

Identifying Children and Young People Needs

Extracts from SEND Code of Practice, July 2014:

6.15 A pupil has SEN where their learning difficulty or disability calls for special educational provision, namely 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.

6.16 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. At the same time schools should consider evidence that a pupil may have a disability under the Equality Act 2010 and, if so, what reasonable adjustments may need to be made for them.

6.17 Class and subject teachers, supported by the senior leadership team, should make regular assessments of progress for all pupils. These should seek to identify pupils making less than expected progress given their age and individual circumstances. This can be characterised by progress which:

- is significantly slower than that of their peers starting from the same baseline
- fails to match or better the child's previous rate of progress
- fails to close the attainment gap between the child and their peers
- widens the attainment gap

6.9 All schools have duties under the Equality Act 2010 towards individual disabled children and young people (who may or may not have SEN). The definition of a disability 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 (Code of Practice Introduction xviii) Schools **must** make reasonable adjustments, including the provision of auxiliary aids and services for disabled children, to prevent them being put at a substantial disadvantage.

6.11 The Children and Families Act 2014 places a duty on maintained schools and academies to make arrangements to support pupils with medical conditions. Individual healthcare Plans will normally specify the type and level of support required to meet the medical needs of such pupils. Where children and young people also have SEND, their provision should be planned and delivered in a co-ordinated way with the healthcare Plan, Schools are required to have regard to statutory guidance [Supporting pupils at school with medical conditions](#)

1.14 Local Authorities must carry out their functions with a view to identifying all the children and young people in their area who have or may have SEN or have or may have a disability (Section 22 of the Children and Families Act 2014).

1.15 Local Authorities may gather information on children and young people with SEN or disabilities in a number of ways. Anyone can bring a child or young person who they believe has or probably has SEN or a disability to the attention of a local authority (Section 24 of the Children and Families Act 2014) and parents, early years' providers, schools and colleges have an important role in doing so.

1.16 CCG's, NHS Trusts and NHS Foundation Trusts **must** inform the appropriate local authority if they identify a child under compulsory school age as having, or probably having, SEN or a disability (Section 23 of the Children and Families Act 2014).

1.17 A child's parents, young people, schools and colleges have specific rights to request a needs assessment for an EHC Plan and children and their parents and young people should feel able to tell school or college if they believe they have or may have SEN. The legal test of when a child or young person requires an EHC Plan remains the same as that for a statement under the Education Act 1996. Therefore, it is expected that all those who have a statement and who would have continued to have one under the current system, will be transferred to an EHC Plan – no-one should lose their statement simply because the system is changing. Similarly, local authorities have undertaken LDAs for young people either because they had a statement at school or because, in the opinion of the local authority, they are likely to need additional support as part of their further education or training and would benefit from a LDA to identify their learning needs and the provision required to meet those needs. Therefore, the expectation is that young people who are currently receiving support as a result of a LDA and remain in further education or training during the transition period, who request and need an EHC Plan, will be issued with one.

1.18 Chapters 5,6 and 7 (of the Code) provide guidance for early years providers, schools and colleges on identifying children and young people's SEN and making provision to meet those needs as early as possible.

1.19 Local authorities, CCGs and other partners must work together in local Health and Wellbeing Boards to assess the health needs of local people, including those with SEN or who are disabled. This assessment, The Joint Strategic Needs Assessment, informs a local Health and Wellbeing strategy which sets priorities for those who commission services. Local authorities must keep their educational and training provision and social care provision for children and young people with SEN or Disabilities under review (Section 27 of the Children and Families Act 2014). In carrying out this duty, the local authority will gather information from early year's providers, schools and post-16 institutions. In most cases, these institutions must, in

turn, co-operate with the local authority. The local authority must publish and keep under review its Local offer of provision in consultation with children, their parents and young people. Guidance on these matters is given in Chapter 3 and 4.

