

A guide for parents about special educational needs and disability (SEND) A Graduated Response

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A graduated response

Contents

Page number

13

14 16

16

17 17

What are special educational needs (SEN)? What is a disability? What is the difference between SEN and SEND? What should I do if I think my child has special educational needs?	2 3 3 3
What is the graduated response? What educational support is available? Quality first teaching	3 4 4
SEN support	
What is SEN support? What help is available at SEN support? Phases of assess plan do review Involvement of external professionals at SEN support What if my child or young person does not make progress at SEN support?	5 6 7 7 8
Education Health and Care (EHC) needs assessments	
What is an EHC needs assessment? Cornwall EHC needs Assessment 20 week process at a glance Who can request an EHC needs assessment? When is an EHC needs assessment necessary? What happens when the local authority gets a request for an EHC needs assessment? What happens if the local authority decides that an EHC needs	8 9 10 10 11
assessment is not necessary? What happens if the EHC needs assessment goes ahead?	12

What happens if the EHC needs assessment goes ahead?
What happens next?
The EHC plan
Personal Budget Statements
Travel
Contact details
Useful information

We hope you will find this guide useful it is about the educational arrangements which should be made for all children and young people, including children and young people with special educational needs and or disability.

Throughout this document the term parent is used to refer to those with legal parental responsibility.

The **Special Educational Needs and Disability (SEND) Code of Practice 2015** is the statutory guidance which early years settings, schools and colleges must follow about special educational needs. It describes how help for all children and young people, including those with special educational needs, should be made through a step-by-step or graduated approach.

What are special educational needs (SEN)?

A child or young person has special educational needs if they have significantly greater difficulty in learning than the majority of other children and young people of the same age or if they have a disability which may stop them from making full use of the facilities generally provided for others of the same age.

Many children and young people will have special educational needs of some kind during their education. A small number of these children and young people will need extra help for part or throughout their education.

Special educational needs can mean that a child or young person has:

Communication and interaction needs - difficulty in expressing themselves, understanding what others are saying or difficulties socially interacting with others

Cognition and learning needs – difficulties in learning or retaining basic skills or a specific difficulty with reading, writing, mathematics or understanding information

Social, emotional and mental health needs – difficulties making friends or relating to adults. May be withdrawn, isolated or find regulating their behaviours challenging

Sensory and/or physical needs –sensory impairments or difficulties such as those affecting sight or hearing, or physical difficulties which impact on their learning

Individual children or young people may have needs that cut across some or all these areas and their needs may change over time.

What is a disability?

The Equality Act 2010 says that a person has a disability if they have a physical or mental impairment and that the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This definition includes sensory impairments such as those affecting sight or hearing, and long-term health conditions such as asthma, diabetes, epilepsy, and cancer.

Children and young people with a disability do not necessarily have special educational needs, but there is a significant overlap between disabled children and young people and those with special educational needs.

What is the difference between SEN and SEND?

A child or young person has special educational needs (SEN) if they have a learning difficulty or disability which calls for special educational provision to be made for him or her

Children and young people who have SEN do not necessarily have a disability. Children and young people who have a disability do not necessarily have special educational needs.

The abbreviation SEND relates to special educational needs and/or disabilities. Guidance, legislation, and regulations sometimes use the abbreviation SEND

What should I do if I think my child has special educational needs?

Sometimes as a parent you may be the first to be aware that your child has special educational needs. If you are concerned about your child's progress and think that your child may have special educational needs you should first talk to your child's class teacher, tutor and or to the Special Educational Needs Coordinator (SENCO). Every school or Early Years setting has a SENCO, who is the person responsible for coordinating help for children with special educational needs. Colleges also have a named person responsible for the coordination of SEN support and provision, similar to the role of a SENCO.

You will be able to talk over your concerns with the teacher, tutor and or SENCO. Talking to the staff in your child's educational setting will often help to sort out any worries you may have. They will be able to tell you more about how your child is currently supported and how things might change in the future.

Before the meeting you may find it helpful to write down your concerns and the points you want to raise. You may also want to consider taking a family member or a friend with you.

If you still have concerns and want to discuss this with an independent body you can contact Cornwall Special Educational Needs Disability Information, Advice and Support Service (SENDiass). The service is confidential, independent, impartial and free. Contact details are provided at the end of this document.

What is the graduated response?

