

Briefing for SENCOs on the special educational needs and disability (SEND) reforms

SENCOs

Introduction

Special educational needs and disability (SEND) reforms were introduced in 2014. In order to support effective implementation, the reforms are being phased in over time. The reforms will need to be fully implemented by 31 March 2018.

The SEND reforms:

- place the child, young person and their family at the heart of decision making – schools, local authorities and other providers must listen to and take account of the views of children, young people and their families when planning services and determining what support should be provided;
- replace the statement of special educational needs (SEN) and the Learning Disability Assessment with an education, health and care (EHC) plan which covers the age range 0-25;
- introduce a single category of SEN for those who do not have an EHC plan;
- set a clear expectation that most pupils with SEND will be taught in mainstream classrooms and that every teacher is a teacher of SEND;
- give parents and young people the right to request a personal budget for the additional support that a child, young person or family will need;
- require local authorities to publish a local offer setting out what support is available;
- require schools to publish on their website an SEN information report setting out how they support pupils with SEN; and
- require EHC providers to jointly commission provision to meet the needs of children and young people with SEND.

The reforms are set out in the Special Educational Needs and Disability (SEND) Code of Practice. The Code provides statutory guidance on what local authorities, health and social care services, schools, colleges and other education and training providers, and individual staff working in those settings, (a) must do and (b) should do to implement the reforms.

This briefing summarises what special educational needs co-ordinators (SENCOs) must and should do. It also draws attention to issues that have arisen during the implementation phase of the reforms and outlines the NASUWT's main concerns. The briefing explains what support SENCOs should expect and how the NASUWT can help.

The SENCO role

The SENCO has day-to-day responsibility for the operation of the SEN policy and co-ordination of specific provision made to support individual pupils with SEN, including those who have EHC plans.

The SENCO provides professional guidance to teachers, school leaders and other staff within the school. They also work closely with parents and external agencies.

The SENCO must be a qualified teacher. Since 2009, SENCOs who are newly appointed to the role must gain a National Award for Special Educational Needs Co-ordination. This must be gained within three years of appointment.

The Code of Practice acknowledges that some very small primary schools may share a SENCO to work across schools. The Code of Practice makes it clear that the 'shared SENCO' role should not be carried out by a headteacher.

What SENCOs must do

The SENCO must maintain an overview of the programmes and interventions to support different groups of pupils, including monitoring their impact and effectiveness.

What SENCOs should do

The SENCO should play a role in determining the strategic development of SEN policy and provision in the school. The Code of Practice recommends that the SENCO is a member of the school leadership team and says that the SENCO should work with the headteacher and governing body to fulfil the role.

The SENCO should work with the headteacher and governing body, trust board or proprietor to establish a clear picture of the resources available to the school, and the strategic approach, including the allocation of funds, to SEN.

Schools must ensure that young people and parents are actively supported so that they contribute to needs assessments, and developing and reviewing EHC plans. The SENCO should ensure that parents and young people are engaged in these planning and decision-making processes.

The SENCO should provide professional guidance to colleagues and work with staff, parents and other agencies.

The SENCO should support class or subject teachers to carry out a clear analysis of the needs of a child who is identified as requiring SEN support. They should work with the class or subject teacher to agree the adjustments, interventions and support that will be provided to the pupil. They should advise the class or subject teacher on effective implementation and support, and help them to problem solve and revise support in light of a pupil's progress and development.

The SENCO should be aware of provision in the Local Offer.

The support that SENCOs should expect

The Code of Practice says that schools should ensure that the SENCO has sufficient time and resources to carry out their functions. This should include providing the SENCO with sufficient

administrative support and time away from teaching to enable them to fulfil their role. The Code of Practice also says that this should be similar to other 'important strategic roles within a school'.

The SENCO should have time within the working day to undertake training and CPD. SENCOs should have access to specialist training and CPD. This might include access to professional networks for SENCOs and other SEN specialists.

SENCOs that have teaching responsibilities should have sufficient time to plan and prepare lessons for the pupils they teach, including those pupils who have additional or different support needs.

Implementation of the reforms – SEND area inspections

Ofsted and the Care Quality Commission (CQC) are undertaking inspections to judge how well different local authority areas are implementing the SEND reforms. Over a five-year period (from 2016 to 2020), inspectors will inspect every local authority area and visit a range of EHC providers in that area, including schools and colleges. Areas will only be inspected once.

