

# Special Educational Needs and Disability (SEND)

## Moving Through the Graduated Approach in Nottingham City

### Introduction

This guidance sets out the support that educational settings are able to offer children and young people living in Nottingham City through the graduated approach. It sets out what is available at Special Educational Needs (SEN) Support and the funding available to schools and settings to enable them to meet the SENDs of students on roll. The guidance then goes on to explain the Education Health & Care (EHC) needs assessment process and how to complete the form.

### The Local Offer

Nottingham City's Local Offer is the central place to access all information about services and support available to children and young people with SEND and their families. It includes information about education, leisure, social care and health services from birth to 25, to help children and young people and their families to make informed choices. Nottingham City's Local Offer can be found at: [www.nottinghamcity.gov.uk/localoffer](http://www.nottinghamcity.gov.uk/localoffer)

### Getting the Right Support

#### **Education**

A fundamental principle of current education legislation and guidance is that the SENs of the greatest majority of children will normally be met in mainstream schools or settings. DfE guidance is that all educational settings should use a graduated approach to services and support, and most children and young people with SEND will have their needs met within the resources available to mainstream schools and colleges.

There is a teacher in every nursery, school and college called a Special Educational Needs Coordinator (SENCO). They are responsible for planning the provision for children and young people with SEND in their school. As a parent, if you are concerned that your child may have SEND, initially you should discuss your concerns with the class teacher or SENCO as they have the most frequent contact with your child. Parents and carers should be advised by the education setting of the provision in place to meet the child or young person's needs. Families and school staff working closely together will often help to address any issues swiftly and successfully.

All settings should adopt a graduated approach to identifying and supporting pupils and students with SEND, through four stages of action: *assess, plan, do and review* as described within the SEND Code of Practice (2015). Settings should ensure that the SEN support in place is reviewed in conjunction with families and relevant professionals. This should be adapted over time to monitor how effective it has been in achieving the agreed outcomes. These discussions will often enable settings and families to address issues, agree priorities and consider how best to target support to enable the child or young person to make good progress.

Examples of the support and interventions available as part of SEN Support include:

- Specialist programmes or a personalised curriculum
- Additional resources
- Working in a small group
- Extra support from an adult
- Physical or personal care support

A small number of children who continue to struggle despite SEN Support, may require High Level Needs (HLN) funding in order to ensure the right level of provision is in place to enable them to make progress.

Schools have responsibility to make provide full-time education. School's SEND funding can be thought of as comprising three elements:

- **Element 1 £4,000 – Basic entitlement:** This refers to the money that schools spend for all pupils, including those with SEND.
- **Element 2 up to notional £6,000 – SEN Support spending:** This is in addition to the basic entitlement. This funding is notional and is based on a formula that takes into account such criteria as free school, meals, deprivation indicators and low prior attainment. This is the additional targeted money that the school spend in order to make provision for individual learners.
- **Element 3 High Level Needs (HLN) funding:** For the children and young people with the most significant SENDs, further top up funding is available in addition to SEN Support funding. This funding is allocated to individual learners from the high needs funding block. Schools apply to the HLN panel for this funding which is allocated according to the specific needs of individual pupils. It is not necessary to have an EHC needs assessment or plan in order to access this additional funding as access to HLN is not linked to the EHC needs assessment process.

In early years settings, although the actual places are funded very differently to schools, top-up funding to support individual children with SEND is available in the same way as for schools. Early years settings apply to the early years foundation stage (EYFS) panel (previously known as ISG) for this funding which is allocated according to the specific needs of individual pupils. It is not necessary to have an EHC needs assessment or plan in order to access this additional funding, as access to EYFS funding is not linked to the EHC needs assessment process.

In FE colleges, funding to support the majority of students aged 16-19 with additional needs is available as part of the National Funding Formula. This is expected to cover up to the first £6000 of the cost of additional support for an individual learner. It is not necessary to have an EHC needs assessment or plan in order to benefit from this funding for additional support.

Funding to support additional needs for Post-19 students without an EHC plan can be accessed by an FE college via the Education and Skills Funding Agency (ESFA) adult education budget. There may be occasions when course fees must be paid through an EHC plan however, these cases are rare and are considered on an individual basis.

### **Multi-Agency Planning and Support**

In a very small number of cases, it may become clear that the child or young person's needs are not being met by the current support available and a more detailed multi-agency approach is required. In this case, a multi-agency meeting would be the best way to draw together all the professionals working with the family. This should identify the child or young person's needs and support requirements and provide them with a co-ordinated multi-agency support plan to meet those needs within universal, targeted and, if appropriate, specialist services. Schools may want to consider including staff from support services, such as Educational Psychology, the Autism Team etc., as well as wider services, like the Youth Justice Service, Speech and Language Therapy Service etc.

## **Getting the Right Support**

### **Health**

Disabled children may have complex health needs. Nottingham City Clinical Commissioning Group (CCG) alongside their health providers, works with disabled children and their families to provide the very best healthcare. The aim is to make sure that disabled children and young people grow up to be happy and healthy.

As a parent, if you have any questions about your child's health, talk to your health visitor, school nurse or family doctor. As well as providing you with help and advice about staying healthy, they can put you in touch with other specialist health and social care services.

Your health visitor or GP will be able to help you with a wide range of health issues such as your child's growth and development, sleeping, mobility, continence, behaviour, diet and eating, immunisations and common infections. They will also be able to help you access more specialist support if you need it.

