



OXFORDSHIRE
COUNTY COUNCIL
Education Service
LEARNING COUNTYWIDE

OXFORD
BROOKES
UNIVERSITY



OxSpec: Reprints

September 1994

No. 2

"SEN Code of Practice"

Alec Webster and Howard Brayton

Published in "Child Education" - September 1994

OxSpec: Reprints are reproduced with the permission of the publishers

Oxfordshire Special Needs Research Project

SEN Code of Practice

The new Code of Practice for Special Educational Needs aims to ensure that children get the help they need. From September, the responsibility for the first stages rests firmly with the school. In this special report we look at what is involved.

Alec Webster, an educational researcher based at Bristol University, outlines the Code¹. Howard Brayton, Inspector for Special Needs in Oxfordshire, talks to individuals who will be caught up in the process².

1 Dr Alec Webster is Research Director in the School of Education, University of Bristol. He has recently co-directed a primary school project Profiles of Development: planning for children's progress within the National Curriculum. Further details and samples of the material are available from Avec Designs Ltd, PO Box 709, Bristol BS99 1GE.

2 These interviews have been conducted through OXSPEC, the Oxfordshire Special Needs Research Project. Further information about OXSPEC can be obtained from Howard Brayton, Inspector for Special Educational Needs, County Hall, Oxfordshire.

JOHN BIRDSALL



MIKE TURNER

INTRODUCTION

When the new Code was announced in the House of Commons in the autumn of last year, government ministers described it as 'setting a whole new framework for special education in the future'. The Code comes into force in September 1994 and has major implications for all LEA and GMS schools, particularly for teachers working with younger children, when special needs often come to the fore. This article looks at the new regulations and what is in store for primary schools who will have to put the new Code into practice.

WHY DO WE NEED A NEW CODE?

The new Code of Practice is part of regulations required under the Education Act 1993, governing policy and provision for identifying, assessing and meeting special educational needs.

More than 15 years ago the Warnock Report made far-reaching recommendations, welcomed by most professionals at the time, which introduced a

much broader view of special education. The medical-style categories of handicap were abolished in favour of a continuum of special needs, relative to school and family contexts. Warnock also argued for the integration of children with special needs, wherever possible, with much greater involvement of parents, and more honest and open procedures. Early intervention, partnership and flexibility were Warnock's hallmarks. The Warnock Report also advocated a phased system of assessment, on-going monitoring of children's progress, and the defining of specific educational objectives.

The Government never fully implemented these ideas because of costs, although it endorsed the main principles in the 1981 Education Act. The new Code tries to take up these issues afresh. It also addresses many of the concerns expressed by parents of children with special needs: the lack of information given to them by LEAs, the limited weight which is often placed on their views, and the length of time taken to

make assessments and appropriate provision.

There are also widespread concerns about the lack of consistency in the way resources are allocated by LEAs, and a general problem of making provision on the basis of accurate descriptions of children's needs.

RESOURCES FOR SPECIAL NEEDS

Since the Education Reform Act was introduced, schools have been fully occupied, if not overwhelmed, with the demands of planning, teaching and reporting the National Curriculum. ERA has meant a massive shift in both resources and priorities away from special needs and on to the subject areas which schools are now obliged to cover.

Additional help for pupils with SEN has been reduced, whilst support teams have also been cut. At the same time, in the scramble for whatever resources LEAs have been left holding centrally, the demand to 'statement' pupils has increased steeply. The devolvement of resources to schools under LMS has brought an urgent case for spelling out much more clearly the responsibilities which schools themselves must now carry.

The new Code reaffirms such principles as the continuum of

special needs and provision, with the greatest possible access for all children to a broad and balanced curriculum, including the National Curriculum. It envisages that the special needs of the majority of children will be met in mainstream without statements, whilst many other children with statements will receive their education in ordinary schools. Early action, close inter-agency collaboration, partnership with parents and children (with the views of the child taken into account) are also intrinsic to the thinking behind the Code.

WHAT THE CODE INCLUDES

The Code sets out guidelines to be followed by LEAs for identifying and assessing pupils with SEN. It also clarifies the role of the school in five stages leading up to formal assessments and statementing. Schools will be obliged to follow procedures which pay due regard to the Code, designed 'to help schools make decisions'. The precise way in which the Code is interpreted will be left to schools to determine, but this must be set out in a published policy.

