

2nd Edition

TEACHING & SUPPORTING CHILDREN WITH
**SPECIAL EDUCATIONAL
NEEDS & DISABILITIES**
IN PRIMARY SCHOOLS

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PART 1

UNDERSTANDING SPECIAL EDUCATIONAL NEEDS

1

What do we mean by 'special educational needs and disabilities' in primary schools?

Chapter objectives

This chapter covers:

- the history of the special educational needs (SEN) system in England;
- the statutory duties on schools and LAs;
- the key aspects of the 2014 Code of Practice.

Teachers' Standards

This chapter addresses the following Teachers' Standards:

Part 2: Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Introduction

This chapter will introduce students briefly to the historical development of inclusive education. It will examine the current policy context in relation to SEN and it will discuss the new Code of Practice for SEN (DfE, 2014).

History

The 1972 Education Act gave all children the right to an education; however, severe their disabilities. Following this Act many local education authorities struggled, without guidance, to provide school education for children with SEN and most of the education took place in special schools (Warnock, 2005). In 1974 Margaret Thatcher, then the Secretary of State for Education, commissioned the Committee of Inquiry into the Education of Handicapped Children and Young People to review the education of pupils with SEN.

Mary Warnock led the inquiry and the recommendations from this were published in the Warnock Report in 1978 (DES/Warnock, 1978). The report introduced the terminology of *special educational needs* and made the recommendation that, where possible, children with SEN should be educated in mainstream schools. The concept of *integration* was born which focused largely on the assimilation of pupils with SEN into mainstream schools. Integration placed little or no onus on the school to make adaptations or adjustment to meet the specific needs of learners. Instead learners with SEN were expected to adapt to a system of education which was largely unchanged.

The recommendations of the Warnock Report formed the basis of the 1981 Education Act which introduced a financial safety net to support the most vulnerable children in mainstream provision. This was to be known as the *statement* of SEN. However, the 1981 Education Act made no provision for any additional funding to be allocated to local education authorities to implement the new procedures (Warnock, 2005). The effect of this was that parents fought with cash-strapped local education authorities to gain statements for their children (Warnock, 2005). Tribunals were established in the 1990s to adjudicate in the disputes. Warnock has more recently stated that she personally felt that she held 'a degree of responsibility for what turned out to be not a very bright idea' (Warnock, 2005: 27) when making specific reference to the statementing process.

The signing of the Salamanca Agreement (UNESCO, 1994) signalled a policy shift from integration to *inclusion* and marked an international commitment to the principle of inclusive education. Nations signed up to the principle that ordinary schools should accommodate all children, regardless of their physical, intellectual, social, emotional, linguistic or other conditions. This was an important policy development because the agreement placed an onus on schools to be more proactive in meeting the needs of learners with disabilities.

The late 1980s and the 1990s saw the growth of the competitive market in which schools had to operate. The Education Reform Act of 1988 resulted in the introduction of the National Curriculum and this was accompanied with the introduction of statutory assessment tests (SATs) in primary and secondary schools and the publication of these results in the form of league tables. Additionally, a system of rigorous school inspections was established during the 1990s and failing schools were named and shamed. Under-performing schools were placed in 'special measures' and subjected to a process of re-inspection and threat of closure unless results improved. It could be argued that the marketisation of education was largely uncondusive to the development of inclusive practices in schools and many academic commentators have argued that that the implementation of inclusive education policies within a discourse of raising standards resulted in policy agendas which were largely incompatible (Warnock, 1996; Armstrong, 1998; Barton, 1998).

Despite the climate of competition the Labour government continued the raising standards agenda when they came to power in 1997 at the same time as advancing an agenda for inclusive education. Through policy documents (DfEE, 1997; DfES, 2004), disability discrimination legislation and agendas such as *Every Child Matters* (HMSO, 2003) there was an emphasis on the need for schools to plan more proactively to meet the diverse needs of different learners and a clear expectation that schools should become increasingly inclusive.

However, according to Goodley:

Educational environments, curricula content, teacher identities are all normatively associated with environments, standards and achievements that are at odds with

the quirkiness of disabled learners. Schools continue to exclude children by virtue of their inaccessibility. Curricula promote standards that some with (or without) impairments will never reach ... Teachers are assessed in ways that celebrate high achievement over the valuing of difference ... disabled students continue to be singled out for specialized attention, are segregated from non-disabled peers through the presence of non-disabled adult supporters and remain unrepresented in images of schooling and educational attainment.

(Goodley, 2007: 319)

Therefore for children with SEN it is important to reflect on the extent to which current curricula and approaches to assessment marginalise and therefore exclude children with disabilities.

VOICE OF A SPECIAL EDUCATIONAL NEEDS CO-ORDINATOR (SENCO)

'Inclusion' ... one short word. It is a word, however, that I struggle to define despite its prominence in my current professional role. Should I be asked to substitute this with an alternative my response would be 'belonging'. Immediately other words spring to mind, including 'acceptance'. It is profoundly evident that I have no clear understanding of the word 'inclusion' and that despite my strong beliefs that I wish to 'include' all children in my teaching I am unable to offer an explanation as to the meanings of my practices. I offer no apologies for my poor understanding of this educational term. Through copious discussions with friends and colleagues, as well as my own readings, it has become evident that this one word, in reality, has several meanings. It is a word with several meanings to different individuals who may at the same time be working to enable and support its principles. There is little wonder that, despite working in an 'inclusive' environment, I continue to find it a frustrating and challenging experience.

