The following headings are suggested when completing your advice (select as necessary).

A. Background information and relevant history:

Identify the strengths and needs likely to affect the child's educational abilities.

B. Description of the child's physical state and functioning:

Level of Functional Skills -

Gross Motor Skills:

- balance, postural control
- coordination
- stamina.

Fine Motor Skills:

- upper limb and hand function
- oculo-motor skills
- hand-eye coordination
- manipulation (eg use of pencil, scissors, construction tasks, computer keyboard).

Sensory Skills:

- vision
- hearing
- sensory modulation.

Perceptual Skills:

- proprioception
- kinaesthesia
- spatial awareness
- visual discrimination.

Cognitive Skills:

- concentration
- attention span
- organisation and sequencing

- memory
- imaginative thinking
- play development.

Self-Care and Independence Skills:

- mobility and transfers to and from school
- access (door widths, ramps)
- postural support (seating, classroom furniture, powered/manual wheelchair)
- transport
- eating/drinking
- dressing
- use of toilet (continence and management)
- hygiene and washing (showering after PE)
- practical abilities (PE, technology, food science, information technology)
- age-appropriate use of community facilities (shops, telephone).

C. *Description of the child's psychological state and functioning:*

Level of Functional Skills -

- behaviour
- communication
- emotional development
- social skills.

D. *Educational implications resulting from the child's needs:*

Under each heading, also list relevant equipment and source of supply and funding:

- special transport needs
- access to physical environment (adaptations)
- health and safety including moving and handling (advice, equipment)
- storage (powered wheelchair, hoist)
- space (toilet/changing facilities, mobility around classroom, space for treatment/therapy programme)
- lighting, thermal, acoustic environment
- social environment (class size and composition, support in playground)

- access to learning environment (positioning, learning style, task approaches, handwriting equipment, IT switches)
- behavioural approaches required
- current parental involvement in therapy programme
- additional school staff recommended to assist in treatment programme or self-care
- staff training needs (relating to management of disability/occupational therapy)
- special precautions.

Recommendations:

- general (eg type of educational environment likely to suit the child's needs)
- requirement for occupational therapy (main objectives)
- occupational therapy provision to meet identified needs (type and frequency) and what can actually be provided (if this differs)
- monitoring and review arrangements.

Nursing advice – Set out below is a checklist for consideration on what to include when completing reports:

The following headings are suggested when completing your advice:

1. Background information and relevant history.
2. History of Clinical/Nursing needs.
3. Description of ongoing/nursing needs.
This could include intervention with:
 - Feeding e.g. enteral feeding via naso-gastric tube or gastrostomy
 - Breathing e.g. child requiring oxygen, tracheostomy care
 - Toileting e.g. catheterisation, medication/enemas
 - Safety e.g. intervention for seizures, rectal or buccal medication
 - Challenging behaviour – focusing on concentrating and learning
 - Posture and comfort – pressure area care, tissue viability
 - Administration of regular medicines
 - Administration of “as required” medicines.
4. Planned future interventions if applicable, for example, planned surgery.
5. Consequences for the child’s education – list major areas of clinic need to enable child to access the curriculum.
 - **Health needs** – Is the child’s health state, stable or changeable. Examples may be:
 - Epilepsy, well controlled or unstable
 - A child receiving oxygen therapy may need frequent monitoring of O² saturation levels.
 - **Clinical needs**
 - frequency of interventions e.g. number of feeds
 - timing e.g. feeds at mealtimes to facilitate socialisation
 - observation of child’s condition on a daily basis.
 - **Specify equipment needed – for example:**
 - feeding pump
 - suction pump
 - and who supplies this equipment.
 - **Specify clinical supplies needed – for example:**
 - suction catheter
 - feeding tubes
 - and who provides ongoing clinical supplies
 - Specify child’s ongoing health surveillance needs.

6. Specify support needs of the child whilst in school and undertaking school trips/activities:
- Does the child need trained nursing care?
 - Does the child need supervision of a nurse with the care carried out by Health care assistant?
 - Are needs different if the child is away from school on a visit/activity?

The appropriate professional to complete a nursing assessment for SEN statutory assessment could be a school nurse, a children's community nurse, a learning disability nurse or a health visitor.

Guidelines for writing psychological advice: Appendix D

Introduction

This guidance aims to assist educational psychologists in the production of the report required as a contribution towards statutory assessment. The purpose of a statutory assessment of special educational needs under the Education Act 1996 is to gain a clear picture of the child as a whole person in terms of educational and social strengths as well as educational weaknesses and difficulties. The LEA **must** seek psychological advice from a person regularly employed by the LEA as an educational psychologist or engaged by the LEA as an educational psychologist for the specific case.

Educational psychologists **must** respond within six weeks of the request for advice unless exceptional personal circumstances affect the child or the parents during a 6-week period or the child or the parents are away from the area for a continuous period of more than 4 weeks during the 6-week period.

Regulations require that the advice must relate to the educational, medical, psychological, or other features that appear relevant to a child's current and future educational needs. Your advice must also set out how those features could affect the child's educational needs and the provision that you consider is appropriate in the light of those features.

Regulations also require that your advice **must not** be influenced by consideration of the name of a school at which the child might eventually be placed. Specific schools must not be suggested. The LEA will decide placement at a later stage in the light of any preferences or representations made by the parents. However, you may discuss the child's needs and options in general with parents, and your written advice can include consideration of options for provision including the scope for mainstream education and the type of school in which the child's needs might best be met – mainstream, special or residential. But your discussions and advice should not commit the LEA nor pre-empt the parents' preferences. These are matters for the LEA to determine on the basis of its consideration of all the advice received.

Reports should be written in straightforward language, avoiding the use of jargon so that they can be clearly understood. It is important to remember that all reports are copied to parents and the other professionals involved in the assessment process. Any views expressed in the report should be supported by clear evidence. Care should be taken to avoid subjective descriptions or judgements. There should be a clear indication of the sources of information that are being used in drawing up your advice. Discussions with parents and other professionals should be clearly referenced, and any written reports used appended. You should also refer to the nature of any assessments made (e.g. curriculum-based assessment, standardised tests, with dates and timescales.)

Set out below is a checklist for consideration when completing reports:

General points

In writing your advice it is important that it should:

- contain information about the background to your involvement with the child including when and what led you to become involved
- describe all the actions you have carried out and the support you have made available to the child and family
- include your views about any SEN which you feel the child may have
- be signed and dated.

1. Background

The following information should be included in this section:

- nature and extent of involvement with the Education Psychology Service
- progress through pre-school/school-based interventions
- nature and extent of involvement of other agencies
- relevant early history
- relevant attendance record
- any consultation with other professionals
- sources of information including discussions with the class teacher or form tutor, individual work with the child, discussions with the parent
- evidence on which this report is based.

Please specify any psychometric tests or other standardised tools that have been used.

- relevant school factors including arrangements and resources for meeting SEN
- specific programmes, approaches and materials and provision which are in use or have been used
- other factors in school which have influenced or may influence the child's progress.

2. Views of child and parents

Information should be included about:

- child's own views. Please record how these were ascertained
- parental views on their child's needs.

3. *Current situation*

Details of current skills and development in relevant areas including:

- physical development – general health, fine and gross motor skills, vision, hearing
- approaches and attitudes to learning – self image, confidence and independence, motivational factors, child's own view of progress
- speech and communication skills – articulation skills, fluency of speech, willingness to communicate, vocabulary, comprehension, language structure
- educational attainments – literacy and numeracy skills, other curriculum areas
- cognitive development including reasoning and problem-solving skills
- social skills and interaction – school, home and elsewhere (state whether observed or reported)
- behaviour⁵ – classroom behaviour, playground behaviour, outside school (reported or observed)
- independence and self-help skills.

For pre-school children Section 3 would need to refer to a different range of skills which could be based on the foundation stage and the early learning goals:

- physical development and health
- perceptual and manipulative skills
- communication skills
- social skills
- independence and self help skills
- responses to learning and play experiences.

4. *Special Educational Needs*

Identify and list all of the child's special educational needs and for each need describe the child's level of functioning, that is what the child can and cannot do:

- the child's main areas of strengths
- the child's main areas of difficulty
- child's rate of progress – levels of attainment should be stated.

⁵ Please indicate positive aspects of behaviour as well as any aspects of behaviour that interferes with schooling.

5. *Aims of Provision*

Please suggest main long-term educational and developmental objectives for the child, referring to **each** need as listed above.

6. *Educational facilities and resources*

For each need and objective, please consider what features of provision might meet the special educational needs as identified.

You are not being asked to recommend a particular alternative school or type of provision).

- curriculum features – with details of any National Curriculum modifications or disapplication considered necessary and how a broad and balanced curriculum is to be maintained
- teaching strategies and approaches
- any differentiation of class or curriculum organisation
- specific programmes or activities
- specialist materials or equipment
- physical environment
- specialist facilities
- pastoral care arrangements
- specific staff skills and knowledge
- need for staff advice/training/support
- support from other agencies
- home/school liaison
- review and monitoring requirements.

Please record any discussion with any independent educational psychologist retained by the parents.

Please make sure your report is signed and dated.

Guidelines for writing social services advice: Appendix E

Introduction

This guidance aims to assist social workers in the production of the report required as a contribution towards statutory assessment. The purpose of a statutory assessment of special educational needs under the Education Act 1996 is to gain a clear picture of the child as a whole person in terms of educational and social strengths as well as educational weaknesses and difficulties.

The LEA **must** seek social services advice. Regulations require that the advice must relate to the educational, medical, psychological or other features that appear relevant to a child's current and future educational needs. Your advice must also set out how those features could affect the child's educational needs and the provision that you consider is appropriate in the light of those features.

Regulations also require that your advice **must not** be influenced by consideration of the name of a school at which the child might eventually be placed. Specific schools must not be suggested. The LEA will decide placement at a later stage in the light of any preferences or representations made by the parents. However, you may discuss the child's needs and options for school placements in general with parents, but you should not visit schools with parents at this stage. Your written advice can include consideration of options for provision including the scope for mainstream education and the type of school in which the child's needs might best be met – mainstream, special or residential. But your discussions and advice should not commit the LEA nor pre-empt the parents' preferences. These are matters for the LEA to determine on the basis of its consideration of all the advice received.

It is important to remember that all reports are copied to parents and the other professionals involved in the assessment process. Any views or comments made in the report should be backed up by clear evidence, and care should be taken to avoid subjective descriptions or judgements. Therefore there should be a clear indication of the sources of information that are being used in drawing up your advice. Discussions with parents and other professionals should be clearly referenced, and any written reports used should be appended. You should also refer to the nature of any assessments made.

Time Limits

Social services **must** normally respond within six weeks of the date of receiving the LEA request for advice. Social services are not obliged to respond within six weeks if they have had no relevant knowledge of the child concerned prior to the LEA informing them that they were considering whether to assess, or prior to the LEA notifying SSD that they have received a request for an assessment. However, SSD should make every effort to respond promptly.

Set out below is a checklist for consideration when completing reports:

General points

Social services advice should include any information relating to the welfare of the child or the social circumstances of the child where these have relevance to their functioning at school. The advice should:

- indicate any social work strategies which have been adopted with the child and family
- indicate clearly the aims and objectives of future social services support and provision
- be written in a straightforward fashion that is jargon free and understandable to parents as well as other professionals.

1. Background history

- whether the child or family have been known to SSD and if so for how long
- brief reasons for involvement.

2. Current involvement of Social Services

- allocated social worker
- frequency and number of visits to the family
- number of months/years caseworker has been assigned
- brief description or reasons for involvement
- brief description of any intervention being made
- social factors in the child's environment which may contribute to their SEN.

3. Current legal status

- relevant details of the care plan
- who has parental responsibility for the child?
- if the child has been known to SSD under a different name(s)
- who should be consulted on any particular educational decision.

4. *Implications for support arrangements for the child and family*

Facilities and services to be provided by SSD because of the child and family circumstances.

- support arrangements for the family
- short term break for the child
- counselling.

Social workers who have carried out an assessment using the Framework for Assessment for Children in Need and their Families should use that information. They may, with parental agreement, provide that report to the LEA if the information covers all that is required as part of the SEN statutory assessment.

Where there has not been recent significant active involvement SSDs should consider carefully how the advice should be written.

Please make sure your report is signed and dated.

PREPARING FOR AND CONDUCTING ANNUAL REVIEWS

What is the purpose of an annual review?

- To make sure that at least once a year the parents, the pupil, the LEA, the school and all the professionals involved monitor and evaluate the continued effectiveness and relevance of the provision set out in the statement.

Interim or early reviews may be called if:

- It is the recommendation from a previous annual review
- Where a school identifies a pupil who is at serious risk of disaffection or exclusion
- When a child has needs that are known to change rapidly
- To reassure parents and professionals where there is disagreement.

PREPARING FOR AND CONDUCTING ANNUAL REVIEWS

The LEA initiates the annual review process by writing to school.

The annual review is in four parts:

- 1. Collection and collation of information**
- 2. Annual Review Meeting**
- 3. Head teacher's report of the Annual Review Meeting**
- 4. LEA reviews the statement in the light of the Head teacher's report of the review meeting report, and decides whether to amend the statement or cease to maintain it.**

PREPARING FOR AND CONDUCTING ANNUAL REVIEWS

The headteacher of the pupil's school:

- seeks written advice from parents and professionals
- seeks the ascertainable views of the pupil
- convenes review meeting
- prepares review report.

Those who must be invited to the review meeting:

- child's parent
- relevant teacher
- representative of the funding LEA.

and whenever possible:

- the pupil.

and where appropriate:

- representatives of the health services
- representatives of social services
- other closely involved professionals
- in the year of transfer – a representative from the receiving school.

PREPARING FOR AND CONDUCTING ANNUAL REVIEWS

The annual review meeting:

In the light of the reports the meeting should consider:

- the pupil's views
- the parents' views
- the pupil's overall progress over the past year, especially in relation to each SEN
- the pupil's progress towards meeting the overall objectives set out in the statement
- the successes the pupil has achieved in meeting the targets in the IEP and the objectives set out in the statement
- National Curriculum levels including the most recent end of key stage assessment
- the pupil's current levels of attainment in literacy and mathematics
- comments upon any continuing difficulties, noting successful strategies
- any significant changes in the pupil's circumstances
- any changes in the pupil's special educational needs
- any changes to requirements for equipment, aids and access.

PREPARING FOR AND CONDUCTING ANNUAL REVIEWS

Recommendations should be recorded with reasons:

- Does the statement remain appropriate?
- Is the pupil fully included within their school community? And if not how can it be accomplished?
- If the pupil is currently in specialist provision – Is the pupil ready to be included in a mainstream environment?
- Is the statement still needed to achieve inclusion, either within the current school community or in mainstream?
- What does the pupil need in order to be included successfully?
- Is any further action required and if so, by whom?
- Have the pupil's needs changed?
- Should the LEA cease to maintain the statement?
- Should the statement be amended? If so, why and how?
- Are there any other significant recommendations?

If differing opinions are expressed at the meeting then these views should be recorded so that the LEA is aware of the views of all those present.

What is the purpose of an annual review?

1. The purpose of the annual review of a pupil's statement is to make sure that at least once a year the parents, the pupil, the LEA, the school and all the professionals involved monitor and evaluate the continued effectiveness and relevance of the provision set out in the statement. For children under compulsory school age the SEN Code of Practice recommends that consideration should be given to informal six-monthly reviews of the statement. These could be classed as interim reviews.

Interim reviews

2. The SEN Code of Practice advises that where a school identifies a pupil who is at serious risk of disaffection or exclusion, an interim or early review should be called. It will then be possible to consider the pupil's changing needs and recommend amendments to the statement, as an alternative to the pupil being excluded.¹
3. Interim or early reviews may also be called if that is the recommendation from a previous annual review. Interim reviews may be needed when a child has needs that are known to change rapidly. Interim reviews may also reassure parents and professionals that, when there was disagreement at the review meeting on a particular course of action, the action will be reviewed in less than a year. Interim reviews, and any other reviews carried out outside the annual review do not have to follow the procedure as set out in the Regulations.

Arranging reviews

4. The LEA **must** write to all schools two weeks before the beginning of each term with a list of all pupils on roll at their school requiring an annual review.
5. In planning the date and time of the review meeting, it is important to make sure that the arrangements are, as far as possible, convenient to the parents. Where a school is arranging a number of reviews in a term, it would probably be helpful to colleagues from external agencies, if several reviews they need to attend are arranged for the same day and plenty of notice is given.
6. The school **must** invite:
 - the child's parents, and, if the child is looked after by the local authority under a care order, the child's social worker and the residential care worker or foster parents, as appropriate²

¹ DfES Circular 10/99 'School Inclusion: Pupil Support.'

² The head teacher may wish to consult with social service colleagues as to who should be invited.

