

---

**SPECIAL EDUCATIONAL NEEDS ASSESSMENT OF THE VERY YOUNG –  
TASK AND FINISH REVIEW GROUP –FINAL REPORT**

---

**Responsible Cabinet Member(s) -Councillor Stephen Harker, Education Portfolio**

**Responsible Director(s) - Geoff Pennington, Director of Education**

---

**Purpose of Report**

1. To report the Lifelong Learning Scrutiny Committee's recommendations on the outcome of the Special Educational Needs Assessment of the Very Young Task and Finish Review Group.

**Information and Analysis**

2. The Lifelong Learning Scrutiny Committee, at its meeting held on 9th June, 2003, established a Task and Finish Review Group to consider the special educational needs service to ascertain whether very young children's needs were identified and assessed early enough to give them the best chance in life and whether the best use was made of the resource available.
3. The Task and Finish Review Group presented its final report (**attached as an Appendix**) to the Lifelong Learning Scrutiny Committee at its meeting held on 5th April, 2004.
4. At this meeting, the Lifelong Learning Scrutiny Committee supported a number of recommendations of the Task and Finish Review Group, as detailed below, and referred them to Cabinet for consideration :-
  - (a) That, at the earliest possible time, a reporting format be agreed by the Lifelong Learning Scrutiny Committee and the LEA that will inform the Scrutiny Committee on a regular basis (either half-yearly or yearly) of SEN Services performance relating, inter alia, to:
    - (i) identification;
    - (ii) assessment;
    - (iii) monitoring;
    - (iv) staffing;
    - (v) funding;
    - (vi) the sharing of specialist provisions with other settings;
    - (vii) benchmarking/peer group comparison; and
    - (viii) partnership working with other authorities.

- (b) That funding be expressed in a transparent way, so that the level of funding can be properly compared with adjoining Authorities and those of a similar size and nature. (This will allow Members to better judge this Authority's commitment, in financial terms, to this service.)
- (c) That much greater emphasis be placed on the provision of support for parents and carers.
- (d) That a database of information relating to the activities and services of specialist societies, both nationally and locally, be compiled or obtained and used for the benefit of all parents and carers who have responsibility for children with special educational needs.
- (e) That a progress report on the Behaviour Support Team re-organisation be provided to the Lifelong Learning Scrutiny Committee.
- (f) That the LEA report to a future meeting of the Lifelong Learning Scrutiny Committee on their efforts to put resources into schools without fully implementing the Statementing process.

### **Directors Comments**

- 5. It is welcome that members are taking a pro-active involvement in the provision made by the Authority for children with special educational needs. The reporting framework suggested is consistent with Ofsted expectations for member involvement and will be completed on a regular basis for submission to Scrutiny Committee. The Authority follows national regulations with respect to funding statements and this should allow for comparison but it has to be acknowledged that there remain differences in the way that Authorities complete returns that can make comparisons more problematic. The other recommendations of the Committee are welcome and will be developed.

### **Outcome of Consultation**

- 6. No formal consultation was undertaken in the production of this report other than the consultation undertaken by the Review Group itself.

### **Legal Implications**

- 7. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

### **Section 17 of the Crime and Disorder Act 1998**

- 8. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in

its area. It is not considered that the contents of this report have any such effect.

### **Council Policy Framework**

9. The issues contained within this report do not represent change to Council policy or the Council's policy framework

### **Decision Deadline**

10. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

### **Recommendation**

11. It is recommended that :-
  - (a) A twice yearly return be made to Lifelong Learning Scrutiny Committee on SEN activity;
  - (b) A progress report on the Behaviour Support Team be made to Lifelong Learning Scrutiny Committee; and
  - (c) Further reports be submitted to the Committee on the provision of a data base of local and national societies and support for parents.

### **Reasons**

12. The recommendations is supported as it will enable Members of the Scrutiny Committee to better monitor the level of support given to SEN pupils.

**Geoff Pennington  
Director of Education**

### **Background Papers**

Reports to meetings of the Lifelong Learning Scrutiny Committee held on 9th June, 2003 and 5th April, 2004.