Greater choice and control for parents and young people over their support

1.20 A local authority's Local Offer should reflect the services that are available as a result of strategic assessments of local needs and reviews of local education and care provision (Section 27 of the Children and Families Act 2014) and of health provision (Joint Strategic Needs Assessments and Joint Commissioning arrangements (Section 26 of the Children and Families Act 2014). Linking these assessments and reviews to the Local Offer will help to identify gaps in local provision. Local authorities **must** involve children and young people with SEN or Disabilities and the parents of children with SEN or Disabilities in the development and review of the Local Offer. This will help to ensure it is responsive to local families. Guidance on the Local Offer is provided in Chapter 4 of the Code of Practice.

1.21 Parents of children who have an EHC Plan and young people who have such a Plan have a right to ask for a particular educational institution to be named in the Plan and for a Personal Budget for their support. Guidance is given in Chapter 9 of the Code of Practice.

Collaboration between education, health and social care services to provide support

1.22 If children and young people with SEN or disabilities are to achieve their ambitions and the best possible educational and other outcomes , including getting a job and living as independently as possible, local education, health and social care services should work together to ensure they get the right support.

1.23 When carrying out their statutory duties under the Children and Families Act 2014, local authorities must do so with a view to making sure that services work together to ensure they get the right support.

High quality provision to meet the needs of children and young people with SEND

1.24 High quality teaching that is differentiated and personalised will meet the individual needs of the majority of children and young people. Some children and young people need educational provision that is additional to or different from this. This is special educational provision under Section 21 of the Children and Families Act 2014. Schools and colleges **must** use their best endeavours to ensure that such provision is made for those who need it. Special educational provision is underpinned by high quality teaching and is compromised by anything less.

1.25 Early years providers, schools and colleges should know precisely where children and young people with SEND are in their learning and development. They should:

- ensure decisions are informed by the insights of parents and those of children and young people themselves
- have high ambitions and set stretching targets for them
- track their progress towards these goals
- keep under review the additional or different provision that is made for them
- promote positive outcomes in the wider areas of personal and social development, and
- ensure that the approaches used are based on the best possible evidence and are having the required impact on progress.

Chapters 5, 6 and 7 give guidance on identifying and supporting children and young people with SEN or disabilities.

A focus on inclusive practice and removing barriers to learning

1.26 As part of its commitments under articles 7 and 24 of the United Nations Convention of the Rights of Persons with Disabilities, the UK Government is committed to inclusive education of disabled children and young people and the progressive removal of barriers to learning and participation in mainstream education. The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEN should be educated and the Equality Act 2010 provides protection from discrimination for disabled people.

1.27 Where a child or young person has SEN but does not have an EHC Plan they must be educated in a mainstream setting except in specific circumstances. The School Admissions Code of Practice requires children and young people with SEN to be treated fairly. Admissions authorities:

- must consider applications from parents of children who have SEN but do not have an EHC Plan on the basis of the school's published admissions criteria as part of normal admissions procedures
- must not refuse to admit a child who has SEN but does not have an EHC Plan because they do not feel able to meet those needs
- must not refuse to admit a child on the grounds that they do not have an EHC Plan 1.28 The Equality Act 2010 prohibits schools from discriminating against disabled children and young people in respect of admissions. Students will need to meet the entry requirements for courses as set out by the college, but should not be refused access to opportunities based on whether or not they have SEND.

1.29 Children and young people without an EHC Plan can be placed in special schools and special post-16 institutions only in the following exceptional circumstances:

- where they are admitted to a special school or post- 16 institution to be assessed for an EHC Plan with their agreement (in the case of a young person) or the agreement of their parent (in the case of a child), the local authority, the head teacher or principal of the special school or post-16 institution and anyone providing advice for the assessment.
- where they are admitted to a special school or special post-16 institution following a change in their circumstances with their agreement (in the case of a young person) or the agreement of the their parent (in the case of a child), the local authority and the head teacher or principal of the special school or special post-16 institution. Where an emergency placement of this kind is made the local authority should immediately initiate an EHC needs assessment or re-assessment.
- where they are in hospital and admitted to a special school which is established in a hospital, or
- where they are admitted to a special academy (including a special free school) whose academy arrangements allow it to admit children or young people with SEND who do not have an EHC Plan.