There are aspects of some interpretations of 'inclusion' that I embrace wholeheartedly. To include children is to ensure that they are not simply a physical presence. I strive to make adaptations to my practices to ensure that all children can access all aspects of their education. I view the classroom as 'ours'. It is a space which belongs to all of us, a space in which we can all grow and develop, and a space where we can all enjoy a strong sense of belonging. To simply belong, however, is inadequate in terms of explaining inclusion. 'Acceptance' is of course another term which will have different meanings for different people. It is, I now acknowledge, acceptance that is central to my own interpretation of 'inclusion'. I believe that we are all capable of great things and that equally we all find some aspects of life and learning more challenging. The current agenda relating to inclusion does not, in my opinion, support acceptance. There is a strong force to drive all children towards a narrow measure of success, so narrow that it cannot be fully attained by all children. I truly strive to accept the differences between children.

REFLECTIVE TASK

Discuss the following questions with a colleague on your course.

- Is the current emphasis on English, mathematics and age-related expectations in the National Curriculum instrumentally failing certain groups of learners and allowing other learners to excel?
- How can assessment systems in schools be modified to broaden out what is meant by success and achievement?

Current policy context

Current SEN policy focuses on achieving better outcomes for pupils with SEND. Outcomes include achievement, access to further and higher education, access to employment and independent living in adult life. There is a clear focus within policy on the need for schools to close the achievement gap between pupils with and without SEND and there is a clear emphasis on schools and teachers demonstrating higher expectations of learners with SEND.

The White Paper, 2010

The government's White Paper *The Importance of Teaching* (DfE, 2010) set out the coalition government's strategy on education. In relation to pupils with SEND the White Paper promised to:

- ensure that school inspections focus more on the education of pupils with SEND;
- ensure that school inspections focus more on the progress that pupils make from their starting points;
- improve initial teacher training, with specific reference to training in SEND;
- address the culture of low expectations for disadvantaged groups.

Ofsted review of SEND, 2010

Ofsted reviewed educational provision for pupils with SEND in 2010 (Ofsted, 2010). Key points raised in the report are stated below:

- The Ofsted review found evidence that the way the system is currently designed contributed to widespread weaknesses in the quality of provision for children with SEN.
- Some schools and other organisations were working well together and focusing on the *outcomes* for the young person.
- Rigorous monitoring of progress, with quick intervention and thorough evaluation of its impact was critical to successful outcomes for children.
- High aspirations and a determination to enable young people to be as independent as possible led most reliably to the best educational achievement.
- The need for a continuing focus on, and the highest expectations for, disabled children and young people and those with SEN is not just an issue for schools and colleges, or even for all local services, but also for national bodies, including Ofsted itself.

The Green Paper, 2011

The government's Green Paper on SEND (DfE, 2011) stated that:

- The current system of SEN support is too complicated, identifies issues too late, has too much duplication, and does not focus sufficiently on outcomes for pupils with SEND.
- Parents find the current system too bureaucratic and complain that their voices are not listened to.
- SEN can sometimes be 'unhelpfully conflated' with falling behind, and this may have contributed to the growing number of pupils who have been identified as having SEND.
- With the right support and high quality teaching children with SEND can be supported to achieve good outcomes.

Current legislation

All educational institutions must be compliant with the Equality Act 2010 which identifies disability as a protected characteristic. The implications are that schools and other educational institutions must be able to demonstrate that they have taken steps to ensure that learners with disabilities are not subjected to either direct or indirect discrimination. Additionally, educational institutions must be able to demonstrate that they have taken steps to promote positive relationships between different groups of learners. They will also need to demonstrate that they have made reasonable adjustments to the educational provision to ensure that learners with disabilities are provided with equality of opportunity.

Code of Practice

The new Code of Practice for Special Educational Needs and Disabilities (DfE, 2014) replaces the previous Code of Practice (DfES, 2001). Within the new Code there is a stronger focus on supporting learners into adult life, thus the Code offers protection and support from birth to the age of 25. There is also a stronger focus on strengthening participation of parents and pupils and fostering effective collaboration between external agencies. The following sections will briefly summarise the key aspects of the new Code of Practice.

Definition

The new Code of Practice (DfE, 2014) has not changed the definition of SEN:

- A child and young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made.
- A child of compulsory school age or a young person has a learning difficulty or disability if they have significantly greater difficulty in learning than the majority of others of the same age or 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.

Key principles

The key principles of the Code of Practice (DfE, 2014) are:

- participation of children, their parents and young people in decision making;
- early identification of children and young people's needs and early intervention to support them;
- greater choice and control for young people and parents over support;
- collaboration between education, health and social care services to provide support;
- high quality provision to meet the needs of children and young people with SEN;
- a focus on inclusive practice and removing barriers to learning;
- successful preparation for adulthood, including independent living and employment.

Participation in decision making

Supporting and involving children and young people and their parents in decisions about support means having regard to:

What do we mean by 'SEND' in primary schools?

- the views, wishes and feelings of the child and his or her parent, or the young person;
- the importance of the child and his or her parent, or the young person, participating as fully as possible in decisions relating to identification of needs, needs assessments, LA and school provision, reviews of progress and Education, Health and Care Plans (EHC);
- the importance of the child and his or her parent, or the young person, being provided with the information and support necessary to enable them to participate in the decision-making process;
- the need to provide the child and his or her parent, or the young person, with complete and accessible information.

Articles 12 and 13 of the United Nations Convention on the Rights of the Child (United Nations, 1989) state that children and young people have the right to express their opinions and to have these taken into account in relation to all matters which affect them. Their views should be given due weight according to their age, maturity and capability. Schools will need to consider how to support those pupils without verbal communication to enable them to participate in decision-making processes and to express their views.