For example, some LEAs may decide to adopt a four stage model, with the first two stages being the responsibility of schools, and Stages 3 and 4

Many of the 59 tasks or responsibilities which fall to schools, governors, local authorities, Health and Social Services are not in themselves new. They have, however, become more explicit under the Code.

At a time when schools feel the pressure to be in competition with each other, it is encouraging that the Code requires them to work in partnership. For example a governing body must consult with the LEA and the governing bodies of other schools when it is necessary or desirable.

The Code states that effective implementation of the school-based stages of assessment and provision will be possible only if schools create positive working relationships with parents, pupils, and Health and Social Services as well as the LEA and other providers of support services.

Many pupils with SEN have a range of difficulties, and the

The inspector's VIEW

achievement of educational objectives is likely to be delayed without partnership between all concerned.

Training and support in relation to school SEN policies and the stages of assessment and provision require us to address the match between:

- a lesson's aims and objectives, and the work set
- achievements in a lesson and written assessments of ability
- individual objectives and the teacher's knowledge of the pupil.

The success of the Code of Practice will ultimately be judged by teachers and pupils at classroom level. All those working in partnership should be mindful of this.²

*Geoff Jones
Senior Inspector
Oxfordshire County Council.*

involving the LEA. It is left to the school to decide, in consultation with parents, which stage is suitable for a child. A child may require action at Stage 2 or 3, even if no previous action has been taken.

Under the Code all schools will have to keep a register of children with SEN, and the steps taken to meet pupils' needs must be recorded. All mainstream schools must have a designated teacher who co-ordinates SEN policy and practice. OFSTED inspectors will monitor how well the Code is being implemented by schools.

THE SPECIAL NEEDS CO-ORDINATOR

The special needs co-ordinator will take responsibility for:

- the day-to-day operation of the school's SEN policy
- co-ordinating SEN provision, advising and liaising with colleagues
- maintaining the SEN

register and overseeing records

- liaison with parents and outside agencies, such as educational psychologists, medical and social services, and support teachers
- contributing to in-service training of staff.

THE SCHOOL'S SEN POLICY

Regulations prescribe what must be contained in the school's policy on SEN, which all schools must publish by 1 August 1995. **Basic information about the school's educational provision:**

- the objectives of the school's SEN policy
- name of the SEN co-ordinator or teacher responsible
- arrangements for co-ordinating provision, special facilities, resources, support arrangements.

Information about identification and assessment:

- allocation of resources to SEN



JULIAN SIMMONDS/SELECT

- procedures for identification, assessment and review arrangements for access to a broad and balanced curriculum including the National Curriculum

- how integration is managed
- how any complaints about provision can be made.

School staffing and outside links:

- provision for in-service training
- special school links and use of external support services
- partnership with parents.

The Code offers guidance on the school-based stages of assessment which follow the steps originally suggested by Warnock. During the first three stages, as children's learning difficulties emerge, schools must take the lead and respond quickly; make detailed observations and keep careful records; explore the nature of the difficulty by involving parents and other professionals; and keep the effectiveness of whatever approaches are adopted under review.

At Stages 4 and 5, LEAs will share responsibilities with schools. All of the stages are far more rigorous than many teachers will have followed

The parent governor's

VIEW

This school already has a nominated governor for SEN and an SEN sub-group. I was pleased to see this recognised in the Code. The implications in the Code for the responsible person will emerge with time.

Having named people to contact and to take with you to interviews is a very good idea. At present, parents can feel that they are being passed from one person to another and get the feeling that nothing positive is happening.

The six month period from proposing and assessment to making a statement is an improvement. There can also be delays at the point of reassessments.

Parents' rights and appeals have been set out clearly which

is very good. I think this is where most problems occur, especially with choice of school. Some parents will choose the wrong school. Depending on the severity of the child's problems, some parents want total integration into the mainstream. There needs to be a balance between some mainstream and some special class teaching. Pupils with more severe problems may only need social integration.

