

What do the SEN and disability reforms mean for schools?

In September 2014 most of the provisions in the Children and Families Act that relate to children and young people with SEN and disabilities came into force. One year on:

- what does this mean for schools?
- who has responsibility for what?
- what support is available to schools?

The requirements discussed in this briefing apply to maintained schools, academies and free schools¹. The focus is on mainstream schools.

What does this mean for schools?

One of the most significant changes brought in by the Children and Families Act is the set of principles that apply to SEN and disability responsibilities:

The principles focus on the importance of ...

The wishes, views and feelings of children, their parents and of young people themselves

The participation of parents, children and young people in decision-making about SEN

Providing children, young people and parents with **information** and advice to support participation

Outcomes and improving progress for children and young people with SEN

What are the implications for schools?

Schools need to listen to and respond to the concerns of parents, children and young people (6.20) and use person-centred approaches

Parents, children and young people need to be actively involved in decision-making (6.7) from the start, for example, in the initial decision about whether a child or young person has SEN (6.39-6.40)

Schools:

- must publish an SEN Information Report (6.79)
- should provide children, young people and parents with information about the local Information, Advice and Support Service (6.39)

Schools need to focus on outcomes and impact and:

- gather evidence of the impact of their actions on the progress of pupils with SEN (6.77)
- publish information about how they evaluate the effectiveness of provision made for pupils with SEN (6.79)



¹ Throughout this briefing, superscript numbers refer to footnotes and numbers in brackets refer to pages or paragraph numbers in: [Special educational needs and disability code of practice: 0 to 25 years](#)

Areas where schools must co-operate with the local authority:

Schools must co-operate with the local authority in meeting their duties under the Children and Families Act. There are several areas where schools need to work closely with the LA on aspects of SEN and disability. These include:

Local authorities have responsibility for ...

Identifying all children and young people with SEN and disabilities in their area

Developing and keeping under review the local offer. In particular, LAs must set out what all schools in the area are expected to provide from their delegated budget

EHC assessments: LAs must seek educational advice and information from the school

Transfer Reviews: a Transfer Review is an EHC needs assessment²

LAs must not seek new advice and information for the EHC needs assessment where LA, parent and advice giver agree that existing advice and information is 'sufficient'

Annual reviews: LAs must review an EHC plan within 12 months of issue or the previous review (or continue to review a statement of SEN annually until it is transferred to an EHC plan)

What are the implications for schools?

Being able to provide the LA with information about all children and young people with SEN and disabilities

Schools can expect to work with the LA to agree the use of their delegated budget to make special educational provision for all pupils who need it, including those who need access to top-up funding from the LA because their additional support costs more than £6k

Schools must provide this advice and information within 6 weeks of the request

Schools may need to provide new advice and information for the EHC needs assessment, where existing advice is not 'sufficient' for an EHC needs assessment

Schools may be asked to convene and host a meeting with the parents or the young person during the Transfer Review

Schools usually convene and hold the review meeting, and can be required to do so. The review should be person-centred and focused on outcomes

All agencies are required to work together:

Schools, along with other education, health and social care agencies, must co-operate with the local authority to meet children and young people's needs. Local authorities and clinical commissioning groups (CCGs) are required to commission services jointly for children and young people with SEN. Schools can expect to contribute to the gathering of information to inform the local needs assessment and influence commissioning decisions made by LAs and the CCGs.



² Note: timescales for individual transfer reviews were extended, 1 September 2015, see CDC Transfer Reviews briefing: [A briefing on the changes to the timescales for Transfer Reviews](#)

Who has responsibility for what?