- a relevant teacher, which may be the child's class teacher or form/year tutor, the SENCO, or some other person responsible for the provision of education for the child, the choice resting with the school
- a representative of the LEA maintaining the statement
- anyone else that the LEA specifies.

Dependent on the pupil's needs and the particular circumstances surrounding the annual review the head teacher should invite:

- the pupil
 - an LEA educational psychologist
 - health service representatives
 - social services representatives
 - in the year of a phase transfer, a representative from the receiving school
 - other closely involved professionals.
7. These professionals should, in the light of their involvement with the pupil over the past year, and the nature of the advice they can provide, consider the necessity of attendance at the review. They should also, where it would be helpful to discussions at the review meeting or as an aid to decision-making by the LEA, provide written advice.
8. Where a child's needs have changed substantially and alternative provision is likely to be discussed at the meeting, a representative of the funding LEA will find it useful to attend the meeting. In such circumstances the head teacher might provide early warning to the LEA when inviting them to the meeting.

The annual review is in four parts:

- 1) Collection and collation of information
- 2) Annual Review Meeting
- 3) Head teacher's report of the Annual Review Meeting
- 4) LEA reviews the statement in the light of the school's report of the review meeting report, and decides whether to amend the statement or cease to maintain it.

Collection and collation of information

9. The head teacher must request written views from the child's parents, all those required by the LEA and anyone else the head teacher considers appropriate. The head teacher should also make sure that the pupil's views are recorded. Schools should seek the advice of professionals on an individual basis in relation to the review of each pupil even where the LEA has arranged that schools send professionals termly lists of pupils whose reviews fall due the following term.

10. The head teacher should make clear that the reports should relate to the pupil's progress in relation to the needs and objectives outlined in the a statement. All the written reports received by the head teacher **must** be circulated to the parents and those attending the meeting at least two weeks before the date of the meeting.
11. The head teacher should help parents, where necessary, in expressing their views. The school may offer direct help or suggest the parents contact the Parent Partnership Service or the LEA Named Officer. Parents should also be told that they can bring a friend, relative or adviser to the review meeting.
12. When a pupil with special educational needs or their family have English as an additional language, the timescale for planning the annual review should take into account the possible need to translate any relevant documents into the family's mother tongue or ensure that interpreters are available to the child and family both in the preparatory stages to the review meeting and at the review meeting itself.
13. Where a pupil or their family have a communication problem because of a sensory or physical impairment, similar attention should be given to the accessibility of all information and to representation at the review meeting through interpreters or signers.
14. The views of the child or young person should be sought whenever possible. The school should provide the pupil with the opportunity to record their own views either through completion of a simple questionnaire, in free writing or after discussion and with the help of a member of staff. In some cases it may be more appropriate for the pupil to make an oral contribution which can be noted and recorded separately by the school or as a section within a professional report from the class teacher, SENCO or educational psychologist or other adult. Further guidance is set out in Chapter Three of the SEN Code of Practice and Section 4 of this Toolkit.
15. The collated views and reports for the annual review meeting should provide a complete picture of the pupil's progress over the year, especially in relation to meeting the objectives specified in the statement, the impact any special provision has made including the continued appropriateness of any special equipment provided, and any additional special educational needs which have become apparent over the year. The reports should pay particular attention to the pupil's special educational needs as specified in the statement and also to the targets and strategies in the pupil's Individual Education Plan (IEP).
16. Where a pupil's needs have changed substantially, and therefore the review meeting is likely to conclude that a change of placement or a substantial change in provision should be considered, it is helpful to gain written advice from all the professionals involved. The advice will not only help the LEA make a decision, but will also help in the drafting of an amended statement ensuring that it is up-to-date and accurate. It may also highlight the need for an LEA representative to attend the review meeting.

17. The school should consider including in their contribution a profile of the pupil's current levels of attainment in basic literacy, numeracy and life skills, and a summary of progress achieved in other areas of the curriculum, including the National Curriculum.³ Where the statement involves a modification or disapplication of the National Curriculum, the school should indicate what special arrangements have been made for the pupil. Schools may decide to prepare, or use, the annual report to parents on pupils' achievement for this purpose.

The Annual Review Meeting

18. The head teacher should decide which member of the school staff should chair the meeting. Where issues are complex, it is not easy to both chair and take notes of the key points and recommendations. In such situations the head teacher should ensure that an additional member of staff, perhaps an administrative assistant, is available to take notes. The head teacher should also decide how the pupil will best be actively involved in the process, and make sure that their opinions can be taken into account where possible even if they do not attend all of the meeting.
19. Where necessary the head teacher should arrange for an interpreter or signer to be present at the review meeting.
20. Schools should try to create a positive environment for review meetings and have a consistent format so that parents and professionals can know what to expect. A suggested format is set out below:
21. **Introductions:** The chairperson should introduce and welcome everyone, explain the purpose of the meeting and make sure that each person explains the ways in which they interact with the pupil so that parents have a clear understanding of their role and responsibilities in relation to their child and the review process. The head teacher should also make sure that parents know who was invited and unable to attend.
22. **Confirmation** of reports received and read: The chairperson should check that all present have read the reports, this will reassure parents that everyone is starting on the same wavelength. It will, of course, also highlight any discrepancies in the receipt of the reports.
23. **Review of progress:** The pupil's progress since the statement was issued or last reviewed should be discussed. Copies of the statement should be available for reference. If the pupil is present they should be encouraged to tell the meeting how they think they have progressed and how they feel. The tone of the meeting must be receptive to the pupil. It would be sensible if the school prepared the pupil for the meeting by explaining the format beforehand.

³ Schools may, where appropriate, use the information gathered as part of the National Curriculum Assessment, Recording and Reporting procedures. Such information should not be used if it is considerably out of date at the time of the annual review meeting.

24. In the light of the reports the meeting should consider the following:

- the pupil's views
- the parents' views
- the pupil's overall progress over the past year, especially in relation to each special educational need
- the pupil's progress towards meeting the overall objectives set out in the statement
- the successes the pupil has achieved in meeting the targets in the IEP and the objectives set out in the statement
- National Curriculum levels including the most recent end of key stage assessment
- the pupil's current levels of attainment in literacy and mathematics
- comments upon any continuing difficulties, noting successful strategies
- any significant changes in the pupil's circumstances
- any changes in the pupil's special educational needs
- any changes to requirements for equipment, aids and access.

25. ***Recommendations***

The following issues should be considered and discussed, and consequent recommendations should be recorded with reasons:

- Does the statement remain appropriate?
- Is the pupil fully included within their school community? And if not how can it be accomplished?
- If the pupil is currently in specialist provision – Is the pupil ready to be included in a mainstream environment?
- If the pupil is currently in a mainstream school – would it be appropriate to move the pupil to specialist provision?
- Is the statement still needed to achieve inclusion, either within the current school community or in mainstream?
- What does the pupil need in order to be included successfully?
- Is any further action required and if so, by whom?
- Have the pupil's needs changed?
- Should the LEA cease to maintain the statement?
- Should the statement be amended? If so, why and how?
- Are there any other significant recommendations?

If differing opinions are expressed at the meeting, then these views should be recorded so that the LEA is aware of the views of all those present.

26. **Planning** for the next 12 months. A target to be met over the coming year should be agreed for each special educational need identified in the statement or at the review. The first IEP for the forthcoming year could also be discussed.
27. **Other Issues** may have arisen during the meeting. If there is further action required this should also be agreed and the person responsible for the action should be named. If the further action includes referral to an external agency that is not already involved with the pupil, this is a matter that the head teacher should expedite. It is not necessary for such referrals to await LEA agreement.
28. If the LEA provides the pupil with transport it is appropriate to consider whether or not it is still needed.
29. **The next review** will usually be in twelve months. However if agreement is reached that there is a need for an earlier (interim) review this should also be recorded in the note of the meeting under recommendations.
30. **What happens next** should be explained to all those present at the meeting. The chairperson should make absolutely clear that although the meeting can agree recommendations, the LEA will make the final decision on whether to make any amendments to the statement, or where appropriate, to cease to maintain it.
31. It should be explained to parents that any queries regarding the report of the meeting that they might have should be addressed first to the school.

Report of the Annual Review Meeting

32. The head teacher should prepare a report of the meeting and set out the recommendations. The report should reflect the consensus of the meeting, but also record any dissent. It must be sent to the LEA no later than ten days of the meeting or the end of that term, whichever is the earlier date. The report must be copied to the parents and all those concerned that the head teacher considers appropriate.

LEA reviews the statement

33. The LEA will review the statement in the light of the report and its recommendations. The LEA may decide to maintain the statement, amend the statement, cease to maintain the statement or start a new statutory assessment.
34. The LEA **must** write to the parents, with a copy to the school, informing them of the decisions taken and the reasons. The LEA should offer to meet with the parents if there are any significant outcomes or amendments the parents wish to discuss.

Summary

35. LEA initiates the annual review process by writing to school.

The head teacher of the pupil's school⁴:

- seeks written advice from parents and professionals
- seeks the ascertainable views of the pupil
- convenes review meeting
- prepares review report

Those who must be invited:

- child's parent⁵
- relevant teacher
- representative of the funding LEA.

and whenever possible:

- the pupil.

and where appropriate:

- representatives of the health services
- representatives of social services
- other closely involved professionals
- in the year of transfer – a representative from the receiving school.

Review meeting normally chaired by the head teacher or nominated representative.

Review report:

- summarizes outcomes of review meeting
- sets educational targets
- is circulated to all concerned.

LEA reviews statement in light of review report and decides on the appropriate way forward.

⁴ In this chapter 'schools' also refers to early education settings.

⁵ Reference to parents in this document should be taken to include all those with parental responsibility.

TRANSITION PLANNING

What is a Transition Plan?

- *The Transition Plan should draw together information from a range of individuals within and beyond the school in order to plan coherently with the young person for their transition to adult life.*
- *The first plan should be completed following the annual review of the statement held in year 9 and updated on at least an annual basis.*

The aim of the annual review in year 9 and subsequent years is to:

- *review the young person's statement*
- *draw up and subsequently review the Transition Plan*

Transition planning is a continuous and evolving process and therefore the Transition Plan can also change and grow over time.

TRANSITION PLANNING

The Transition Plan should address the following questions:

The Young Person

- *What further information does the young person need in order to make informed choices?*
- *What local arrangements exist to provide advocacy and advice if required? Does the young person want such support?*
- *How can young people be encouraged to contribute to their own Transition Plan and take positive decisions about the future?*
- *What are the young person's hopes and aspirations for the future, and how can these be met? Does the young person's personal action plan cover these issues to their satisfaction?*
- *Are there special issues relating to the location of services when they leave school that should be discussed in planning?*

TRANSITION PLANNING

The Family

- *What do parents expect of their son's or daughter's adult life?*
- *What can they contribute in terms of helping their child to develop personal and social skills, an adult lifestyle and to acquire new skills?*
- *Will parents experience new care needs and require practical help in terms of aids, adaptations or general support during these years?*

The School

- *What are the young person's curriculum needs during transition?*
- *How can the curriculum help young people play their role in the community; make use of leisure and recreational facilities; assume new roles in the family; develop new educational and vocational skills? What subject options should be chosen for key stage 4?*
- *What, if any, key stage 4 National Curriculum flexibilities should be a feature of school provision?*
- *Is there a need for special examination arrangements or concessions?*

TRANSITION PLANNING

The Professionals

- *How can close working relationships with colleagues in other agencies be developed to ensure effective and coherent plans for the young person in transition?*
- *Which new professionals need to be involved in planning for transition, for example a rehabilitation medicine specialist, occupational and other therapists?*
- *Does the young person have any special health or welfare needs that will require planning and support from health and social services now or in the future?*
- *Are assessment arrangements for transition clear, relevant and shared between all agencies concerned?*
- *How can information best be transferred from children's to adult services to ensure a smooth transition arrangement?*
- *Where a young person requires a particular technological aid, do the arrangements for transition include appropriate training and arrangements for securing technological support?*
- *Is education after the age of 16 appropriate, and if so, at school or at a college of further education? Or is work-based training more appropriate?*

Introduction

1. Regulations require that a Transition Plan **must** be prepared for all young people with a statement of special educational needs following the year 9 annual review. The aim of transition planning is to help the young person prepare for a successful transition to adult life.
2. The vision for the Connexions Service is also to ensure a smooth transition from adolescence to adulthood and working life so that every young person has the best possible start in life. Its aim is to provide all teenagers with the help and support they need to participate effectively in learning and achieve their potential. The aim of the transition planning process for young people with special educational needs is therefore the same as the Connexions Service vision for all young people.

What is a Transition Plan?

3. The Transition Plan should draw together information from a range of individuals within and beyond the school in order to plan coherently with the young person for their transition to adult life. The first plan **must** be completed following the annual review of the statement held in year 9 and updated on at least an annual basis.

Underlying Principles

4. Everyone involved, whatever methods or tools are used, should ensure that the transition planning process is:

- Participative – involving the young person in a meaningful way because their views and aspirations are central to the process
- Holistic – a young person's aspirations and needs will touch on every aspect of their future lives and hence there must be an holistic approach to planning and providing support
- Supportive – the main purpose of the statutory transition and annual review processes is to support young people, their parents and the professionals who work with them in the process of making decisions about the next stage of their lives
- Evolving – the year 9 review and the leaving school stages are just steps in the transition of young people towards adulthood. They are part of a much longer and gradually evolving process

- **Inclusive** – as part of becoming fully inclusive, schools will need to ensure that their careers education and guidance programmes form a part of the transition planning process and meet the requirements of all pupils
- **Collaborative** – effective transition planning requires teaching staff, parents¹ and professionals from other agencies to work closely together.

Responsibility for Transition Planning

For a young person attending school

5. Where a young person is on a maintained school roll the formal duty for ensuring that the Transition Plan is written lies with the head teacher. It will be the responsibility of the head teacher to decide who should draw up the plan, based on the allocation of available resources within the school. Where this responsibility is delegated to a Connexions Personal Advisor (PA), the resulting Plan should be the result of co-operative effort by the PA, school staff, SEN colleagues and other professionals.

For a young person whose education is otherwise than at school

6. Where a young person with a statement is educated otherwise than at school the general timetable and arrangements for the annual review in year 9 will remain the same as for pupils in schools. However, in these circumstances the LEA will convene the review meeting and the range of professionals involved may be wider and in some respects different from those involved in a school-based review,² and the transition planning process may also need to involve consideration of wider issues. Where a young person attends a non-maintained special school or an independent school the LEA is responsible for ensuring that the Transition Plan is produced. It is likely that they will arrange for the head teacher to manage the process as a condition of a contract.
7. The views of the child's doctor should be sought where a child is educated otherwise than at school because of major difficulties relating to health or a disability. In such circumstances the attendance of professional advisers from the relevant child health services will be particularly important and the LEA should arrange the timing of the review meeting to ensure that they can, as far as possible, participate.

¹ Reference to 'parents' in this Section should be taken to include all those with parental responsibility.

² In some cases the LEA may consider it appropriate to delegate organisation of the annual review process to the teacher in charge of the pupil referral unit or home tuition service.

8. When a child has been excluded from school and is being educated either through home tuition or in a pupil referral unit, the views of the child's teacher and any other professionals who know the young person and their strengths and weaknesses should be sought.
9. Where parents have made suitable arrangements to educate their child at home the LEA will need to work closely with the parents to ensure that all appropriate professionals can attend the review meeting in year 9 and provide input into transition planning.
10. LEAs and local Connexions Services should agree protocols so that PAs are enabled to work with these young people.

For a young person outside the education system

11. When any young person is outside formal education, the Connexions Service has a particular responsibility to identify them and to work with them to re-engage them in learning. Where a PA believes a local education authority is still responsible for meeting a young person's special educational needs but the LEA is not in contact with the young person the PA should refer the young person to the LEA in order that they can receive the intervention they need.
12. LEA responsibility ceases for young people who had SEN but are over 16 and no longer registered at a school. In these cases, the Connexions Service, with the young person, the local Learning and Skills Council and appropriate providers and agencies, will be responsible for developing an action plan building on the Transition Plan and any other available information.
13. Where young people who have had statements are currently outside the SEN system because they are in secure accommodation or a Young Offender institution LEAs have no responsibility to maintain their statements or meet their needs. While there is no duty to maintain statements for these young people, the SEN Code of Practice suggests that LEAs may provide them with educational facilities and should ensure that the institutions receive information about their special educational needs including a copy of the statement and the last annual review report. Where the young person will leave the institution and still require school education the LEA should be involved in the young person's exit plan.

Annual Review in year 9 and subsequent years

14. The aim of the annual review in year 9 and subsequent years is to:
 - review the young person's statement
 - draw up and subsequently review the Transition Plan.