Schools are now required to publish on their websites the mechanisms that they have established to enable parents, children and young people to express their views and participate in decision-making processes. Schools should also encourage parents to share their knowledge of the child or young person. The Code of Practice (DfE, 2014) explicitly states that the views of parents must not be used as a proxy for the views of children and young people. The Children and Families Act 2014 places a duty on LAs to engage directly with the young person rather than their parents when they have reached the end of compulsory schooling. The Code of Practice (DfE, 2014) acknowledges that some pupils and parents will lack the mental capacity to make decisions and express their views and in these cases LAs and schools should consider how advocates might be able to support them to get their voices heard.

SEN support

SEN support replaces School Action/School Action Plus. It is the category of support for children with SEN who are not on EHC plans.

- It focuses on the impact of the provision for children and young people and places emphasis on a *graduated approach* to addressing needs.
- The aim is to improve the quality of the educational experience and outcomes of school for all pupils ensuring high quality teaching and learning.

The Code of Practice (DfE, 2014) emphasises that differentiated and personalised provision will meet the needs of the majority of pupils. However, there is an acknowledgement within the Code that *some pupils* will require provision which is additional to or different from the provision which meets the needs of the majority. The Code stresses that high quality SEN provision is underpinned by:

- high quality teaching;
- high ambitions for children and young people with SEND;
- stretching/challenging targets for children and young people with SEND;
- clear systems for tracking progress towards these targets;
- continual reviewing of provision;
- a clear relentless focus on approaches which impact on pupil progress;
- a focus on promoting positive outcomes in personal, social and emotional development.

Schools are required to publish a SEN Information Report which details admission arrangements and the processes in place for identifying SEN and mechanisms which have been established to enable children, young people and parents to participate fully in the processes. Additionally, this report needs to provide details of the provision available in the school to support pupils with SEND.

Schools must support pupils with a wide range of SEN and make reasonable adjustments to their provision to enable pupils with SEND to participate fully in the opportunities which are available to all pupils. Under the Equality Act 2010 schools have a duty to prevent discrimination, promote equality of opportunity and foster good relations. There is a clear emphasis in the Code on teachers setting high expectations for all pupils, irrespective of their prior achievement and if teaching is high quality fewer children will require special educational provision.

Schools are required to assess the attainment and skills of each pupil on entry. The Code is explicit that effective planning will enable pupils with SEND to study the full national curriculum. Schools need to ensure that all teachers have the knowledge and skills to be able to identify pupils who are making less than expected progress, taking into account their individual circumstances. The first response from schools is to ensure that high quality teaching is specifically targeted at the area of weakness. Schools must not delay in putting into place additional teaching and intervention for pupils who are making less than expected progress. However, the Code explicitly states that:

- Low attainment and slow progress does not necessarily mean that a child has SEN.
- Attainment in line with chronological age does not mean that a child has no learning difficulties.
- Persistent and disruptive or withdrawn behaviour does not necessarily mean that a child has SEN.
- Difficulties solely related to limitations in English are not SEN.

Schools must have in place a clear approach for identifying and responding to SEN. These mechanisms should enable schools to identify needs at the earliest point. Four broad areas of need are identified in the Code of Practice:

- Communication and interaction needs: these include pupils with autistic spectrum disorder (ASD) and those with speech, language and communication needs (SLCN).
- Cognition and learning needs: these include moderate learning difficulties (MLD), severe learning difficulties (SLD), profound and multiple learning difficulties (PMLD) and specific learning difficulties (SpLD) which include dyslexia, dyscalculia and dyspraxia.
- Social, emotional and mental health difficulties: these include attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD) and attachment disorder.
- Sensory and physical difficulties: these include visual impairment, hearing impairment and multisensory impairment.

Need can fall into one of these broad categories or cut across categories. Teacher training institutions should ensure that trainee teachers have the knowledge and skills to identify needs and understand how to support pupils in overcoming barriers to learning, participation and achievement in each of the above areas. SENCOs should ensure that all teachers have access to continuing professional development in relation to SEND and SENCOs should regularly undertake professional development to update their knowledge and skills.

The Code of Practice (DfE, 2014) explicitly states that additional intervention and support cannot compensate for lack of good quality teaching. SENCOs in conjunction with other school leaders play a pivotal role in monitoring the quality of teaching and learning for pupils with SEND. Before pupils are identified as having SEND school leaders need to

be absolutely certain that pupils have been exposed to consistently high quality teaching. Where pupils have been identified as having SEND schools are required to adopt a graduated response to address their needs. SENCOs should ensure that there is a clear provision map which identifies what specific interventions and support are available for pupils with SEND across the school and this provision should be managed carefully. This means that interventions which do not have an impact on the progress of learners with SEND should be discontinued and replaced by more effective interventions which target effectively specific areas of need.

Graduated response

In adopting a graduated response for pupils on SEN Support teachers and SENCOs need to use the following process:

- **Assess:** assessments should draw on analysis of the pupil's needs, teacher assessment and observations. Views of parents and pupils should be sought along with the views of other professionals who may have involvement with the child.
- **Plan:** parents must be informed if a decision is taken to provide SEN support for the child. This decision should be recorded on the school information system and parents should be made aware of the planned support and interventions.
- **Do:** the class teacher retains responsibility for the pupil, even in cases where the child is working with a teaching assistant (TA) on a one-to-one basis or as part of a group for some of the time. The chosen interventions should be selected on the basis of how successful they have been in addressing outcomes for pupils.
- **Review:** the impact of the intervention should be identified and parents and pupils should be involved in the review. Targets should be identified and parents and pupils should be involved fully in the target setting process.