Lynne Wood : Extension 2287  
PB

# Lifelong Learning Scrutiny Committee

## Special Educational Needs of The Very Young Task and Finish 2004

### Final Report

#### **Introduction**

1. This is the Final Report of the Task and Finish Review Group established by the Lifelong Learning Scrutiny at its meeting held on 18th August, 2003 to .....
2. It is important to note at this point that Task and Finish Reviews are not intended to be full-scale reviews, but ones which may highlight areas which require attention or further investigation.

#### **Membership**

3. The following members on the Lifelong Learning Scrutiny Committee comprised the membership of the Task and Finish Group:

Councillor J.B. Armstrong  
Mr. M. Fryer  
Mrs. S. Gibson .

#### **Aim of the Exercise**

To consider the Special Educational Needs Service to ascertain whether very young children's needs are identified and assessed early enough to give them the best chance in life and whether best use is made of the resources available.

#### **Background**

We considered the Statutory Framework within which the Special Education Needs Team operates (a summary of which appears in Appendix 1,) Relevant Statistics and Related Documents.

The 2003 School Census and Audit of Need for the Academic Year 2002/03 (Appendix 2), offer a view of the wide range of needs to be addressed and the spread of provision across the Borough.

Formats for reporting, required of the LEA, have changed in the recent past. An excellent briefing note, referring to comparisons between Delegated and Non-Delegated funding, was provided as a late submission and is shown as Appendix 3.

Relevant sections of the Authority's Education Organisation Charts are shown as Appendix 4.

## **Acknowledgements**

We wish to acknowledge the time and effort expended for our benefit by Joy Bradford, Head of SEN and Sarah Hind, Finance and Administration Manager. We are also extremely grateful to the head teachers and staff of the educational settings we visited. Without exception, we found all of the above to be enthusiastic advocates of SEN provision who were prepared to give us their time and considered views to promote the best interests of the children.

Our thanks are also due to the Mayor and Mayoress of Darlington who very kindly attended a small gathering, at the Town Hall, of children with special educational needs and their parents. We are also appreciative of the invaluable support provided to us by Christine Bates of the Democratic Unit.

### Consultation

Within the constraints of a Task and Finish exercise, we had input from a number of senior officers within the Education Department and we also met with and obtained the views of a cross section of the users of SEN services within the Borough. Their comments and opinions were obtained on an unattributable basis and are substantially represented in this report.

## **Of particular note in our discussions were the following:**

### 1. Early Identification of Special Educational Needs (SEN)

- 1.1 Early identification of Special Educational Needs was acknowledged by all parties to be of paramount importance. Parents, particularly, considered that early intervention and the implementation of appropriate strategies could prevent many major problems later on.

- 1.2 Identification of special educational needs is complex. Professionals look at provision to meet all of a child's needs and multi-agency opinion and input is, therefore, required.
- 1.3 The Health Service is responsible for identifying early needs and this information is then fed through to the Education Department.
- 1.4 Children with the most severe difficulties are very often the easiest to identify and referrals are made by: Medical Teams when the child is born, Health Visitors and General Practitioners.
- 1.5 Health visitors identify some SEN's but it is thought that quite a few get through this net because they only assess a sample of children. The old 'clinic' system where mothers took babies for regular check-ups was considered more efficient in this respect. If health visitors pick up a problem they will advise the GP. It was also acknowledged that health visitors sometimes have problems getting access to the children in their homes, which means the children might not be seen by professionals until they arrive at school.
- 1.6 Some find medical opinions to be slow in being made available. It also seems that conditions are sometimes not flagged up pre-school by medical teams because the problem might be developmental and go away – if it does not, crisis point can very quickly be reached after the child gets to school.
- 1.7 Delays in assessment can also be caused by parents who simply deny their child has a problem.
- 1.8 At nursery level, therefore, some children come into the school identified with SEN, but others need to be assessed by the staff. All staff are encouraged to be aware of the need to look out for signs of SEN, even if minor.
- 1.9 The first step in assessment in school is to talk to the parents of the child and then to involve others via the SEN Co-ordinator. It was felt that the assessment process could be speeded up by obtaining quicker access to the various professionals and that, in particular, it sometimes took a while if the Educational Psychologist needed to be involved.
- 1.10 SEN referrals to nursery schools tend to come from parents, GP's and early years service. Concern was expressed that GP's are not always picking up

problems before the children go to nursery school (but it was acknowledged that GP's are not paediatricians.)