15. The annual review of the statement held in year 9 should involve the agencies that may play a major role in the young person's life during the post-school years and **must** involve the Connexions Service who **must** attend.³
16. The annual review of the statement **must** consider all the same issues as at all other reviews, and the report to the LEA should be in the same format. LEAs **must** also complete the review process in the same way as for all other annual reviews and within the same timescale.
17. The SEN Code of Practice states that the head teacher **must** invite the following people to take part in the annual review meeting in year 9:
- the child's parents, or, if the child is looked after by the local authority, the child's social worker, the residential care worker or foster parents, as appropriate
 - a relevant teacher, which may be the child's class teacher or form/year tutor, the SENCO, or some other person responsible for the provision of education for the child, the choice resting with the head teacher
 - a representative of the LEA
 - a Connexions Personal Adviser
 - any person that the LEA specifies
 - any person the head teacher considers appropriate.
18. Dependent on the pupil's needs and the particular circumstances surrounding the annual review the head teacher should invite:
- the pupil
 - an LEA educational psychologist
 - health service representatives
 - other closely involved professionals.
19. The head teacher **must** invite a representative of the social services department so that any parallel assessments under other legislation can contribute to and draw information from the review process. The head teacher **must** also ensure that other providers, such as health authorities and trusts, are aware of the annual review procedures to be followed and are invited to the annual review meeting where it is appropriate.
20. The head teacher together with the Connexions Service should facilitate the transfer of relevant information to ensure that young people receive any necessary specialist help or support during their continuing education and vocational or occupational training after leaving school. For young people

³ Where there is no Connexions Service in place a Careers Service adviser should be invited. Connexions Service is required to attend as a condition of grant.

with specific disabilities, the role of social services departments will be of particular importance and local authorities have specific duties relating to other legislation.

21. When the pupil enters their final year in school, the PA is required to draw up an action plan with the young person and relevant agencies including the local Learning and Skills Council and potential providers, that builds on and takes forward the Transition Plan when the LEA's involvement ceases. The head teacher and other agencies must ensure that relevant information is passed to the Connexions Service to enable this process to happen.

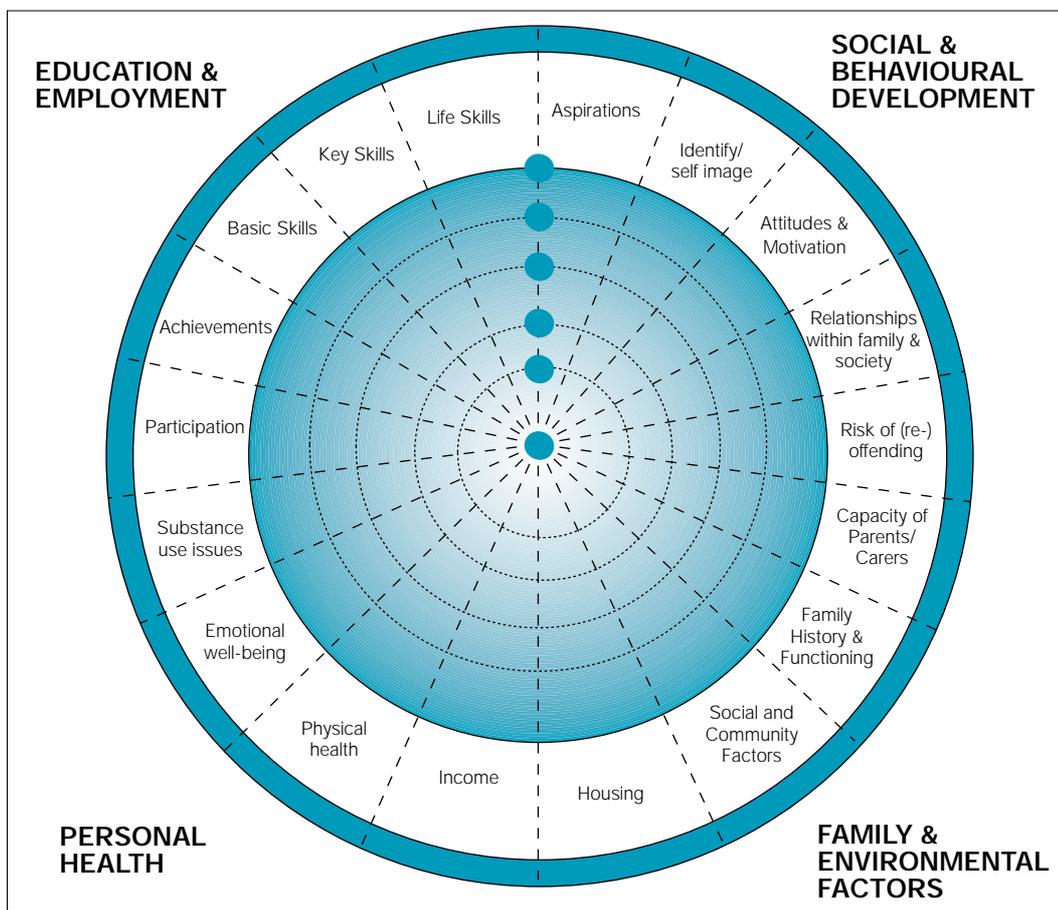
Student involvement in decision-making during transition

22. The SEN Code of Practice says "the views of young people themselves must be sought and recorded wherever possible in any assessment, reassessment or review during the years of transition. Connexions Personal Advisers, student counsellors, advocates or advisers, teachers and other school staff, social workers or peer support may be needed to support the young person in this process." (9:55 SEN Code of Practice)
23. Well before the time of the annual review in year 9 the head teacher should ensure that the PA, or another member of staff to whom the responsibility has been delegated, works with the young person to identify their wishes and views. PAs can work with pupils from the age of 13 and so could have already built up a rapport with the young person and started developing a personal action plan. Schools will have processes for action planning such as building up Records of Achievement or Progress Files, so the action plan may not simply be the product of the partnership between the young person and the PA. Thus any previous process of action planning should form the basis of the Transition Plan.
24. In order to ensure coherence for the young person, they should not have a separate personal action plan in addition to the Transition Plan. Thus, where the young person has been involved with a PA in previous years and therefore already has a personal action plan, the Transition Plan should build on, update and expand this earlier plan.
25. The SEN Transition Plan, as with all personal action plans, must be designed for and with each young person. Further advice in involving pupils can be found in Section 4 of this Toolkit. The draft could also, if the young person agrees, be circulated with the reports prior to the annual review meeting. Ideally this process will lead to a draft personal action plan, written at least in part and owned by the young person, which can be presented at the annual review meeting.
26. If the PA is drawing up the Transition Plan, they will first gather, if they have not already done so, as part of building a personal action plan, all existing school information about the pupil, including the statement, appendices and copies of previous annual review reports. They will work with the young person to

produce an assessment profile which can be supplemented by specialised assessments as necessary, to lead to the identification of the most appropriate and effective actions for the young person (and those whose job it is to help them) in order to address their needs using the methodology outlined in the Connexions Framework.⁴

27. The Connexions assessment profile provides a picture of a young person's situation at a particular point in time, covering their level of basic skills, life skills, attitudes, health, circumstances and so on. It provides a summary view of the areas that are critical to a young person's progress and indicates the level of response that is likely to be needed from agencies that are, or will need to be, supporting the young person. It will also show areas where support is not needed or where a young person has positive strengths on which the PA and school staff can build.
28. The assessment profile covers 18 factors. These factors closely reflect the criteria used in the existing assessment frameworks and tools designed for working with young people, such as the Framework for Assessment for Children in Need and their Families and ASSET. The information held in a statement of SEN and its appendices and in annual review reports and IEPs will also contribute to the profile.
29. The role of the PA or other professionals is one of facilitator, agent, coach or mentor. Any professional who works with a young person to help them prepare their transition plan, might wish to consider the factors in the assessment profile. It is important that the personal action plan and the subsequent Transition Plan is user-friendly for the young person. The plan should therefore be written in a clear, unambiguous style with language that is accessible to everyone.
30. One of the aims of the Connexions Framework, set out opposite in diagrammatic form, is to help the Personal Advisers to integrate the perspectives of different agencies and enable both the young person and participating agencies to develop a shared view of needs and action required.

⁴ 'The Connexions Framework for Assessment, Planning, Implementation and Review'. Connexions Service National Unit. June 2001.



31. The starting point of the Connexions Framework is to focus on the individual, rather than grouping people into categories. The key factor that PAs are advised to seek to assess and address is the impact that pupils' SEN may have on their participation and progression through learning and into adult life. As such, PAs, and others working with young people, should take into account any barriers set up by attitudes, the environment or institutions. The plan should focus on how these can be changed to meet the needs of the young person. For this reason, there is no separate 'dimension' for SEN in the assessment profile. Instead, PAs are encouraged to assess how a young person's particular needs are affected by, or impact on, each or any of the 18 factors that the Connexions Framework covers.

The Transition Plan

32. The aim of a Transition Plan is to plan coherently for the young person's transition to adult life. The annual review in year 9 must include discussion on the issues of transition. The Plan should build on the conclusions reached and targets set at previous annual reviews, including the contributions of teachers responsible for careers education and guidance. It should focus on strengths and needs and cover all aspects of the young person's development, allocating clear responsibility for different aspects of development to specific agencies and professionals. Social services departments, the health services and the Connexions Service should be actively involved in the plan.

33. Transition planning is a continuous and evolving process and therefore the Transition Plan can also change and grow over time. Parents and young people may need to engage with the professionals involved in the process before the year 9 review meetings and at other times over the following years. At subsequent annual reviews until the young person leaves school, the head teacher should ensure that the Transition Plan is reviewed and updated. The Transition Plan is not simply about post-school arrangements, it could include areas that require an in-school response, delivered by the school through the statement of SEN as overseen by the LEA.
34. The first Plan **must** be drafted following the annual review meeting of the statement held in year 9. Where a personal action plan has not previously been drafted, discussion at the meeting can, of itself, provide a focus for the collection of the information needed to plan a coherent transition. The Plan must be framed in terms that allow for monitoring and continuous review. It should include tangible outcomes, clear and realistic milestones and specific commitments from the young person and from those whose support is necessary to achieve the Plan. The PA should oversee and co-ordinate the delivery of the Plan, and so the Plan should set out what will happen next in terms of contact and support from the PA, including how contact will be maintained, and how and when, outside the annual review process, progress will be reviewed.
35. After the year 9 review meeting, the PA will keep in contact with the young person and work with them to ensure they are working on their parts of the Plan. It might include making minor changes to the Plan if unforeseen problems arise, or revisiting the whole Plan if there are major changes in the young person's circumstances. If this occurs the PA should discuss the issues with the head teacher who may decide the changes to the Plan should be discussed and formally agreed at an interim review meeting.⁵
36. The Transition Plan should therefore build on any previous personal action plans developed with a PA in order that planning processes are integrated. It should address the following questions:

⁵ Interim reviews are discussed in Section 9 of this Toolkit.

The Young Person

- What further information does the young person need in order to make informed choices?
- What local arrangements exist to provide advocacy and advice if required? Does the young person want such support?
- How can young people be encouraged to contribute to their own Transition Plan and take positive decisions about the future?
- What are the young person's hopes and aspirations for the future, and how can these be met? Does the young person's personal action plan cover these issues to their satisfaction?

If young people are living away from home or attending a residential school outside their own LEA⁶

- Are there special issues relating to the location of services when they leave school that should be discussed in planning?

The Family

- What do parents expect of their son's or daughter's adult life?
- What can they contribute in terms of helping their child to develop personal and social skills, an adult lifestyle and to acquire new skills?
- Will parents experience new care needs and require practical help in terms of aids, adaptations or general support during these years?

The School

- What are the young person's curriculum needs during transition?
- How can the curriculum help young people play their role in the community; make use of leisure and recreational facilities; assume new roles in the family; develop new educational and vocational skills? What subject options should be chosen for key stage 4? What, if any, key stage 4 National Curriculum flexibilities should be a feature of school provision? Is there a need for special examination arrangements or concessions?

⁶ Where a young person attends a residential school the PA linked to the school will liaise with the Connexions Service in the home area to ensure that information about post-16 provision in the home area is fed into the Transition Planning process.

The Professionals

- How can close working relationships with colleagues in other agencies be developed to ensure effective and coherent plans for the young person in transition?
- Which new professionals need to be involved in planning for transition, for example a rehabilitation medicine specialist, occupational and other therapists?
- Does the young person have any special health or welfare needs that will require planning and support from health and social services now or in the future?
- Are assessment arrangements for transition clear, relevant and shared between all agencies concerned?
- How can information best be transferred from children's to adult services to ensure a smooth transition arrangement?
- Where a young person requires a particular technological aid, do the arrangements for transition include appropriate training and arrangements for securing technological support?
- Is education after the age of 16 appropriate, and if so, at school or at a college of further education? Or is work-based training more appropriate?

37. The LEA, Connexions Service or parent partnership services should be able to give details of any relevant voluntary organisation or professional agency providing advice and counselling if such advice is needed. Schools should also have information available on local sources of help and advice, including any local disability organisations that can provide information on the wider range of local services and offer independent advice and advocacy if required.
38. The PA will also be able to provide the young person with details about any benefits they may be entitled to claim and will be responsible for ensuring that the young person (up until the age of 18) understands their rights and responsibilities if claiming the Young Person's Bridging Allowance or Job Seeker's Allowance. Additionally the young person will need to be made aware of the responsibility the Connexions Service has to provide the Employment Service with information when a young person is not meeting the training requirements for the receipt of these allowances. For young unemployed people aged 18 and over, lead responsibility for this moves to the Employment Service.

Encouraging and enabling student involvement in the year 9 review

39. The views of young people themselves should be sought and recorded and therefore:
- schools should consider ways of ensuring that pupils' views are listened to, or where necessary, reported at the meeting – for example the use of the Personal Adviser, student counsellors, advocates or advisers, social workers or peer support
 - curriculum planning should focus on activities which encourage pupils to reflect upon their own experiences and wishes and to form their own views
 - pupils will need to come to terms with the wider implications of their disability or special need in adult life. Careful attention should be given to the avoidance of stigmatising language or labels and to the provision of accurate and sensitive advice and information on any aspects of the disability or special need as required
 - transition should be seen as a continuum. Pupils should be encouraged to look to the future and plan how they will develop the academic, vocational, personal and social skills necessary to achieve their long-term objectives
 - pupils will be most effectively involved in decision-making when supported by information, careers guidance, counselling, work experience and the opportunity to consider a wide range of options during years 9–11.
40. Where schools use Records of Achievement (ROA) or Progress Files for all pupils, these could also be used as an aide memoire for the young person at the annual review meeting. Where appropriate, ROAs or Progress Files can be produced in Braille as well as in print, can make use of pictorial or abstract symbol systems, and may include a range of illustrative material (including supporting photographs, tapes or videos) which provide information on the young person. With the young person's consent this record can be used to provide information to colleges or any other provision to which the young person may move on leaving school.
41. Once the Transition Plan has been drafted and agreed, arrangements should involve the new post-16 provider at the earliest opportunity to allow the maximum time possible for them to work with the local Learning and Skills Council to plan the particular learning programme and support required and ensure that appropriate funding is available.
42. Schools should consider fostering links with local further education colleges. This will help young people in the decision-making process and in the eventual transfer itself, easing the move for both young person and staff at the further education college. Year 10 and 11 link programmes with colleges can be of particular benefit to a young person with SEN. The links can provide opportunities for integration, extensions to the school curriculum and offer an induction into the more adult environment of further education. The Connexions Service should be fully involved in this process because of the key role it plays in the young person's transition from school and beyond.

The Role of the Connexions Service

43. The Connexions Service must be invited to year 9 annual reviews and must attend, and should also be invited to all subsequent annual reviews. This is the start of a process for longer-term decision-making. Vocational guidance should include information on further education and training courses and should take fully into account the wishes and feelings of the young person concerned. The Connexions Service should assist the young person and their parents to identify the most appropriate post-16 provision, offer counselling and support, and give continuing oversight of, and information on, the young person's choices. Where it becomes clear from the review that a young person with a statement is likely to leave school for other post-16 provision the Connexions Service will have a particular responsibility to ensure that an assessment of their learning needs and the provision required to meet them is undertaken during the young person's last year of compulsory schooling.
44. The Service will also be able to arrange assessments for young people with SEN but without statements who are in their last year of compulsory statements and also other young people under 19 years of age, whose learning difficulties develop after they have left compulsory schooling or who choose to leave school after year 11. It is the responsibility of the Connexions Service together with FE providers to identify appropriate post 16 education and training choices, and to ensure that Learning and Skills Council requirements are fulfilled for attendance at FE colleges, whether mainstream or specialist.
45. Advice to the young person on these choices and the subsequent assessment should be based upon:
 - the availability to young people and their advocates of a full range of information from the Connexions Service about post-16 education and training choices, to inform placement decisions
 - the involvement of young people, their parents and their advocates in the assessment process
 - the advice, wherever possible, of a range of professionals to ensure expert guidance, including for example careers advisers, educational psychologists and other specialists who have knowledge of the individual's needs.

