

The Parent Partnership Service exists to provide parents of children with Special Educational Needs impartial advice and support.

Anne Frayda
Parent Partnership Officer

 **The Parent Partnership Service**
EnhanceAble Children's Services
Moor Lane Children and Young People's Development Service
The Moor Lane Centre
Moor Lane, Chessington, Surrey KT9 2AA

 **020 8547 6200**
 anne.frayda@enhanceable.org
 www.enhanceAble.org

Other information available from Parent Partnership:

Exams and Tests
Sources of Information
Dictionary of Terms
Choosing a Primary School
Choosing a Secondary School
Helping Your Child to Learn
School Action & School Action +
Annual Reviews and Other Meetings
Statutory Assessment & Statements of SEN
Your Child's Contribution
Your Right of Appeal

This information is available in large print and in other languages, upon request.



The SEN Code of Practice

Changes to the SEN Code of Practice

The Code of Practice is a document which gives schools and Local Authorities guidance about SEN law (Part IV Education Act 1996)

The new Code of Practice 2001 replaces the previous document from 1994.

Many of the things in the first Code of Practice have stayed the same.

However, there were some important changes.

In this booklet you will find a summary of the Code of Practice.

Anything that is completely new is written in **bold**.

Chapter 1: Principles and Policies

This chapter sets the scene, and talks about five fundamental principles which underpin the whole Code:

- ◇ A child with SEN should have their needs met
- ◇ The special educational needs of children will normally be met in mainstream schools or settings
- ◇ **The views of the child should be sought and taken into account**
- ◇ Parents have a vital role to play in supporting their child's education
- ◇ Children with SEN should be offered full access to a broad, balanced and *relevant* education

There is also a reinforcement of the rights of children who have Statements and are at risk of exclusion from school to have an interim or early annual review of their Statement in order to avoid exclusion.

Chapter 10: Working in Partnership with Other Agencies

This chapter is another entirely new chapter which considers how schools and LAs should work in partnership with a range of agencies, including the new Connexions Service, Social Services, LA Support Services, Health Services and the voluntary sector.

.....

A Parents' Guide to the Code of Practice is available for parents and can be requested from the Parent Partnership Service.

Parents are also welcome to request a copy of the full Code of Practice.

Or, go to the website

<http://publications.everychildmatters.gov.uk>

and type in "SEN Code of Practice" for a *free* download.

Please remember that the Code of Practice is guidance about how to put the law into practice.

Schools and Local Authorities must have regard for it, but it is *not* law itself.

Chapter 8: The Statement

Where a statement is issued and extra resources are needed for a school to make the provision specified, **the LA can provide those resources directly from central provision, devolve them to schools on an earmarked basis, or delegate them.** In Kingston, funding for statements is delegated. This means that the schools are responsible for organising how the money is spent, in line with the Statement and the IEP.

Speech and language provision should normally be considered as educational provision, and therefore appear in Part 3 of the Statement unless there is an exceptional reason not to do so.

Provision as stated in Part 3 should normally be quantified (e.g. in terms of sums of money, or hours of provision and staffing arrangements) although there will be cases where flexibility is retained in order to meet the child's changing needs. LAs will not, under any circumstances, be allowed to have blanket policies against quantifying provision.

Chapter 9: Annual Reviews

There is some reduction in the paperwork for Annual Reviews, as head teachers need only to circulate reports to people attending the meeting.

In addition, under the new Code, the Transition review which was the first Annual Review after the child's 14th birthday has now become the Year 9 review for all children. The head teacher is now responsible for arranging it and the Connexions PA must attend.

If a child with a Statement is due to transfer to secondary school then the Statement must be amended by 15 February of the year in which they are due to move, thus giving parents time to appeal to the SEN Tribunal if they are unhappy with the amended Statement.

Chapter 2: Working in Partnership with Parents

Chapter 2 is an entirely new chapter devoted to working with parents. It says that all parents of children with SEN should be treated as partners and have a real say in the way their child is educated. It states that professionals must actively seek to work with parents and value the contribution they make and gives guidance about how this could be done. The new Code of Practice defines parental responsibility and gives more details about the situation when children are subject of a care order or voluntarily accommodated.

Chapter 2 also says that information and advice must be provided to parents, that LAs must make arrangements for Parent Partnership Services and gives minimum standards for those Services.

It also says that whatever steps are necessary must be taken to ensure that parents, head teachers and other relevant professionals know about the Parent Partnership Services.

In addition, LAs must make arrangements for avoiding or resolving disagreements between parents and schools or parents and the LA, and ensure that these arrangements are publicised.

Chapter 3: Pupil Participation

Chapter 3 is another new chapter in which the Code of Practice looks at the rights of pupils with SEN to receive appropriate information, to make their views known and have that opinion taken into account in any matter affecting them. It acknowledges that schools and parents may need support in helping children take part in making decisions and exercising choice.

Chapter 4: Early Years

Much has changed in early years' provision since the original Code of Practice was introduced. Whilst the old Code stated that its' broad principles applied to nursery schools, **under the new Code any nursery or preschool which receives government funding for early education has a statutory duty to have regard for what the Code says.** In Chapter 4, the revised Code stresses the need for early identification, assessment and intervention, in other words picking up and doing something about the child's needs as early as possible. Nurseries and preschool settings (like playgroups) will be responsible for providing support for children at pre-statement stages just like schools.

Chapter 5 (Primary) & Chapter 6 (Secondary): School Based Provision

The special needs register and Stages 1 to 3 of the old Code of Practice are replaced with **a graduated response where the additional action taken to support a child with SEN is known as "School Action" or "School Action Plus."**

The new Code stresses that **all teachers are teachers of children with special educational needs.**

A pupil on School Action will have an "Individual Education Plan" (IEP). **The IEPs should be shorter and more focused, and should be reviewed at least twice a year and of the reviews might happen at a parents' evening.**

If support is being given to a child (at either School Action or School Action Plus) because the child has Special Educational Needs, the school has a legal duty to inform the parents.

The revised Code reinforces the importance of the role of the SENCO and **gives much more guidance about what the SENCO should do and what they will need to carry out their role effectively.** It also suggests that the costs of having a SENCO should come from the school's main budget rather than from additional funding given to the school for the purpose of meeting the particular needs of children with special educational needs.

Chapter 7: Statutory Assessment

The new Code says that the needs of most children with SEN will be met effectively through the two school based actions, and that **in only a very small number of cases will the LA need to make a statutory assessment.**

If LAs refuse to agree to a Statutory Assessment, parents have a right to appeal to the independent Tribunal, regardless of whether they or the school made the initial request for assessment.

There is more detail given about the sort of evidence that schools need to provide if they are requesting a statutory assessment and they must show that they have sought the views of parents at both School Action and School Action Plus.

Under the new Code, a child's descriptions of needs are divided into four areas (there were eight in the old Code):

- communication & interaction;
- cognition & learning;
- behaviour, emotional and social development;
- sensory and/or physical.

There are very few changes to the assessment process, except perhaps for a small reduction in paperwork for schools.