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2.0 Defining and identifying SEN and disabilities

Defining special educational needs

The Education Act (GB 1996) definition of special educational needs remains unchanged in the Code, which states that *“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. 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 facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions”.*

For children aged two or more, special educational provision is educational or training provision that is additional to, or different from, that made generally for other children or young people of the same age by mainstream schools, maintained nursery schools, mainstream post-16 institutions or by early years providers. For a child under two years of age, special educational provision means educational provision of any kind. A child under compulsory school age has special educational needs if he or she is likely to fall within the definition above when they reach compulsory school age, or would do so if special educational provision were not made available for them.

Special educational provision should be matched to the child’s identified SEN. These needs generally fall under one or more of the following four broad areas of SEN and disabilities:

- communication and interaction;
- cognition and learning;
- social, emotional; and
- mental health; and
- sensory and/or physical needs.

Section 22, of Part 3, of the Children and Families Act (GB 2014) places a duty on local authorities to identify:

- *“all the children and young people in its area who have or may have special educational needs; and*
- *all the children and young people in its area who have a disability”.*

A local authority is responsible for a child if they have been identified by the authority or brought to their attention. The local authority must be informed by Clinical Commissioning Groups (CCGs), NHS Trusts and NHS Foundation Trusts if they identify a child under compulsory school age as having,

4.0 Support for parents and children

Local authorities must provide information, advice and support for parents covering SEN, disability, health and social care. Services such as Key Working and Parent Partnership Services provide advice and support for parents. These and other services of support will be detailed within the Local Offer.

Improving outcomes and increasing involvement of families

At the heart of the new reform is the necessity to improve outcomes, and increase the involvement of children with special educational needs and their parents in all aspects of decision-making. To achieve this, early years providers will need to work closely with families to seek their involvement in decision-making processes, and to help improve outcomes.

If a child is formally identified as having SEN, the parents should be contacted as soon as possible and informed of their child's delay or difficulty. This news may come as a shock to many parents, therefore it is essential that the information be shared by someone who has developed a trusting relationship with the family and knows the child well. The parents may have many questions to ask, and will want to know how their child's difficulty will affect their learning, and what the next steps will be to support their child. This early conversation may not necessarily be with the Special Educational Needs Co-ordinator (SENCO), and is more likely to be with the child's key person. Since the last Code was published, there have been many changes to early years provision, including the introduction of the key person role. This change means there is now less emphasis on the partnership between the SENCO and parents, and an equal focus on the parent/key person relationship. However, the SENCO is still responsible for ensuring that an appropriate system is in place to meet the child's needs, whilst still being on hand to offer advice and support to parents when required.

Information sharing within the provision

Sharing a wide range of information is vital to keeping parents engaged, informed and involved. Parents should be provided with:

- information about the SEN provision;
- regular updates on the child's progress;
- generic information e.g. specific roles of professionals, terminology, law and policy; and
- practical resources and training, such as those provided by Early Support (www.councilfordisabledchildren.org.uk/earllysupport).

Thought should be given to how such information is provided to parents to ensure it is accessible, for instance, a range of written and electronic easy-to-read formats, be given verbally as well as in the parent's home language. Information collated on the child whilst in the provision must be kept