The Children and Families Act 2014 and the supporting Code of Practice make it very clear that early years settings, schools and colleges have to meet the needs of all children and young people with special educational needs, including those who do not have an Education, Health and Care (EHC) Plan.

The approach to meeting the needs of children with special educational needs is the graduated response, SEND Code of Practice, p100.

Actions within the Graduated Response:

- When a pupil is identified as having special educational needs the school must take immediate action. Staff must put effective special educational need provision in place and ensure that all barriers to learning are removed.
- As soon as a pupil is identified as having special educational needs their family must be informed. The school must then work in partnership with parents/carers, listening to their views and proactively involving them in decision making and planning.
- Special educational need provision must be reviewed at least termly and all reviews must involve the pupil and their family.
- It may be decided that advice from a specialist professional is required in order to meet the needs of a pupil. Information regarding the external support available is published on the SEND Local Offer site and in the online SEN File.

SEN support and provision should be informed a four part cycle known as the 'assess, plan, do, review' cycle further details are given on pages 6-7 of this document SEND Code of Practice, p100.

What educational support is available?

The graduated approach means that the educational support or provision for all children or young people, including those with special educational needs sits on a continuum between whole class quality first teaching at one end and highly personalised support or provision at the other.

Quality first teaching

All children and young people are entitled to receive high quality, inclusive teaching. Children and young people make progress at different rates and have different ways in which they learn best, quality first teaching takes this into account. Quality first teaching means that:

- The teacher has the highest possible expectations for all of the children or young people in their class
- Learning goals are stretching and success criteria is clear
- All teaching builds on what the child or young person already knows, can do and understand
- Teachers use varied, engaging and interactive teaching styles including auditory, visual and kinetic approaches
- Language is adapted and includes rehearsing and reminding
- Lessons are differentiated to meet all children or young people's needs. This means different ways of teaching are in place so that all children or young people can access the lesson and are fully involved in their learning. Other examples of differentiation include: providing additional resources to support learning, opportunities for paired work or small group work or using different ways of presenting their work
- Children and young people with special educational needs are fully included in all activities alongside children and young people who do not have special educational needs
- Progress is regularly monitored and reviewed

Differentiated, quality first teaching will meet the individual needs of the majority of children and young people.

SEN support

What is SEN support?

All children and young people learn in different ways and can have different kinds or levels of special educational needs. When a child or young person is identified as having a special educational need, the support they receive becomes more targeted. Special educational provision is support which is **additional or different** from support usually available to children or young people of the same age in a mainstream educational setting. This is called **SEN support**.

Early years settings, schools and colleges recognise the importance of identifying special educational needs early so that they can help children and young people as quickly as possible. When an early years setting, school or college thinks a child or young person might need SEN support they must discuss this with parents and work in collaboration with parents and the child or young person throughout the process. Young people aged 16 to 25 should be directly involved in developing their own SEN support and provision.

When deciding whether a child or young person requires SEN support, this should start with the outcomes that the SEN support is intended to achieve – in other words how the child or young person will benefit from any support they get, including expected progress and attainment. This should then help determine the support that is needed and whether it can be provided by adapting the educational setting's core offer or whether something different or additional is required.

What help is available at SEN support?

SEN support can be provided in many different ways and should be individual to each child or young person.

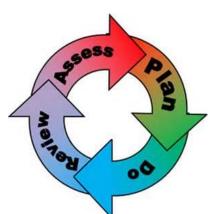
SEN support could include:

- individually designed interventions or programmes
- focused support with the class teacher, member of the Support Staff, specialist teacher or the SENCO
- small group intervention work
- helping the child or young person to actively participate in class activities
- helping the child or young person to play or socially interact with other children or young people
- additional materials and equipment
- supporting a child or young person's personal or physical care
- advice and support from external professionals such as educational psychologists, therapists and specialist teachers/advisors

Early years settings, schools and colleges must publish an **SEN information report** about the special educational needs provision they provide. This can be found on their website.

The Cornwall SEND Local offer sets out in one place what is available for children and young people with special educational needs and/or disabilities and their families: <u>https://www.supportincornwall.org.uk</u>

The graduated response Assess, Plan, Do, Review Cycle



Staff in early years settings, schools and colleges must use a graduated approach based on four step process. These are: Assess - analyse the child or young person's special educational needs

Plan - identify the additional and different support needed

Do - put the support in place and

Review - regularly check how well it is working so that they can change the amount or kind of support if needed

If the child or young person still has special educational needs the cycle starts again at assess with the updated needs of the child or young person being considered.