A decision about whether or not to involve external specialists should be based on whether a pupil continues to make less than expected progress despite intervention. The involvement of specific specialists will largely be dependent upon the area of need but specialists may include educational psychologists, child and adolescent mental health services (CAMHS), speech and language therapists, advisory and other specialist teachers, occupational therapists, physiotherapists and behaviour support. The progress of pupils with SEND should be reviewed regularly but at least three times per year and reviews of progress should involve the child or young person and the parent or an advocate where this is deemed necessary.

PRACTICAL TASK PRACTICAL TASK PRACTICAL TASK PRACTICAL TASK PRACTICAL TASK

During your school-based placement identify opportunities to further your understanding of the roles and responsibilities of different professionals in supporting children with SEN. These may include educational psychologists, the SENCO, speech and language therapists, behaviour specialists, physiotherapists, visual and hearing-impaired specialists or professionals from a communication and interaction team. This is not an exhaustive list. Some of these professionals may well be supporting children and practitioners in your placement setting. It would be useful to arrange a mutually convenient time to discuss their roles. Additionally you may wish to 'shadow' them as they work with children and other

professionals in your school. Following your experience of shadowing multi-agency professionals, carefully consider the ways in which this expertise is disseminated to school-based professionals and the ways in which reasonable adjustments are made to adopt the advice given.

The Code of Practice states that pupils without EHC plans must be educated in mainstream schools (except in specific circumstances). There is a clear commitment in the Code to the principles of inclusive education and removing barriers to learning and participation for pupils in mainstream schools. The Children and Families Act 2014 secures the general presumption that children with SEND will be educated in mainstream schools. Schools are not allowed to refuse to admit a pupil receiving SEN Support on the basis that they do not feel able to support the child's needs or because they do not have an EHC plan. The Equality Act 2010 prohibits schools from discriminating against pupils with disabilities in relation to admission arrangements.

Schools must establish a culture of high expectations for pupils with SEND under the new system. Pupils with SEND must be included in opportunities which are available to pupils without SEND and schools need to be able to demonstrate that they have made reasonable adjustments to their provision to address the specific needs of pupils with SEND. Special schools continue to have an important role to play in working collaboratively with mainstream schools to support them in addressing the needs of pupils with SEND.

Education, Health and Care plans (EHC)

The EHC plans replace the statements which have supported pupils with the most severe needs for more than 30 years. Pupils who are currently entitled to a statement of SEN will be transferred onto EHC plans. The purpose of the EHC plans is to make special educational provision to meet the needs of pupils whose needs cannot be met by SEN Support. The LA will carry out a needs assessment to review the education, health and care needs of the child. A needs assessment will not automatically lead to a plan. The assessment will review all available evidence including information about the pupil's progress and attainment, their personal, social and emotional development, the nature, extent and context of the special educational need and the impact of the actions which have been taken to date to address the need. Children, young people and parents should be fully involved in the assessment process and should be consulted about the intention to ask for a needs assessment. Requests for assessments can arise from parents, young people over the age of 16 but under 25, a person acting on behalf of a school, foster carers, health and social care professionals, early years practitioners, youth offending teams and probation services. Under the Children and Families Act, 2014 anyone can bring a child or young person who they believe has SEND to the attention of the LA.

Plans should be:

- clear, concise, readable and accessible to parents, children, young people and practitioners;
- specific on special educational needs, outcomes and special educational, health and care provision needed, with clearly identified sections;
- supportive of preparation for key transition points; and
- portable.

Parents can request a specific school or college to be named as the preferred choice of educational institution in the EHC plan because one of the key principles of the new Code of Practice is to give parents and carers more choice. Additionally parents and children on EHC plans have the right to request a place in a special school.

Personal budgets

Young people and parents of children with EHC plans have a right to request a personal budget. Personal budgets may include elements of education, social care and health funding, dependent upon the needs of the child or young person. Joint commissioning arrangements should be established to enable partner organisations to make arrangements for agreeing personal budgets and there must be a clear locally agreed policy for personal budgets. Families or young people can receive direct payments or funding may be held by the school/college or by a third party.

- A personal budget is a specific amount of funding identified to deliver parts of the provision set out in an EHC plan.
- Families can request a personal budget as part of the planning process when EHC plans are drawn up or during Annual Reviews of the EHC plan.
- Personal budgets can include funding from education, health and social care – in education, funding for personal budgets will be for more specialist or individualised provision rather than services the school is expected to provide as part of the local offer.
- A LA must secure a school's agreement where any provision, bought by the parent/young person using a direct payment, will be provided on the school's premises.

Reviewing progress

Classroom or subject teachers working with the SENCO should assess where a child is not making adequate progress, despite high quality teaching targeted at an area of weakness. They should draw on evidence from a clear analysis of the pupil's need such as:

- teacher's assessment and experience of the pupil;
- information on pupil progress, attainment, and behaviour;
- individual's development in comparison to their peers;
- the views and experience of parents;
- the child's own views; and
- advice from external support services.

Reviews of progress will determine what kind of support a child needs i.e., whether SEN Support is appropriate or whether it is necessary to request a needs assessment for an EHC plan. For children and young people with EHC plans reviews of progress will determine the appropriateness of the plan and identify future targets.

Legal duties on schools

The main legal duties on schools will not change, but the way they will be met may change. Schools must continue to:

- meet their Equality Act duties for pupils with disabilities;
- use their 'best endeavours' to meet pupils' SEN – this means doing everything they can to meet children and young people's SEN;

- inform parents when pupils receive support for SEN and involve them in reviews of progress;
- admit a young person, where the school is named in an EHC plan;
- co-operate with the LA in developing the local offer; and
- have regard to the new 0–25 SEND Code of Practice.

