

# **SEND CODE OF PRACTICE**

# Learning Outcomes



- To develop understanding of how the SEN Code of Practice relates to special educational needs and disabilities
- To develop understanding of the teacher's role in relation to SEND
- To develop understanding of the role of the SENCo/SEND CO
- To develop understanding of the graduated response in the SEND Code of Practice
- To be more aware of the four areas of needs
- To develop understanding of the specific terminology relating to SEND
- To develop understanding of how SEND can affect behaviour

# What's in a name?

## Labelling.....

- What labels do you have?
- How does the label affect how you view yourself?
- How do others view you when you have this label?

# SEND

What does this mean to you?

**Impairment:**

An injury, illness or congenital condition that causes or is likely to cause a loss or difference of physiological or psychological function.

**Disability:**

The loss or limitation of opportunities to take part in society on an equal level with others due to social and environmental barriers.

# Labelling and SEND

- 1870 Foster's Elementary Education Act – Education for all students.
- 1880 Education Act - compulsory for all children to attend school except the 'uneducable'.
- Following the act there was a growing pressure to provide separate systems of schooling for the 'uneducable'.

- Charles Darwin – (1837) natural selection (survival of the fittest)
- Sir Francis Galton “eugenics” (1883) (Social Darwinism)

## *The Mental Deficiency Act (1913)*

Initiated the start of the wide scale institutionalisation of people with learning disabilities.

Under the Mental Deficiency Act people were termed as:

- - 'Idiot'
- - 'Imbecile'
- - 'Feeble minded'
- - 'Moral imbecile' (replaced in 1927 by the term 'moral defective')



# 1921 Education Act

## Introduced 5 categories of 'handicap'

Blind

Deaf

Mentally defective

Physically defective

Epileptic

This led to.....

Children with physical and learning difficulties being institutionalised in inappropriate settings that did not take account of their specific 'needs'.

The illness was the focus, not the child's well-being.



## 1944 Education Act

Focussed on the medical model of disability  
introducing the 11 categories of handicap.

- Blind
- Partially sighted
  - Deaf
- Partially deaf
  - Delicate
  - Diabetic
- Educationally subnormal
  - Epileptic
  - Maladjusted
- Physically handicapped
  - Speech defects

Children who '*suffered* from a disability of mind or body' were offered "special educational *treatment*" in separate schools.