Inspectors will consider how well the area as a whole is implementing the SEND reforms. They will not judge the performance of individual institutions. Following the inspection, inspectors will prepare an inspection letter which outlines the strengths of provision and 'areas for development'. Inspectors' expectations of what is 'strong' and what are 'areas for development' will depend on when, during the five-year period, an area is inspected.

Information from area inspections may feed into other inspections of schools, colleges and other provision.

A review of inspection letters reveals that, in many areas, 'areas for development' include:

- failure to engage parents/carers and young people fully in decision-making processes;
- weaknesses in partnership working and joint commissioning across EHC services, with particular issues regarding the contribution of health services;
- gaps in the knowledge and expertise of the workforce;
- local offers being underdeveloped and/or difficult to use;
- concerns about the focus and quality of EHC plans, including a failure to focus sufficiently on outcomes, particularly health and care outcomes;
- delays in completing initial assessments of needs;
- delays in accessing appropriate specialist support, including support from children's and adolescent mental health services (CAMHS);
- weaknesses at points of transition and the need for greater long-term focus, including preparation for life; and
- 19-25 provision being insufficiently developed.

In some areas, specific issues relating to schools include:

- failure to accurately identify the needs of some pupils with SEN;
- inconsistencies in the academic outcomes for pupils with SEN;

- evidence of persistent absences and high exclusions of pupils with SEN; and
- parents expressing the view that some schools do not appear to want pupils who have SEN or disabilities to enrol and are not meeting the needs of their child in an inclusive manner.

The NASUWT's main concerns about the SEND reforms

Equality and inclusion

The NASUWT has evidence which supports the area-inspection finding that some schools discourage parents of pupils with SEN or disabilities from applying for admission to the school. As a result, teachers and school leaders in inclusive schools report that their schools take a disproportionate number of pupils with SEN and disabilities.

Children and young people without an EHC plan have no statutory entitlement to support. There is a risk that these pupils will not receive the support that they need, particularly if limited funds are allocated to meet the needs of those with an EHC plan.

Funding

The funding formula for pupils with SEN in mainstream schools means that schools are expected to contribute the first £6,000 of cost for additional support for a high-needs pupil before they can access external funding. Schools have faced substantial cuts to their budgets over the past six years. This, combined with a growth in the pupil population, including the number of pupils with complex needs, means that schools are finding it increasingly difficult to support all pupils with SEN.

Some health services are asking schools to pay for a member of health service staff to attend meetings, including initial assessment meetings.

Mainstreaming SEN

Some areas are issuing fewer EHC plans than Statements of SEN and Learning and Disability Assessments. This appears to be a particular issue at points of transition, most notably post-16. The actions appear to be part of a cost-cutting exercise, rather than the result of increased resourcing of specialist support within schools.

The Government expects more children and young people with SEN to be educated in mainstream schools. Schools are likely to find that they have to plan, pay for and manage more specialist provision, including provision for pupils with more complex needs. This is placing substantial and additional demands on SENCOs as well as other staff within the school.

Workforce development

Evaluations of the SEND pathfinders and findings from area inspections highlight workforce development as a key area of concern.

Many teachers report that they have not received the training they need to enable them to meet the needs of pupils who have SEN. Also, many teachers, including SENCOs, report that they are not given time within the working day to undertake training.

SEND-related training is often only provided to SENCOs and other staff with specific responsibilities for SEN. Those staff may then be expected to train other staff in the school. This places considerable demands on their time and takes them away from their core responsibilities.

Performance management

Performance management often focuses on teachers meeting narrowly defined targets, rather than on their development and support needs. SENCOs may be set targets to improve academic outcomes for pupils with SEN which are unrealistic and inappropriate. For example, some SENCOs are being set targets relating to academic outcomes of all pupils with SEN, even though they do not teach those pupils.

Workload

The Code of Practice makes it clear that the SENCO role should be a strategic one. This means that the SENCO may be expected to liaise with external organisations about strategic decisions across an area, e.g. commissioning, and matters relating to the Local Offer. However, in some schools, SENCOs have a full teaching timetable and are expected to carry out their SEN responsibilities on top of their teaching commitments.

Cuts to budgets and services mean that schools must meet a greater range of needs, including pupils with complex needs. This places great demands on the SENCO, who must advise and support class and subject teachers and manage provision for SEN across the school.

SEND reforms have placed huge demands on staff in schools. The SEN information report regulations require schools to publish a wide range of information about their SEN provision. Schools must also ensure that the information is kept up to date.

Duplication of procedures is a problem in some areas.