- 1.11 Some parents considered that most nursery schools were excellent at picking up problems but, at primary school it seemed a child had to have a period of failure before any help could be given.
- 1.12 The point was made that less severe needs are not always apparent at an early age and may not become so until children are put into a formalized educational setting. Needs not previously identified generally become apparent when children get to school. They very often get through the reception class but, it is when they change from a play environment to a more structured play/work environment and are asked to 'share', that SEN's become more apparent. This is sometimes the case with autism.
- 1.13 The SEN service receives some complaints about children not being identified early enough and tries to target resources to make the biggest impact. It is considered that effective training and the promotion of good practice in schools will pick up any delay in assessment. (An Early Years Development Programme 'Talk Time Play Box' has been produced by DBC to assist in assessment.)

## **2. Service Provision**

- 2.1 Within the Authority, the Assistant Director (Inclusion) heads a team that reflects the wide-ranging requirements of SEN service provision (see Appendix 4.)
- 2.2 The service works in partnership with Social Services, Health Service, Sure Start, Voluntary Agencies and Independent Providers. An holistic approach is taken to special educational needs assessment.
- 2.3 The development of outreach by Beaumont Hill Special School will be one of the keys to the future success of the SEN Service.
- 2.4 Also of prime importance is the sharing of specialist provisions with other settings e.g. the Autism provision at Mount Pleasant School, and the development of a provision for children with emotional and behavioral difficulties at key stage 2 at Skerne Park School.

2.5 It was generally acknowledged that the Educational Psychologists do a tremendous job but most considered this department to be understaffed. There is particular frustration on the part of parents and teachers when Statements cannot be changed at the 12 monthly reviews because input from the Educational Psychologist is not available.

Effective implementation of the new system of delivering Educational Psychologist Services is essential to the future success of the SEN Service. It is hoped by the schools that this service will now become more responsive, as input times need to be reduced for parents and children and to avoid disruption in school.

Also, that with greater accessibility to this service, some School Action Plus pupils with moderate learning difficulties can be identified as having a more specific learning difficulty.

Together with, in many instances, medical diagnosis it will also help to identify the mild learning difficulties where there is a huge umbrella of conditions. The Educational Psychologists will not necessarily give remedies or put in place the various programmes to address needs but, it will make it much easier for the school to do so.

2.6 The Occupational Therapy Service is also very good but limited by poor funding. (It has also proved to be good at supplying information on diets and supplementary medicines, which has significantly improved the condition of some children.).

2.7 The benefits of Speech and Language Therapy were highlighted, with comment on the amazing difference it has made to some pupils with the provision of one-hour sessions per day.

Autistic pupils are well catered for in this respect, as it is a group that has been chosen nationally to be targeted – but it seems this may then be to the detriment of others.

Staff at some settings attempt to plug gaps in the service but their skills are comparatively limited.

The lack of sufficient Speech and Language Therapists is not just a funding problem, however, as there is a national shortage that adds to recruitment difficulties.

2.8 The provision of transport services by the Authority was rated very highly, especially for those children with severe physical difficulties.

8.1 At the commencement of our exercise we were advised that the Authority's Behavioral Support Team had been reduced in number and that insufficient support was available. In fact, concern was expressed that this service had failed some children terribly. It was considered there were resource issues, as the service was understaffed, and that service structures needed to be changed. 'Perhaps they needed to adopt a service delivery system similar to that recently introduced for the Educational Psychology Service'. The comments would seem to have been well founded as, by the end of this exercise, substantial funding has been obtained by the Authority and applied to strengthening this service.