Involvement of health services

46. Health professionals involved in the management and care of the young person should provide advice towards Transition Plans in writing and should, where appropriate, attend the annual review meeting in year 9. They should advise on the services that are likely to be required and should discuss arrangements for transfer to adult health care services with the young person, their parents and their GP. They should facilitate any referrals and transfers of records that may be necessary, subject to the informed consent of the young person and parents and should liaise with the Connexions Service as appropriate.

Involvement of social services

47. For young disabled people and 'looked after' children the role of social services departments will be of particular importance and local authorities have specific duties relating to other legislation. Social workers should identify and attend the year 9 reviews of young people who are eligible for assessment under the Disabled Persons (Services, Consultation and Representation) Act 1986. For children living away from home the year 9 review will be a particularly important opportunity to begin to identify adult placements, relevant networks and possibly supported living placements. Social workers will have to work closely with a range of other professionals in drawing up long-term care plans.
48. The involvement of the social worker should help ensure that planning for a young person's further education, housing and care requirements is undertaken in a long term and appropriate way.
49. There may be a small but significant number of disabled young people with statements of special educational needs whose family circumstances have required them to be looked after by social services. The social worker already working to support such young people should be able to provide valuable insights at the review meeting. There will also be young people with SEN in foster placements for whom input at year 9 is needed in order to begin to identify adult placements, relevant networks and, possibly, supported living placements as they leave care. Social workers will also need to work closely with a range of other professionals in drawing up long-term care plans.
50. Social work assessments should be carried out in parallel to the SEN procedures. Such assessments can also contribute to and draw information from the annual review process at year 9 and in subsequent years.
51. Under the provisions of the Children (Leaving Care) Act 2000, every eligible young person looked after by a local authority on their 16th birthday, including those with SEN, must have a Pathway Plan. These plans should build on the Care and Personal Education Plans, mapping out a pathway to independence, including education, training and employment. The local authority will also be required to appoint a personal adviser who will normally act as the Connexions Personal Adviser for each of these young people. The adviser must work with the young person and others to devise the Pathway Plan and ensure its implementation. The duty on the local authority to assist young people extends to the age of 21 and or beyond if the young person remains in education or training. Those young people who are not eligible for these new arrangements will be assisted by local authorities under the same duties and powers to provide support after leaving care as required by Section 24 of the Children Act 1989 i.e. a duty to advise and befriend and a power to assist up to the age of 21, or 24 if the young person is in education or training.

52. In either case, it is important that the PA ensures that the young person is fully aware of the local authority's responsibilities towards them and agrees with the social services department, other agencies and the young person the services to be delivered. Where a young person has been looked after in a foster care or residential placement or attended a residential school outside their own local authority area, the PA for the responsible authority together with the LEA should seek to ensure liaison between all relevant LEAs and social services departments. The responsible authority will, under the provisions of the Children (Leaving Care) Act, be the local authority that is looking after the young person or, in the case of a young person who has left care, the authority that last looked after the child.

Legislation

53. LEAs, the Connexions Service and, so far as is reasonable, schools, should familiarise themselves with the following Acts, which may directly affect the future provision available to a young person with special educational needs:
- **The Chronically Sick and Disabled Persons Act 1970**
 - **The Employment and Training Act 1973 as amended by the Trade Union Reform and Employment Rights Act 1993**
 - **The Disabled Persons (Services, Consultation and Representation) Act 1986**
 - **The National Health Service and Community Care Act 1990**
 - **The Carers and Disabled Children Act 2000**
 - **The Direct Payments Act 2000**
 - **The Learning and Skills Act 2000.**
54. The transition period may be associated with increasing levels of disability in some young people. It may therefore be necessary to plan for future increased special needs and for the provision of aids and adaptations both in a home and an educational setting. Young people may choose **not** to be assessed as disabled under sections 5 and 6 of the Disabled Persons Act and may similarly choose **not** to request help through the local authority community care arrangements, but nevertheless their carers can request services under the Carers and Disabled Children's Act 2000.

Informing social services, health and Connexions

55. The PA should already have had an opportunity to meet the young person and discuss post-16 options before the annual review in year 9 takes place. Where a PA works in a school the head teacher should make sure that the PA has a list of the children with statements of SEN and is involved in planning the annual reviews for year 9 and subsequent years. To facilitate this LEAs are required to

provide the local Connexions Service two weeks before the start of the school year with a comprehensive list of all pupils with statements in year 9 who will have their transition review during the year. The LEA is also required, two weeks before the start of each term, to provide health and social services with a list of all pupils with statements scheduled to have annual reviews.

56. Similar systems can be agreed locally where schools, in consultation with the young person, decide that particular pupils with SEN but without a statement would benefit from transition planning.
57. Schools should arrange transition reviews as far as possible at a time which enables professionals from the other agencies to meet the young person before the review and prepare a report for the review as appropriate.
58. It is helpful, though not always possible, if year 9 and subsequent annual review meetings can be timed to take account of other relevant activities such as careers adviser or PA pupil interviews, careers conventions, key stage 4 curriculum options decisions, visits to post school options, work experience placements and medical or social services case conferences. Drawing together the information from all these inputs is an important task, which is essential to a successful holistic response to the pupil's requirements.

THE ROLE OF SOCIAL SERVICES

What is the SEN Code of Practice?

- *The SEN Code of Practice provides practical guidance to LEAs, the governing bodies of all maintained schools and providers of Government funded early education, and to all those who help them, including health and social services, on the discharge of their statutory functions under Part IV of the Education Act 1996.*

What is SEN?

- *Children with special educational needs all have learning difficulties that make it much harder for them to learn than most children of the same age*
- *It includes those with a range of underlying factors such as cognitive, physical or sensory difficulties, emotional and behavioural difficulties or difficulties with speech and language or social interaction*
- *It also includes those who have a disability that prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the LEA's area*
- *Such children may need additional or different help from that given to other children of the same age.*

THE ROLE OF SOCIAL SERVICES

Strategic involvement of social services

Social services departments should:

- *give LEAs information on services generally available for families of children 'in need' (as required under Schedule 2 of the Children Act 1989)*
- *make available to the LEA any relevant information on planning processes or data collection (such as the register of Children with Disabilities or the Community Care Plan)*
- *inform the LEA of particular local arrangements for the early identification of children who they think may have special educational needs. These are likely to be young children with developmental difficulties, disabilities or particular medical conditions*
- *ensure that schools and early education settings are aware of the full range of local services they provide*
- *make sure that all social workers are aware of the time scales for statutory assessment and provision of advice as set out in Regulations*
- *plan appropriate local provision so that parental requests for residential education for a child with SEN are not made on the basis of lack of support and practical help in their local community*
- *consider with LEAs the social services' contribution to the non-educational provision to be specified in a statement*
- *meet senior representatives of LEAs and health services to plan and co-ordinate strategic and operational activity.*

THE ROLE OF SOCIAL SERVICES

The designated officer for social services should:

- *inform LEAs of children who they think may have special educational needs*
- *provide social services advice to LEAs for the assessment of children within the statutory time limits*
- *consider, with LEAs and with regard to available resources, the social services' contribution to the non-educational provision to be specified in a statement*
- *ensure that all schools have a contact for seeking social work advice on children who may have SEN*
- *provide a resource to social workers who require assistance in preparing reports for SEN statutory assessment*
- *co-ordinate the social services services' advice for a statutory assessment*
- *participate in multi-agency meetings on assessments and making statements*
- *make sure that there are appropriate mechanisms so that social work advice is provided for annual review meetings and transition planning when appropriate*
- *collaborate with other social services staff and agree with the LEA standard formats for reports*
- *ensure the co-ordination of social services provision made for a child with SEN such as support for the family or residential provision.*

THE ROLE OF SOCIAL SERVICES

'Looked after' children with statements of SEN

- *Social workers should attend the annual reviews of all children who are 'looked after'*
- *The head teacher must invite the child's parents, and, where the local authority looks after the child – the child's social worker*
- *The head teacher should consult the social worker to decide who should be invited to the review – parents, foster carers and residential workers will have a valuable contribution to make*
- *Social workers should be able to contribute to realistic planning and support parental involvement in the resolution of any difficulties*
- *Parents may need support in attending reviews and help in writing advice, especially for a first review*
- *Where possible at least one care review per year should coincide with the annual review of the statement – this may need long-term planning, close liaison and cooperation between the social worker and the child's school*
- *Joint reviews will usually make most sense to parents and be a more efficient use of professional time*
- *The Child Care Plan must incorporate a Personal Education Plan that sets out the educational arrangements for the child and should include information from the statement, the annual review and IEPs.*

Introduction

1. The SEN Code of Practice provides statutory guidance on the discharge of SEN functions under Education Acts and Regulations. LEAs, the governing bodies of all maintained schools and providers of Government funded early education, health and social services are required to have regard to this Code.
2. Chapter Ten of the SEN Code of Practice recognises the importance of inter-agency working for children and young people with special educational needs. Effective action for these children will often depend upon close cooperation between schools, LEAs, the health services and social services. The Children Act 1989 and the Education Act 1996 place duties on these bodies to help each other.

Social services departments must comply with a request for help from an LEA in connection with *children with special educational needs*, unless they consider that the help is not necessary for the exercise of the LEA's functions.

See Section 322, Education Act 1996

Health authorities and LEAs must comply with a request from a social services department for assistance in providing services for *children in need*, so long as the request is compatible with their duties and does not unduly prejudice the discharge of any of their functions.

See Section 27, Children Act 1989

Definition of Special Educational Needs

Children have *special educational needs* if they have a *learning difficulty*, which calls for *special educational provision* to be made for them.

A child has a *learning difficulty* if they:

- (a) have a significantly greater difficulty in learning than the majority of children of the same age; or
- (b) have a disability, which prevents or hinders the child from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the local education authority; or
- (c) are under and fall within the definition at (a) or (b) above or would so do if special educational provision was not made for them.

Children 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 maintained schools, other than special schools, in the area.

(b) For a child under two, educational provision of any kind.

See Section 312, Education Act 1996

3. So the term 'Special Educational Needs' has a legal definition. Children with special educational needs all have learning difficulties that make it much harder for them to learn than most children of the same age. It includes those with a range of underlying factors such as cognitive, physical or sensory difficulties, emotional and behavioural difficulties or difficulties with speech and language or social interaction. Such children may need additional or different help from that given to other children of the same age.

Definitions in the Children Act 1989 and the Disability Discrimination Act 1995

A child is disabled if he is blind, deaf or dumb or suffers from a mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability, as may be prescribed.

See Section 17 (11), Children Act 1989

A person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

Section 1(1), Disability Discrimination Act 1995

A child may fall within one or more of these definitions.

Strategic involvement of social services

4. Local authorities and NHS bodies, together with national and local voluntary and community sector partners, have a number of planning requirements for children. Meeting the needs of children and young people with SEN successfully requires partnership across all agencies. Partnerships can only work when there is a clear understanding of the respective aims, roles and responsibilities of the partners and the nature of their relationships. Coherence across all services affecting children and young people with SEN will be aided by clarity of information, good communication and transparent policies that inform accountability.
5. Agencies, both statutory and voluntary, need to work together to provide updated information to each other on their systems, structures, personnel and procedures including written operational guidelines. They should consider stating explicitly the value they place on cooperation and the aims they wish to see realised in practice in relation to children and young people with SEN. They should also identify the issues and areas where staff across agencies could – and should – train together.
6. At a strategic level social services departments in conjunction with NHS bodies should:
 - give LEAs information on services generally available for families of children 'in need' (as required under Schedule 2 of the Children Act)
 - make available to the LEA any relevant information on planning processes or data collection (such as the register of Children with Disabilities or the Community Care Plan)
 - inform the LEA of particular local arrangements for the early identification of children who they think may have special educational needs. These are likely to be young children with developmental difficulties, disabilities or particular medical conditions
 - ensure that schools and early education settings are aware of the full range of local services they provide
 - make sure that all social workers are aware of the time scales for statutory assessment and provision of advice as set out in Regulations¹

¹ The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001.

- plan appropriate local provision so that parental requests for residential education for a child with SEN are not made on the basis of lack of support and practical help in their local community
- consider with LEAs the social services' contribution to the non-educational provision to be specified in a statement
- meet senior representatives of LEAs and health services to plan and co-ordinate strategic and operational activity.

The designated officer for social services

Social services departments should designate an officer or officers who are responsible for working with schools and LEAs on behalf of children with special educational needs and to whom schools and LEAs should refer for advice.

10:29 SEN Code of Practice

7. The designated officer will have a strategic and operational role in co-ordinating activity across the social services department. The designated officer should:

- **inform LEAs of children who they think may have special educational needs**
- **provide social services advice to LEAs for the assessment of children within the statutory time limits**
- **consider with LEAs, and with regard to available resources, the social services' contribution to the non-educational provision to be specified in a statement**
- **ensure that all schools have a contact for seeking social work advice on children who may have special educational needs**
- **provide a resource to social workers who require assistance in preparing reports for SEN statutory assessment**
- **co-ordinate the social services advice for a statutory assessment**
- **participate in multi-agency meetings on assessments and making statements.**

10:30 – 31 SEN Code of Practice

8. In addition the designated officer should:
- make sure that there are appropriate mechanisms so that social work advice is provided for annual review meetings and transition planning when appropriate
 - collaborate with other social services staff and agree with the LEA standard formats for reports
 - ensure the co-ordination of social services provision made for a child with SEN such as support for the family or residential provision.
9. It may be appropriate for this role to be shared between social workers at school level, providing general advice to schools, with a senior officer responsible at a more strategic level for linking with the LEA. Where new models of service provision are emerging it is essential that schools and LEAs are made aware of local arrangements. Social service departments need to understand the nature of general advice required by schools and how this differs from advice and support provided to children and their families by their own social worker.

Identification and Assessment of Children with Special Educational Needs

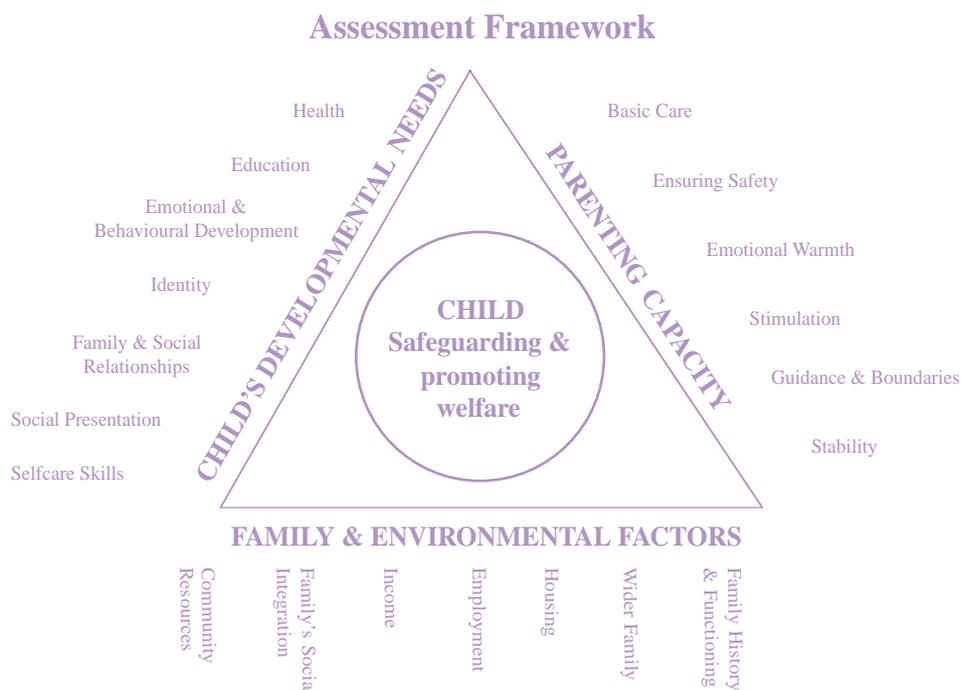
10. The SEN Code sets out how the needs of most children should be met in inclusive mainstream settings with school-based additional or different provision through interventions at *Early Years Action* or *School Action* and *Early Years Action Plus* or *School Action Plus*.
11. Children with substantial disabilities are likely to be known to social services and, indeed, may have a statement of SEN before starting school. But the majority of children with SEN are first identified as having problems after they start school. Therefore early education settings and schools will seek advice from social workers either when the child is already known to social services or in order to decide on an appropriate intervention.
12. The school's assessment may call for advice on whether home circumstances or family difficulties are contributing to the pupil's educational difficulties. So all schools and settings will require occasional access to social work advice on these issues. The first point of contact for such advice could be the social services designated officer, the duty officer at the local office or a locality link social worker. It is essential that schools are aware of the local protocols for requests for information.
13. When the child's difficulties are such that the early education setting² or school cannot make all the additional or different special educational provision from within its own resources, the LEA must carry out an assessment of the child's needs and set out the provision that is essential for the child's education.