Some local authorities are requiring schools to produce unnecessary information; for example, a school offer that mirrors the local offer. Both create unnecessary bureaucracy and add to workload, particularly of SENCOs and other members of SEN staff.

In some areas, school staff have been asked to write EHC plans because of concerns about the quality of EHC plans being produced by the local authority.

Schools are reporting delays when making appointments and accessing services. This adds to the pressures and workloads of SENCOs and members of the SEN team who must chase up requests for meetings and to secure provision. Schools must always do their best to meet a child's needs, even where the agreed support is not being provided.

The key worker

The key worker plays a vital role in bringing services together and enabling services to share information. There is evidence that school-based staff, particularly SENCOs, are being expected to take on the role of key worker. The role is very time consuming and diverts resources away from pupils in the school.

Cooperation and joint commissioning

The evaluation of SEND pathfinders and evidence from area inspections highlight problems around joint commissioning and cooperation across services, particularly regarding the involvement of health services.

Some health services are asking schools to pay for health service staff to attend meetings, including initial-assessment meetings.

Differences in organisation priorities and cultures can lead to difficulties and delays in arranging meetings, agreeing actions and securing appropriate support.

Parental engagement and involvement

Actively and effectively engaging young people and parents in decisions about needs and provision takes time and resources. Schools may struggle to meet the demands of actively involving parents in decision-making.

Parents and the school may disagree about the support that a child needs. In some instances, what a parent wants may not be in the best educational interests of their child.

Some parents want to use the Personal Budget to employ somebody to support their child in school. They may want to determine who is employed and how they are employed. This could undermine the SENCO's authority and operate against the best interests of both the child and other pupils in the school. Whilst the school's headteacher has the power to veto such requests, they may come under significant pressure from individual parents who are only interested in their child.

School accountability

The school accountability system is high stakes and punitive, and focuses on a very narrow range of performance measures. This means that the system may fail to recognise the achievements that a school has made; for example, in respect of a child's personal, social and emotional development.

Schools that are judged to be underperforming may struggle to recruit and retain teachers and school leaders.

Pupil outcomes and progress

The underlying causes of underperformance are often complex. A school may require considerable support in order to make the necessary improvements. Public sector cuts mean that a school may not be able to secure the services needed to support the needs of pupils with SEN.

Identifying SEN in mainstream schools

Some schools are experiencing significant difficulties and delays in accessing support to undertake initial assessments of pupils with SEN who may require an EHC plan.

Many class and subject teachers have not received the necessary training to enable them to identify a particular child's needs.

It is unrealistic to expect class and subject teachers to have the specialist knowledge and expertise to identify the vast range of SEN and disabilities. Effective identification depends on class and subject teachers having the time and support from both within and outside the school to discuss and reflect on any concerns that they may have about particular pupils' needs. Often, SENCOs do not have the time to provide teachers with the specialist support that they need.

Schools are only likely to implement the SEND reforms effectively if they have access to external support and are appropriately funded and if their staffing structure recognises both the strategic role

of the SENCO and the need for teachers to have time to share information about pupils, reflect on their practice and access relevant training and support.

Multi-academy trusts (MATs)

Academies must cooperate with the local authority in which the school is located. However, some MATs operate across a number of local authority areas and have established their own approach to meeting the needs of pupils with SEN. SENCOs in academies may come under pressure from both the MAT and their local authority, where policies conflict.

NASUWT advice and support

Schools should comply with the NASUWT's action short of strike action instructions. These can be found on the NASUWT website:

www.nasuwat.org.uk/Whatsnew/NASUWTNews/NASUWTindustrialaction/EnglandResources/index.htm.

Schools should also comply with the Equality Act 2010, including the public sector equality duty (PSED). The NASUWT produces a range of advice and guidance on equality matters and the NASUWT's guidance on SEND includes specific information about equalities legislation and the PSED.

SENCOs should contact the NASUWT for advice if problems arise.

The NASUWT would like to collect evidence about the sorts of problems that teachers, SENCOs and school leaders are encountering. The Union will use this information to identify how it can better support members, including pressing for changes to policies and practice nationally, locally and in schools.

SENCOs should email the NASUWT (education@mail.nasuwat.org.uk) with brief information about any problems.

Further information

NASUWT (September 2015), *Special Educational Needs and Disability – advice for school leaders*

NASUWT (September 2015), *Special Educational Needs and Disability – advice for teachers*



Tel: 03330 145550

E-mail: advice@mail.nasuwt.org.uk

Website: www.nasuwt.org.uk

NASUWT
The Teachers' Union