The Code of Practice (para 9.79) states that schools named on EHC plans have a duty to admit those pupils unless:

- it would be unsuitable for the age, ability, aptitude or SEN of the child or young person; or
- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources.

New duties require schools to:

- produce and publish online a School SEN Information Report;
- appoint a suitably qualified or experienced member of staff as SENCO;
- make arrangements to support pupils with medical conditions and schools must have regard to statutory guidance supporting pupils at school with medical conditions.

Para 6.85 of the Code states that:

*The SENCO **must** be a qualified teacher working at the school. A newly appointed SENCO **must** be a qualified teacher and, where they have not previously been the SENCO at that or any other relevant school for a total period of more than twelve months, they **must** achieve a National Award in Special Educational Needs Co-ordination within three years of appointment.*

(DfE, 2014: 97)

Implications for school governors

School governors:

- must have regard to the SEND Code of Practice and should oversee the implementation of the reform and provide strategic support to the head teacher;
- must publish information about the school's SEND policy on the school's website;
- must ensure that there is a qualified teacher designated as SENCO;
- must co-operate generally with the LA including in developing the local offer and when the school is being named in an EHC plan;
- must ensure that arrangements are in place in schools to support pupils at school with medical conditions;
- must also publish information about the arrangements for the admission of disabled pupils, the steps taken to prevent disabled children being treated less favourably than others, the facilities provided to assist access of disabled children, and their accessibility plans.

Implications for head teachers

All head teachers:

- should take overall responsibility for implementing the SEND;
- ensure that the SENCO is a member of the leadership team;
- ensure that all teachers, TAs, governors and parents understand the implications of the reforms;
- put in place arrangements to ensure parents are able to participate fully in decision-making processes and reviews of their child's progress;
- establish processes to enable children and young people to participate in decision making and discussions about their progress;

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- ensure a process is in place to review SEND provision on a regular basis;
- develop clear policies to support children in the process of transition to secondary education.

Implications for SENCOs

The SENCO role is a strategic one working with the senior leadership to develop policies in relation to SEND. The SENCO and leadership team must ensure that provision is in place to support identified needs. The role involves:

- overseeing day-to-day operation of the school's SEN policy;
- co-ordinating provision for children with SEN;
- liaising with the designated teacher where a looked after child has SEN;
- advising colleagues on graduated approach to SEN Support;
- advising on use of delegated SEN budget/other resources;
- liaising with parents of children with SEN;
- links with other education settings and professionals from other agencies;
- liaising with other schools to plan smooth transitions for pupils who transfer to new schools;
- working strategically with the head teacher and governors to ensure that provision is fully compliant with the Equality Act and is fully compliant with all duties specified in the Code;
- monitoring the quality of teaching and learning for pupils with SEND as part of whole school monitoring;
- monitoring progress and attainment data of pupils with SEND as part of whole school monitoring;
- ensuring that SEN records are stored safely and kept up to date.

Implications for school nurses

Where schools have nurses, they can be part of the integral part of the whole school approach to SEND in that they can:

- support effective communication with all professionals, children, young people and families in relation to health and educational outcomes;
- provide clear information and actions to be taken in relation to health needs;
- identify specific training requirements around health needs for TAs;
- take part in reviewing the EHC plan;
- clarify roles and responsibilities of key health workers; and
- support plans for transition to adult services/colleges.

Implications for maintained nurseries

Providers are required to:

- follow the standards set out in the Early Years Foundation Stage framework, which includes supporting children with SEND;
- use their best endeavours to make sure that a child with SEN gets the support they need, ensuring that children with SEN engage in the activities of the school alongside those who do not have SEN;
- adopt the new SEN Support approach – they are no longer required to record on early years action/early years action plus;
- work in partnership with parents/carers to develop a plan of support;
- admit a child, where the nursery is named in their EHC plan;
- co-operate with the LA in developing the local offer; and
- have a qualified teacher designated as a SENCO.

Your statutory responsibilities: teachers

Classroom and subject teachers are at the heart of the new SEN Support system. They are responsible for driving the movement around the four stages (assess, plan, do, review) of action with the support guidance of the SENCO and other specialist staff. The classroom teacher should:

- take responsibility for all children including those with SEND;
- take a lead in planning for pupils with SEND;
- focus on outcomes for the child;
- be responsible for meeting SEN, harnessing strategically the support of the SENCO to support the quality of teaching.
- evaluate the quality of interventions and other educational provision regularly;
- have high aspirations for every pupil: set clear and challenging progress targets for pupils;
- involve parents and pupils in planning and reviewing progress: seek their views and provide regular updates on progress.

The role of learning support assistance

- Learning support assistants (LSAs)/TAs are part of the whole school approach to SEN, working in partnership with the classroom/subject teacher and the SENCO to accelerate pupil progress and narrow gaps in performance.
- It is for schools to decide how they deploy TAs depending on their level of experience. To be most effective the support they give should be focused on the achievement of specific outcomes within the graduated approach to SEN support agreed with parents in the context of high quality teaching overall.
- LSAs/TAs can be part of a package of support for the individual child but should never be a substitute for the teacher's involvement with that child.

Support for pupils with medical difficulties

- The reforms place a duty on governing bodies to ensure that arrangements are in place in schools to support pupils at school with medical conditions. These arrangements should show an understanding of how medical conditions impact on a child's ability to learn, as well as increase their confidence and promote self-care.
- Governing bodies should ensure that school leaders consult health and social care professionals, pupils and parents to ensure that the needs of children with medical conditions are effectively supported; staff should be properly trained to provide the support that their pupils need.
- Governing bodies should ensure that the appropriate level of insurance is in place and appropriately reflects the level of risk.
- These changes should give parents and pupils confidence in the school's ability to properly support pupils with medical conditions so that they have full access to education, including school trips and physical education.