² 'Setting' this term applies to all settings in receipt of Government funding for early education.

A very small minority of children will have SEN of a severity or complexity that requires the LEA to determine and arrange the special educational provision. In such cases the LEA will carry out a statutory assessment of needs and may decide to set out the needs and the provision in a Statement of special educational needs. Social workers are required³ to provide advice as part of the statutory assessment.

Concurrent 'Child in Need' Assessment

14. In certain circumstances social services may decide to undertake a 'child in need' assessment under S17 of the Children Act 1989 at the same time as the LEA is assessing the child's SEN or the statement of special educational needs is being completed (paragraph 3, Schedule 2, Children Act 1989). This assessment should be undertaken in accordance with the 'Framework for the Assessment of children in need and their families' (Department of Health et al, 2000). The timescales for the Assessment Framework and statutory assessment of SEN are broadly compatible.
15. Under section 17 of the Children Act 1989 social services have a duty to provide a range of services for children 'in need'⁴. While a child with special educational needs will not necessarily be 'in need', assessments and intervention under the Children Act 1989 allow an integrated approach to the educational, health and welfare needs of children with special educational needs who are in 'need'.



³ The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001.

⁴ The Framework for Assessment of Children in Need and their Families (Department of Health et al, 2000) should be used to determine if 'the child is in need'.

Contributing to statutory assessment

16. Statutory assessment involves:
- the LEA, working co-operatively with parents, the child's school⁵ and, as appropriate, other agencies, considering whether a statutory assessment of the child's special educational needs is necessary
- and if so
- conducting the assessment in close collaboration with parents, schools and other agencies.
17. Parents, schools and early education settings can request a statutory assessment but the designated officer for social services can refer a child for consideration to the LEA. Such a referral should usually be made after a full discussion with the child's school and with the support and consent of parents.
18. The LEA will want information about any services the child is receiving. Where social workers have been working closely with teachers it is likely that they will have already provided written information and advice to the school and it is this evidence that should be forwarded to the LEA. Such evidence should include information gathered as part of an assessment under the 'Framework for Assessment of children in need and their families' (DH et al, 2000). Social workers will need to consider the issues of consent and confidentiality when providing reports to the LEA.⁶
19. The SEN Code of Practice recommends that for some very young children with profound needs the LEA should accept as evidence one over-arching report from the lead professional involved with the child. This is particularly so for children under compulsory school age with complex needs who are not yet attending school but may be in an early education setting. The lead professional is most likely to be the child's paediatrician although there will be occasions where social services is the lead for a child 'in need' who is a disabled child. The LEA must then consider the evidence before deciding whether it is necessary to assess. This approach might also be appropriate for an older child who through an accident or ill health develops needs that may require the LEA to carry out an assessment.
20. LEAs also consider whether the evidence points to under-attainment rather than special educational needs. In such cases there may be alternative solutions such as referral to social services, the education welfare service or to health services, that are more appropriate than statutory assessment.
21. It is always the child's special **educational** needs that must be considered. Therefore social workers should judge, when discussing a child's needs with parents, whether there would be any relevance in suggesting an SEN statutory assessment. For the majority of children with SEN, school-based provision,

⁵ In this section 'schools' refers both to early education settings and all schools.

⁶ See paragraphs 3.46–3.57 of the Assessment Framework.

without any necessity for SEN statutory assessment, is appropriate, and hence social workers should strongly encourage parents to talk to the school.

22. An assessment under section 323 of the Education Act 1996 should only be undertaken if the LEA believe that the child has or probably has special educational needs and that the LEA should or probably should determine and arrange the child's special educational provision itself by making a statement.

Notification that an LEA is considering whether to make a statutory assessment

23. Before deciding whether to make an assessment the LEA must issue a notice under section 323(1) of the Education Act 1996. The notice explains to parents the statutory processes and time scales. The LEA must send a copy of the notice to the designated officer. LEAs are not at this point asking for advice, but providing early warning of the possibility of a request for advice in the near future. This early information gives SSDs an opportunity to collate records and consult others who might be involved in providing advice. Early action at this stage will serve to extend the time available for gathering advice, and thus help social workers meet the statutory time limits.
24. Doing so gives social workers 6 weeks in which to look at records and decide whether a social work assessment may be necessary prior to the start of the 6-week statutory time limit for providing advice. It may not be appropriate for social workers to start progressing the request for advice if parents have not yet agreed to a statutory assessment unless parents are also requesting services under the Children Act.

Time Limits for Making Assessments

25. It is in the interests of all concerned that SEN assessments are carried out in a timely manner. Regulations set out time limits in which the various parts of the process of making statutory assessments and statements must normally be conducted.
26. Social services **must** normally respond within six weeks of the date of receiving the request for advice. The LEA will have already notified the designated officer of the possibility of an assessment, and should, when asking for advice, provide notification of the date by which the advice must be submitted.

28. Having been notified that the LEA will assess the child, the social services department should give the LEA any relevant information that they have about the family or the child. In particular:
- if the SSD do not know the child and the family, and if they have no reason to suppose from evidence provided by the school or the LEA that they should seek further information, they should say so and this will then constitute their advice and should be so recorded
 - If the SSD is aware of any welfare or care issues affecting the child or can provide advice and information on the child relevant to the assessment
 - if the child is 'looked after' by a local authority and therefore has a Child Care Plan and Personal Education Plan, the SSD should give the LEA relevant details of both plans and make available to the LEA any relevant observations, information and reports arising from such placements. Social services staff in partnership with parents should ensure that there is attendance at assessments and medical examinations
 - if the child is subject to child protection processes, the SSD should give appropriate advice
 - if the SSD do not know the child and family, but the LEA suggest to the SSD that the child may be a 'child in need' then SSDs should consider whether to carry out a child in need assessment alongside the LEA statutory assessment process, and if they do – inform the LEA of that fact.
29. Ideally social services advice should be discussed and agreed with parents before it is submitted as it would be inappropriate and distressing for parents to first be made aware of any information social services form through seeing their child's draft statement of SEN. It is the responsibility of social workers to reassure parents about assessment information within the social services context.
30. The advice provided must not be influenced by consideration of the name of the school at which the child might eventually be placed. Specific schools should not be suggested. Placement will be determined by the LEA at a later stage and in the light of any preference stated by or representations made by the parents. But discussions between advisers and parents about the child's needs and the social worker's written advice may include consideration of various options, including the scope for mainstream education for the child and the type of school in which the child's needs might best be met, for example mainstream, special or residential. But such discussions and advice should not commit the LEA or the SSD, nor pre-empt the parents' right to state a preference or to make any representations or pre-empt the LEA's eventual decision.

Statement of Special Educational Needs

31. The style and format of a statement is set out in Schedule 2 of the Education (Special Educational Needs) (England) (Consolidation) Regulations 2001. A statement is always in six parts.

Part 1: Introduction

Part 2: Special Educational Needs

Part 3: Special Educational Provision, including objectives and monitoring arrangements

Part 4: Placement

Part 5: Non-Education Needs

Part 6: Non-Educational Provision

Non-educational provision

32. Part 5 of the statement must set out any non-educational needs which the LEA either propose to meet or are satisfied will be met by social services, health services, or some other body. These needs might include the need for a range of family support provisions.
33. Part 6 must set out the non-educational provision which is required to meet the needs identified in Part 5. Part 6 should also state the objectives to be achieved by such non-educational provision and should set out such arrangements as have been agreed by the LEA and the providing body for its delivery.
34. The designated officer must ensure that clear advice is provided to the LEA on these matters and be aware of any agreements between the SSD and the LEA as to how educational and non-educational needs can be defined and met.

Residential provision

35. Even if the child is not currently known to social services, the LEA should inform the designated officer if it seems likely that the child will need to be educated at a residential school. The LEA and SSD will wish to jointly consider how best to promote the educational and social development of the child. Where a child is placed outside the authority social services and LEA colleagues should work together to ensure that arrangements are put in place to maintain family contact.

36. In general LEAs are likely to consider that residential provision is required where there is multi-agency agreement that:

- the child has severe or multiple special educational needs that cannot be met in local day provision
- the child has severe or multiple special educational needs that require a consistent programme both during and after school hours that cannot be provided by parents with support from other agencies
- the child is looked after by the local authority and has complex social and learning needs, and placement is joint-funded with the social services department
- the child has complex medical needs as well as learning needs that cannot be managed in local day provision and the placement is joint-funded with the health authority

If these conditions apply, a multi-agency plan should be put into place that enables joint or tri-partite funding to be considered.

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37. Whenever a child is placed in a residential school with the intention that it will be for longer than three months:

The LEA must inform the SSD in the area where the child's family resides or the SSD in the area of the residential school.

See Section 85, Children Act 1989

Where a child is looked after and SSD propose to place the child in an educational setting they shall, as far as is reasonably practicable, consult the appropriate LEA before doing so.

See Section 28, Children Act 1989

Children placed by social services departments or the Courts

38. Where the local authority is the corporate parent, social services departments should work closely with LEAs, so that education provision meets a child's needs as appropriately as is possible in their particular circumstances.
39. Where children are 'looked after' by the local authority and the education is arranged by social services or where SSDs make an emergency placement for a child with a statement of SEN, they should immediately inform the LEA.
40. There are a number of non-maintained special schools and independent schools that are approved by the Secretary of State as providing suitable

education for children with statements. For placement in other independent schools the Secretary of State's consent is required. If consent is not given, then the LEA may consider whether the local authority, as the child's parent, has made suitable provision under section 7 of the Education Act 1996. If the education is suitable, the LEA can refrain from making the provision specified in the statement. Section 324(4A) of the Education Act 1996 does not require the name of a school to be specified in part 4 of the statement but the LEA **must**, in such cases, name the type of provision. In such situations the LEA is not required to fund the provision.

41. Where a child is 'looked after' by the local authority and placed in a community home with education or other children's home that provides education, or with an independent fostering agency providing education, then the LEA may conclude that suitable arrangements have been made and the LEA is relieved of their duty to arrange the provision specified in the statement. In such situations Part 4 of the statement should state the type of school the LEA consider appropriate but go on to say that: *"parents have made their own arrangements under section 7 of the Education Act 1996."*
42. The SEN Code of Practice advises that in such situations LEAs should ensure that they are involved in any plans to change the child's placement so that appropriate special educational provision can be made immediately once the child returns home.
43. Where a young person with a statement is detained under a court order (for example in secure accommodation) or an order of recall by the Secretary of State, the LEA is no longer responsible for them and is under no duty to maintain a statement (see section 562 of the Education Act 1996). Although there is no statutory duty to meet the special educational needs of these young people, LEAs can provide them with educational facilities and should ensure that the institutions receive information about their special educational needs including a copy of the statement and the last annual review report. The institutions should endeavour to make appropriate educational provision. As with children who are looked after, the LEA should be involved in the young person's exit plan.

Statutory Assessment of children under two

If an LEA believe that children in their area who are under the age of two may have special educational needs for which the LEA should determine the special educational provision, the LEA may make an assessment of their educational needs if their parents consent to it, and must make such an assessment if parents request it. Such an assessment shall be in such a manner as the authority consider appropriate. Following such an assessment, the LEA may make and maintain a statement of the child's special educational needs in such manner, as they consider appropriate.

Section 331, Education Act 1996, Section 331

44. When a child under two is referred to the LEA, it is probable that their parents, the local child health service or social services will have first identified any potential special educational needs. The child is likely to have a particular condition or major health problem that has caused concern at an early stage. In some areas of the country Sure Start programmes will have not only identified the child but also co-ordinated access to relevant services. They will continue to offer support to the family after the child has been made known to statutory services. For children under two, LEAs are not required to follow the statutory procedures that are applicable to assessments of children who are aged two and over.

Statements for children under two

45. Statements will be rare for children under two. The LEA should first consider individual programmes of support according to the child's particular needs. The procedures are not specified in legislation but advice is set out in the SEN Code of Practice. If a decision is made to issue a statement, usually because the child's has complex needs or to allow access to a particular service such as a home-based teaching or a developmental play programme, it should include:

- all available information about the child, with a clear specification of the child's special educational needs
- a record of the views of the parents and any relevant professionals
- a clear account of the services being offered, including the contribution of the education service and the educational objectives to be secured and the contribution of any statutory and voluntary agencies
- a description of the arrangements for monitoring and review.

LEAs should ensure that any specific educational targets are regularly reviewed and, if necessary, revised. Any action will require close collaboration with child health services and social services.

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Annual Reviews

46. All statements **must** be reviewed annually. The annual review of a pupil's statement ensures that once a year the parents, the pupil, the LEA, the school and all the other professionals involved, consider the progress the pupil has made over the previous 12 months. The review **must** also consider whether any amendments need to be made to the description of the pupil's needs or to the provision specified in the statement. It is a way of monitoring and

evaluating the continued effectiveness and appropriateness of the statement. LEAs **must** ensure that such a review is carried out within 12 months of either making the statement or of the previous review.

47. The child's circumstances may change during the year. They may have received education, for example, in a hospital school or through home tuition, or been identified as being a 'child in need' and received services from SSD. Further or continuous assessment during the past year may have identified or confirmed a significant care or health need that will require different or continuing support and intervention. The nature and outcomes of such provision will need to be addressed in the annual review and reports will be required from appropriate social service professionals.
48. LEAs **must** write to the designated officer two weeks before the start of each term with a list of all the children who have an annual review in that term. This should help social workers plan attendance at those reviews that they consider necessary. It is then the responsibility of the head teacher to ask for advice and invite attendance at an annual review meeting. SSDs are required by section 322(1) of the Education Act 1996 to respond to the head teacher's request for written advice, unless it is considered to be incompatible with social services' statutory duties or other duties and obligations and would unduly prejudice the discharge of any local authority functions.
49. The advice received, and comments on that advice, together with an account of the review meeting, form the basis of the review report.
50. Where appropriate, the LEA may tell the head teacher that representatives from social services **must** be invited to contribute to the review and attend the meeting. The head teacher may also invite such professionals as they see fit, even if not asked to do so by the LEA. In some cases social workers may themselves think it appropriate to attend, or consider it necessary to provide a report on their involvement with the child over the past year.
51. It is unlikely that social workers will be able to attend all review meetings. A written report may be sufficient. Liaison between the respective parties, over time and well in advance of the meeting, should help them decide whether it is necessary to attend and also give them adequate prior notice. Schools are advised to explain to parents that social workers will not always be able to attend all review meetings.

The annual review meeting

52. Before producing the review report, the head teacher must convene a meeting. The head teacher must invite:
 - the child's parents, or, if the child is 'looked after' by the local authority under a care order, the child's social worker.
53. Parents, including corporate parents, should be encouraged to contribute their views to the annual review process, to attend the review meeting, and to

contribute to discussions about any proposals for new targets for the child's progress.

54. Pupils should also be actively involved in the review process and attend all or part of the review meeting. They should be encouraged to give their views on their progress during the previous year; discuss any difficulties encountered; and share their hopes and aspirations for the future.

The annual review for children with statements educated otherwise than at school

55. When a child is educated otherwise than at school, either in provision arranged by the LEA, the Local Authority or by the parents, the general timetable and arrangements for the annual review will remain the same as for children in schools. However, in these circumstances the LEA will convene the review meeting and the range of professionals involved may be wider and in some respects different from those involved in a school-based review.⁷ The child's parents must always be invited to the review meeting. The review meeting should take place in the most appropriate location, such as LEA offices, a hospital or the parents' home, and should normally be chaired by the LEA.
56. The views of social workers involved with the family and the child's doctor will need to be sought where a child is educated otherwise than at school because of major difficulties relating to health or a disability. In such circumstances the attendance of professional advisers will be particularly important and so LEAs are advised to arrange the timing of the review meeting to ensure that they can, as far as possible, participate.
57. When a child known to social services has been excluded from school and is being educated either through home tuition or in a pupil referral unit, the views of the child's social worker will be sought. Parents of children who have been excluded from school may need sensitive and positive encouragement to contribute to all stages of the review. Social workers may be able to assist in this process.

Interim Reviews

58. Where a school identifies a pupil with a statement of special educational needs who is at serious risk of disaffection or exclusion, an interim or early annual review may be called. It will then be possible to consider the pupil's changing needs and recommend amendments to the statement, as an alternative to the pupil being excluded.⁸ If a social worker believes that an interim review may be necessary, they should discuss the issues with the head teacher or SENCO, so that the school can decide whether an interim review is an appropriate way forward.

⁷ In some cases the LEA may consider it appropriate to delegate organisation of the annual review process to the teacher in charge of the pupil referral unit or home tuition service.

⁸ DfES Circular 10/99 'School Inclusion: Pupil Support'.