*Andrea Smart
SEN sub-group
West Witney CP.*

previously, with all now required to be skilled at making close observations, setting specific targets and making detailed individual plans.

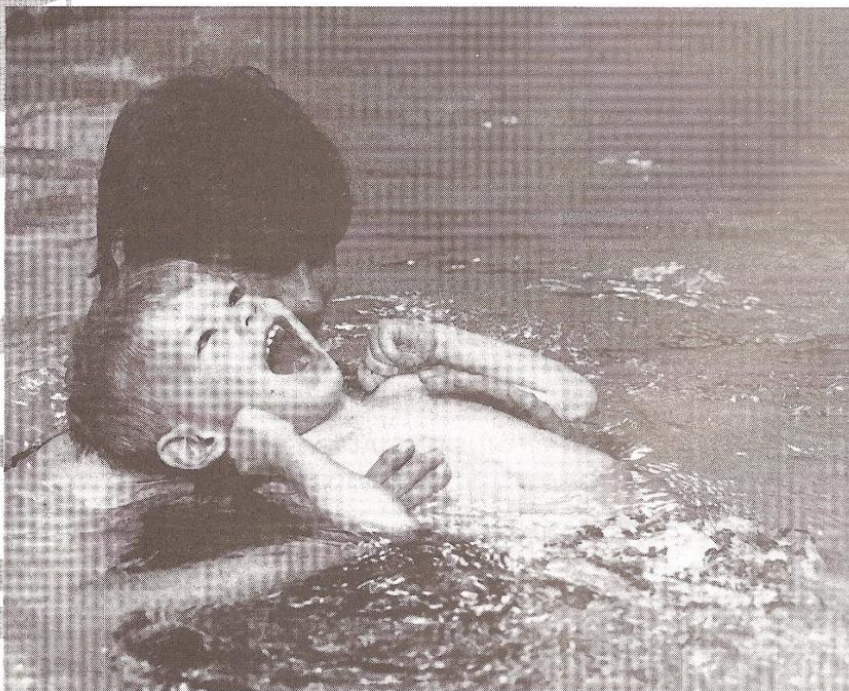
STAGE 1

Stage 1 is characterised by the gathering of information, initial identification and registration

of a child's SEN, and increased differentiation in the ordinary classroom.

At Stage 1, responsibility for the child's educational programme remains with the class or subject teachers. The trigger for Stage 1 is when a teacher, parent or other professional (such as a health visitor) gives evidence of concern that a child is showing signs of SEN. The class teacher must inform the headteacher, parents and SEN coordinator, who registers the child's SEN. Information must be gathered from the parents on their views of the child's progress and any relevant home factors. From school records, any known health or social problems are detailed, together with profiles of achievement, National Curriculum Attainments and any other test data. The child's own views of the difficulties should also be taken into account.

At this stage, it is the class teacher's task to assess how best to meet the child's needs. There may be consultations with the school SEN co-ordinator, doctor or other professional agency. Where available, support services (such as specialist teachers of children with visual or hearing impairments) can be



MIKE TURNER

called in from Stage 1 onwards, and always at Stage 3. The teacher may decide to carry on with present arrangements or give help through differentiating the curriculum. A record must be kept of the nature of concern, action taken, targets set and when progress will be reviewed. Whatever course of action is pursued should be reviewed within a term or six months, with parents kept informed. If, after two reviews at Stage 1, special help has not resulted in satisfactory progress, Stage 2 may be reached.

STAGE 2

Stage 2 is characterised by the seeking of further advice and/or the creation of an Individual Education Plan (IEP).

At this stage, the school SEN co-ordinator takes the lead in assessing the child's learning difficulty, planning, monitoring and reviewing the arrangements made. It is the SEN co-

ordinator's task to review all information gathered at Stage 1, seek additional data from health, social services or other agencies, and agree appropriate action with parents and the child's teachers. An IEP should be drawn up, setting out specific learning targets. The plan should make use, wherever possible, of existing programmes, materials and resources and take place within the normal classroom setting.