The Local Offer

The Local Offer is published by the LA. It sets out the provision of services across education, health and social care including the provision available for pupils receiving SEN Support (i.e. those not on EHC plans). The Local Offer should provide clear, comprehensive, accessible information about the provision available and how parents and young people can access these services. Information about how to request a needs assessment,

how needs will be identified and assessed, alternative educational provision and the provision of local services including online and blended learning should be included in the Local Offer.

- The Local Offer should be co-produced. Parents, children and young people should participate in contributing to the Local Offer and the full range of partner organisations that support SEND services within a LA must collaborate to produce the final agreed offer.
- Specific information, support and advice on how to manage personal budgets should also be included.
- The duty on schools to co-operate with the LA in developing the local offer is aligned to the requirement on schools to publish SEN information, which gives details about their individual approach to identifying and supporting children with SEN.
- The Local Offer must include information on services across education, health and social care and from birth to 25; how to access specialist support; how decisions are made including eligibility criteria for accessing services where appropriate; and how to complain or appeal.
- The Local Offer should provide information about what the agreed protocols are for sharing information across education, health and social care services. It must address issues of confidentiality, consent and security of information. LAs are required to discuss with parents, children or young people any information they wish to share about them with other agencies.

SEN information report

Schools are required to publish an information report on the school website which provides parents with clear information about the school admissions policy and details on how SEN will be identified, information on assessment processes and the provision available in the school. It is effectively the school's 'local' offer to parents and children.

Schools should ensure that the information is easily accessible by young people and parents and is set out in clear, straightforward language. It should include information on the school's SEN policy and named contacts within the school for situations where young people or parents have concerns. It should also give details of the school's contribution to the Local Offer and must include information on where the LA's Local Offer is published. Parents, children and young people should have opportunities to contribute to the school's 'local offer'.

School admissions

The Code of Practice does not change existing duties on schools and LAs about admissions.

- It maintains the general principle, that children and young people with SEN should be educated in mainstream settings.
- Schools including Academies must admit a child named on an EHC plan unless special circumstances prevent this.
- Parents and young people can request for a school to be named in an EHC plan – the LA must comply with their wish except in exceptional circumstances.

Joint commissioning

The principle which underpins joint commissioning is that of collaboration. Education, health and social care services should work together to ensure that the right support is available for pupils with SEND. Different services or agencies must agree formally how they will work together to provide personalised and integrated support to meet the

needs of pupils with SEND. The agreement must cover the full range of services for children and young people aged from 0 to 25 and include those with and without EHC plans.

Joint commissioning involves joint understanding, joint planning and delivery of services and joint review of provision. A strategic body (The Health and Wellbeing Board) must be established within the LA to promote integrated partnership working. Each partner needs to understand precisely who is responsible for what and there must be clearly agreed protocols which set out how partners will work together effectively to raise outcomes for children with SEND.

- Joint commissioning is how partners agree how they will work together to deliver joint outcomes for children and young people with SEND.
- Schools should be involved in the commissioning process to influence decisions about commissioning provision for children with SEND generally and will need to be involved directly in commissioning provision for individual pupils.
- The commissioning of services is based on need. Partners may draw their data from a number of sources and should ensure they take account of all children and young people, not just those with EHC plans or registered disabled.

Preparation for adulthood

Support needs to start early and should centre around the child or young person's own aspirations, interests and needs to enable children and young people to achieve their ambitions in relation to:

- higher education and/or employment – including exploring different employment options, such as support for becoming self-employed and help from supported employment agencies;
- independent living – enabling people to have choice and control over their lives and the support they receive and their accommodation and living arrangements, including supported living;
- participating in society – including having friends and supportive relationships, and participating in, and contributing to, the local community; and
- being as healthy as possible in adult life.

Implications for parents

A core principle of the reforms is that parents of children with SEN and young people with SEN should participate in decision making.

- Parents should know what they can reasonably expect their local school, college, LA and local services to provide.
- Schools and LAs should work with parents and carers to plan what services their children need.
- LAs have a duty to provide information, advice and support on SEN to children and young people directly, as well as to parents; this has been extended to include children and young people with disabilities (even if they don't have SEN) and their parents.

Schools engaging with parents

Schools need to:

- reassure parents that, just because the system is changing, that does not mean that children who have SEN will not get the support they need;
- explain the new system to parents so they understand what is changing and what is not changing in their school;

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- be clear when changes are being made and what impact they will have – ensure parents understand how the school determines 'outcomes';
- clarify what role parents and pupils will have to influence the changes;
- ensure parents are involved in on-going planning, progress reporting and decision making;
- signpost parents to further information and support;
- LAs will need to ensure that there is sufficient support and advice available for children, young people and parents/carers.

LAs

- LAs will work with schools to ensure there is appropriate provision in place to support children with SEND.
- Through the local offer schools will be able to access information about provisions and services available in their area.
- For children with more complex needs, the LA will work with schools to conduct an assessment for EHC needs.
- Joint commissioning arrangements should enable partners to make best use of all the resources available in an area to improve outcomes for children and young people in the most efficient, effective, equitable and sustainable way.

Funding arrangements

- Funding for schools is provided by central government to LAs through the Dedicated Schools Grant. LAs distribute this to schools by using a local funding formula.
- Additional funds are allocated to schools by LAs to support pupils with SEND and the amount allocated will depend on the number of pupils with SEND and the severity of their needs.
- Schools are able to apply for access to additional top-up funding if the expenditure on a pupil exceeds the allocated amount.

