

From WELSH OFFICE CIRCULAR 49/94
Education Act 1993
The Organisation of Special Educational Provision

SCHOOLS' SEN POLICIES

16. Each school must have a SEN policy, which should be readily available to parents. Some schools may wish to distribute copies of the policy to parents. A school's annual report must contain a report on the implementation of the school's SEN policy. A summary of that policy must be included as part of the school prospectus.

17. The Education (Special Educational Needs)(Information) Regulations come into effect on 1 September 1994. Schools should draw up their policies in the course of the academic year 1994-95 and must publish the prescribed information about those policies by 1 August 1995. Schools must report for the first time to parents on those policies in their first annual report prepared after 1 August 1995 and in all subsequent reports.

18. Regulations will require that schools' prospectuses contain a statement on the curriculum and the organisation of education and teaching methods covering, among other things, details of any special arrangements for pupils with statements of special educational needs.

19. The SEN Information Regulations prescribe the issues which schools' SEN policies must address. They do not, however, prescribe the contents of those policies nor set limit to the issues which may be addressed. Schools are free to develop their own policies in the light of their duties and functions and those of the LEA with regard to pupils with special educational needs under the legislation, in the light of the guidance in the Code of Practice, and taking account of the resources of the school and their most cost-efficient use. In doing so, they will wish to reflect their own particular interests, specialisms, principles and practices. Schools should regularly review their SEN policies, in the light of changing circumstances within and beyond the school. Schools' SEN policies should be an integral part of the school's strategic planning. There will often, for example, be links between schools' SEN policies and their behaviour policies. Schools may therefore wish to incorporate the development of their SEN policies into their school development plans.

MAINSTREAM SCHOOLS

20. In drawing up their SEN policies, schools must have regard to the Code of Practice. Part 2 of the Code sets out practical guidance to schools on the steps they should take to identify and assess pupils with SEN, the procedures they should follow in making provision for such pupils and the arrangements they should adopt for reviewing the effectiveness of their provision and the next steps they should take. Part 2 of the Code recommends a staged approach, which matches action to the individual child's needs - at stage 1, the gathering of information and increased differentiation within the child's normal, classroom work; stage 2, the production of an individual education plan; and stage 3, the involvement of outside specialists. At all stages the head teacher should be kept informed and the school should work in the closest possible partnership with parents. Partnership and the full exchange of information with external agencies are also vital if the needs of the great majority of pupils with SEN are to be met effectively in mainstream schools without recourse to the LEA for a statutory assessment.

21. Part 3 of the Code contains criteria to help LEAs decide when a statutory assessment is necessary. Those criteria take the form of indicative questions which the LEA should ask about the school's assessment of the child's learning difficulties and about the special

educational provision which the school has made for the child. While full allowance is made for exceptional circumstances and for the exercise of judgment in each individual case, those criteria therefore indicate what LEAs can reasonably expect mainstream schools to do for their pupils with SEN before a statutory assessment (stage 4) is necessary.

22. Many mainstream schools already have SEN policies which help them in developing provision for their SEN children. Annual reports to parents ensure accountability for the arrangements made.

23. The governing body and the headteacher will take overall responsibility for developing and implementing the school's SEN policy. But the school as a whole should be involved and schools may wish to consult neighbouring schools and the local education authority. Schools may also find it helpful to consult parents. Before reporting annually to parents, schools may wish to consult any external specialists who have worked closely with them over the past year.

24. Mainstream schools' SEN policies must address the issues set in Schedule 1 to the Education (Special Educational Needs) (Information) Regulations 1994. Those issues are as follows:

Basic Information about the School's Special Education Provision

- The objectives of the governing body in making provision for pupils with SEN, and a description of how the governing body's SEN policy will contribute towards meeting those objectives.
- The name of the person who is responsible for coordinating the day-to-day provision of education for pupils with SEN at the school (whether or not the person is known as the SEN coordinator)
- The arrangements which have been made for coordinating the provision of education for pupils with SEN at the school.
- The admission arrangements for pupils with SEN who do not have a statement in so far as they differ from the arrangements for other pupils
- The kinds of provision for SEN in which the school specialises and any special units.
- Facilities for pupils with SEN at the school, including facilities which increase or assist access to the school by pupils who are disabled.

Information about the School's Policies for the Identification, Assessment and Provision for all Pupils with SEN

- How resources are allocated to and amongst pupils with SEN.
- How pupils with SEN are identified and their needs determined and reviewed.

- Arrangements for providing access by pupils with SEN to a balanced and broadly based curriculum (including the National Curriculum).
- How pupils with SEN engage in the activities of the school together with pupils who do not have SEN.
- How the governing body evaluate the success of the education which is provided at the school to pupils with SEN.
- Any arrangements made by the governing body relating to the treatment of complaints from parents of pupils with SEN concerning the provision made at the school.