An Individual Education Plan (IEP) should set out:

- the nature of the child's learning difficulties
- action; any special provision; staff involved including frequency of support; specific programmes/activities/materials/equipment
- help from parents at home
- targets to be achieved in a given time
- any pastoral care or medical arrangements
- monitoring and assessment arrangements

The head's (governor's)

VIEW

The Code isn't new to everyone, but will be a lot of work for some. It's based on good practice. Setting out clear guidelines is helpful, as is the guidance on roles and responsibilities including the crucial role of governors. The staged responses are good and are part of the continuum of provision for all pupils, leaving the responsibility with the teacher. The SEN co-ordinator is just that. I was pleased to see the role of facilitator and INSET provider emphasised. We don't want to appoint SEN teachers, but I can see some schools doing that to cope with the Code.

I was pleased to see reference in the Code to the importance of differentiation. In our experience, it is not always the pupil who has the problem; schools can actually create problems.

Other issues are also welcome such as the use of the SEN register and considerations of confidentiality.

The emphasis on working with parents and particularly involving the pupils themselves is another good feature.

My major concern is one of time. It will be a problem for the class teacher and for the SEN co-ordinator if the guidance in the Code hasn't already been embarked upon. Time will be required for the development phase and for the implementation of systems and practices. Time will be required for liaison with parents, professionals and agencies. Much of this already takes place in breaks, lunch times and after school. In fact, there will be a need for time in general communication.

All this will create problems, particularly for small schools.

Juliet Smart
West Witney CP.

The Key Stage 1 teacher's
VIEW

The role of the KS1 teacher will be to initiate the five stage framework, unless there were concerns before the child started school.

The Code will reinforce present practice in the school: recording concerns, working closely with the SEN Co-ordinator, sharing responsibility for pupils with SEN and joint working on individual education plans, all of which is good.

I can foresee a lot of time and resources being spent on form-filling and communicating concerns. I can't see this time and resources being made available for such detailed requirements. Much of the SEN co-ordinator's time could be spent reviewing and recording concerns rather than liaising

and working with teachers on pupils' individual plans.

At KS 1 many pupils display problems which are related to lack of maturity, yet often pass. I hope there won't be a flood of unnecessary work initiating the stages for pupils only to find their problems disappear.

We work closely with parents. The Code emphasises this. But it takes time. I also have concerns about raising parents' worries too early. Some teachers may need help with how to inform parents of their child's problems.

Heather Hambidge
West Witney CP.

BOB BRAY



- arrangements and date for review.

Parents should be invited to a review of Stage 2, which might take place within a term, to see how effective these arrangements have been and to plan the next steps. It will be important to talk to parents in person if the school is considering moving a child to Stage 3.

STAGE 3

At Stage 3 the school calls on outside specialist help.

At this stage, responsibility for pupils with special needs is shared between the school SEN co-ordinator, class or subject teachers, and relevant outside support services, such as visiting teachers or educational psychologists. A new IEP may be drawn up including input from support services – a specialist teacher, for example, may advise that further investigation is required, such as a vision test. The new IEP will detail new targets and describe new strategies for supporting the child, monitoring and review arrangements, including external specialists involved.

At Stage 3 a support teacher, such as a teacher of the hearing-impaired, may be asked to take on a number of tasks. These can include direct teaching of the child, supporting the class or subject teacher, advising on



ADRIAN POPE/INSIGHT

The SEN co-ordinator's

VIEW

'The Code seems to suggest a very rigid framework, but I'm sure that in practice individual schools will develop their own methods of working.

One great advantage – like the National Curriculum – is that as parents move and their children join new schools, everyone will be talking the same language. It should mean that no child can slip through the net.

Not only is the register of pupils with SEN a good idea, I think it is essential.

I hope it will help to co-ordinate the assessments of visiting professionals who sometimes seem to give conflicting advice.

Having professionals involved throughout the stages

will ensure that by Stage Four, pupils will be known. It will avoid the 'snap-shot' assessment.

I think the framework of the Code will also benefit the more able pupils.

My role will change mostly in the area of providing INSET for staff and in particular the emphasis on differentiation. I welcome this, but I do share the concerns about time expressed elsewhere.'

Yvonne Gill
West Witney CP.

appropriate materials, technology or classroom management. As in previous stages, a review should be organized by the SEN co-ordinator within a term, including parents. This must focus on progress made, effectiveness of the IEP, any updated information and future plans.