Looked after children

59. Social workers should attend the reviews of all children who are 'looked after' by the local authority. Regulations require the head teacher to invite the child's parents, and if the local authority looks after the child, the child's social worker. The SEN Code of Practice suggests that the head teacher should consult with the social worker to decide who should be invited to the review depending on the particular circumstances; often parents, foster carers and residential workers will have a valuable contribution to make. Social workers should be able to contribute to realistic planning and support parental involvement in the resolution of any difficulties. Parents may need support in attending reviews and help in writing advice, especially for a first review. The SEN Code of Practice advocates that where possible, when a child has a statement of special educational needs, at least one care review per year should be arranged to coincide with the annual review of the statement. This is a matter that may need long-term planning, close liaison and cooperation between the social worker and the child's school. Such joint reviews will usually make most sense to parents and be a more efficient use of professional time.
60. The SEN Code of Practice states that wherever possible, pupils should be actively involved in the review process, attending all or part of the review meeting. They should be encouraged to give their views on their progress during the previous year; discuss any difficulties encountered; and share their hopes for the future. Social workers, who often have expertise and experience in consulting children, will be able to help children express their views and ensure that such views are taken into account.
61. Schools should consider whether the designated teacher for 'looked after' children, the child's class teacher or form tutor, or the SENCO should attend the child's Care Plan review when that review does not coincide with the annual review of the statement.
62. Where a child is 'looked after' by the local authority either in a long term placement or receiving regular short breaks, the SSD must include information on the arrangements for the child's education within the Child Care Plan, as required under the Arrangements for Placement of Children Regulations made under the Children Act 1989. The SSD must review the Child Care Plan and involve the child or young person in that process. The Child Care Plan must incorporate a Personal Education Plan that sets out the educational arrangements for the child and should include information from the statement, the annual review and IEPs. LEAs and SSDs may therefore wish to link the annual review of the statement with a review of the Child Care Plan in order to provide a holistic approach to meeting the child's needs.⁹ The advice collected before the annual review meeting, the meeting itself and the consequent notes of the meeting should help social workers update the child's Personal Education Plan.

9 More detailed advice can be found in DfES/DH Guidance on the Education of Children in Public Care. May 2000.

Transition Planning

63. The annual review held in year 9 is particularly significant in beginning the process of preparation for the pupil's transition to the further education sector, work-based training, higher education and adult life.
64. The aim of the annual review in year 9 and subsequent years is to:
- review the young person's statement
 - draw up and subsequently review the Transition Plan.
65. The annual review of the statement held in year 9 should involve the agencies that may play a major role in the young person's life during the post-school years and **must** involve the Connexions Service.
66. Social workers should attend the year 9 reviews of young people who are eligible for assessment under the Disabled Persons (Services, Consultation and Representation) Act 1986. The involvement of the social worker should help ensure that planning for a young person's further education, housing and care requirements is undertaken effectively.
67. A small but significant number of disabled young people with statements of special educational needs are 'looked after' by social services. The social worker already working with such young people will be able to provide valuable insights at the review meeting. For all children living away from home the year 9 review will be particularly important as an opportunity to begin to identify adult placements, relevant networks and possibly supported living placements. Social workers will have to work closely with a range of other professionals in drawing up long-term care plans.
68. It would be helpful if social workers explained to the young person and their parents or carers about how and when responsibility will transfer to an adult social work team. It would also be helpful to explain how Community Care Assessments can lead to decisions about direct payments, carers' assessments and benefit changes at 16.
69. As with other annual reviews, where a young person is 'looked after' by the local authority their social worker should provide advice as part of the review process and also, where appropriate, attend the review meeting.
70. The procedures for the annual review at year 9 are the same as for all other reviews except that:
- the head teacher **must** invite the Connexions Service to attend the review meeting and a representative **must** attend
 - the head teacher **must** invite the social services department to attend the review so that any parallel assessments under other legislation can contribute to, and draw information from, the review process.
71. Young people should be helped to participate as fully as possible in the transition process. Where a Connexions Personal Adviser (PA) works with the

young person to devise the Transition Plan they will use the Connexions Framework for Assessment, Planning, Implementation and Review.

72. The Connexions Framework assessment profile covers 18 factors that closely reflect the criteria used in existing assessment frameworks and tools designed for working with young people, such as the Framework for Assessment of children in need and their families and ASSET. The information held in a statement of SEN and its appendices and in annual review reports and IEPs will also contribute to the profile.
73. Discussion at the review meeting in year 9 and in subsequent years will not only be about the young person's progress in school and whether the statement continues to be appropriate, but also about the young person's transition from school to adult life.
74. The head teacher must ensure that a Transition Plan is drawn up. It is likely that this process will in most cases be lead by a Connexions PA who will draw up a Transition Plan in collaboration with the young person and in consultation with the SENCO or other teachers at the school and other relevant professionals.
75. The Transition Plan should draw together information from a range of individuals within and beyond the school in order to plan coherently for the young person's transition to adult life. The Transition Plan is not simply about post-school arrangements, it should also include planning for on-going school provision as reflected in the statement of special educational needs as overseen by the LEA.
76. It is important that the Connexions PA ensures that the young person is fully aware of the local authority's responsibilities towards them. Connexions Services need to agree with SSDs, other agencies and the young person the services to be delivered. Where a young person has been 'looked after' in a foster care or residential placement or attended a residential school outside their own local authority area, the Connexions PA for the responsible authority together with the LEA should ensure liaison between all relevant LEAs and social services departments. The responsible authority will, under the provisions of the Children (Leaving Care) Act 2000, be the local authority that is looking after the young person or, in the case of a young person who has left care, the authority that last looked after them.

Annual reviews from year 10

77. The school remains responsible for convening annual review meetings until such time as the pupil leaves school. Some pupils with statements of special educational needs will remain in school after the age of 16. LEAs remain responsible for such pupils until they are 19. There will be occasions where the natural completion of an academic year or completion of a particular course would take a pupil with a statement beyond their 19th birthday. At each annual review the Transition Plan should be updated.

78. Social workers should be aware that the Connexions Service provides support for all young people aged 13–19, and may provide support to young people with learning difficulties or disabilities up to the age of 25. It has a particular focus on supporting disadvantaged young people or those likely to underachieve, including those with SEN but without statements. The Connexions Service should provide schools with information which will help these students make successful transitions to post-school education, training or work, including details of local and national voluntary organizations.

THE ROLE OF HEALTH PROFESSIONALS

What is the SEN Code of Practice?

The SEN Code of Practice provides practical guidance to LEAs, the governing bodies of all maintained schools and providers of Government funded early education, and to all those who help them, including health and social services, on the discharge of their statutory functions under Part IV of the Education Act 1996

What is SEN?

- *Children with special educational needs all have learning difficulties that make it much harder for them to learn than most children of the same age*
- *It includes those with a range of underlying factors such as cognitive, physical or sensory difficulties, emotional and behavioural difficulties or difficulties with speech and language or social interaction*
- *It also includes those who have a disability that prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the LEA's area*
- *Such children may need additional or different help from that given to other children of the same age.*

THE ROLE OF HEALTH PROFESSIONALS

Strategic involvement of health services

Health Authorities should have arrangements for ensuring that the Trusts and GPs providing child health services:

- *inform the LEA of particular local arrangements for the early identification of children with children who they think may have special educational needs. These are likely to be young children with physical, sensory, developmental difficulties or particular medical conditions*
- *make sure that child health services inform the LEA about any child who may have SEN*
- *make sure that all Trusts, other providers of health care and health professionals are aware of the time scales for statutory assessment and provision of advice as set out in Regulations*
- *consider, with LEAs and with a regard to available resources, the health services' contribution to the provision to be specified in a statement*
- *consider how the powers in the Health Act 1999, allowing pooling of budgets and integration of commissioning or providing functions between the NHS and Local Authorities (including education), can best support services for children with SEN*
- *meet with senior representatives of LEAs and health services to plan and co-ordinate strategic and operational activity.*

THE ROLE OF HEALTH PROFESSIONALS

The designated medical officer for special educational needs should:

- *ensure that all schools have a contact (usually the school health service) for seeking medical advice on children who may have special educational needs*
- *provide a resource to other health service staff – for example, GPs and therapists – who require assistance in preparing reports on the medical history and health needs of children for schools and LEAs*
- *co-ordinate the health services' advice for a statutory assessment and, frequently, participate in multi-agency meetings on assessments and making statements*
- *co-ordinate the provision to be made by the health services for a child with special educational needs when, as may be the case with therapy and nursing services, either a HA or Primary Care Group may be responsible for the purchasing of these services*
- *consider how the powers in the Health Act 1999, allowing pooling of budgets and integration of commissioning or providing functions between the NHS and Local Authorities, can best support services for children with SEN*
- *make sure that there are appropriate mechanisms so that health advice is provided for annual review meetings and transition planning when appropriate*
- *collaborate with other health service staff and agree with the LEA standard formats for reports.*

Introduction

1. The SEN Code of Practice provides statutory guidance on the discharge of SEN functions under Education Acts and Regulations. LEAs, governing bodies of all maintained schools and providers of Government-funded early education settings, health and social services are required to have regard to this Code.
2. Chapter Ten of the SEN Code of Practice recognises the importance of inter-agency working for children and young people with SEN. Effective action for children with special educational needs will often depend upon close cooperation between schools, LEAs and health and social services. The Children Act 1989 and the Education Act 1996 place duties on these bodies to help each other.
3. There have been, and will continue to be, significant changes to the organisation of child health services. The current structures mean that responsibilities for health funding and provision are shared between local Health Authorities (Health Improvement Plans), Primary Care Trusts (providing primary and community health services and commissioning secondary and specialist services) and NHS Trusts (hospital and mental health service providers). It is important that all purchasers and providers understand the statutory context in which services for children and young people with special education needs must be provided.

Definition of Special Educational Needs

Children have *special educational needs* if they have a learning difficulty, which calls for *special educational provision* to be made for them.

A child has a *learning difficulty* if they:

- (a) have a significantly greater difficulty in learning than the majority of children of the same age; or
- (b) have a disability, which prevents or hinders the child from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the local education authority; or
- (c) are under and fall within the definition at (a) or (b) above or would so do if special educational provision was not made for them.

Children 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 maintained schools, other than special schools, in the area.
- (b) For a child under two, educational provision of any kind.

See Section 312, Education Act 1996

4. So the term 'Special Educational Needs' has a legal definition. Children with special educational needs all have learning difficulties that make it much harder for them to learn than most children of the same age. It includes those with a range of underlying factors such as cognitive, physical or sensory difficulties, emotional and behavioural difficulties or difficulties with speech and language or social interaction. Such children may need additional or different help from that given to other children of the same age.

Definitions in the Children Act 1989 and the Disability Discrimination Act 1995

A child is disabled if he is blind, deaf or dumb or suffers from a mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability, as may be prescribed.

See Section 17 (11), Children Act 1989

A person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

Section 1(1), Disability Discrimination Act

A child may fall within one or more of these definitions.

5. Some children may have severe or complex needs. Needs can be considered complex when a child has needs in more than one area. These may either be an accumulation of low-level difficulties that do not of themselves equate with higher levels of need or be both complex and severe. There will also be children who may have severe and complex needs that present severe management difficulties for schools.
6. When the child's difficulties are such that the setting¹ or school cannot make all additional or different special educational provision from within its own resources, through Early Years Action or School Action and Early Years Action Plus or School Action Plus, the LEA must consider whether it is necessary to carry out an assessment of the child's needs and set out all the provisions that are needed for the child's education.

Strategic involvement of social services

Health authorities, subject to the reasonableness of the request in the light of available resources, must comply with a request for help from an LEA in connection with *children with special educational needs*, unless they consider that the help is not necessary for the exercise of the LEA's functions.

See Section 322, Education Act 1996

7. Local authorities and NHS bodies, together with their national and local voluntary and community sector partners, have a number of planning requirements for children. Meeting the needs of children and young people with SEN successfully requires partnership across all the agencies. Partnerships can only work when there is a clear understanding of the respective aims, roles and responsibilities of the partners and the nature of their relationships. Coherence across all services affecting children and young people with SEN will be aided by clarity of information, good communication and transparent policies that inform accountability.
8. Agencies, both statutory and voluntary, need to work together to provide updated information to each other on their systems, structures, personnel and procedures including written operational guidelines. They should consider stating explicitly the value they place on cooperation and the aims they wish to

¹ 'Setting' this term applies to all settings in receipt of Government funding for early education.

see realised in practice for children and young people with SEN. They should also identify the issues and areas where staff across agencies could – and should – train together.

The Health Authority

9. The local Health Authority (HA) needs to ensure that there are clear methods for collaboration with the LEA and social services departments in meeting their joint responsibilities under section 322 of the Education Act 1996 and section 27 of the Children Act 1989, and that they are known by the relevant officers.
10. Health Authorities should agree with Primary Care Groups/ Trusts and other NHS Trusts, in consultation with the LEA, how they will deliver the health responsibility for identifying, assessing and making provision for children and young people with special educational needs (SEN).
11. At a strategic level, the Health Authority should have arrangements for ensuring that the Trusts and/or GPs providing child health services:
 - inform the LEA of particular local arrangements for the early identification of children with children who they think may have special educational needs. These are likely to be young children with physical, sensory, developmental difficulties or particular medical conditions
 - make sure that child health services inform the LEA about any child who may have SEN
 - make sure that all Trusts, other providers of health care and health professionals are aware of the time scales for statutory assessment and provision of advice as set out in Regulations²
 - consider, with LEAs and with a regard to available resources, the health services' contribution to the provision to be specified in a statement
 - consider how the powers in the Health Act 1999, allowing pooling of budgets and integration of commissioning or providing functions between the NHS and Local Authorities (including education), can best support services for children with SEN
 - meet with senior representatives of LEAs and health services to plan and co-ordinate strategic and operational activity.

The designated medical officer for special educational needs

The Health Authority (HA) should agree with Primary Care Groups and Trusts how the local health authority contribution to statutory assessment and to meeting the medical needs of children with special educational needs will be discharged. Primary Care Trusts or Community Trusts may employ the staff from whom the HA will need to designate a medical officer for special educational needs.

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² The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001.

12. The designated medical officer for special educational needs must have a strategic and operational role in co-ordinating strategic and operational activity across HAs, NHS Trusts, Primary Care Groups and GPs. The designated medical officer should:

- ensure that all schools have a contact (usually the school health service) for seeking medical advice on children who may have special educational needs
- provide a resource to other health service staff - for example, GPs and therapists – who require assistance in preparing reports on the medical history and health needs of children for schools and LEAs
- co-ordinate the health services' advice for a statutory assessment and, frequently, participate in multi-agency meetings on assessments and making statements
- co-ordinate the provision to be made by the health services for a child with special educational needs when, as may be the case with therapy and nursing services, either a HA or Primary Care Group may be responsible for the purchasing of these services
- consider how the powers in the Health Act 1999, allowing pooling of budgets and integration of commissioning or providing functions between the NHS and Local Authorities, can best support services for children with SEN.

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13. In addition the designated medical officer should:
- make sure that there are appropriate mechanisms so that health advice is provided for annual review meetings and transition planning when appropriate
 - collaborate with other health service staff and agree with the LEA standard formats for reports.
14. School Nurses, Occupational Therapists, Physiotherapists, Speech and Language Therapists' Clinical and Child Psychologists, Child Psychiatrists and tertiary centres also provide advice and support for pupils with SEN and their parents, and some schools may have direct access to their services. LEAs, schools and health professionals need to be aware of local arrangements. One of the key functions of a designated medical officer is to act as a controlling co-ordinator. Health professionals who advise schools should inform the designated medical officer for SEN if they consider that a pupil's SEN are associated with significant health problems.

Identification and Assessment of Children with Special Educational Needs

15. The SEN Code sets out how the needs of most children should be met in inclusive mainstream settings with school-based additional or different provision through *Early Years Action* or *School Action* and *Early Years Plus* or *School Action Plus*.
16. Children with substantial disabilities are likely to be known to local Health Services (who should have notified the LEA) and may have a statement of SEN before starting school. However the majority of children with SEN are first identified as having problems after they start school. The school's assessment should be informed by advice on whether a health problem is contributing to the pupil's educational difficulties and therefore all schools need easy access to health advice, including information on the role of relevant health professionals.
17. To gather a complete picture of a child's needs the school or setting will need to decide whether there are medical needs or treatment that should be taken into account. Such factors can be related to or lead to special educational needs if these needs hinder the pupil in learning or accessing the curriculum. Early education settings and schools should seek advice from health professionals either when the child is already known to health services or in order to inform an appropriate educational intervention through health advice and support.
18. Some children will enter school with previously identified mild to moderate difficulties not already known to local health services which may require assessment and provision through *School Action* or *School Action Plus*, e.g. fluctuating hearing loss, mild speech and language difficulty, developmental coordination disorders. A very small minority of children will have SEN of a severity or complexity that requires the LEA to determine and arrange special educational provision. In such cases the LEA will carry out a statutory assessment of needs and may decide to set out the needs and the provision in a statement of special educational needs. Health professionals are required to provide advice as part of the statutory assessment.