1.30 The last of these provisions enables the Secretary of State to approve academy arrangements for individual special academies or special free schools that are innovative and increase access to specialist provision for children and young people without EHC Plans. Those academies the Secretary of State authorises will make clear through their Funding Agreement that a child or young person with SEN but no EHC Plan should be placed there only at the request of their parents or at their own request and with the support of professional advice such as a report from an educational psychologist. A special academy or special free school with these arrangements will be able to admit only those children who have a type of SEN for which they are designated. They will have adopted fair practices and arrangements that are in accordance with the Schools Admission Code for the admission of children without an EHC Plan.

1.31 The leaders of early year's settings, schools and colleges should establish and maintain a culture of high expectations that expects those working with children and young people with SEN or disabilities to include them in all the opportunities available to other children and young people so they could achieve well.

1.32 There is significant overlap between children and young people with SEN and those with disabilities and many such children and young people and young people are covered by both SEN and equality legislation.

1.33 The Equality Act 2010 and Part 3 of the Children and Families Act share a common focus on removing barriers to learning. In the Children and Families Act 2014 duties for planning, commissioning and reviewing provision, the Local Offer and the duties requiring different agencies to work together apply to all children and young people with SEN or Disabilities. In carrying out the duties in the Children and Families Act 2014, local authorities and others with responsibilities under that Act, are covered by the Equality Act.

1.34 In practical situations in everyday settings, the best early years settings, schools and colleges do what is necessary to enable children and young to develop, learn, participate and achieve the best possible outcomes irrespective of whether that is through reasonable adjustments for a disabled child or young person or special educational provision for a child or young person with SEND.

1.35 Much of the guidance in the Code of Practice focuses on the individual duties owed to children and young people with SEND. When early years settings, schools and colleges, local authorities and others Plan and review special educational needs provision and make decisions about children and young people with SEND (chapters 5-7 and 9) they should consider, at the same time, the reasonable adjustments and access arrangements required for the same young person under the Equality Act.

1.36 The presumption of mainstream education is supported by provisions safeguarding the interests of all children and young people and ensuring that the preferences of the child's parents or the young person for where they should be educated should be met wherever possible.

1.37 Special schools (in the maintained, academy, non-maintained and independent sectors), special post-16 institutions and specialist all have an important role in providing for children and young people with SEND and in working collaboratively with mainstream and special settings to develop and share expertise and approaches.

1.38 Children and young people with SEND have different needs and can be educated effectively in a range of mainstream and special settings. Alongside the general presumption of mainstream education, parents of children with an EHC Plan and young people with such a Plan have the right to seek a place at a special school, special post-16 institution or specialist college. Further details of the arrangements for Education, Health and Care Plans are set out in chapter 9.

Specialist Provision

Halton offers a range of specialist educational provision in Runcorn and Widnes which includes:

- Specialist resource bases for autistic spectrum disorders (ASC) (Key Stages 1, 2, 3 & 4)

- Specialist resource bases for speech and language difficulties
 - At Key Stage 1, these are Assessment Bases, where children are dual registered with their local mainstream school
 - At Key Stage 2, these are full time places
- Specialist resource bases for SEMH (Key Stages 1 and 2)
- Specialist resource bases for Cognition and Learning (Key Stage 2)
- Special School for physical/medical and complex needs age 2-16
- Special Schools for ASC, Learning Difficulty and Disability age 5-19
- Special School for social communication and ASC age 11 - 19

All resource base places and special school places can only be accessed if a child/young person has an Education, Health and Care Plan (EHCP). The Exception is for the speech and language resource base at Key Stage 1, which children can access without an EHCP.