Information about Special Educational Needs

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The Special Educational Needs and Disability Code of Practice 2015

The Code of Practice is a national guide for schools and local authorities about the practical help they should give to children with special educational needs and disabilities (SEND). It recommends that schools, working with parents, should identify and take action to meet children’s needs as early as possible. The law says that all schools must ‘have regard’ to the Code of Practice. This means ‘they must give consideration to what the Code says. They cannot ignore it.’ They ‘must be able to demonstrate in their arrangements for children with SEND that they are fulfilling their statutory duty to have regard to the code.’

The code gives guidance to schools but it does not tell them what they must do in every case. Teachers are skilled professionals who can decide the best way to help your child, but, whatever they do, they must not ignore the Code of Practice.

What are Special Educational Needs (SEN)?

‘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 them.’

*Children and Families Act 2014, section 20(1)*

Policy will be implemented i.e. how the aims of the SEN Policy will be carried out. Amongst other things it should include the:

- procedures in place to identify SEN
- approaches to teaching pupils with SEN
- arrangement for reviewing and assessing pupils progress
- expertise and training of staff
- how parents will be consulted with and involved with their child’s education
- how young people with SEN will be consulted and involved.

For more information please see our leaflet on Schools SEN Information Reports.

What is a child and what is a young person?

With regards to SEN law a child is a person of statutory school age. A child becomes a young person when they have finished the school year in which they become 16, normally year 11. The fact they are now classified as a young person is important as a young person is responsible for their own SEN, including appeals to Tribunal. The only exception to this if under the Mental Capacity Act a young Person is found to lack the ability to make a decision of their own. The SEN Code of Practice is clear that even when a young person has capacity the expectation is that where ever possible parents should be involved with their ‘child’s’ education even though they are a young person.
Special Educational Needs Co-ordinator (SENCo)

‘The SENCo has an important role to play with the headteacher and governing body, in determining the strategic development of SEN policy and provision in the school.’

SEND Code of Practice 6.87

The SENCO has day-to-day responsibility for the operation of SEN policy and co-ordination of specific provision made to support individual pupils with SEN, including those who have EHC plans.

SEND Code of Practice 6.87

The SENCo’s job is to oversee the SEN in a school and support teachers in meeting their responsibility to meet the needs of pupils with SEN in their class.

Schools’ SEN policy

All schools should have an SEN Policy which must be freely available. The policy should set out the principles and expectations of the school with regards to pupils with SEN.

Schools SEN Information Report

All schools should publish an SEN Information Report on their website. This should set out how the SEN

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A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

(a) has a significantly greater difficulty in learning than the majority of others of the same age, or

(b) has a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

Children under compulsory school age have a learning difficulty or disability if they are likely to be within (a) or (b) above when of compulsory school age (or would be likely, if no special educational provision were made).

(Children and Families Act, Section 20)

Children must not be treated as having a learning difficulty just because the language they use at home is different from the language in which they will be taught.

Special educational provision means the following. “for a child aged two or more or a young person, means educational or training provision that is additional to, or different from, that made generally for others of the same age in:

a) mainstream schools in England,

b) maintained nursery schools in England,
c) mainstream post-16 institutions in England, or
d) places in England at which relevant early years education is provided.

For a child under two “Special educational provision” means educational provision of any kind

(Children and Families Act, Section 21)

All schools should have a clear approach to identifying and responding to SEN. It is accepted that early identification improves the long term outcomes for children and young people.

For example, a child may have:

- difficulties with reading, writing, number work or understanding;
- emotional or behavioural problems;
- a learning disability;
- a problem with sight, hearing or speech;
- a physical disability; or
- problems with relationships with other children or adults.

Many children have difficulties in some areas of school work, or make slow progress at some time in their school life. This does not necessarily mean they have a special educational need. Often a teacher can help a child overcome difficulties by using different ways of working and giving them support.

The class teacher is responsible for meeting the needs of children with SEN in their class. They should use high quality teaching targeted at the areas a pupil is having problems with. If progress continues to be less than expected the class teacher working with the SENCo should assess whether a child has SEN. Part of this informal gathering of information should include talking to parents and the pupil. This should not delay putting in place any support needed to help with progress.

For some children SEN can be identified early however for others it will only be evident as they get older. Everyone working with a child should be looking for emerging difficulties and respond quickly. In particular, parents know their child best and it is important that all professionals listen and understand when parents express concerns about their child’s development. Professionals should also listen to and address any concerns raised by children and young people themselves.