# The Plowden Report 1967

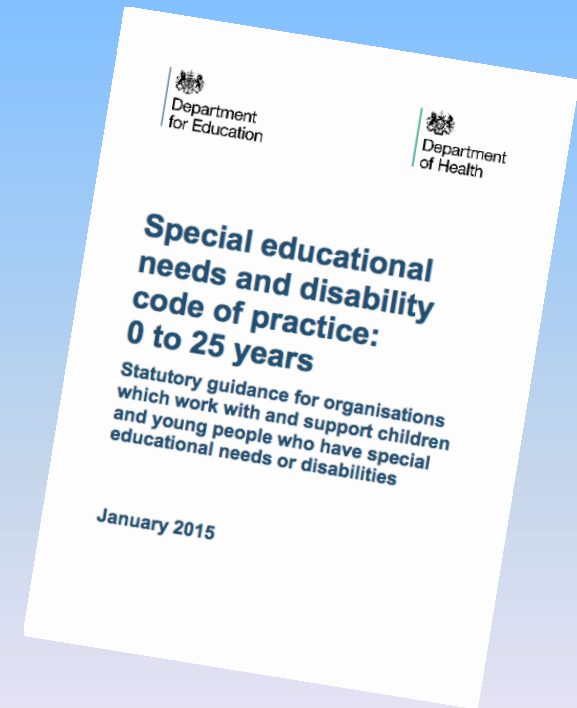


*‘at the heart of the educational process lies the child’.*

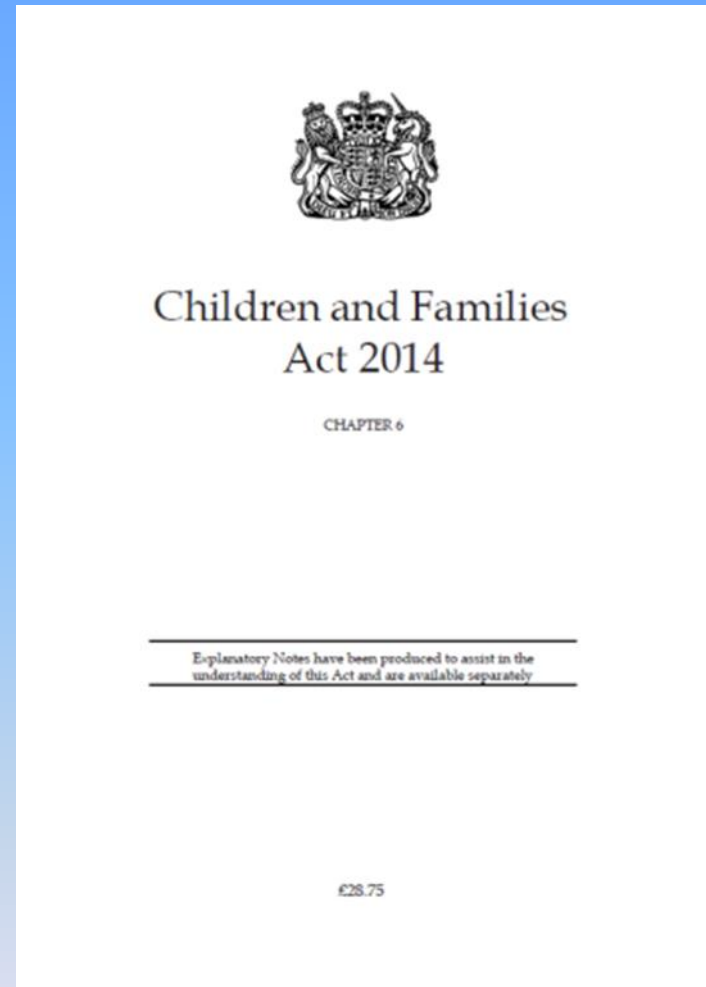
- Changes in attitude
- A behaviourist approach
- it stressed the **possibility** of teachers taking responsibility for modifying provision for children with special needs

- Warnock Report 1978 - introduced the concept of the SEN Framework as we know it today
- The education Act 1981
- Excellence for all children: meeting SEN 1997
- SEN and Disabilities Act 2001
- Removing Barriers to Achievement 2004
- Support and aspiration: a new approach to SEN and disability
- SEN Code of Practice 2001

- March 2011 – SEN Green Paper published promising '*the biggest reform to SEN in 30 years*'.
- *SEND code of practice: 0-25 years 2014*
- *SEND code of practice: 0-25 years*  
January 2015

