

Special Educational Needs and Disability (SEND) Reforms

TEACHERS

Introduction

The special educational needs and disability (SEND) Code of Practice has been revised to reflect the changes to legislation, regulations and Coalition Government policy.

The Code of Practice provides statutory guidance on what local authorities, health and social care services, schools, colleges and other education and training providers, and individual staff working in those settings (a) must do and (b) should do.

The main changes

- Young people or parents of a child with an Education, Health and Care (EHC) plan have the right to request a personal budget for the additional support that the child, young person or family needs. The personal budget may be a 'notional fund', where the school or local authority holds the funds and commissions the support specified in the EHC plan, or a direct payment. In the case of direct payments, the young person or family receives the money to contract, purchase and manage services themselves.
- The statement of special educational needs (SEN) is replaced by an EHC plan. The EHC plan also replaces Learning Difficulty Assessments (LDAs) for young people post-16. EHC plans are broader than statements of SEN and also cover education-related health and social care provision. The EHC plan has a greater focus on outcomes than the statement of SEN.
- The Code of Practice is extended to cover both children and young people with SEN and children and young people with disabilities.
- The Code of Practice identifies four broad areas of need: communication and interaction, cognition and learning, sensory and/or physical needs, and social, emotional and mental health difficulties. The Code of Practice no longer makes reference to behavioural difficulties.
- The categories of School Action and School Action Plus are replaced by a single category of SEN for all of those who do not have an EHC plan.
- The Code of Practice now covers children and young people from birth to 25.
- Parents and young people must be consulted and participate in decisions about issues that affect them/their child. This includes decisions about how money will be used to fund support and strategic decision making.
- Local authorities are required to prepare and publish a Local Offer. The Local Offer sets out the support available to children, young people and their families locally. It should identify and respond to the needs of children, young people who have SEND and their families.
- Schools are required to publish an SEN information report on their website. This sets out how they support pupils with SEN.
- The independent and voluntary sectors play a greater role in the design and delivery of provision for children and young people with SEN.

- Local authorities and partner commissioning bodies in health and social care are required to co-operate and make joint arrangements for commissioning education, health and care provision for children and young people with SEN.

What teachers *must* do

Teachers are both responsible and accountable for the progress and development of all pupils in their class, including those pupils who access support from teaching assistants or specialist staff. Where support staff work with pupils with SEN, the teacher has overall responsibility for those pupils and must ensure that they make appropriate progress.

What teachers *should* do

The Code of Practice says that every teacher is a teacher of SEN. It says that '*class and subject teachers, supported by the senior leadership team, should make regular assessments of progress for all pupils*'. Where concerns are identified, teachers should work with the special educational needs co-ordinator (SENCO) to assess whether the child has SEN.

Teachers should set clear progress targets for all pupils with SEN that focus on '*their potential to achieve at or above expectation*'.

Schools must engage young people and parents in decisions about matters that relate to their/their child's SEN, including how those needs should be met. Class teachers, in consultation with the SENCO, may be asked to hold regular meetings with parents to discuss their child's progress towards agreed outcomes.

Support teachers should expect

The Code of Practice says that '*the quality of teaching for pupils with SEN, and the progress made by pupils, should be a core part of the school's performance management arrangements and its approach to professional development for all teaching and support staff*'.¹ This means that performance management should address teachers' SEN-related training and development needs.

Teachers should have time within the working day to undertake training and continuing professional development (CPD). They should also have sufficient time to plan and prepare lessons for all pupils, including those pupils with SEN who may need additional or different support.

Teachers should have time to liaise with the support staff that work with particular pupils with SEN. This includes time to plan, prepare and assess the effectiveness and impact of the support provided.

Teachers should expect the SENCO to provide specialist advice and guidance on SEN-related matters, including the support that particular pupils with SEN will need.

The school should provide teachers with information about how it meets the needs of pupils and the provision to meet the needs of different groups of pupils, including those with SEN. This should include information about how additional provision can be accessed.

The NASUWT's main concerns

The NASUWT has a number of concerns about the changes.

The reform process

- Evaluations of the SEND pathfinder programme have revealed a number of issues that could undermine effective implementation of the reforms.²

1 SEND Code of Practice, page 82.

2 Department for Education (March 2014) *The SEN and Disability Pathfinder programme Evaluation: Readiness for reform and effectiveness of Pathfinder Champions*, and earlier evaluation reports from June 2013, October 2013 and January 2014.

These include issues related to multi-agency working, workforce development and non-pathfinder areas' readiness to implement the reforms. Feedback to the NASUWT from staff working in some pathfinder areas also indicates that they have concerns about the timescale for implementing the reforms and the extent to which what has been tested can be 'scaled up' effectively.

Funding issues

- Cuts to local authority budgets and other services that support children and young people with SEN mean that schools may not be able to access appropriate external advice and support. Classroom teachers are on the frontline and will have to meet pupils' needs even if specialist advice and support is not available.

Training and professional development

- There is an assumption that classroom and subject teachers will receive the SEN-related training and CPD that they need to enable them to identify and support pupils with SEN. However, new and recently qualified teachers say that initial teacher training fails to equip them with the knowledge and skills to identify and meet the needs of pupils with SEN.
- Teachers have many demands on their time. This includes responding to the many other education reforms, as well as planning and preparing lessons and marking and assessing pupils' work. They may find it very difficult to undertake SEN-related CPD.
- Teachers may be asked to undertake training and CPD in their own time. Pressures on school budgets may also mean that teachers are expected to fund their own training and development.
- School leaders and SENCOs will be under substantial pressure as a result of the SEN reforms, cuts to external services, and wider education reforms. They may fail to provide strategic direction, or offer classroom and subject teachers the support that they need.

Workload

- Cuts to school budgets have resulted in support staff posts being cut in many schools. This is putting even greater pressure on classroom teachers and is likely to increase teachers' workload substantially.
- The reforms focus on providing a single point of access for support across education, health and care. Schools may come under significant pressure to act as the main point of contact and to co-ordinate support across services. This is likely to be both bureaucratic and time-consuming.

NASUWT advice and support

Teachers must contact the NASUWT for advice if problems arise.

The NASUWT would like to collect evidence about the sorts of problems that teachers, SENCOs and school leaders are encountering. The Union will use this information to identify how it can better support members, including pressing for changes to policies and practice nationally, locally and in schools. Teachers should e-mail the NASUWT (education@mail.nasuwt.org.uk) with brief information about any issues they feel the Union should be aware of and which need to be addressed.