Information about the School's Staffing Policies and Partnership with Bodies beyond the School

- Any arrangements made by the governing body relating to in-service training for staff in relation to SEN.
- The use made of teachers and facilities from outside the school including links with support services for SEN.
- The role played by the parents of pupils with SEN.
- Any links with other schools, including special schools, and the provision made for the transition of pupils with SEN between schools or between school and the next stage of life or education.
- Links with health services, social services and educational welfare services and any voluntary organisations which work on behalf of children with SEN.

25. The following paragraphs offer guidance on each of the issues which schools' SEN policies must address.

The school's objectives in making provision for pupils with SEN

26. Schools should set out the guiding principles which inform the provision they make for children with SEN, with and without statements, and the objectives which their SEN policies seek to secure. These will help schools prepare and maintain coherent policies which are readily understood by all concerned and which may be carefully evaluated in schools' annual reports (see paragraph 50). These principles and objectives should then be reflected in the arrangements described under the remaining headings of schools' policies.

The person responsible for co-ordinating the day-to-day provision of education for pupils with SEN (or the SEN co-ordinator)

27. Schools should state the name of the person responsible for co-ordinating provision

for children with SEN. Parents and external agencies will then have a ready point of reference to whom to address enquiries. This may be the headteacher or deputy, the SEN co-ordinator or the head of the SEN or learning support team.

Arrangements for co-ordinating provision for pupils with SEN

28. The Code of Practice advises that, in all mainstream schools, a designated teacher should be responsible for:

- the day-to-day operation of the school's SEN policy
- liaising with and advising fellow teachers
- co-ordinating provision for children with SEN
- maintaining the school's SEN register and overseeing the records of all pupils with SEN
- liaising with parents of children with SEN
- liaising with external agencies including the educational psychology service and other support agencies, the health and social services and voluntary bodies.

29. In many schools, these responsibilities will fall to the SEN co-ordinator. In small schools, one person may take on this role, possibly the head or deputy. In larger schools, there may be an SEN co-ordinating or support team. Schools may also wish to describe the role of the governing body and the headteacher; the part played by any committee established by the governing body; and the consideration given to special educational provision in the strategic management of the school.

Admission arrangements for pupils with special educational needs but without a statement

30. Schools and LEAs will already have considered their policy on pupils with SEN but without a statement in the context of their overall admission arrangements. Whilst LEAs and schools can make any reasonable and objective admission arrangements in the event of over-subscription, those arrangements cannot be used to refuse admission to a child - or give the child lower priority than other applicants - simply because the school considers that it cannot cater for his or her SEN. Guidance on admission arrangements for maintained schools will be published shortly.

31. Admission arrangements can give priority to children for educational reasons such as a child's SEN. The school's SEN policy should state whether the admission arrangements do give such priority to children with some special educational need, and, if so, what criteria are used. It should also set out the kind of information about the child the school would need to consider in deciding whether a child's SEN would meet the criteria. Where a school's SEN policy sets out any specialism for which the school caters, or where the school is accessible to pupils with disabilities, the SEN policy should also specify whether the school or LEA gives priority in admitting children who could make use of those facilities, including access arrangements. The number of places allocated under special

criteria for educational reasons should not exceed 10% of the total intake.

Any SEN specialism and any special units

32. The policy must describe any particular special educational need of which the school has particular experience and in which it has developed some expertise. For example, if the school makes particular provision for some pupils with moderate learning difficulties, the policy should state briefly the special arrangements which can be made to meet pupils' difficulties, and the relevant expertise of teachers. The policy should also describe any special unit within the school, for example a unit for children with speech, visual or hearing impairments. The policy would set out briefly the expertise of staff and any special equipment available as well as arrangements for the support of children in such units, and their integration with the work of the school as a whole, in fulfilment of Section 161(4) of the 1993 Act.

Access for disabled pupils and adults

33. Facilities for pupils with SEN may be linked with any particular type of SEN expertise which the school can offer, or may consist of equipment, fixtures and fittings or characteristics of the school buildings. The accessibility of schools to disabled pupils, and adults, may be an important element in increasing choice for parents of children with SEN. It is clearly desirable that a spectrum of mainstream schools should be fully accessible to the disabled. The distribution of such schools can be particularly important in areas of relatively low population density where there are fewer schools than in urban areas. Good access arrangements can assist in promoting the integration of pupils with SEN.

34. Decisions on building programmes to improve access at LEA-maintained schools are, in general, matters for the authorities themselves. Grant-maintained schools are invited to consider making bids to improve or facilitate access for disabled pupils when they apply for capital grants for major or minor building projects.

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Resources

36. The policy must describe the principles governing the school's allocation of resources to and between pupils with SEN. Maintained schools should have within their delegated budgets some funding which reflects the additional needs of pupils with special educational needs. LEA-maintained schools receive this through local management schemes which are weighted for the incidence of SEN within the authority, grant-maintained schools through their Annual Maintenance Grant (AMG).