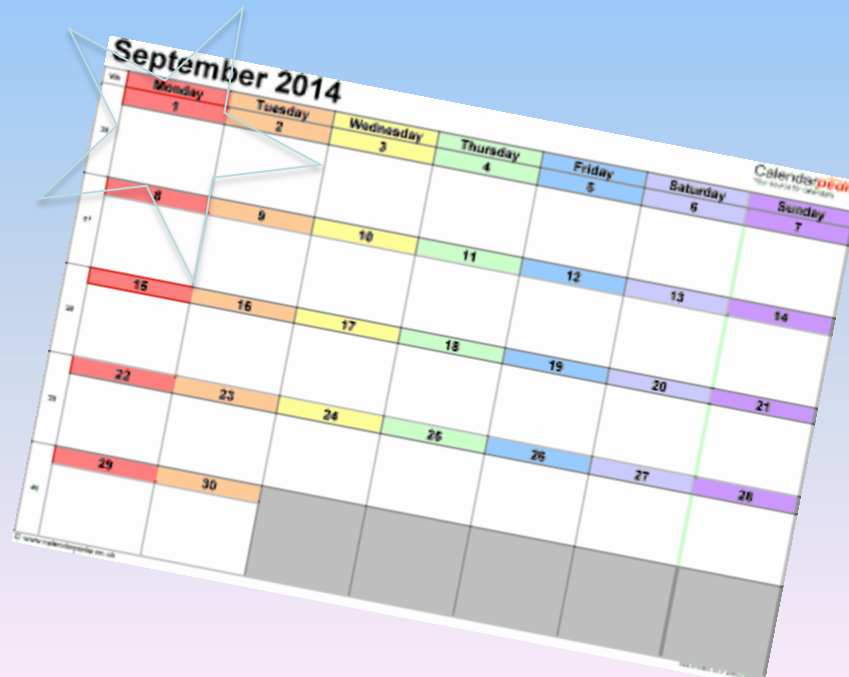


In March 2014, the Children and Families Bill successfully completed its passage through both Houses of Parliament and it received Royal Assent becoming the Children and Families Act 2014 (CFA 2014). Part 3 of CFA 2014 is entitled Children and Young People in England with Special Educational Needs and Disabilities.



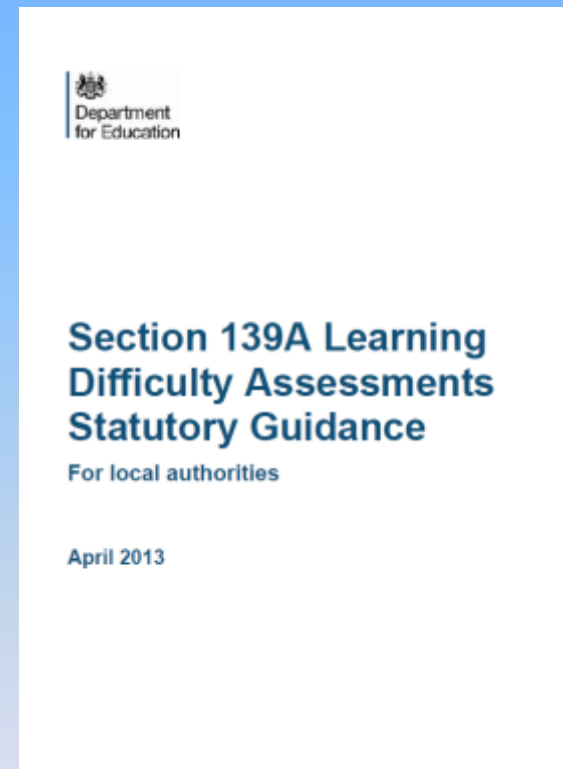
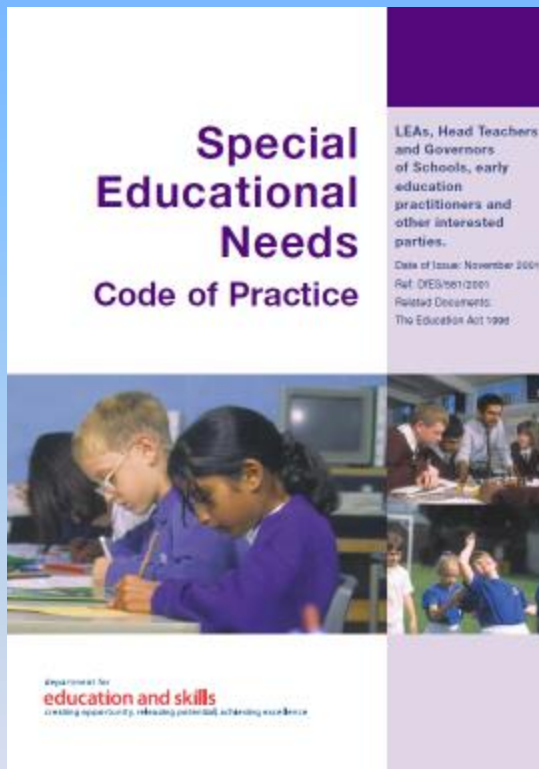
## The implementation:

- **1<sup>st</sup> September 2014** the majority of Part 3 of the Children and Families Act 2014, its associated regulations and **the Code of Practice came into force.**
- Learning Difficulty Assessments were phased out by September 2016 and statements by April 2018





# The Code of Practice replaces all of these documents:



# The SEND Code of Practice

**Sets out the expectation of how every child with SEND will be helped in education whether or not they have an EHC plan.**

LAs and CCGs (Clinical Commissioning Groups) will work together to **commission services jointly** to secure a better integrated system for 0-25 year olds, focused on outcomes, working with children, young people, parents and partners across education, health and social care.