8.2 Some schools feel the LEA does not always appreciate the implications of some initiatives – constant changes in procedures have caused problems.

8.3 The Parent Partnership Service consists of one half time person with administrative support. She recruits and trains volunteers who then work with parents. There are currently 14 volunteers. They help parents with documentation and attending meetings. A leaflet on this service is distributed to schools and, we are told, is on the Council web site. The service links in with the family literacy team. There seemed, however, to be little awareness of their activities amongst those to whom we spoke.

### **3. Training**

8.1 The LEA finds it is an increasing challenge to ensure that all 'providers', in both the local authority and independent sectors, are fully trained.

3.2 The Special Educational Needs Co-ordinator (SENCO) Training days are considered very useful.

3.3 A SENCO training day, provided in partnership with Stockton-on-Tees Borough Council, is proposed for March 2004.

3.4 Some would like training in information technology, to help them cope with the electronic data collection system which is being tried out.

8.1 A number of teachers and classroom assistants have developed their SEN expertise from occasional seminars coupled with their day-to-day experience. The courses are well regarded but, they point out that, if they attend training

courses during school time, the scarce teaching resource is depleted whilst the alternative is to attend in their own time.

## **4. Bureaucracy**

- 8.1 Concern was expressed by head teachers, SEN Co-ordinators and SEN teachers at the amount of paperwork involved in SEN provision. For example, if a child is under Early Years Action Plus, it is considered by the Moderation Panel every half term and also when leaving if a Statement is required. Numerous documents need to be drawn up and collated for consideration by the Panel. Head teachers have to read through all case files to ensure extra support is given at the next level of education. For the SEN Co-ordinator to compile and collate this information for the Panel may mean that additional support staff need to be employed.
- 8.2 SEN documentation for the moderation panel takes many hours to prepare. The LEA expects an awful lot of administrative work to be done which, in turn, takes a teacher away from teaching duties. The best way to tackle this problem, in the schools' view, would be to have a non-teaching SEN Co-ordinator, but budgets usually do not allow this.
- 8.3 Teachers attempt to assess continually throughout the year and update files in order to cope with the annual assessments.
- 8.4 Some consider that, inherent in the SEN Assessment System, there is an over reliance on making sure the necessary paperwork is in force rather than making sure that the support is available. This means it takes longer for schools to get support for SEN's. One case was cited where it had taken over a year before any external support had been made available. These views were given added credibility when, towards the end of this exercise, we were informed that a working group has been set up by the LEA to discuss with schools how administrative work can be reduced, although a certain amount would still be required to ensure that the LEA is accountable.
- 4.5 A National Working Party is looking at bureaucracy and Darlington has been invited to be one of ten authorities to comment on it. IT (paperless systems) is being considered – but, at present, not all SEN Co-ordinators have access to a computer. It is proposed, however, that all teachers will have access to a computer by some time in 2006.

## **5. Monitoring**

- 8.1 Another key to the future success of the SEN service is the implementation of a rigorous system to monitor the progress of each child.
- 8.2 Baseline Assessment and Review will include looking at how schools can develop consistent analysis of assessment. The LEA will have to ensure that this assessment is rigorous. PIVATS is a system that provides the Assessment of Learning, Performance Monitoring and Effective Target Setting for all pupils. It was produced by Lancashire County Council and is being piloted in 14 schools in this Borough. The system allows very small steps of progress by a pupil to be recorded. It is hoped that once this system is up and running it will reduce the amount of administrative time needed to keep SEN records up to date.
- 8.3 Schools currently use systems which they believe to be individual to them but very similar to those used by most others.
- 8.4 One school thought its main strength in SEN assessment was the fact that it had teachers with extensive experience of SEN children and that it found the LEA staff to be both supportive and easily accessible.
- 8.5 Another, with a high percentage of SEN pupils, participating in the pilot scheme for PIVATS, believes it is intended to show the ‘value added’ by the educational provision. They believe the system will be beneficial, but being an electronic system it is very time consuming to input the initial data.
- 8.6 The ability to accurately monitor the performance of children with SEN’s determines whether we can tell if the child is being well served by the system and, also, whether we are using our resources in the most effective way. The outcome of the current trials should be of particular interest to all concerned.