Governing Body of a maintained school and the proprietor of an Academy Trust

Under the Children and Families Act, must (6.1-6.7):

- use their best endeavours to ensure that needs of children and young people are met
- ensure children and young people with SEN engage in school activities alongside others who do not have SEN
- appoint a SENCO who is a qualified teacher; new to role SENCOs with less than 12 months' experience, must achieve the NASENCO³ qualification within 3 years of appointment (6.84-6.94)
- inform parents when they are making special educational provision for a child
- publish an SEN information report and update it annually (6.79-6.83) along with information about disabled children (p16 and 6.2)
- must make arrangements for pupils with medical conditions and must have regard to the relevant statutory guidance⁴ (6.11)

Under the Equality Act, must (p16-17):

- not discriminate against disabled pupils
- make reasonable adjustments
- publish an accessibility plan
- publish information and objectives under the Public Sector Equality Duty

Headteacher and school leaders

Advise the governing body or proprietor on policies to meet their SEN and disability responsibilities

The SENCO will be most effective in their role in strategic development of SEN policy and provision if they are part of the leadership team (6.87)

Should regularly review how SEN expertise and resources contribute to the quality of whole-school provision and school improvement (6.3)

Progress made by pupils with SEN should be a core part of performance management and professional development for all staff (6.4)

SENCO

Supporting the strategic development of SEN policy and provision in the school (6.87)

Day-to-day responsibility for the operation of the school's SEN policy (6.90)

Co-ordination of provision (6.90)

Providing professional guidance to colleagues and working closely with staff, parents and other agencies (6.89)

All teachers

All teachers are responsible and accountable for:

- the progress and development of all the pupils in their class (6.36)
- high quality teaching differentiated for individual pupils (6.37 onwards)
- meeting parents of pupils with SEN at least three times a year, supported by the SENCO (6.65)



³ For details of the National Award for SEN Co-ordinators (NASENCO award) see nasen's website: [nasen](http://www.nasen.org.uk)

⁴ [Supporting pupils at school with medical conditions](#)

Changes in assessment and planning for schools

The over-riding purpose of early action is to help the pupils achieve the identified outcomes and remove any barriers to learning (6.43)

Children and Families Act and the Code of Practice:

Outcomes are central to planning special educational provision

SEN support has replaced School Action and School Action Plus

SEN support is based on a cycle of action: **assess, plan, do, review**

SEND Code of Practice outlines **4 broad areas of need**:
Communication and interaction
Cognition and learning
Social, emotional and mental health difficulties
Sensory and/or physical needs

In a bit more detail:

Outcomes should be discussed and agreed with pupils and their parents (6.39)

Principles of good outcomes setting (9.64-9.69) should be applied to planning for all pupils with SEN (6.41)

Outcomes should include those needed for successful transitions between phases, and, from Year 9 onwards, will reflect the need to help young people prepare for adulthood (6.41 and 8.1 onwards)

Schools should use a graduated approach to identifying and meeting SEN, with schools involving parents, children and young people in:

- identifying needs
- deciding outcomes
- planning provision
- seeking expertise beyond the school at whatever point it is needed

This cycle of action to be:

- revisited, refined and revised
- informed by a growing understanding of the nature of the child's needs
- informed by evidence of what enables the child to make good progress and secure good outcomes

In assessing the nature of a child or young person's needs, schools need to consider:

- the concerns of children, parents and young people (6.20)
- causal factors underlying persistent disruptive or withdrawn behaviour (6.21)
- events that can trigger difficulties, such as bullying or bereavement (6.22)
- linkage to attainment: low attainment does not necessarily mean SEN; and attainment in line with age does not necessarily mean no SEN (6.23)

Sources of support for schools:

[nasen](#) and, in particular, [nasen's SEND Gateway](#) provides free access to high quality information, resources and training on SEN and disability

3 Trusts provide information and resources on particular areas of SEN and disability:

- [Autism Education Trust](#)
- [The Communication Trust](#)
- [Dyslexia Specific Learning Difficulties Trust](#)

[NATSIIP](#) National Sensory Impairment Partnership offers a range of SI resources

[pdnet](#) provides a network for those supporting learners with physical disability

[SEN Leaders programme](#) supports schools to raise standards for children with SEN

[Sutton Trust and the Education Endowment Foundation](#) Teaching and Learning Toolkit is a summary of educational research on how to use resources to improve attainment

[Council for Disabled Children](#) provides a range of resources to support the implementation of the SEND reforms

[DfE's National Prospectus Grants Programme](#) funds a number of organisations to provide support to the implementation of the SEND reforms.