Phases of Assess – Plan – Do – Review

Assess

A child or young person's special educational needs must be analysed and assessed. This must include the views of parents and the child or young person so that the right support can be identified and provided

Plan

Once a child or young person's special educational needs have been identified, the educational setting, parent/s and child or young person must collectively decide what outcomes they want the child or young person to achieve and what kind of support should be put in place to help them achieve those outcomes. A date by which the outcomes will be reviewed must be set so that together the educational setting, parent/s and child or young person can check to see how well the support is working and whether the outcomes have been or are being achieved.

Do

The staff in the early years setting, school or college, supported by the SENCO where relevant, will put the planned support into place. All staff involved in providing support should work together to track the child or young person's progress and check that the support is being effective.

Review

The support the child or young person receives should be reviewed at the date agreed by the educational setting, parent/s and child or young person. Together they should decide if the support received is working, whether the outcomes have been, or are being, achieved and if any changes are needed. Educational settings should meet with the parents of children or young people at SEN support at least three times a year.

If the child or young person still has special educational needs the cycle then starts again at assess with the updated needs of the pupil being considered.

Involvement of external professionals at SEN support

Where a child or young person continues to make less progress than expected, despite receiving additional support matched to their special educational needs, the educational setting, following discussion with the parents or the young person should seek advice from external professionals for example, a specialist teacher/adviser, an educational psychologist or a speech and language therapist. The involvement of an external professional starts another cycle of assess, plan, do, review and a child or young person's SEN support should be refined and reviewed in light of their recommendations.

Within this framework a child or young person's progress will be carefully recorded, monitored and reviewed. Some children and young people will make progress and no longer require SEN support, whilst for others with more longterm complex needs, several cycles of assess, plan, do, review may be required in order to identify the best way of securing good progress.

The early years setting, school or college will keep written records of what support is in place, progress and any changes required. This written record should be shared with parents or the young person and with the parent or young person's permission, any other service working with the child or young person and their family.

What if my child or young person does not make progress at SEN support?

A very small number of children and young people may not make progress despite the interventions and strategies put in place at SEN support. If your child does not make progress at SEN Support, an Education, Health and Care (EHC) needs assessment might be appropriate. This is a detailed assessment of a child or young person's special educational needs and the support they may need in order to learn.

Education Health and Care (EHC) needs assessments

What is an EHC needs assessment?

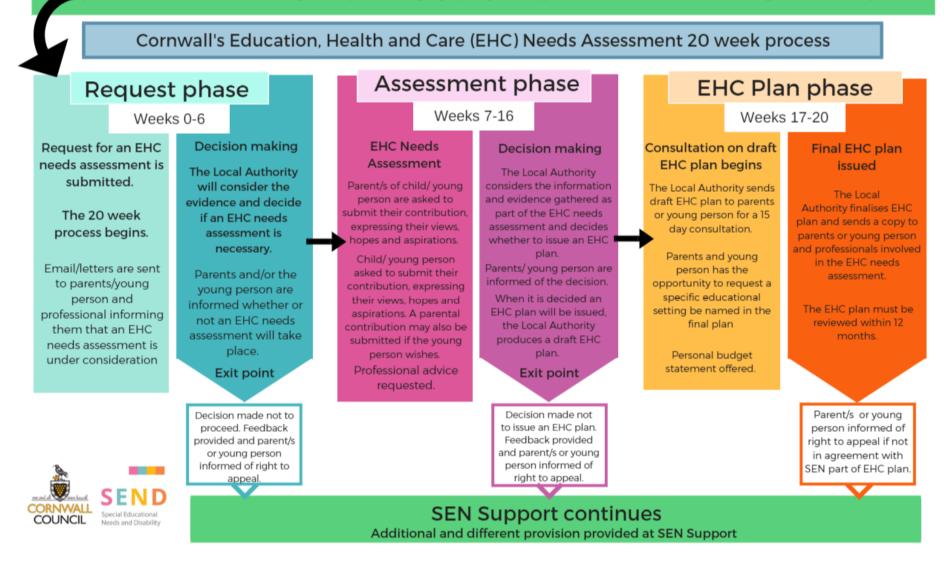
An EHC needs assessment, sometimes called a statutory assessment, is a detailed assessment to find out exactly what a child or young person's special educational needs are and the support they may need in order to learn, progress and achieve. At every stage, the child and their parents and or the young person in involved fully and their views and wishes taken into account

The purpose of an EHC needs assessment is to see whether an **Education**, **Health and Care plan (EHC plan)** is necessary to make the special educational provision that a child or young person needs. Local authorities are responsible for carrying out EHC needs assessments under the **Children and Families Act 2014**.