Contributing to statutory assessment

19. Statutory assessment involves:
- consideration by the LEA, with parents, the child's school³ and, as appropriate, other agencies, as to whether a statutory assessment of the child's special educational needs is necessary
- and if so**
- conducting the assessment, in collaboration with parents, schools and other agencies.
20. Parents, schools and particular early education settings may request a statutory assessment, but the designated medical officer or lead paediatrician can also refer a child for consideration to the LEA. Such a referral should usually be made after a discussion with, and written consent from, the parents.
21. In most cases the LEA will want information about any ongoing health input the child is receiving to help them consider whether to proceed to a full assessment. Where health professionals have been working closely with teachers they may have already provided written information and advice to the school and this existing information can be forwarded to the LEA. Health professionals may be able to provide valuable insights into the child's difficulties, as to the nature, extent and cause of the child's learning difficulties. Where no written advice has been provided to the school the LEA can accept a report from the school about the nature of health input.
22. The SEN Code of Practice recommends that for some very young children with profound needs the LEA should accept as evidence one over-arching report from the lead professional involved with the child. This is likely to be the child's paediatrician. This approach might also be appropriate for an older child who through an accident or ill health develops needs that may require the LEA to carry out a full assessment. In such situations the paediatrician should provide the designated medical officer for SEN with a copy of the report.
23. LEAs also consider whether the evidence points to under attainment rather than special educational needs and thus whether there are alternative solutions, such as referral to the education welfare service or to health or social services, that are more appropriate than statutory assessment.
24. *The SEN Code of Practice advises that a medical diagnosis or disability does not necessarily imply special educational needs.* It may not be necessary for a child or young person with any particular diagnosis or medical condition to have a statement, or to need any form of additional provision at any phase of education. It is the child's educational needs rather than a medical diagnosis that must be considered. Therefore the designated medical officer and other health professionals will need to consider when discussing medical conditions with parents, whether they are related to possible SEN that may require statutory assessment.

³ In this section 'schools' refers both to early education settings and all schools.

25. It is always the child's special **educational** needs that must be considered. For the majority of children with SEN, school-based provision without any necessity for statutory assessment is appropriate, and hence should health professionals strongly encourage parents to talk with the school.
26. An assessment under section 323 of the Education Act 1996 should only be undertaken if the LEA believes that the child has or probably has special educational needs and that the LEA needs or probably needs to determine and arrange the child's special educational provision by making a statement.

Notification that an LEA is considering whether to make a statutory assessment

27. Before deciding whether to make an assessment the LEA must issue a notice under section 323(1) of the Education Act 1996. The notice explains to parents the statutory processes and time scales. The LEA should send a copy of the notice to the designated medical officer, explaining that they will be asking for advice if the assessment proceeds.
28. LEAs are not at this point asking for advice, but providing early warning of the possibility of a request for advice in the near future. This early information should give health professionals the opportunity to collate records and consult others who might be involved in providing advice. Early action at this stage within the health service will in effect serve to extend the time available for gathering advice, and thus help health professionals meet the statutory time limits.
29. In effect health professionals have 6 weeks in which to organise records and arrange provisional dates for medicals and assessments before the 6-week statutory time period for providing advice. If such arrangements are put in place immediately the LEA issues the warning notice, health professionals should be able to provide advice on time even where the child was not already known to the service. It is essential that the health services agree a local protocol for ensuring that all relevant health professionals are aware of the notification.

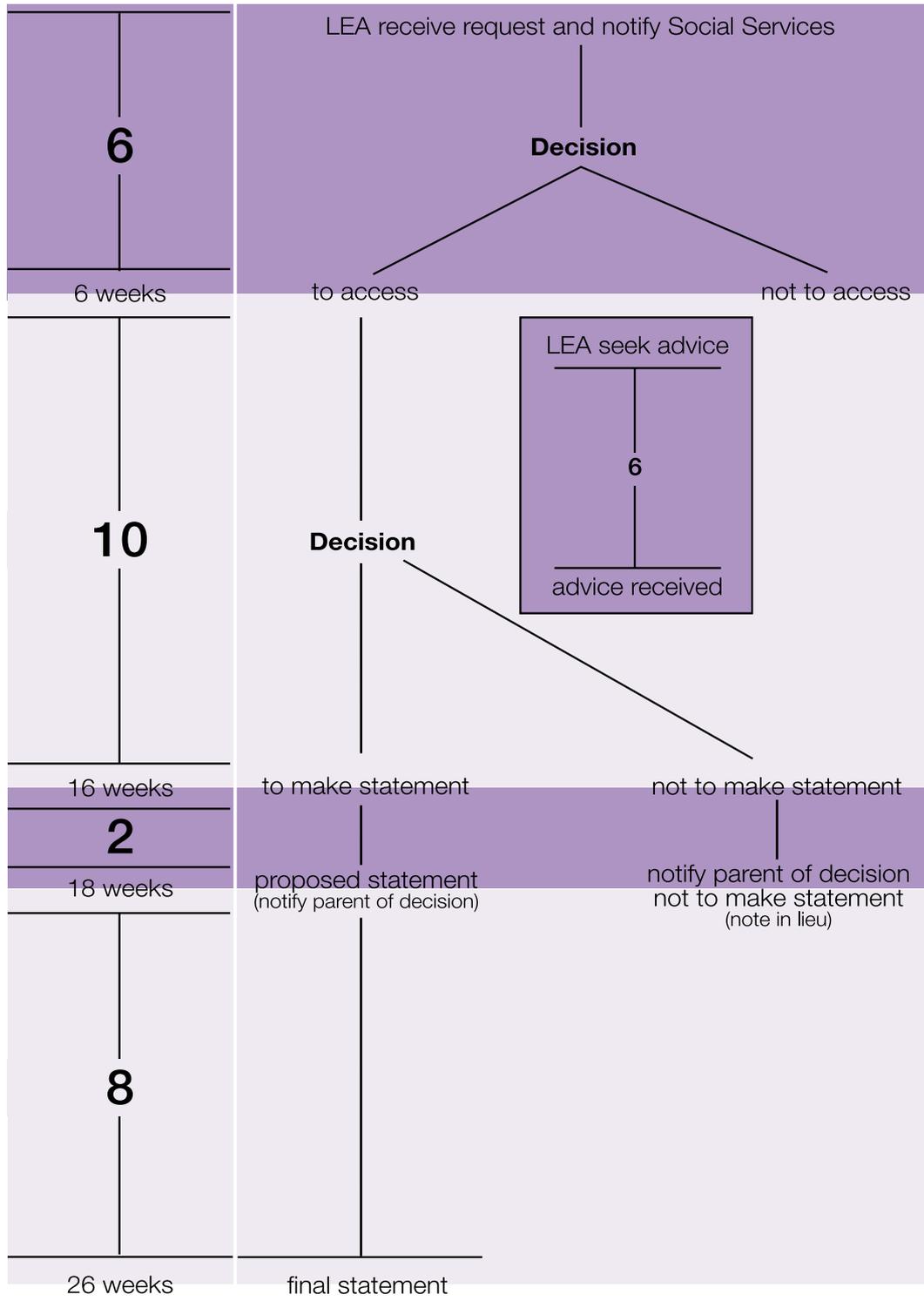
Time Limits for Making Assessments

30. It is in the interests of all concerned that statutory assessments are carried out in a timely manner. Regulations set out time limits in which the various parts of the process of making statutory assessments and statements must normally be conducted.
31. The health services **must** normally respond within six weeks of the date of receiving the request for advice. The LEA should have notified the designated medical officer of the possibility of an assessment.
32. The health services are not obliged to respond within six weeks if they have had no relevant knowledge of the child concerned prior to the LEA informing them that they were considering whether to assess, or prior to the LEA

notifying them that they have received a request for an assessment. In those circumstances, however, the health service should make every effort to respond promptly.

33. Occasionally there will be circumstances in which it is not reasonable to expect the health professionals concerned to meet the time scales. The regulations therefore prescribe exceptions to the time limits. It is good practice for parents to be told if the exceptions apply, so that they understand the reasons for any delays.
34. The exceptions to the six-week time limit within which health services must provide information are:
 - a. where there are exceptional personal circumstances affecting the child or their parents (for example, family bereavement) during the process of assessment
 - b. where the parents or the child are absent from the area of the authority for a continuous period of four weeks or more
 - c. where the child fails to keep an appointment for an examination or test
 - d. where the health services have had no relevant knowledge of the child prior to receiving notice that the LEA is considering whether to make a statutory assessment, or notice that the child's parent or school has requested an assessment.

35. The time limits for making assessments and statements are as follows:



36. However health services have an additional 6 week notice period before the assessment period. So the designated medical officer for SEN should ensure that a system is put in place to identify the relevant professionals and organise appointments once the initial notice is received from the LEA. It is in the best interests of the child if health professionals use the initial 6 weeks for planning so that the medical advice can be sent to the LEA within the statutory time limits for health. In this fashion there will be the least delay, and even those children who were not known can be assessed on time.

Medical advice

37. The designated medical officer for special educational needs should ensure the provision of co-ordinated advice from all the health professionals concerned. This advice may include advice from the child's general practitioner and the school doctor, health visitors, school nurses, other community nurses, therapists, child and adolescent mental health workers and all other specialists who might be involved, for example orthopaedic surgeons, paediatric neurologists, child psychiatrists and psychologists. Parents may also submit reports from non-NHS practitioners if they wish. The LEA must consider these reports in parallel with the professional advice co-ordinated by the designated medical officer.
38. The contribution of the health professionals to identification and assessment of special educational needs is essential. Advice may include information on:
- a) physical and mental health problems and/or developmental conditions and how they are likely to affect a child's learning ability
 - b) recent reports on hearing and vision
 - c) management of a health condition, especially with regard to health and safety
 - d) treatment that has affected or is likely to affect the child's learning ability
 - e) speech and language, occupational therapy and physiotherapy programmes required.
39. This information should include reference to any contributing educationally relevant factors such as home circumstances and family background, which will need to be written with sensitivity.
40. The advice should state clearly the likely impact on the child's education of the medical or developmental condition or its treatment. It should include advice on:
- management of the condition in the school context including advice on management of emotional and behavioural difficulties
 - any special aids, equipment or access which the child may need
 - health and safety matters in schools e.g. the need for additional supervision during potentially hazardous activities

- how long special provision is likely to be necessary where medical problems are considered short-term, and advice on the arrangements for monitoring this
 - any non-educational provision especially regarding ways to enable effective communication e.g. therapy services which may be needed and the mechanism for commissioning provision.
41. It is the responsibility of the referring paediatrician or the doctor and other health professionals carrying out the assessment to reassure parents about the assessment process within the health service context. Care should be taken to ensure that where a child has a serious or life threatening condition, parents are aware of the probable course of the disorder. Medical advice should not include issues that have not been discussed with the parents. It would be inappropriate and distressing for parents to first be made aware of such information through seeing their child's draft statement of SEN. Ideally medical/health advice should be discussed and agreed with parents before it is submitted.

Statement of Special Educational Needs

42. The style and format of a statement is set out in Schedule 2 of the Education (Special Educational Needs) (England) Regulations 2001. A statement is always in six parts.

Part 1: Introduction

Part 2: Special Educational Needs

Part 3: Special Educational Provision, including objectives and monitoring arrangements

Part 4: Placement

Part 5: Non-Education Needs

Part 6: Non-Educational Provision

Non-educational provision

43. Part 5 of the statement must set out any non-educational needs of the child which the LEA either propose to meet or are satisfied will be met by health services, social services or some other body.
44. These needs might include the need for therapy, other particular specialist medical interventions, mobility training, and respite care or specialist transport provision. Part 6 must set out the non-educational provision which is required to meet the needs identified in Part 5 and which the LEA either propose to make available or are satisfied will be made available by the health services.

45. Part 6 should also state the objectives to be achieved by non-educational provision including setting out brief reasons why such provision is recommended, and the arrangements as have been agreed by the LEA and the providing body for its delivery.
46. Therefore the designated medical officer must provide clear advice to the LEA on these matters and be aware of any local agreements between the health authority, Trusts and the LEA as to how educational and non-educational needs can be defined and met.

Residential Provision

47. In general LEAs are likely to consider that there is a need for residential provision where there is multi-agency agreement that:

- **the child has severe or multiple special educational needs that cannot be met in local day provision**
- **the child has severe or multiple special educational needs that require a consistent programme both during and after school hours that cannot be provided by parents with support from other agencies**
- **the child is looked after by the local authority and has complex social and learning needs, and placement is joint-funded with the social services department**
- **the child has complex medical needs as well as learning needs that cannot be managed in local day provision and the placement is joint-funded with the health authority**

If these conditions apply, a multi-agency plan should be put into place that enables joint or tri-partite funding to be considered

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Assessment and emergency placements

48. In exceptional cases it may be necessary to make an emergency placement for a child, for example where the child's medical circumstances have changed suddenly, causing a rapid and serious deterioration in the child's health or development. In such cases the need for inter-agency input and agreement is paramount.

Speech and language therapy in statements

49. Health professionals should be aware that:

Case law has established that speech and language therapy can be regarded as either educational or non-educational provision, or both, depending upon the health or developmental history of each child. It could therefore appear in either Part 3 or Part 6 of the statement or in both. However, since communication is so fundamental in learning and progression, addressing speech and language impairment should normally be recorded as educational provision unless there are exceptional reasons for not doing so.⁴

Prime responsibility for the provision of speech and language therapy services to children rests with the NHS. This applies generally and also to any specification of such services in a statement of special educational needs, whether in Part 3 as educational provision or in Part 6 as non-educational provision or in both parts. Health authorities are responsible for purchasing therapy services through the contracts they make with providers of health care (NHS Trusts). The NHS provides a professionally managed speech and language therapy service, covering pre-school, school age and adult age groups, which has close links with the other child health services.

Where the NHS does not provide speech and language therapy for a child whose statement specifies such therapy as educational provision, ultimate responsibility for ensuring that the provision is made rests with the LEA, unless the child's parents have made appropriate alternative arrangements. Schools, LEAs and the NHS should cooperate closely in meeting the needs of children with communication difficulties.

It is important that the nature and extent of provision required for individual children should be examined very carefully and that full consideration is given as to how such provision can best be delivered. Wherever possible, therapy for children attending school should be carried out collaboratively within the school context. In some cases, for example, children may need regular and continuing help from a speech therapist, either individually or in a group. In other cases, it may be appropriate for staff at the child's school to deliver a regular and discrete programme of intervention under the guidance and supervision of a speech and language therapist.

For some children a language programme that is an integral part of the whole school day is more appropriate. Such language programmes will be delivered by school staff, but may require regular monitoring and evaluation by a speech and language therapist. It is good practice for education professionals who have received sufficient and appropriate professional development in the field of speech and language difficulties to support and assist the work of speech and language therapists in educational settings. Collaborative practice is essential for successful intervention with children and young people with speech and language difficulties. The operational flexibilities being introduced under the Health Act 1999 for health services and local authorities will help to promote greater collaboration.⁵

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50. The role of therapy and nursing services is considered from paragraph 76.

⁴ This reflects the recommendations of the DOH/DfES working group on the provision of speech and language therapy services to children with special educational needs. DfES document 0319/2000.

⁵ DH (with DfES and DETR) Circular HSC2000/DH/LAC (2000): Implementation of Health Act Partnership Arrangements. April 2000.

Child Health Services in the Early Years

Health Authorities and National Health Service (NHS) Trusts must inform the parents and the appropriate LEA when they form the opinion that a child under compulsory school age may have special educational needs. They must also inform the parents if they believe that a particular voluntary organisation is likely to be able to give the parents advice or assistance in connection with any special educational needs that the child may have.

See Section 322, Education Act 1996

51. Thus, where a health professional considers that a child might have special educational needs, they **must** inform the parents⁶ of their views. However this should happen with due regard to parents' sensitivities so that they have the opportunity to discuss those views with a health professional who has the appropriate knowledge and experience and with whom they have built up a relationship of trust. Professionals will need to balance the need to tell parents and answer their questions honestly with consideration of both the parents' readiness to listen and the timing of the statutory requirement to inform the LEA. However if, after discussion with the parents they withhold consent for the LEA to be informed, it is important to be clear that the statute, set out above, overrides common law requirements of consent and confidentiality. The clinician should, taking into account the best interests of the child, use their professional judgement as to the exact timing of notifying the LEA and should always ensure the parents understand the doctor's legal obligation.
52. Health professionals **must** give parents information about particular local or national voluntary organisations that will have information and expertise, and be able to provide support and advice relating to their child's SEN. Parents should also be told about the local parent partnership service.
53. Where a child attends an early education setting and is identified by the special educational needs coordinator (SENCO) as having special educational needs, it is likely that the SENCO will contact the health professionals already working with the child and their family. The SENCO will need to build on the existing information about the child. Multi-agency input is extremely important in the early years. If health professionals are already working with the child, the early education setting should be provided with advice as to how they can contribute to the child's programme, or what programmes or strategies should be used within the setting. It is good practice for health professionals to be proactive and contact the early education setting so that interventions can be employed as soon as the child's needs are identified.
54. Where an early education setting identifies possible SEN, child health services, with parental consent, will need to assess any underlying health difficulties that may be causing the problems. Health service professionals may also be able to give advice on the probable causes and effective management of difficult behaviour in the early years.