# Key elements:

- It covers the 0-25 age range
- It includes guidance on children and young people with disabilities as well as guidance for children and young people with special educational needs (SEN)
- There is a focus on the participation of children, young people and parents in decision making both at an individual and a strategic level

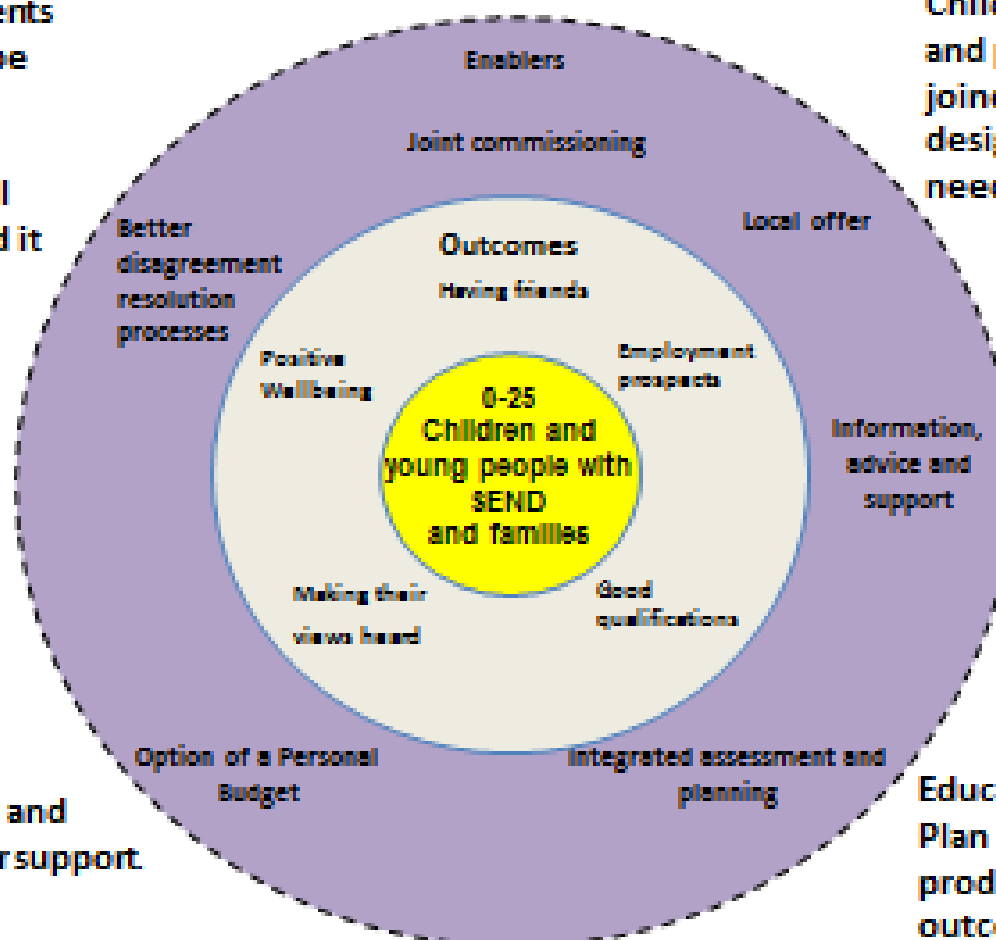
# Key elements:

- There is a stronger focus on high aspirations and improving outcomes for children and young people with special educational needs and disability (SEND)
- There is guidance on joint planning and commissioning between Education, Health and Social Care
- There is guidance on publishing the Local Offer