## **6. Support for Parents**

- 6.1 The views of parents regarding the level of support they received were at considerable variance. Some had received very good support from the school. Others had found their dealings with the school frustrating and that they had to search out specialist organizations for assistance. Some expressed the view that
-

‘no-one tells parents what support they are entitled to’ and felt that they had to ‘fight every bit of the way.’

- 8.1 County Durham Autistic Society was highlighted as offering excellent support to parents, providing information and support with the review process.
- 8.2 The parents felt there should be liaison between specialist societies nationally so that instances of best practice in SEN services can be publicized. A central database of such information and the activities of the societies subscribing to it would be very useful. This would be similar to the one pioneered by the Gateshead Authority and the Autistic Society.
- 8.3 Some of the form filling is extremely demanding. With duplicated questions that seem more designed to trick than elicit meaningful information, it was felt that support by someone ‘who knows their way around the system’ would be beneficial.
- 8.4 Parents referred to the effect that a SEN child can have on family life e.g. the brother or sister that has had to take second place for the past four or five years, or the sleep deprivation suffered by all members of the family. They also expressed their concerns about potential bullying of their SEN child in later school life as it falls further behind its peers.
- 8.5 Parents and schools alike recognized that the SEN Reviews can be very daunting for parents – with, in some cases, up to 13 professionals in attendance. Parents said it can sometimes feel as if ‘it is us against them.’
- 8.6 Schools commented that some children come from homes offering no social stimulation and that some parents are slow to accept there is a problem. The level of support from parents varies – for some, education is not a priority. Examples were cited of parents who cannot be bothered to take children, for example, to speech and language therapy – if such a child has a statement, however, the Therapist comes into school.
- 8.7 The schools professed an ethos which was welcoming to parents and some run family learning and parenting classes. The nursery schools appeared to be very good in this respect. Teaching staff often find it much more difficult to get parents to participate when the children have reached Junior age.

- 8.8 Some schools would like to see more investment in training in parenting skills, but it is envisaged that this will be addressed through Sure Start.
- 8.9 Many SEN staff assist parents with form filling, attending meetings etc. wherever they can, but it does not equate to a comprehensive service. Parents appreciate the help they get but feel they should not just have to rely on the teachers.
- 8.10 Parents would greatly appreciate the occasional opportunity to discuss their problems amongst themselves without their children in attendance. (Our Tea Party, with the Mayor and Mayoress in attendance for part of the time, and the children partially supervised during a discussion period, produced a very positive and informative exchange of ideas.)

## **7. Funding**

- 7.1 Darlington is a small authority with low levels of funding which impacts across all services provided. Within these constraints, however, the last Ofsted report judged the SEN provision in the Authority to be good value for money.
- 7.2 Lack of sufficient finance was highlighted as a problem from almost all perspectives.
- 7.3 The investment of funds early in the SEN pupil's life was stressed as being very important. If pupils come into the school with a high level of support it can alleviate the need for Statementing on leaving.
- 7.4 One school reported that from April 2004 there will be changes in funding arrangements which could result in the loss of a member of staff. The school will have to pay for example, insurance which had previously been the responsibility of the LEA. Concern was expressed that falling rolls will also affect the amount of funds available.
- 7.5 The schools considered that, although the quality of staff was of paramount importance in the delivery of the services provided, when dealing with the very young the quantity was also important to ensure the safety of the pupils.
- 7.6 One school, with a very high percentage of children with SEN's, considered there was a need for a lot more SEN funding. Any additional funding would be

spent on staff, and the school would like an SEN teacher to be without a class so as to co-ordinate provision full-time. At present the school budget is very near the bone and the school does not have a thriving PTA to instigate fund raising activities. The school does hold fund raising events such as Summer Fairs and concerts but, compared to the sums required, these only generate minimal funds.