SEN Support

The majority of children and young people who have special educational needs, will have their needs met through the additional and different provision provided at SEN Support in their early years setting, school or college.

A small minority of children or young people, who have the most complex needs, may require more intensive specialist help. If a child or young person does not make educational progress despite receiving high quality SEN Support, then an EHC needs assessment might be the next step.



Who can request an EHC needs assessment?

Requests for an EHC needs assessment are usually made by the educational setting, when the family, educational setting and other professionals involved are all agreed that an individual's Special Educational Needs (SEN) can no longer be met at SEN Support. Requests can be made by:

- The early years setting, school or college by completing the *Request for an EHC Needs Assessment Form for Educational Settings*
- Parent(s) in writing to the local authority, this can be via email
- A young person over the age of 16 but under the age of 25 in writing to the local authority, this can be via email
- Anyone else who knows the child or young person well and believes an EHC needs assessment might be necessary in writing to the local authority

Ideally when a child's parent/s, a young person or other person who know the child or young person well, wants to request an EHC needs assessment this is done in partnership with your child's educational setting. It is always a good idea to talk to the early years setting, school or college before asking for an EHC needs assessment to be sure that everything that can be done by the early years setting school or college at SEN support is already being done.

When a request for an EHC needs assessment is made independently of an educational setting, the local authority will contact the educational setting and request completion of the *Request for an EHC Needs Assessment Form for Educational Settings* and evidence of the support already in place for the child or young person at SEN support.

When is an EHC needs assessment necessary?

The SEND code of practice is very clear that the special educational needs of the majority of children and young people can and should be met through the additional and different provision provided at **SEN support** in their early years setting, school or college. A small minority of children or young people may require more intensive and specialist help. If your child does not make progress despite receiving high quality SEN support an EHC needs assessment might be the next step.

When deciding whether an EHC needs assessment is necessary, we as a local authority will consider whether there is evidence that despite the early years setting, school or college having identified, assessed and taken relevant and purposeful action to meet the special educational needs of the child or young person, the child or young person has not made expected progress. We will look at:

- The type and level of your child's special educational needs
- Their strengths
- Their rate of progress over time and their attainments
- What has already been done by the early years setting, school or college at SEN support
- What impact this support has made

For a very small number of children or young people, we as a local authority may decide to initiate an EHC needs assessment without the need to evidence staged interventions. This might include when a child or young person has:

- Special educational needs that change significantly following an illness or accident
- A degenerative or life limiting condition
- Significant, complex, long term needs and has moved into Cornwall without a previous EHC needs assessment having been completed

What happens when the local authority gets a request for an EHC needs assessment?

As soon as the local authority receives a request for an EHC needs assessment we must tell you about it.

The local authority then has up to 6 weeks to decide whether to carry out an EHC needs assessment. During this time we may ask you, your child's educational setting and other professionals for information.

The local authority's Special Educational Needs Panel considers all requests for EHC needs assessments. The panel is made up of education, health and social care professionals.

The Special Educational Needs Panel look at all the information and evidence provided as part of the request for EHC needs assessment and must then tell you whether it has decided to start an EHC needs assessment, or that an EHC needs assessment is not necessary.

The timescales are the same whoever requests the EHC needs assessment.

What happens if the local authority decides that an EHC needs assessment is not necessary?

If as a local authority we decide that an EHC needs assessment is not needed. We will explain to you how and why we reached that decision. This will include feedback about the information and evidence submitted as part of the request for an EHC needs assessment to help inform how the outcomes sought for your child can be achieved through the special educational provision made by the early years setting, school or college at **SEN support**. We will also tell you about your rights to:

- Request a **Way Forward meeting** with a member of the local authority to discuss any concerns you may have
- Independent mediation
- Appeal to the Special Educational Needs and Disability Tribunal
- Independent information advice or support from Cornwall Special Educational Needs Disability Information, Advice and Support Service (SENDiass) Contact details are provided at the end of this document.

What happens if the EHC needs assessment goes ahead?

