

SEND Code of Practice 2014

a Pre-school Learning Alliance **mini guide**



This mini guide aims to provide early years settings in the PVI sector with information about the reforms contained within The Children and Families Act, Part 3: children and young people with special educational needs, to help them prepare for the changes from September 2014.

Parliamentary journey

In 2011, the Government introduced proposals to reform the special education needs (SEN) framework because they believe:

- too many children with SEN do less well than their peers;
- children's needs are often identified late or are unidentified with a SEN;
- families find it hard to find out about support;
- provision may focus on 'SEN label' rather than a child's needs;
- education provision is hampered by bureaucracy;
- staff often lack skills and confidence to meet children's needs.

Subsequent proposals to change the existing SEN framework were contained within part 3 of the Children and Families Bill and on 13 March 2014 the Bill received Royal Assent and the Children and Families Act was published. The new Code of Practice received approval on July 29 2014.

Local authorities and service providers, including non-maintained early years providers, must cease to use the 2001 SEND Code of Practice from 1 September 2014 and must instead have regard for the new provisions as guided by the revised SEND Code of Practice and follow it when identifying, assessing and supporting children with SEN.

Key principles

Section 19 of the Children and Families Act (2014) makes it clear that local authorities, in carrying out their functions under the Act in relation to disabled children and young people and those with special educational needs (SEN), must have regard to:

- the views, wishes and feelings of the child or young person, and the child's parents;
- the importance of the child or young person and the child's parents, participating as fully as possible in

decisions, and being provided with the information and support necessary to enable participation in those decisions;

- the need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person, and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood.

The main duties will be for:

- local authorities and local health services to plan and commission education, health and social care services jointly across the age range (birth to 25);
- local authorities to publish in one place a clear and easy-to-read 'local offer' of education, health and social care services for children with SEN and their families both within and outside their local area;
- a revised system for identifying, supporting and assessing children's needs;
- integrating education, health and care services and improved co-operation and partnership working between local authorities and a wide range of partners, including early years settings;
- local authorities to ensure that parents and children are involved in discussion and decisions relating to every aspect of the child's SEN including reviewing special educational health and social care provision;
- provision of local impartial advice and support and mediation services;
- a new Education, Health and Care Plan to replace Special Educational Statements;
- local authorities to give parents with a child (and young people) with an Education, Health and Care Plan the right to a personal budget.

Preparing for change

By September 2014 early years settings and other registered providers should have carefully considered the implications of the reforms and started implementing associated changes into their own practice as guided by a revised SEND Code of Practice. This should include:

- allocating time for the SENCO and Manager to plan and implement changes into the setting;
- training staff (and volunteers) on the new SEN framework and subsequent duties;
- updating the setting's policy and procedure relating to SEN;
- informing parents of the changes and local implications;
- following the Code when identifying and supporting children with SEN;
- using 'best endeavours' to meet children's special educational needs;
- removing the two stage graduated approach of Early Years Action and Early Years Action plus (and Individual Education Plans), and applying a new single stage graduated approach for identifying and meeting children's SEN;
- ensuring that all revised approaches focus on outcomes for children rather than processes;
- bringing children identified with SEN to the attention of the local authority;
- placing children and parents at the centre of any SEN provision and decision making;
- understanding the revised 'local offer' and associated local strategies;
- working in partnership with the local authority and other services on the local offer and, when relevant, implementation of Education, Health and Care plans;
- signposting families to support and mediation services such as parent partnership services;
- supporting the effective transitional planning and arrangements for children with SEN.



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Further information

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For further advice, please contact Information Services:

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Disclaimer: *The information contained within this mini guide is not an exhaustive list of issues on the subject matter covered and is available as a source of guidance only. It does not, and is not intended to, cover every eventuality. Settings are responsible for all decisions they take and should seek expert guidance on matters of uncertainty. A free 24/7 legal advisory helpline and an information helpline are available for Alliance members.*