

SEND Reforms: Transformation and Compliance Work Streams

Definition of Disability

The National Association of Special Educational Needs (NASEN) definition of disability: “A person has a disability if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. A physical or mental impairment includes learning difficulties, mental health conditions, medical conditions and hidden impairments such as specific learning difficulties, and speech, language and communication impairments. In deciding whether someone is disabled, substantial is defined as ‘being more than minor or trivial’; long-term as a year or more” (NASEN The Send Reforms- Who should do what ?)

Definition of Special Educational Need

“ A child or young person has special educational needs if they have a learning difficulty or disability which calls for special educational provision to be made for them (section 20). Special educational provision is provision that is additional to or different from that which would normally be provided for children or young people of the same age in a mainstream education setting (section 21). This definition of SEN is the same as the definition of SEN in the Education Act 1996.”

A Brief History of Inclusive Education in UK

The 1944 Butler Act raised the school leaving age to 15yrs, this act also stated that children who have any ‘disability of the mind or body’ should be provided with an alternative educational provision. It intended for a segregated education, instead of an inclusive one.

The 1978 Warnock Report stated that all children should be taught in mainstream education instead of in segregated provisions. This report argued that more and more children were being placed in special schools but the needs of most of them could be met in mainstream education.

The 1981 Education Act introduced statements of Special Educational Needs for children with severe barriers to their learning. The Act required teachers to identify children who needed extra assistance but also required Local Authorities (LAs) to formally assess children and then provide schools with additional resources to meet these children’s needs. Parents were given the right to appeal an LA’s decision under this act.

The 1988 Education Reform Act saw the introduction of the National Curriculum. This act also introduced school inspections and standardised tests such as the Key Stage Standardised Attainment Tests (SATs).

The 1993 Education Act and the Special Educational Needs (SEN) Code of Practice required schools to show that they had done everything to help address children’s difficulties before any statements were issued. A tribunal system was established to give parents more rights to appeal decisions made by their LAs.

The 1996 Education Act replaced the 1993 Education Act set out the framework for children with SEN being educated in mainstream schools unless their parents disagreed.

The Special Educational Needs and Disability Act 2001 amended the Education Act 1996 to strengthen the right to a mainstream education for pupils with SEN and introduced statutory information and advice for parents or children with SEN, and informal dispute arrangements. It also introduced the three different levels of support that schools could give to students with SEN:-

- **School Action** – Teachers adjusting their practice to accommodate the needs of children with SEN. Special Educational Needs Co-ordinators (SENCOs) were introduced to provide additional support and advice to teachers for the additional needs of children.
- **School Action Plus** – Schools could seek help from professionals outside of the school e.g. Physiotherapists, Speech & Language Therapists, Psychologists etc.
- **Statement of SEN**- Multi-professional assessments initiated by the school and the LA.

The Equality Act 2010 superseded all duties previously detailed in the Disability Discrimination Act. In 2011 the Public Sector Equality Duties came into effect. A consultation process involving schools considered their role and as a result public duties for schools came into effect in September 2012. Part 6 of the Equality Act 2010 details duties for schools. Schools etc. must not discriminate against, harass or victimise a person with any of the following characteristics (the exemptions being marital status and age for schools):

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy or maternity
- Race
- Religion or belief
- Sex
- Sexual Orientation

These are called 'Prohibited Conduct' and they apply to:

- Admissions
- The provision of education
- Access to any benefit, facility or service
- Exclusion or other forms of detriment, that is, other forms of disadvantage

The Children and Families Act 2014 – Part Three sets out the general principles that LAs must have regard to when supporting disabled children and young people and those with SEN. It covers:

- Core principles and legislation
- Definitions and scope
- Identification of need and responsibility
- Joint working across agencies, services and institutions
- Presumption for mainstream education

- Education, Health and Care assessment and plans
- Mediation
- Responsibilities of school governing bodies and others
- Code of Practice

The Special Educational Needs and Disability Code of Practice: 0 to 25yrs -January 2015. The code provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England. .