The local authority will write to you to tell you what will happen during the EHC needs assessment and ask for your views which are very important. The document *Guidance for Parental Contribution to an Education, Health and Care and Care Needs Assessment* has been written to help you provide your views and you may choose to use the *Parental Contribution to an Education, Health and Care Needs Assessment Form* or use an alternative format.

SENDiass can give you information, advice and support to help you with this.

As part of the EHC needs assessment we as the local authority must also ask a number of other people for information about your child. This is called 'advice' and it should include information about:

- Your child's special education, health and care needs
- The outcomes for your child. An outcome is what a child or young person will ideally be able to do with the right support
- The special educational, health and care provision that might be required to meet their needs and achieve the desired outcomes

The local authority must ask for advice and information from:

 Parents. After compulsory school age (the end of the academic year in which a young person turns 16) the right to make requests and decisions under the Children and Families Act 2014 applies to the young person themselves, rather than to their parents. At that point it is assumed the young person has the mental capacity to make decisions about their education. Parents, or other family members, can continue to support young people in making decisions, or act on their behalf, provided that the young person is happy for them to do so. If a young person does not have the mental capacity to make a decision on their own, then their parents will automatically be assumed to be making the decision on their behalf unless the Court of Protection has appointed a Deputy.

- The child or young person, whatever their needs or age
- Your child's early years setting, school or college
- A local authority educational psychologist
- Health professionals currently involved with supporting your child such as a paediatrician, speech and language therapist, occupational therapist or physiotherapist
- Social care professionals who work with or support your child. If your child does not have Social Care involvement, you will receive a letter from Social Care offering you a Social Work assessment.
- Other professionals who currently work with or support your child

Professionals have a maximum of 6 weeks to complete their advice. You will receive a copy of all of the professionals' reports when the EHC needs assessment has been completed.

What happens next?

Once the local authority has received all of the information and advice it requested. The Special Educational Needs Panel will consider all of the advice gathered during the EHC needs assessment and will decide whether your child needs an EHC plan.

An EHC plan is a legal document that describes a child or young person's special educational needs and the help and support they will be given to meet the outcomes identified within the plan.

If following the EHC needs assessment we as a local authority decide not to issue an EHC plan and that your child's special educational needs can be met through **SEN support** we will let you know as soon as possible and at the latest within 16 weeks of the initial request. We will also let you know about your right to request a **Way Forward meeting** with a representative of the local authority to discuss your any concerns you may have and your right of appeal to the Special Educational Needs and Disability Tribunal.

When as a local authority we decide that an EHC plan is necessary, a draft EHC plan will be written. We will send you a copy of the draft EHC plan and copies of all of the advices so that you can read them all. You as a parent then have 15 calendar days to give your views on the content of the draft EHC plan, to express a preference for an educational setting, to request a personal budget statement or accept the draft EHC plan.

At the draft EHC plan stage, Section I, which is where the educational placement is named will be left blank to enable you to state your parental preference for a particular school or educational setting. This may be the school or setting that your child already attends. As a local authority we must agree with your preference as long as:

- The school or setting is suitable for your child's age, ability and needs
- Your child's presence in the school or setting will not affect the efficient education of other children already attending
- Placing your child there is an efficient use of the local authority resources

If parents state a preference for a mainstream school, the local authority must provide a mainstream place as long as:

- This will not be detrimental to the education of other children or young people already at the school
- There are no practical steps that the setting or the local authority could take to prevent the child affecting the other children's or young people's education

Parents can contact the local authority at any time to discuss any issues or concerns. If you do not reply within the 15 calendar days we have to assume you are in agreement with the draft plan.

After receiving your parental feedback, the draft EHC plan will be amended where needed. A copy of the final EHC plan will be sent to you and to the professionals who contributed to your child's EHC needs assessment.

Once we know your preferred educational setting, as a local authority we must consult with the Headteacher, governing body or proprietor of the educational setting before naming them on the EHC plan. The educational setting has 15 calendar days to respond. The local authority must consult an educational setting before naming it in the EHC plan, but the local authority makes the final decision.

We will also let you know about your right to request a Way Forward meeting with a member of the local authority to discuss your any concerns you may have and your right of appeal to the Special Educational Needs and Disability Tribunal, if you are not happy with the final EHC plan.

Independent information advice or support from Cornwall Special Educational Needs Disability Information, Advice and Support Service (SENDiass) is available at any part of the process. Contact details are provided at the end of this document.