⁶ 'Parents' should be taken to include all those with parental responsibility.

55. The child health services should alert the parents and the early education setting, if parents consent, regarding a child's potential difficulties. In most areas, a child development centre or team or community health team will be able to provide a multi-professional view for very young children. Such views should feed into the process of advice to an early education setting or the LEA as appropriate, dependent on the severity and complexity of the child's needs. Some centres and teams will also provide multi-professional assessment and intervention for older children and young people.
56. The designated medical officer for SEN should be a member of the Early Years and Child Development Partnership's SEN sub-committee. They should ensure that all early education providers are made aware of how to obtain information and advice on health related matters, by using the school health service, the child's general practitioner or a member of the child development or community health team. The designated medical officer should liaise with the local Early Years and Childcare Development Partnership, on which there will be health representation, so that information about access routes to health advice is consistent across the area and is agreed at a strategic level.

Special educational provision for children under compulsory school age

57. For very young children, access to a home-based learning programme, such as the Portage Home Teaching Programme, or the services of a peripatetic teacher for the hearing or visually impaired, may provide the most appropriate support or advice. Children with sensory impairments already attending an early education setting may be enabled to remain within the setting with support from specialist teachers. A child with a behavioural difficulty may be able to remain in the setting with advice from a clinical psychologist or child psychiatrist at a child development centre or through Child and Adolescent Mental Health Services or an educational psychologist. In most instances the child should attend, or continue to attend, mainstream early education provision, but with additional support or resources. A very few children may need to transfer to a specialist provision.

Statutory Assessment of children under two

If an LEA believe that children in their area who are under the age of two may have special educational needs for which the LEA should determine the special educational provision, the LEA may make an assessment of their educational needs if their parents consent to it, and must make such an assessment if parents request it. Such an assessment shall be in such a manner as the authority consider appropriate. Following such an assessment, the LEA may make and maintain a statement of the child's special educational needs in such manner, as they consider appropriate.

Section 331, Education Act 1996, Section 331

58. When a child under two is referred to the LEA, it is probable that their parents or the child health services will have already identified any potential SEN. In some areas of the country Sure Start programmes will have not only identified the child but also ensured co-ordinated access to statutory and voluntary agency provision. Voluntary agencies will continue to offer support to the family after the child has been made known to statutory services. The child is likely to have a particular condition or to have a major health problem that has caused concern at an early stage. Assessment of children under two need not follow the statutory procedures that are applicable to assessments of children who are aged two and over.

Statements for children under two

59. Statements will be rare for children under two. The LEA should first consider individual programmes of support according to the child's SEN. The procedures are not specified in legislation but advice is set out in the SEN Code of Practice. If a decision is made to issue a statement, usually because of the child's complex needs or to allow access to a particular service such as a home-based teaching or a developmental play programme, it should include:

- all available information about the child, with a clear specification of the child's special educational needs
- a record of the views of the parents and any relevant professionals
- a clear account of the services being offered, including the contribution of the education service and the educational objectives to be secured and the contribution of any statutory and voluntary agencies
- a description of the arrangements for monitoring and review.

LEAs should ensure that any specific educational targets are regularly reviewed and, if necessary, revised. Any action will require close collaboration with child health services and social services.

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Annual Reviews

60. All statements **must** be reviewed annually. The annual review of a pupil's statement ensures that once a year the parents, the pupil, the LEA, the school and all the professionals involved, consider the progress the pupil has made over the previous 12 months and whether any amendments need to be made to the description of the pupil's needs or to the special educational provision specified in the statement. It is a way of monitoring and evaluating the continued effectiveness and appropriateness of the statement. LEAs must

ensure that such a review is carried out within 12 months of either making the statement or of the previous review.

61. The child's circumstances may sometimes change. They may have received education, for example, in a hospital school or through home tuition. Further or continuous assessment during the past year may have identified or confirmed a significant medical or health need that will require different or continuing support and intervention. The nature and outcomes of such provision will need to be addressed in the annual review and reports should be obtained from health professionals.
62. The SEN Code of Practice requires that LEAs write to designated medical officers on a termly basis with a list of all the children who have an annual review in that term. The designated medical officer should ensure there are systems so that notice is given early to help health professionals plan attendance at those reviews that they consider necessary. It is the responsibility of the head teacher to ask for advice and invite attendance at an annual review meeting. Health authorities are required by section 322(1) of the Education Act 1996 to respond to the head teacher's request for written advice, unless the exceptions in section 321(2) and (3) apply. The evidence received, and comments on that evidence, together with an account of the review meeting, form the basis of the review report.
63. The LEA *may* tell the head teacher that representatives of the health services **must** be invited to contribute to the review and attend the meeting. The head teacher may also invite such professionals as they see fit, even if not asked to do so by the LEA. In some cases the professionals may themselves think it appropriate to attend, or consider it necessary to provide a report on their involvement with the child over the past year.
64. It is unlikely that all relevant health professionals will be able to attend all review meetings. Liaison between the respective parties should help professionals decide whether it is appropriate to attend and also give them adequate notice. Schools are advised to explain to parents that professionals will not always be able to attend all review meetings.

Children educated otherwise than at school

65. The SEN Code of Practice advises that the views of the designated medical officer should be sought where a child is educated otherwise than at school because of major difficulties relating to health or disability. In such circumstances the attendance of professional advisers from the relevant child health services will be particularly important and it is recommended to arrange that the LEA arranges the timing of the review meeting to ensure that they can participate.

The Annual Review in year 9 and subsequent years

66. The aim of the annual review in year 9 and subsequent years is to:
- review the young person's statement
 - draw up and subsequently review the Transition Plan.
67. The annual review of the statement held in year 9 should involve all the agencies that may play a major role in the young person's life during the post-school years.
68. The head teacher together with the Connexions Service should facilitate the transfer of relevant information to ensure that young people receive any necessary specialist help during their education or training after leaving school. For young people with specific disabilities, the role of health services and social services departments will be of particular importance and local authorities have duties relating to other legislation.

The Transition Plan

69. The annual review in year 9 and any subsequent annual reviews until the young person leaves school **must** include drawing up and subsequent review of the **Transition Plan**. The aim of a Transition Plan is to plan coherently for the young person's transition to adult life. The Transition Plan is not simply about post-school arrangements. It should also plan for on-going school provision, under the statement of special educational needs as overseen by the LEA.

Involvement of health services

70. Health professionals involved in the management and care of the young person should provide advice for Transition Plans in writing and should attend the annual review meeting in year 9. They should advise on the services that are likely to be required and should discuss arrangements for transfer to adult health care services with the young person, their parents and their GP. They should facilitate any referrals and transfers of records that may be necessary, subject to the informed consent of the young person and parents, and should liaise with the Connexions Service as appropriate. Health professionals should also consider, with the young person and their family, whether onward referrals to specialist adult services should be made.

Child and Adolescent Mental Health Services (CAMHS)

71. The Code sets out advice on provision for children with SEN and mental health problems.

Children with SEN are more likely to have mental health problems than those without, emphasising the importance of close links between education services and CAMHS. Many children with mental health problems, but by no means all, may also be recognised as children with emotional and behavioural difficulties.

Children with mental health problems may receive help from a range of sources – from highly specialised health services through to those provided at primary care level, for example general practitioners. Some children and young people identified as having SEN may benefit from referral to CAMHS specialists for the assessment and treatment of mental health problems. CAMHS can also provide advice, support and consultation to family members, carers and workers from health, social care, educational and voluntary agencies. Joint initiatives in some schools between the NHS and education services focus on children's mental health. These can facilitate a co-operative relationship between specialist child mental health care and education including educational psychology services.

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Children with serious medical conditions

72. Where children have illnesses such as cancer or other conditions or trauma resulting in a long time away from school, or have acquired brain injury there is a need for good links between the hospital, the hospital school, the home LEA and the child's usual school. Acute hospital services should liaise closely with community health services. There may sometimes be a need for the child's paediatrician to seek advice from colleagues to cover cognitive and emotional and behavioural issues that may affect learning. The child's paediatrician should liaise with the designated medical officer so as to decide who is best placed to take the lead and coordinate advice to the education services.

Children with degenerative medical conditions

73. Children with a variety of progressive or degenerative medical conditions may require special consideration when educational support or intervention is considered:
- maintaining educational input, even when a condition is progressing rapidly, is important to the child and family
 - some conditions are rapidly progressive. This means that the direction of their progress runs counter to that of their peer group and raises particular issues of curriculum accessibility and appropriate activities for the child's age and ability. They require rapid responses from the various agencies contributing to statutory assessment and provision at school
 - although regression may occur with varying degrees of rapidity, reviews of educational and other provision may need to occur more frequently and more rapidly for this group of children
 - these children will have greater medical needs than many others with SEN. Close liaison between health professionals, hospital schools and other schools will be necessary, particularly where medications and medical equipment are provided.

The role of nursing services working with children with SEN

74. Prime responsibility for the provision of nursing for children who have special educational needs lies with a number of nursing professionals.
- Schools Nurses
 - Children's Community Nurses
 - Learning Disability Nurses
 - Health Visitors
75. Following entrance to school every child receives health care through the universal services of General Practitioners and school health services. For most children this will be health surveillance and health promotion. Some children with special educational needs may also have complex health care needs, and some of their families will have the support of a Children's Community Nurse or a Learning Disability Community Nurse in the home.
76. Any one of these nursing professionals could complete a nursing assessment as a part of the medical advice for statutory assessment. A nursing assessment should measure the impact of the health needs on the child's ability to learn.
77. Where a final statement is issued before a child joins a school a nurse may need to be involved in preparing the school for the child's admission.

The school nurse's role involves three aspects of care:

- an holistic approach – which includes management of a caseload – including health promotion and health education for the school population
- training, assessment and support for teaching staff, including classroom assistants and carers in special schools
- clinical care – day to day management of nursing and care needs including emergency interventions.

78. There are children with SEN who also have continuing health care needs requiring nursing interventions to maintain their activities of daily living during the school day. Such nursing input helps them to function at a level that enables them to participate as fully as possible in all areas of the curriculum.
79. This could include nursing intervention on:
- feeding eg enteral feeding via naso-gastric tube or gastrostomy
 - breathing eg child requiring oxygen, tracheostomy care
 - toileting eg catheterisation, medication/enemas
 - safety eg intervention for seizures, rectal or buccal medication
 - challenging behaviour – focussing on concentrating and learning
 - posture and comfort – pressure area care, tissue viability.
80. For some children a nursing programme is an integral part of their school day. Such nursing intervention should be delivered by suitably qualified or experienced staff, who may either be trained nurses, or suitably trained carers who have been trained in the care needs of individual children. These children may require regular supervision, and evaluation of their nursing needs to maintain them within the school environment.

The role of the Speech and Language Therapist working with children with SEN

81. The role of the Speech and Language Therapist (SLT) working with school age children is complex and wide-ranging. SLTS should consider that:
- addressing children's speech, language and communication difficulties is nearly always educational
 - therapy for school age children is best carried out collaboratively within the school
 - children with speech, language and communication difficulties should be educated in mainstream schools where possible and SLT support should work towards that end

- SLT tasks such as assessment, diagnosis and therapy should be carried out in conjunction with school staff and parents/carers. The educational context should always inform the assessment, diagnosis and therapy
- SLTs should provide active support to schools to help them differentiate content, teaching style and curriculum outcomes for children with speech, language and communication difficulties with a particular focus language in the classroom context of both peers and school staff
- SLTs should always strive to work collaboratively with school staff and parents thorough jointly agreed targets, strategies and approaches which will be then be pervasive across the child's full learning experience in school and at home
- SLTs should also expect to provide education and training in all aspects of language, language acquisition and speech, language and communication difficulties in so far as it relates to the classroom and the curriculum.

The consultancy model for speech and language therapy

82. The best use of SLT resources for children with speech, language and communication difficulties can be achieved by using a consultancy model. So that SLTs are able to spend more face-to-face time with children with more severe and complex needs they need to have flexibility in how their time and skills are deployed in schools. In addition inclusive schools need school staff that are more knowledgeable and confident in their work with children with SEN. Those school staff working with children with speech, language and communication difficulties will benefit from collaboration with SLTs.
83. It is also important for parents to understand and accept that the child needs a rounded programme of support which includes all school staff and not just one-to-one SLT contact.
84. A range of factors will influence the speech and language therapy service decision to work within a consultancy model, a direct contact model or a combination of both in school. These factors will include:
- nature and severity of child's speech, language and communication disorder
 - stage of development of the child
 - national curriculum key stage
 - policy and practice within school towards inclusion of pupils with SEN
 - whole school approaches to learning, behaviour, language
 - level of resources available within the school, both human and material
 - level of staff expertise available within school
 - opportunities for staff training and SLT modelling for staff
 - parental views.

The role of physiotherapists working with children with SEN

85. Paediatric physiotherapists are concerned with the assessment, treatment and management of children who have a general developmental delay, disorder of movement, disability or illness which may be improved, controlled or alleviated by physiotherapeutic skills and/or the use of specialised equipment.
86. Physiotherapy is delivered, according to the needs of the child and family, in a variety of locations such as home, school or Child Development Centre. Currently the provision of physiotherapy to children in schools by NHS Trusts is through a local Paediatric Physiotherapy Service. This usually consists of a team of specialised physiotherapists who are a part of the multidisciplinary Child Health Team providing a district-wide service to children aged 0-19 years.
87. In order that school-aged children derive maximum benefit from physiotherapy:
 - a collaborative approach should be adopted to ensure that therapy approaches can be carried over into the classroom
 - children with physiotherapeutic needs should be educated in mainstream school where possible and physiotherapy support should work to that end, although specialist placements may be necessary for some children
 - the physiotherapy assessment, diagnosis and therapy should all be carried out in conjunction with parents/carers and teachers and should be informed by the educational context
 - physiotherapists should be involved in curricular planning and in supporting school to develop strategies to address the children's needs within the context of the classroom e.g. teaching education staff, advice on modifications to PE lessons to enable a child to participate, advice on equipment within the classroom to enable access to the curriculum
 - there should be clear written guidance, underpinned with adequate resources, at a local level as to what is expected of physiotherapists, schools and LEAs. These might be expressed in the form of local partnership agreements, as is the practice in some areas.

The role of the Occupational Therapist working with children with SEN

88. The objective of the occupational therapist is to work with the child to maximise abilities and independence in all aspects of daily living, including educational, self-care and social activities. Occupational therapy helps children and families adapt to the challenges imposed on everyday life by physical, psychological or learning disabilities.

89. Purposeful activities and play are used to develop the skills children need to access the educational curriculum more effectively, whether in special or mainstream settings.
90. Occupational therapists assist in diagnosing the problems associated with poor gross and fine motor coordination, perceptual difficulties and delay in functional skills such as eating, dressing and handwriting. They assess and treat children with complex physical or emotional and behavioural problems, and so help reduce the impact of disability and improve opportunities for inclusion. They may recommend specialist equipment, together with adaptations to the learning and physical environment in school.
91. Depending on children's needs, the occupational therapist may work in a variety of ways:
- directly with the child in nursery, school or other settings
 - through setting up activity programmes carried out by school staff (following training), reviewed by the occupational therapist
 - through consultation – provision of monitoring and advice, coordinating occupational therapy input to the school and clarifying how it contributes to educational targets
 - by involvement in educational reviews, curriculum planning and differentiation for the individual child
 - through working with the child, family and teaching staff to ensure a link between home and school and the development of skills in different settings
 - by training school staff
 - through regular liaison and collaborative approaches with other members of the multidisciplinary team.
92. Occupational therapy helps the child access both the learning and physical curriculum. Within the context of the total learning environment offered by the school, occupational therapy will always have some impact on the child's educational management. Flexible approaches are required and depend on the most effective learning style for the child and the school's training and experience with special educational needs.
93. Services should be 'needs-led'. Information about local referral procedures and prioritising systems should be readily available to schools and parents. Early occupational therapy referral can help minimise loss of self-esteem and potential for behaviour problems. Occupational therapists have a responsibility to make resource shortfalls known to those commissioning services and this information is essential to inform the inter-agency planning process.