7.7 Funds for Statemented pupils are allocated directly to the school. Some children are allocated statements with low levels of funding. Numbers of pupils with statements had declined for a year or two but are now showing signs of increasing again. The process is very costly and consideration has been given as to how resources can be put into schools without Statementing. As the expertise of schools has improved, with regard to the assessment of SEN, it is thought there is less need for the Statutory process – so less funds can be spent on the processing of statements; this funding could be passed direct to schools. Funds will still be allocated on the basis of individual need and there will need to be a rigorous system of allocation and review.

7.8 It was difficult to obtain benchmarking information relating to SEN financial provision. All LEA's set budgets differently and so it is difficult to make comparisons. Further reference to this and other funding matters are set out in the Briefing Note – SEN Funding in Appendix 3.

## **8. New Developments**

8.1 An SEN Monitoring Team has been established and is currently working on a Service Plan in partnership with Stockton-on-Tees Borough Council. The team is looking at how schools work with the LEA; how special needs are met; resources available; auditing of expertise in schools; ensuring there is a framework for developing how effective SEN provision is. A draft SEN standards document has been produced which schools have been asked to comment on. It is hoped that this feedback will result in a final document, the basis of which could be used for OFSTED assessment etc. The role of the SEN Team is to support school self-evaluation, share expertise and highlight training needs.

8.2 The Government's proposals in its document 'Every Child Matters' may bring children's services under one Director. Some see this as particularly good in terms of the provision of special educational needs.

8.3 Sure Start, Child Centres, The Authority's Inclusion Strategy, The Inclusive Schools Award scheme and the integration of the Beaumont Hill Special School into the Haughton Education Village will all contribute to the Authority's provision of SEN services to a greater or lesser extent.

## 9. Conclusions

- 9.1 Identifying and providing for special educational needs is an extremely complex process. It requires considerable expertise, dedication and funding.
- 9.2 In very broad terms, we gained the impression that we have: fewer experts than is required to ensure an absolutely top class service; a considerable amount of dedication that often manifests itself in less-qualified staff trying to plug the gaps left by the lack of experts; and, funding applied at a lower level than is appropriate for an authority of this size and with its level of responsibilities.
- 9.3 It was not possible to determine, in absolute terms, whether all children with special educational needs have those needs identified at the earliest or most appropriate time. It would seem that in the most severe cases, they probably do. In less severe cases, where a wider range of professional opinion and expertise might be required, they may not do so. These latter cases are those where, very often, a seemingly excessive amount of time may be taken to wait and see if the problem goes away or, it is decided to wait for the period of failure or, there is simply a delay in obtaining the services of the relevant professionals.
- 9.4 Over recent years, this Authority has been part of the trend towards the ever earlier identification of children's special educational needs. There appear to be inconsistencies of performance as between the agencies involved and the ages at which children are better served. There was no evidence presented to us of large numbers not identified at the earliest possible stage but, it was apparent that the impact of even a few reaching a more advanced stage without intervention, is disproportionately severe on those associated with them.
- 9.5 The provision of services to children generally is currently a moving feast with many new initiatives either recently begun or to be so in the relatively near future. There is a sense, and an expectation in many quarters, that these will automatically bring untold benefits. There has to be a fear, however, that SEN will get lost under the plethora of new banners and the assumption that these new initiatives 'must' be bringing improvements. It is essential that the focus on SEN as a separate entity is maintained.
- 9.6 The difficulties experienced by children with special educational needs and the impact on their classmates and teachers were, to some extent, anticipated by members of this Task and Finish Group. Less apparent to some of us, however, was the impact SEN children have on the other members of their families – first the trauma and then the physical grind imposed on the parents; the quiet suffering in many ways of the brothers and sisters; the disruption of the whole family circle.

