

**TRAFFORD COUNCIL**

**Report to:** Council Executive  
**Date:** 16<sup>th</sup> March 2015  
**Report for:** Decision  
**Report of:** Executive Member Children's Services

**Report Title**

Trafford Special Educational Needs and Disability Policy

**Summary**

The implementation of the 2014 Children and Families Act has led to substantial reforms in the way in which we assess and support children and young people with Special Educational Needs and Disabilities (SEND). A revised Special Educational Needs Code of Practice was published by the Department of Education in July 2014 that sets out the statutory guidance for our work.

To ensure that Trafford is compliant with the new code of practice and able to successfully implement the SEND reforms contained in the Act we have developed a Trafford SEND policy. This policy brings together in one place a range of information for parents, professionals and schools to set out how we will work in Trafford. It is a detailed policy covering a wide range of functions and providing links to other relevant guidance.

A consultation process was undertaken between November 2014 and the end of January 2015 to enable us to shape and finalise the policy. The consultation period was extended until the end of January 2015 at the request of the Parents Forum to enable them to run targeted sessions with parents.

The attached policy is presented for approval by the Executive for implementation from 1<sup>st</sup> April 2015.

**Recommendation**

- **That the Executive approves the new Special Educational Needs and Disabilities (SEND) policy as set out at Appendix A for implementation from 1<sup>st</sup> April 2015.**

Contact person for access to background papers and further information:

Name: John Pearce, Director Service Development

Extension: 5100

Background Paper: None

*Implications:*

Relationship to Policy Framework/Corporate Priorities	Corporate Priority; <ul style="list-style-type: none"><li>• Services focussed on the most vulnerable</li><li>• Excellence in education</li><li>• Reshaping Trafford Council</li></ul>
Financial	The Council is due to received £129k in 2015/16 which is to support implications on the SEND reform.
Legal Implications:	The policy supports implementation of the SEND reforms within the 2014 Children and Families Act
Equality/Diversity Implications	The equality and diversity implications have been considered as part of this process.
Sustainability Implications	Not Applicable
Staffing/E-Government/Asset Management Implications	Not Applicable
Risk Management Implications	Not Applicable
Health and Safety Implications	Not Applicable

## **1. Introduction**

- 1.1 This Policy replaces the SEN Policy 2010 and is written taking into account the Special Educational Needs and Disability Code of Practice: 0-25 years (July 2014 and update January 2015) and Part 3 of the Children and Families Act 2014, and regulations associated with this; The SEND regulations 2014, The SEN (Personal Budgets) Regulations 2014, the Order setting out transitional arrangements and the Equality Act 2010.
- 1.2 The Policy sets out Trafford's principles, aims and objectives and policy relating to local authority (LA) and CCG/Health responsibilities and the respective responsibilities of early years settings, schools, academies and post 16 providers to ensure that the additional needs of children identified with SEN and those with a disability are met in a timely and effective way.
- 1.3 The key action plan implementing the aims and objectives set out here is Trafford's *'Implementing the Special Educational Needs and Disability (SEND) Reforms- Action Plan'* and below this sit a number of related LA and health service plans with specific measurable outcomes. The detail of available provision and processes is available in the Local Offer (see section 7 below).

## **2 National Context**

- 2.1 The government has made some changes to the way children and young people with special educational needs or who are disabled (SEND) get the support they need. This is set out in the 2014 Children and Families Act and it applies from 1 September 2014.
- 2.2 The key changes are:
  - A bigger focus on a child or young person's aspirations for the future and the support they will need to achieve their goals
  - Statements of special educational needs and Learning Difficulty Assessments will be replaced by Education, Health and Care plans
  - A local authority must consult children, young people and their families about their Local Offer of services
  - Children, young people and their families will be more involved in making decisions about how the child or young person is supported
  - Children, young people and their families will have more information, advice and support to understand their options as they move into adulthood.

## **3. Local Context**

- 3.1 Trafford is a local authority with 85 mainstream schools and academies, 67 are primary and 18 secondary, 6 of the primary schools have Small Specialist

Classes (SSCs), a type of resourced provision. In addition Trafford has 3 primary and 3 secondary special schools. The primary Pupil Referral Unit (PRU) is within one of the primary special schools. Trafford has a secondary PRU (Nexus) and a Medical Education Service (MES) also designated as a PRU.