# The SEND reforms: putting children and young people at the centre

Where disagreements happen, they can be resolved early and amicably, with the option of a Tribunal for those that need it

Children, young people and parents understand a joined up system, designed around their needs



Extending choice and control over their support

Education Health and Care Plan is holistic, co-produced, focused on outcomes, and is delivered

- Local Authorities should provide impartial information

<https://hants.gov.uk/kb5/hampshire/directory/localoffer.page>

<http://www.harrisonprimaryschool.co.uk/send/>

(accessed 7.9.19)



# Definition of SEN:

## Special educational needs (SEN)

- xi. A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.
- xii. A child of compulsory school age or a young person has a learning difficulty or disability if he or she:
  - has a significantly greater difficulty in learning than the majority of others of the same age, or
  - has a disability which prevents or hinders him or her from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions

This is a legal definition.

What might be a dilemma for teachers?

# Definition of a disability:

## Disabled children and young people

- xvi. Many children and young people who have SEN may have a disability under the Equality Act 2010 – that is ‘...a physical or mental impairment which has a long term and substantial adverse effect on their ability to carry out normal day-to-day activities’. This definition provides a relatively low threshold and includes more children than many realise: ‘long term’ is defined as a ‘year or more’ and ‘substantial’ is defined as ‘more than minor or trivial’. This definition includes sensory impairments such as those affecting sight or hearing, and long term health conditions such as asthma, diabetes, epilepsy, and cancer. Children and young people with such conditions do not necessarily have SEN, but there is a significant overlap between disabled children and young people and those with SEN. Where a child or young person requires special educational provision over and above the adjustments, aids and services required by the Equality Act 2010 they will be additionally covered by the SEN definition.



# Reasonable adjustments

- All providers **must** make reasonable adjustments to procedures, criteria and practices.
- Schools **must** publish accessibility plans setting out how they plan to increase access for disabled pupils to the curriculum, the physical environment and to information.