Ofsted inspection framework for schools

The Ofsted framework for school inspections (Ofsted, 2014) places a responsibility on school inspectors to judge how well pupils make progress from their starting points. Inspectors will focus on the quality of teaching for all pupils and this will be evaluated on the basis of pupils' achievements from their starting points. Inspectors will focus on:

- the extent to which teachers have high aspirations for all students, including those who have SEN;
- whether those pupils with the greatest needs receive the most expert support;
- the extent to which pupils with SEND make the best possible progress and are independent so that they are well prepared for their futures;
- the extent to which school leaders ask challenging questions about the progress and attainment of every pupil or young person; the extent to which they use whatever information is available to compare the progress of their pupils against that of other pupils who started at the same level, at the same age, across the country; whether they do not make excuses for lower rates of progress; whether they focus on ensuring teaching is strong, that staff meet the needs of all pupils, and provide well targeted challenges in lessons;
- the extent to which schools make use of the community in which the children live as well as the one in which they are educated in order to meet the needs of pupils with challenging social and emotional difficulties.

REFLECTIVE TASK

Discuss the following questions with a colleague.

- Do you agree with the new requirements of the Code of Practice?
- What challenges might the requirements of the new Code of Practice present to schools?
- What are the challenges of developing effective pupil participation?
- What are the challenges of developing effective parental participation?
- What are the challenges of developing effective multi-agency collaboration?
- What do you think about the introduction of personal budgets for parents? What are the arguments for and against these?

PRACTICAL TASK PRACTICAL TASK PRACTICAL TASK PRACTICAL TASK PRACTICAL TASK

During your next placement set up a meeting with the SENCO. Discuss how the school has addressed the requirements of the new Code of Practice.

CASE STUDY

John was ten years old when he attended an autistic resource base, which was attached to a mainstream school. He had previously been excluded from several mainstream primary schools for presenting challenging behaviour and terrorising other pupils and staff. Even though John had no official diagnosis of autistic spectrum disorder, his previous school indicated that this was a possibility.

John's parents had found his behaviour at home very difficult to deal with. He regularly bullied his younger brother and he often attacked his parents. He frequently used abusive language and often refused to comply with parental expectations. Over a period of several years this had placed pressure on the family, particularly on his mother. He would display manipulative behaviour and would go to great lengths to 'get his own way'.

John had not responded well to his early mainstream education. He had been permanently excluded from two schools on account of his behaviour and the LA appeared to be running out of options. A decision was made that resulted in John attending the autistic resource base at the research school, despite the fact that there had been no official diagnosis of autism. A review meeting confirmed that he would be partially included in the mainstream school on a 'trial' basis.

Very soon after John started in the resource base he began to terrorise the other children and attack the staff. Within weeks of him starting, he was given several fixed-term exclusions for his behaviour. After a month of him being at the resource base a medical diagnosis confirmed that John was not autistic but in fact had a pathological personality disorder known as 'Pathological Demand Avoidance'. This is a rare condition. As a result of this diagnosis, John was moved out of the resource base.

The medical professionals explained that the disorder had caused John to develop a sense of paranoia. He distrusted everyone. This paranoia resulted in him placing a padlock on his school lunch box so that no one could steal his food. John also developed several obsessions. One such obsession was that

John did not want people to say specific words on particular days of the week. He stated what the 'forbidden' words were and if they were used, he would scream and tantrum, was very manipulative and was extremely good at instigating arguments that he was determined to 'win'.

The LA had no suitable placement for John and no other local school wanted to admit him. The head teacher of the research school, eventually agreed to admit John on a temporary full-time basis, conditional on the LA promising to fund two part-time teachers and two part-time support assistants. In addition to this the Head asked the LA to fund cover for a lunchtime supervisor who would 'oversee' John during this part of the day. The staff that were employed to educate and supervise John were not experienced in working with children who had this condition.

Another barrier to effective inclusion was also established before the placement started. In view of John's behaviour, Sally, the class teacher, refused outright to teach John. She was concerned that his behaviour would present too many challenges and she argued that she had not had the necessary training to deal with it. She also expressed concern that John would impede the progress of the rest of the pupils. This was a particular worry for her, given the fact that the class were due to take their statutory tests at the end of the year.

John was not given a chance to prove himself. The Head supported Sally and an agreement was made that John would be taught in his own room. His part-time teachers and his support staff would support him in a room next to Sally's room.

John started his placement in the research school. The classroom that he was placed in was not 'set up' as a classroom. Initially John used the whole room. However, over a period of weeks he gradually withdrew into the carpet area of the classroom and this became 'John's den'. He barricaded the carpet area off with cupboards and screens and he insisted that all his lessons were to take place in this part of the room. He placed a table within his 'den' and a set of drawers and this is where he 'worked' for the majority of the day. John would not allow other staff into his 'den'. The only people who were privileged enough to be allowed access were the people who were responsible for supervising him. Initially, he did eat his lunch with the other children but very quickly he retreated into eating it within his 'den'.

It became apparent that no structures were put into place for John. His teachers did not plan lessons for him. He was allowed to decide which activities to engage in and sometimes it was clear that he was not taking part in any educational activity at all. Initially he had visited the youngest children's classrooms and he enjoyed 'helping' them. However, after he had established his 'den', he no longer wanted to do this and he stopped visiting. He had also initially taken part in playtimes with other children. However, his constant swearing had resulted in them complaining and a decision was taken that John would have his own playtimes, supervised by his teachers and support staff.