If, at the outcome of the review, the headteacher considers referring the child to the LEA for a statutory assessment, there must be a range of written information and evidence to support the referral. Information should comprise educational and other developmental profiles, views of the parent and child, health and social factors.

The school must be able to give a full account of its efforts at Stages 1 to 3, before LEAs can consider a statutory assessment.

STAGE 4: STATUTORY ASSESSMENT

This part of the new Code emphasises that the needs of the great majority of children should be met under the first three stages, with perhaps only two per cent of children being

put forward for statementing. Children may be brought to the LEA's attention for formal assessment by a number of routes, such as parental request, school referral or request from another agency. Schools will need to demonstrate, following action taken and documented at Stages 1 to 3, that the child's needs remain so substantial that they cannot be met from the resources 'ordinarily available'.

Exceptionally, children may show such acute difficulties that the school finds it impossible to carry through the first three stages. For example, diagnosis of a major sensory impairment may lead immediately to referral to the LEA for a multi-disciplinary assessment. The new Code sets out criteria for making statutory assessments, a timetable of 26 weeks for carrying out the whole process from start to finish, and the procedures which should be followed. Local moderation groups may be set up to ensure consistency and fairness within an LEA. The key question for LEAs is whether there is convincing evidence that the child's needs remain significant,

despite the action taken by schools and support agencies.

The new Code sets out the evidence required for statementing, such as discrepancies between a child's actual attainment and levels expected in core subjects of the National Curriculum. There may also be discrepancies between different subject areas, or obvious signs of underperforming to those who have taught the child. LEAs will look for recorded evidence from hearing or vision tests. There will need to be documented evidence of the impact of a child's SEN on access to classroom activities, main areas of the curriculum and other aspects of school life. The LEA will also seek evidence of withdrawn, anxious or frustrated behaviour. A wide spectrum of academic, social and emotional factors must be considered.

STAGE 5: STATEMENTING

Statementing should proceed when the LEA is satisfied that the child's learning difficulties are significant and/or complex; have not been met by measures taken by the school; or may call for resources which cannot 'reasonably be provided' within the budgets of mainstream schools in the area.

A statement will fulfil two main functions. First, it will be the means of access to extra resources, and second it will provide a precise educational prescription for the child, based on an accurate and detailed account of needs. To aid this process many LEAs have been drawing up a 'tariff' of SEN, which sets out what different needs are 'worth' in cash terms.

The Code sets out the information which must be included in a statement, how parental preferences are to be taken into account and arrangements made for reviews.

MAIN IMPLICATIONS

The new Code should lead to much clearer and consistent steps for identifying and assessing children's needs. All primary teachers will need to be skilled in close observation and drawing up targets and

MIKE TURNER



plans for children in relation to the National Curriculum and other areas of development. They will also need to be skilled at differentiating their classroom teaching. One thorny problem remains: how LEAs will decide which additional resources schools are entitled to call on to implement the Code, and what must be provided from their own budgets.

Child Education wishes to thank staff, governors and the parents at Witney County Primary School, Oxfordshire, who contributed their personal views to this article; also their colleagues from Oxfordshire local education authority; and the Oxfordshire Special Needs Research Project who set up and carried out the interviews.

● Further information about the SEN Code of Practice can be found on page 64 (School Manager feature) and page 45 (Special Needs, Under fives section).

The educational psychologist's VIEW

Many EP services are already involved in the delivery of INSET to schools, focusing on the development of whole-school SEN policies, annual review procedures and governor training. Other important areas for training will focus on early identification and assessment procedures, particularly in relation to the under-fives, and the awareness of appropriate techniques for intervention in schools.

EP services will need to prioritise their functions and redefine their role within their respective LEAs. Emphasising definitions of statutory work will help to ensure that preventative work continues.

The new stringent time-limits for completing statutory

assessment procedures necessitates a clear role for EPs at Stage 3 to ensure that models of continuous assessment are maintained. The alternative of increasing one-off statutory assessments would be a retrograde step. LEAs will be expecting quality assessments at Stage 3 to prevent unnecessary statutory assessments being initiated.

*Chris Spencer
Senior Educational Psychologist,
Oxfordshire County Council.*