- 3.2 In January 2014, the school census (within the SFR September 2014) showed that 15.6% of the school population in Trafford has a Special Educational Need or Disability (SEND). 15.2% of the secondary population has SEND and 13.8% of the primary population. The school census 2014 shows that 17.9% of the school population nationally has SEND meaning that Trafford is slightly under the national level. This is children in Trafford schools not Trafford residents so includes those from other local authorities.
- 3.3 Trafford Council is responsible for the statements or EHC Plans for children and young people who live in Trafford wherever they go to school. Trafford currently (August 2014) maintains around 1423 statements of SEN which includes children and young people who attend schools and settings outside of Trafford, those in independent or non-maintained provision as well as those in Trafford schools and academies.
- 3.4 Over 600 young people currently aged 16-24 years have had a learning difficulty assessment (LDA) when they left school and their statement of SEN ceased. Some of these have now left learning and the majority of those in learning have their needs met within the resources of the education or training provider a small number required high needs funding to meet their SEN. Trafford's Transfer Review Plan details the arrangements for these young people if an EHC plan is appropriate.
- 3.5 Trafford became a pathfinder for SEND in September 2011 following the Green paper: Support and Aspiration: a new approach to SEN and disability. As one of 20 national pathfinders made up of 31 LAs and their health partners Trafford tested out some of the new approaches such as an integrated assessment and Education, Health and Care plans (EHC plans). The DfE recognises pathfinders have been central to informing the Children and Families Act (2014) the development of the SEN Regulations and SEND Code of Practice: 0-25 years (2014).
- 3.6 Trafford launched a strategic review of SEN provision in May 2012 and made recommendations for changes to provision. The focus of this review has been to ensure the availability of high quality, locally based provision that meets future needs of children with SEND. We also wanted to reduce reliance on independent, out of borough provision by improving the "in borough" offer

## 4 Consultation

4.1 A consultation on the new policy has been undertaken between November 2014 and the 2<sup>nd</sup> February 2015. The original consultation period was extended at the request of the Parent's Forum to allow for further targeted consultation activity with parents. The parent's forum ran 4 events for parent/carers and created a survey monkey questionnaire; responses were collated and sent to the LA. The Local Offer had a link on the front page for consultation responses and a very small number of responses were received this way.

4.2 Changes recommended through the consultation period have been incorporated into the final draft policy attached for approval. Some of the changes made to the final document include;

- The use of acronyms and jargon was commented on, reviewed and updated. Glossary is included in appendices to SEND code of practice.
- Comments on 'equal weighting' of sections for education, health and social care were considered and some details clarified but weighting appears in line with code of practice and detail sits on Local Offer. This can be reconsidered at the next review.
- Section 5 linked to Joint Strategic Needs Analysis for further detail
- Section 9: clarification of the governance links with Trafford Parent Forum.
- Section 11 mention of school's duty to meet with parents 3 times a year added. Clarification on use of 'regular' in places where there is a specific timescale. Details of LA expectations of schools are on Local Offer and in Graduated Approach.
- Section 13 Funding- some slight changes to language used to make clearer and consistent. Wording regarding consideration of mainstream provision before specialist altered to recognise that options will be considered through annual review in future and young people and families asked to consider appropriate provision. Altered to reflect that funding is to meet the needs of, and outcomes agreed for, children and young people
- Section 15 Preparing for adulthood now includes the Care Act 2014
- Section 16 Decision making and EHC needs assessments- information made clearer following work linked to the SEND implementation plan and timescales for assessment made clearer. Clarified that the SEN support plan is an educational setting-based document with support of LA not an LA produced document. A commitment to co-production with families is stated in the aims and objectives and in the procedural information on the Local Offer.
- Section 18 Personal budgets- updated links to Local Offer.

- Section 19.1 Children and young people in youth custody- this has been updated following the publication of the January SEND code of practice that come into force on April 1<sup>st</sup> 2015.
- Easy read version requested: We are working with the Parent & young people partnership service developing leaflets to complement the local offer and the policy on key areas.

It is proposed to review the policy in April 2016 to take into account feedback during the implementation period.

## 5.0 Reason for Recommendation

5.1 Establishment of an overarching policy for SEND in Trafford provides a single point of reference parents, professionals and schools. Whilst not a requirement of the statutory guidance encompassed within the SEND Code of Practice 2014 we believe it is good practice and enhances communication about services and our decision making processes. It has been necessary to update all local guidance in line with the new legislation.

## 6.0 Other Options

6.1 We are not required to have an overarching policy however we believe this is a valuable addition to support parents, professionals and schools. The Local Offer which we have a duty to maintain provides further information and complements the attached policy.

**Key Decision** (as defined in the Constitution): Yes

**Finance Officer Clearance** (type in initials)... PH.....

**Legal Officer Clearance** (type in initials)... HAK.....

**CORPORATE DIRECTOR'S SIGNATURE** (electronic)...



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To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.