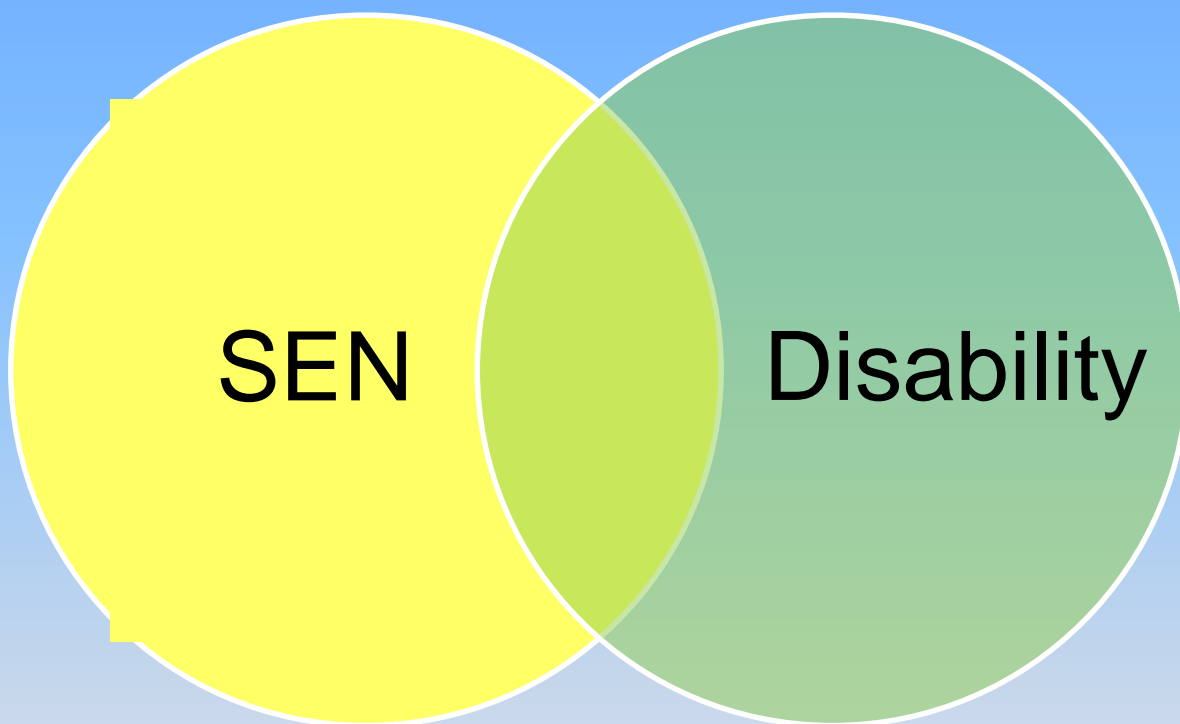


## Supporting pupils at school with medical conditions

Statutory guidance for governing bodies  
of maintained schools and proprietors of  
academies in England

December 2015

# SEN or SEND or D?



?

Think of an example where this might happen.  
How easy is it for teachers to distinguish the difference?

## Identifying SEN in schools

- 6.11 All schools should have a clear approach to identifying and responding to SEN. The benefits of early identification are widely recognised – identifying need at the earliest point and then making effective provision improves long-term outcomes for the child or young person.
- 6.12 A pupil has SEN where their learning difficulty or disability calls for special educational provision, that is provision different from or additional to that normally available to pupils of the same age. Making higher quality teaching normally available to the whole class is likely to mean that fewer pupils will require such support. Such improvements in whole-class provision tend to be more cost effective and sustainable.
- 6.13 Schools should assess each pupil's current skills and levels of attainment on entry, building on information from previous settings and key stages where appropriate.

# Areas of need

- Communication and interaction
- Cognition and learning
- Social, emotional and mental health difficulties
- Sensory and/or physical needs

## **SEN Support**

**Guidance for early years providers,  
mainstream schools and colleges to  
support children and young people  
who do *not* have an Education,  
Health and Care (EHC) plan**

Children's Services Department  
SEN Service

June 2017

# The role of the teacher

- The Teacher's Standards make it clear that it is every teacher's responsibility to *'adapt teaching to respond to the strengths and needs of all pupils'* (TS 5)
- This is also emphasised in the new NC documentation (*NC Inclusion statement 2014*)
- SEN Code of Practice echoes this point, stating *'teachers are responsible and accountable for the progress and development of the pupils in their class, including where pupils access support from teaching assistants or specialist staff.'* (6.36)

- The Code of Practice makes it clear that additional intervention and support cannot compensate for a lack of good teaching
- High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have special educational needs (6.37)
- For CYP who are identified as needing specific special educational provision, the Code sets out the principle of a graduated response

# Graduated Response

- The Code of Practice describes The Graduated Approach as a:

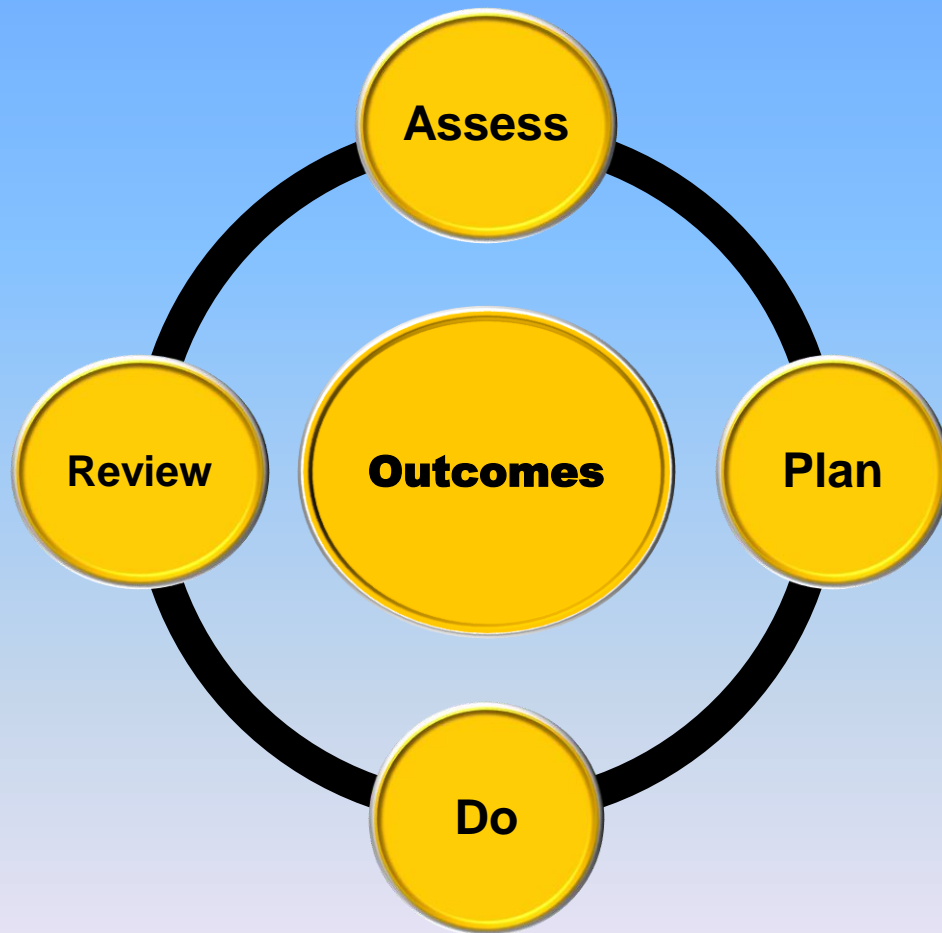
‘four-part cycle through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the pupil’s needs and of what supports the pupil in making good progress and securing good outcomes’

(ref: 6.44)

*In the Code, pupil and CYP are synonymous*



# Graduated Response



Schools should record, use and ***evidence*** “additional to or different from” provision to demonstrate impact, outcomes and value for money.

# Graduated Response

Where a pupil continues to make less than expected progress despite evidence based SEN support, further support from specialists may be needed.

- Educational psychologists
- Speech and Language Therapist
- Occupational therapists/Physiotherapists
- Specialist Advisory Teachers
- Child and Adolescent Mental Health Service
- Medical profession

# Education, Health and Care Plan

Chapter 9 in the CoP lays out:

- the procedures for assessment of need
- Timescales (20 weeks)
- Stresses 'desired outcomes'
- Child-centred – CYP voice
- Addresses disputes

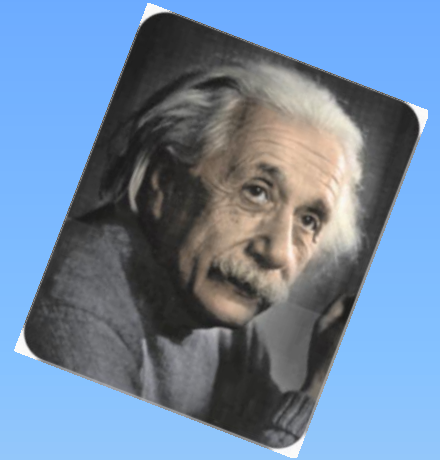
# The role of the teacher.....

- Be at the heart of planning and making provision
- **Drive** the cycle of ASSESS-PLAN-DO-REVIEW
- Seek and utilise the support, guidance and leadership of the SENCo and any specialist staff
- Demonstrate high expectations, aspirations and ambition for CYP
- The Code expects regular teacher/parents/CYP meetings and other contact (IEPs, provision mapping)

# Where can you get support?

- Colleagues/SENCo
  - The National Association for SEN (NASEN) has very good resources to support practitioners
  - HCC SEN Support
  - Local Offers
  - Inclusion Development Programmes (IDP online)
  - Charities and organisations
- I Can (language and communication)
- Young Minds
- Young Epilepsy





A teacher sent the following note home  
with a six- year-old boy:

*"He is too stupid to learn."*

That boy was... Thomas Edison