One of John's teachers frequently had rows with him. She seemed to be confrontational and this made him worse. His lunchtime supervisor took on the role of 'doting' grandma, which John exploited by manipulating her. One day John had returned into his 'den' from an individual playtime to find that some art work had been left in his space. He responded by ripping up all the work. He suffered consequences for this and was publicly humiliated by the Head, the deputy and one of his support teachers in front of the whole school. John's response to this was to retaliate and shout back at the Head. In John's eyes his space had been violated and not respected.

After a review meeting to discuss transfer to secondary provision it was decided that John would attend a local special school for pupils with severe behaviour problems. At his transition meeting the Head of the research school recommended that John would be best educated in his own classroom, with his own teachers. He was described as a severely disruptive child who needed to be kept apart from the other children for their own safety. The special school accepted this advice and set up a classroom where John would be educated on his own. John is still at the research school and awaiting transfer to the special school.

Reflect on this case study.

- What were the barriers to John's inclusion?
- How was John's voice marginalised?
- How might the situation have been handled differently?

REFLECTIVE TASK

Discuss the following questions with a colleague.

- Should all learners with SEND be included in mainstream schools?
- What are the arguments for and against special schools?
- What are the arguments for and against including pupils with SEND in mainstream schools?

PRACTICAL TASK PRACTICAL TASK PRACTICAL TASK PRACTICAL TASK PRACTICAL TASK

During your school-based placement ask if you can be a silent observer during a review meeting for a specific child. This might be a meeting to review the child's progress or an annual review meeting. This will present you with a valuable opportunity to observe the way in which professionals from different agencies work collaboratively. After the meeting consider the way in which the meeting was structured and the ways in which the contributions of different agencies and other stakeholders acknowledged the child's achievements and identified the areas for future support.

Individual education plans

Although the new Code of Practice (DfE, 2014) makes no explicit reference to individual education plans (IEP), anecdotal evidence suggests that many schools will continue to use these to support pupils with SEN. The IEP is a tool for recording:

- the child's short-term targets;
- the teaching strategies to be used;
- the provision to be put in place (intervention);
- when the plan is to be reviewed;
- the success/exit criteria for measuring whether the target(s) have been met;
- the outcomes. (DfES, 2001: 5, 50, 54)

Essentially the IEP should record provision that is *additional to* and *different from* normal differentiated provision. Teachers should record three or four individual targets and these should be focused and measurable. Teachers should always involve parents or carers and pupils in setting and reviewing targets. Targets should be reviewed regularly. The views of parents should be sought at the review point and the SENCO should be involved in the monitoring and review process.

According to Skidmore the IEP 'owes much to an objectives-based model of teaching inspired ultimately by theories of learning derived from behavioural psychology'. He emphasises that individualised approaches such as these 'may act as a straightjacket upon more creative, innovative approaches to provision...' (Skidmore, 2004: 16).

The implications of Skidmore's critique are worthy of consideration. Teachers need to embrace creative pedagogical approaches for all children. Innovative approaches to teaching and learning are more likely to motivate all learners. Intervention programmes to support learning are often identified on IEPs as strategies for raising attainment. Teachers and trainee teachers should critically examine these carefully to check that they are relevant and sufficiently engaging for learners' special educational needs.

CASE STUDY

Ben entered his nursery setting at the age of three. The practitioners in the setting noticed that Ben had some communication problems. Ben's communication was limited and he communicated through pointing and the use of isolated words. It was noted that Ben's parents responded to his pointing and use of isolated words and his needs were usually met immediately. Observations had also indicated that Ben also had a low self-concept. He quickly became upset if he was asked to complete new activities. The practitioners in the nursery were concerned about Ben's communication development.

The parents were invited into the setting for a meeting. Their views, experiences and observations of Ben in his home setting were discussed to form a holistic assessment of Ben's achievements and needs. Ben's parents confirmed that they also had concerns related to some aspects of Ben's communication. At the meeting strategies were discussed and shared to address the immediate concerns. One of the targets agreed at the meeting for Ben's IEP was that Ben's use of pointing and isolated words should be followed by a modelled simple caption or sentence, which conveyed the same meaning. For example, Ben pointed and said 'cat'. The adult modelled this by saying 'there's a cat'. The parents were encouraged to share this strategy with immediate family members and all adults who had regular contact with Ben.

- Why was it important for Ben's parents to contribute to his IEP?
- How would you ensure that the parents continued to have a voice?
- What additional targets would have been appropriate support Ben's development?

A SUMMARY OF KEY POINTS

- **Historically, policy discourse has moved from policies of exclusion to integration to inclusion.**
- **The policy of inclusive education has been implemented within an overarching policy of raising standards which some academics have argued has resulted in policies which are incompatible.**
- **The new Code of Practice (DfE, 2014) focuses on supporting learners with SEND into adult life, raising outcomes for these learners, increasing pupil and parent participation and strengthening multi-agency collaboration.**

RESEARCH SUMMARY RESEARCH SUMMARY RESEARCH SUMMARY RESEARCH SUMMARY

Glazzard (2013) has produced research which demonstrates the negative impact that specialist provision for pupils with autism within a mainstream primary school can have on overall notions of school effectiveness. Whilst the provision brought significant advantages to the school in terms of the development of inclusive values amongst the pupils, the research also demonstrates that the provision had a negative impact on overall achievement data.

MOVING ON > > > > > MOVING ON > > > > > MOVING ON

Now that you understand the principles of the Code of Practice, you now need to become confident with using pupils' IEP targets to inform the planning process. When you are next on placement it will be useful if you can collect copies of the IEPs for children in your class. Discuss the targets with your mentor and discuss ways in which you can take account of these targets when planning lessons.

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