Legislation to which the Code refers:-

- The Special Educational Needs and Disability Regulations 2014
- The Special Educational Needs (Personal Budgets) Regulations 2014
- The Special Educational Needs and Disability (Detained Persons) Regulations 2015
- The Children and families Act 2014 (Transitional and Saving Provisions) (No 2) Order 2014

Vision for children and young people with special educational needs and disabilities:

‘The experience of children and young people will be of a system which is less confrontational and more efficient. Their special educational needs and disabilities will be picked up at the earliest point with support routinely put in place quickly, and their parents will know what services they can reasonably expect to be provided. Children and young people and their parents and carers will be fully involved in decisions about their support and what they want to achieve. Importantly, the aspirations for children and young people will be raised through an increased focus on life outcomes, including employment and greater independence.’ (Code of Practice Jan 2015).

Bradford Work Streams

Work Streams- multi-agency working groups -will take responsibility for the operational management of the SEND developments across the local area which will be determined by the Code of Practice. Each work stream will provide progress highlight reports to the Partnership Board. Each work stream will be chaired by a member of the SEND Strategic Partnership Board and will include a parent/carer. Work streams will meet monthly and will consider progress towards their own particular action plan drawn up from the findings of the SEND Self Evaluation Framework (SEF) and the Council for Disabled Children’s (CDC) audit tools for the LA and CCGs. The themes of the work streams run throughout all areas of the CoP and indeed overlap and can also be found as the main headings in the Children’s and Families Act 2014 Part Three. Each work stream will take responsibility for leading on their own theme which will/may influence the working practice of the other work streams.

Work Streams:

1. Coproduction and Engagement
2. Integrated Assessment and Service Delivery
3. Joint Commissioning
4. Preparation for Adulthood

Action plans will identify the areas for development in order for all partners to meet the defined outcomes below. The action plan will identify lead officers/agencies, milestone dates and also describe what success looks like. The action plans will be RAG rated at each work stream meeting.

Work Stream Outcomes:

Integrated Assessment & Service Delivery

1. An integrated assessment process and pathway are in place for all children and young people aged 0-25yrs who have a Special Educational Need and /or Disability.
2. Statutory assessment and review timescales are met and comply with quality thresholds.
3. The multi-agency approach embeds the voice of the child, young person and parent/carer.
4. Intervention and support is in place through early help and preventative systems.
5. A quality standards framework is in place and is part of an on going review process.
6. Area stakeholders and partners have taken ownership of the integrated assessment process
7. Bradford children and young people receive better outcomes through improved integrated service delivery.

Joint Commissioning

1. The joint commissioning SEND strategy 0-25yrs has been co-produced with partners.
2. Effective partnerships are evident across education, health, care, parenting groups, the third sector, children and young people.
3. There is a clear relationship between population needs and what is procured for children and young people with SEND.
4. Governance and approval mechanisms are in place to agree local area strategy and priorities.
5. The Local Offer provides a comprehensive, transparent and accessible picture of the range of commissioned services.
6. Joint commissioning is part of an on-going review and improvement cycle

Preparation for Adulthood

1. The local area works together in relation to Higher Education and/or employment, independent living, participating in society, being healthy as possible in adult life and staying safe.
2. Advice and the right support are in place for children and Young People to achieve successful, long term outcomes in adult life.
3. Systems are in place to enable children and young people to make choices from an early age.
4. Robust systems exist for monitoring destinations, stickability and the tracking of transient post 16 population.
5. Pathways exist to paid employment including apprenticeships, traineeships and supported internships through sign posting by high quality careers advice and guidance.
6. 19-25yrs old with SEND with or without EHCPs are accessing relevant funding or free access to FE and apprenticeships.
7. Transition to adult health services and adult social care is timely, appropriate and well planned.
8. The performance data for children and young people with SEND is tracked against national comparators to inform inspirational achievement and progress pathways.

Co-Production and Engagement

1. A system of honest and open communication engenders good levels of confidence and a sense of partnership between parents and professionals.
2. The Local Offer provides a comprehensive, transparent and accessible picture of the current range of services.
3. Education, health and social care provisions are linked to the development and review of the Local Offer.
4. Co-production between services, schools at all stages and parents/carers is very strong
5. Services and families work together to agree outcomes and co-produce recommendations, plans, actions and reviews.
6. Comments about the content of Local Offer are published and actions are taken in response to these comments.