The EHC plan

Decisions about the content of an EHC plan should always be made in partnership with parents, child or the young person. It should be clear how the

child or young person had contributed towards their EHC plan and their views must be included.

An EHC plan describes the whole child or young person, including their strengths, what they can do and what they have achieved. The EHC plan should be forward looking and must specify the outcomes sought for the child or young person.

The EHC plan will include the following sections:

Section A: Views interests and aspirations records the views, interests and aspirations of your child and your parental views. After compulsory school age (the end of the academic year in which a young person turns 16) the young person's views will be recorded. Parental views can be included if the young person wishes

Section B: Strengths and special educational needs describes your child's strengths and special educational needs, this is divided into four main areas:

- Communication and interaction
- Cognition and learning needs
- Social, emotional and mental health needs
- Sensory and/or physical needs

Section C: Health needs which relate to SEN contains information about your child's health needs which are related to their SEN

Section D: Social care needs which relate to SEN contains information about your child's social care needs which are related to their SEN or to a disability that impacts upon their education.

Section E: SEN Outcomes and Section F: Provision sets out the outcomes sought for your child and the special educational provision required. These are divided into four main areas:

- Communication and interaction
- Cognition and learning needs
- Social, emotional and mental health needs
- Sensory and/or physical needs

For example, The outcome could be 'Stephen will consistently use language to make requests and comments using sentences containing 3-5 information carrying words and the provision could be a weekly speech and language therapy session. Smaller steps towards meeting the outcomes, how progress will be checked, and the arrangements for review should also be included.

For Year 9 and above Sections E and F also includes preparing for adulthood outcomes

Section G: Health provision describes any health provision reasonably required by the learning difficulties or disabilities which result in your child having SEN. The content of section G has to be agreed by health

Section H1: Social care provision contains any social care provision which must be made for your child 18 or under resulting from Section 2 of the

Chronically Sick and Disabled Persons Act 1970. This will include the type of support, who will provide it, including use of direct payments. For example, help in the home, or to take part in leisure activities. The content of section H1 has to be agreed by social care.

Section H2: Social care provision sets out any other social care provision reasonably required by the learning difficulties or disabilities which result in your having SEN. This will include any adult social care provision being provided to meet a young person's eligible needs under the Care Act 2014. This can include provision identified through social care assessments, safeguarding assessments or adult social care provision for young people over 18. The content of section H2 has to be agreed by social care.

Section I: Placement names the early years setting, school, college or any other institution to be attended by your child and the type of setting

Section J: SEN provision in section F secured by a direct payment describes whether information about a personal budgets or a personal budget statement has been requested

Section K: Contributing advice and information lists the name and role of all of those who contributed advice and information to the EHC needs assessment

The final EHC plan will also include a date by which the EHC plan must be reviewed. EHC Plans have to be reviewed on at least an annual basis.

Personal Budget Statements

A personal budget statement, outlines the amount of money identified by the local authority to deliver the provision set out in an EHC plan. If an EHC needs assessment is carried out, as parents you will be sent information about personal budget statements when the draft EHC plan is sent to you.

Information about personal budget statements is also available on the **Local Offer** website:

http://www.supportincornwall.org.uk/kb5/cornwall/directory/service.page?id=rv 8zQ_rC7yE&localofferchannel=1

Contact details

Statutory Special Educational Needs (SEN) Team

Children, Families and Adults 3 West New County Hall Truro TR1 3AY

Telephone: 01872 324242 email: <u>specialeducation@cornwall.gov.uk</u> Website:

Cornwall Special Educational Needs Disability Information, Advice and Support Service (SENDiass)

SENDiass Units 1G/H Guildford Road Industrial Estate Hayle TR27 4QZ

Telephone: 01736 751921 email: <u>sendiass@disabilitycornwall.org.uk</u> Website: <u>www.cornwallsendiass.org.uk</u>

Useful information

DfE Special educational needs and disabilities: a guide for parents and carers

https://www.gov.uk/government/publications/send-guide-for-parents-and-carers

Special educational needs and disability code of practice : 0-25 years

https://www.gov.uk/government/publications/send-code-of-practice-0-to-25

Special Educational Needs File Cornwall Council website

http://www.cornwall.gov.uk/education-and-learning/schools-andcolleges/special-educational-needs-file/

Cornwall's SEND Local Offer https://www.supportincornwall.org.uk/kb5/cornwall/directory/family.page?family channel=0