37. It is entirely at the discretion of governing bodies as to how this money is allocated but the school's policy should explain how the governing body ensures that funds are used to help them fulfil their duties under Section 161(1)(a) of the 1993 Act. Authorities may wish to consider whether their LMS scheme offers transparency in their allocation of funds to schools, since it is important that governing bodies should have some indication of the notional LEA allocation for children with SEN. Nonetheless, this sum is not hypothecated. There is nothing, of course, to prevent governors spending more than this amount.

38. Some schools have delegated funds to meet the needs of pupils with statements. In such cases, the school's policy should explain how the governing body allocates funds to ensure that the provision specified in statements is made, in fulfilment of governors'

responsibilities.

Identification, assessment and provision

39. Having regard to the Code of Practice, the policy must explain the school's identification, assessment, monitoring and review procedures, including the staged procedures adopted by the school.

Access to the curriculum

40. The policy must explain how the school will provide pupils with SEN with access to a balanced and broadly based curriculum, including the National Curriculum. Schools may wish to consider:

- the extent to which general curriculum development caters for children with SEN;
- the range of teaching strategies and approaches used, including differentiation; and
- how the school's arrangements for in-class support and/or withdrawal affect access to the curriculum for children with SEN.

Integration arrangements

41. Under Section 161(4) of the 1993 Act governing bodies must ensure that pupils with SEN join in the activities of the school together with pupils who do not have SEN. This duty applies insofar as it is reasonably practical and compatible with the pupil's receiving the necessary special educational provision, the efficient education of other children in the school and the efficient use of resources.

42. Meal-times and recreation time can offer good opportunities for the social integration of pupils with special needs, particularly if the child is predominantly in a unit at the school. The school policy might set out any such arrangements that are made. Those arrangements may cover the use of support staff for the child with special needs in such circumstances.

43. The policy should also cover any arrangements for *ensuring the* integration of pupils with SEN in respect of their work in all areas of the curriculum, and on school visits and other social activities. It should also state how any rooms and buildings for pupils with special needs are utilised so as to avoid physically segregating pupils wherever possible and appropriate.

Any arrangements for the treatment of complaints

44. The policy should make clear to parents and children with SEN how they can make a complaint about the provision made for their child at the school and how that complaint will subsequently be dealt with by the school. Such information could include the time targets in which the school aims to respond.

Staff experience, qualifications and in-service training

45. The school's policy should, in accordance with the Code of Practice, describe plans for the in-service training and professional development of staff. Where appropriate, the school's in-service training policy should cover the needs of non-teaching assistants. In drawing up their policies, the school should inform itself of the LEA's in-service training policy and consider both the training needs of the SEN co-ordinator and how he or she can

be equipped to provide training for fellow teachers. The school's policy should also set out any joint arrangements with other schools - see paragraph 82 below.

External support services

46. The school's policy should state the school's arrangements for securing access to external support services for pupils with SEN. The policy should have regard to the Code of Practice and should explain the sources from which the school seeks external specialist support and any service level agreement with the local education authority - see Part II of this Circular.

Partnership with parents

47. The school's policy should contain a clear statement of the school's arrangements for ensuring close working partnership with parents of children with SEN. Those arrangements should be drawn up having regard to the Code of Practice, in particular paragraphs 2.28 - 2.33 and cover such matters as arrangements for recording and acting upon parental concern, procedures for involving parents when a concern is first expressed within the school, arrangements for incorporating parents' views in assessment and subsequent reviews and arrangements for ensuring that parents are fully informed about the school's procedures and are made welcome in the school.

Links with other schools, including special schools, and arrangements for transition between schools and beyond school

48. The school's SEN policy should set out any arrangements whereby the school draws upon the staff and resources of other schools, including special schools, to help the school's provision for pupils with SEN. Similarly, the policy should explain any arrangements which the school makes for integrating, on a part-time basis or otherwise, special school pupils in the mainstream. Schools may wish to cover any standing consultative arrangements they may have with other schools in pursuit of Section 161(3) of the Act - see Part III of this Circular - and any arrangements they have with other schools to share resources and expertise.

Links with the health and social services and any voluntary organisations

49. Having regard to the Code of Practice, the school's policy should explain the school's arrangements for working in partnership with the health service, the social services department and the education welfare service, together with any links the school has with local or national voluntary organisations which work on behalf of children with SEN. It should set out arrangements for liaison and *information* exchange between the SEN co-ordinator and the designated officers of the health authority and the social services department.

Evaluating success

50. The school's SEN policy must, in the light of the school's identification, assessment, *monitoring and* review arrangements and its policy for support, integration and partnership, set out how it proposes to demonstrate the effective implementation of its policy. The broad principles and objectives set out at the beginning of the policy will lay the foundation for evaluation. The school may also wish to indicate specific targets against which the success of particular aspects of the policy can be measured. The school will then be able to report on the success of the policy in the light of these targets in the annual report to parents.