

WITHOUT PREJUDICE

The new Special Educational Needs and Disability System - clarification for schools

Following the NASUWT submission on SEN and Disability implementation issues, the DfE has agreed to develop further advice to schools and local authorities on SEN matters and has sought views from unions.

The purpose of this document is to clarify some of the DfE's key requirements and expectations on the implementation of the new Special Educational Needs and Disabilities (SEND) system. It should be read in conjunction with the revised SEND Code of Practice (insert link) published in July 2014.

Implementing the Code of Practice - Key Points

Transition to Education Health and Care Plans

- There is no requirement to transfer all pupils with statements of special educational needs to Education Health and Care (EHC) Plans immediately. The DfE has set out a clear timescale for transferring pupils, dependent on their stage of education and the nature of their special educational need or disability. The timescale is set out in Annex A of the DfE's publication, *Transition to the new 0-25 special educational needs and disability system* (insert link).
- Pupils should not be denied access to additional support merely as a result of their transition from a statement to an EHC plan.
- The revised SEN Code of Practice is effective from September 2014. Schools should identify time to ensure that all teachers are informed about how the Code has changed and the implications for staff. This can normally be done as part of a school's INSET programme which all teachers should be able to access.
- Schools should be assured that for the purposes of inspection, they will need to have in place a process for reviewing their policies appropriately and ensuring these are coherent and not workload intensive.

Workload and bureaucracy

- The operation of the new SEND system in schools should be implemented in a way that does not lead to increased workload burdens overall on school leaders, SENCOs and classroom teachers, including in relation to planning for SEND pupils, assessing their progress and achievement or liaising with local authorities and other relevant external bodies. Schools should take reasonable steps to manage the transition to the new system in ways which are not burdensome for teachers and which ensure effective transition.

SENCOs

- The Code of Practice is clear that schools should ensure that SENCOs have adequate time and resources to carry out their responsibilities. This should include providing SENCOs with sufficient administrative support and specific timetabled time to enable them to discharge their SENCO responsibilities effectively. This support and time should

be comparable to that provided for holders of other important senior roles within the school. Where a SENCO is also in receipt of leadership and management time for other purposes, time for discharging the SENCO responsibilities should be additional to that time. PPA time should not be encroached upon for the purpose of providing time for the SENCO role.

- It is important that schools are involved in the delivery of co-ordinated health, education and social care support for pupils with SEND and their parents. However, there should be no automatic assumption that SENCOs or other school staff will take lead responsibility for these arrangements, including taking on the role of key worker as part of the Early Support Programme. The allocation of key worker or other comparable roles should be determined by an objective assessment of the needs of the disabled child or young person and how these needs can best be provided for. The key worker should be given adequate time to discharge their role.

Training and support

- The Code of Practice requires that SENCOs and classroom teachers with responsibilities for pupils with SEND are given access to the training and support they require in order to undertake these responsibilities effectively. Training and development should be planned in advance and arranged at times that can be accessed by teachers without the need for teachers to undertake such activity during the evenings or at weekends.

Engagement with parents

- It is essential that relevant staff in schools engage with parents of pupils with SEND regularly to set clear objectives, review progress, discuss the activities and support that will help pupils to achieve these objectives, and identify the respective responsibilities of parents, pupils and schools.
- The Code of Practice states that schools should meet the parents or carers of pupils with SEND at least three times each year. However, there is no requirement to interpret this as meaning that schools must hold individual meetings with the parents of every pupil with SEND once a term. For example, it may be appropriate at times to organise information-sharing or support meetings that involve groups of parents.
- Meetings with parents/carers should be planned in the school calendar and schools should take steps as necessary to minimise the workload burdens on staff.

School Information Reports and the Local Offer

- The governing bodies of maintained schools and maintained nursery schools and the proprietors of academy schools must publish information on their websites about the implementation of the governing body's or the proprietor's policy for pupils with SEND. This information can be included as part of the school's overall SEND policy and does not need to be a separate document. Further information about these requirements can be found in the Code of Practice (insert link).
- However, while schools are subject to a statutory duty to co-operate with their local authority in the development of the Local Offer, there is no requirement on them to

reproduce information of the depth and range required for Local Offers in their School Information Reports.

Expectations of local authorities

- Local authorities should work with schools to minimise bureaucratic demands associated with the local offer.
- Local authorities retain a responsibility for SEN and should ensure that they have the resources and capacity they need to effectively support schools and pupils/families.
- Local authorities should not set unreasonable expectations that schools transfer all pupils with statements of special educational needs to Education Health and Care (EHC) Plans immediately. This can give rise to unreasonable and unsustainable workload demands in schools. Local authorities should work with schools to ensure that there is a managed transition to the use of EHCs which should be completed in full by 1 April 2018.
- Pupils should not be denied access to additional support merely as a result of their transition from a statement to an EHC plan.
- Local authorities should establish effective arrangements for consulting teachers, school leaders and other relevant professionals on the development and review of the Local Offer.
- Local authorities must respond to requests from schools for EHC assessments within six weeks of any application.
- If a local authority determines that it will not to undertake an EHC assessment, it must set out reasons for its decision.
- Undertaking EHC assessments is a statutory responsibility on local authorities. They must therefore not seek to levy charges on schools for undertaking any activities associated with these assessments.