## Recommendations

Our recommendations are as follows:

---

1. In view of the scope and complexity of SEN provision and the many changes currently taking place, that a fully funded Scrutiny Review be implemented in the next municipal year. That such Review take note of the request and suggested Scrutiny Review Scoping Template submitted to the Authority by the Independent Panel for Special Educational Advice (dated 4th January 2004.)(See Appendix 5.)
2. That, at the earliest possible time, a reporting format be agreed by the Lifelong Learning Scrutiny Committee and the LEA that will inform the Scrutiny Committee on a regular basis (either half-yearly or yearly) of SEN Services performance relating, inter alia, to:
  - i. Identification
  - ii. Assessment
  - iii. Monitoring
  - iv. Staffing
  - v. Funding
  - vi. The Sharing of Specialist Provisions with Other Settings
  - vii. Benchmarking/Peer Group Comparison
  - viii. Partnership Working With Other Authorities
3. That funding be expressed in a transparent way, so that the level of funding can be properly compared with adjoining Authorities and those of a similar size and nature. (This will allow members to better judge this Authority's commitment, in financial terms, to this service.)
4. That much greater emphasis be placed on the provision of support for parents and carers.
5. That a database of information relating to the activities and services of specialist societies, both nationally and locally, be compiled or obtained and used for the benefit of all parents and carers who have responsibility for children with special educational needs.
6. That a progress report on the Behavioral Support Team upgrade be provided to the Lifelong Learning Scrutiny Committee.
7. That the LEA report to a future meeting of the Lifelong Learning Scrutiny Committee on their efforts to put resources into schools without fully implementing the Statementing process.

## **Statutory Responsibilities**

The statutory duties that form the core of the SEN framework in England and Wales are set out in Part 4 of the Education Act 1996, as amended by the SEN and Disability Act 2001. The rest of the framework is provided by various Regulations and Guidance which include the SEN Code of Practice and the Disability Code of Practice. They set out the roles and responsibilities of schools, governors, LEA's and parents and give a clear definition of SEN's.

Some key changes from the earlier SEN Code of Practice are:

- a) A stronger right for children with SEN to be educated at a mainstream school.
- b) New duties on LEA's to arrange for parents of children with SEN to be provided with services offering advice and information and a means of resolving disputes.
- c) A new duty on schools and relevant nursery education providers to tell parents when they are making special education provision for their child.
- d) A new right for schools and relevant nursery education providers to request a statutory assessment of a child.

### Definition of Special Educational Needs

Children have special educational needs if they have a learning difficulty which calls for special educational provision to be made for them.

Children have a learning difficulty if they:

- a) have a significantly greater difficulty in learning than the majority of children of the same age; or
- b) have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the local education authority; or

c) are under compulsory school age and fall within the definition at (a) or (b) above or would so do if special educational provision was not made for them.

Children must not be regarded as having learning difficulty solely because the language or form of language of their home is different from the language in which they will be taught.

A child is disabled if he is blind, deaf or dumb or suffers from a mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed. (Section 17 (11) Children Act 1989.)

A person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities. (Section 1(1) Disability Discrimination Act 1995.)

### **Special Educational Provision**

Means:

- a) for children of two or over, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the LEA, other than special schools in the area.
- b) For children under two, educational provision of any kind.

Nb. Parents have a vital role to play in supporting their child's education and this includes all those with parental responsibility, such as corporate parents and carers.

### **Identification Process in School**

1. In the first instance, schools apply a broad curriculum for all children. If they consider there is a need for additional support they identify the child as having Special Educational Needs.
2. If identified as having additional needs, the child is registered as requiring school action.

3. The teacher is the first level of assessment. If any additional support is required the teacher informs the parent/carer and an individual education plan is written for the child. This is then implemented and monitored. If there is no improvement the teacher will discuss with the school's SEN Co-Ordinator.
4. If the child is then assessed as requiring School Action Plus other professionals are involved from Education, Health, Educational Psychologist etc. Another individual education plan will be written, monitored and reviewed. It is at this stage that a decision is made as to whether or not a child stays on at school.
6. Schools can refer a child to the Authority to carry out a statutory assessment which can result in an Educational Statement being issued. These children are usually aged seven years or above.