For children with complex health condition, there should be a health care plan in place for families, schools and settings to follow.

## **Getting the Right Support**

### **Social Care**

Disabled children and their families may need some additional support from social care services. This can include short breaks and respite care, holiday play schemes, care in the home, and equipment and adaptations.

As a parent, you have the right to ask for your child's needs to be assessed by social care services, and you also have the right to ask for a carer's assessment for yourself. Alternatively, the Whole Life Disability Service may direct you to other services if they are more appropriate to meet your family's needs.

If you think that you or your child would benefit from the help of social care services, you can contact the Whole Life Disability Service:

Email: [disabledchildren.team@nottinghamcity.gov.uk](mailto:disabledchildren.team@nottinghamcity.gov.uk)

Telephone: (0115) 88 38266

## **Education, Health & Care (EHC) Needs Assessments and How They Fit with SEND Support**

All settings should adopt a graduated approach to identifying and supporting pupils and students with SEN, with four stages of action: *Assess, Plan, Do and Review*, as described in the SEND Code of Practice (2015). In most situations, settings will be able to provide evidence of the graduated approach when making a request for an EHC needs assessment.

Within the completed paperwork for an EHC needs assessment, the local authority would usually expect to see evidence of 'SEN support' over time (6-12 months), following at least two reviews. After the reviews, if it is apparent that the extent of the child or young person's needs have not been fully identified, or that despite receiving appropriate SEN support (including involvement from relevant services and additional funding where appropriate), the child or young person is not making good progress, an application for an EHC needs assessment could be a reasonable next step.

Each child/young person is different and so these are guidelines to be used alongside the judgement of individual SENCOs/Learning Support leads and advice from other involved professionals.

The following people have the right to request an EHC needs assessment:

- The child or young person's parent
- A young person over the age of 16 but under the age of 25
- Children and young people aged 10-18 in youth custodial institutions
- A person acting on behalf of an early years setting, school or post-16 institution.

In addition, anyone else can bring a child or young person who has (or may have) SEND to the attention of the local authority. This could include:

- Health and social care professionals
- Foster carers
- Early years practitioners
- Educational psychologists
- Youth offending teams, probation services and those responsible for education in custody

This should be done with the parent/carers' knowledge and agreement.

To request an application form, please contact the Special Educational Needs (SEN) Service on 0115 876 4300, at [ehc.assessments@nottinghamcity.gov.uk](mailto:ehc.assessments@nottinghamcity.gov.uk), or by writing to the SEN Service, Building 5, Woolsthorpe Depot, Woolsthorpe Close, Bilborough, Nottingham NG8 3JP. The form is also available online at:

[www.nottinghamcity.gov.uk/education-and-schools/special-educational-needs-service/education, health & care \(EHC\) needs assessments & plans](http://www.nottinghamcity.gov.uk/education-and-schools/special-educational-needs-service/education,health%20&%20care%20(EHC)%20needs%20assessments%20&%20plans)

Feedback from families, school and services in Nottingham demonstrates that all parties feel that children/young people would benefit from strengthened communication between schools and families. It is with this in mind that we have devised our EHC needs assessment request form, to be completed by the educational setting and family together. This should help everyone have a clear picture of the needs of the child/young person, the support already in place and the progress made as a result of that support. There may be occasions when the family and school are not able to complete the form together, e.g. the child/young person is not in a setting. If this is the case, the LA will accept a form completed by a parent and will contact the setting separately for their information and make a decision on the information available. Upon receipt of a completed request form, the SEN Service will also share the request paperwork with other educational, health and social care services.

The information will be considered against the DfE guidelines and the legal test to determine if an EHC needs assessment is required. The SEND Code of Practice (2015) is clear about the evidence that should be considered, as detailed below:

*“In considering whether an EHC needs assessment is necessary, the local authority should consider whether there is evidence that despite the early years provider, school or post-16 institution having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child or young person, the child or young person has not made expected progress. To inform their decision the local authority will need to take into account a wide range of evidence, and should pay particular attention to:*

- *evidence of the child or young person’s academic attainment (or developmental milestones in younger children) and rate of progress information about the nature, extent and context of the child or young person’s SEN*
- *evidence of the action already taken by the early years provider, school or post-16 institution to meet the child or young person’s SEN*
- *evidence that where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided*
- *evidence of the child or young person’s physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies, and*
- *where a young person is aged over 18, the local authority must consider whether the young person requires additional time, in comparison to the majority of others of the same age who do not have special educational needs, to complete their education or training. Remaining in formal education or training should help young people to achieve education and training outcomes, building on what they have learned before and preparing them for adult life.”*

*(SEND Code of Practice 2015, Section 9.14)*

This information is then used to determine if the child or young person may have SENs, and if those SENs may require special educational provision in accordance with an EHC plan.

Having considered the available information, one of two outcomes will be reached:

- It may be decided that the child or young person does not require an EHC needs assessment. If this is the case, we will write to the parents/carers advising of the reason why an EHC needs assessment has not been agreed, their rights of appeal, and notify them that they will be invited to attend a next steps meeting with the SEN Service and the relevant education setting.
- It may be decided that an EHC needs assessment is required. If this is the case, the SEN Service will contact all relevant parties to start the second stage of the EHC needs assessment process.

## **Advice on Completing the Assessment Form**

In most situations, it is expected that a request for an EHC needs assessment will be a joint decision between the setting and the parents. In these circumstances, best practice would call for families and setting to meet together to jointly complete the form.

In those cases where it is not possible for the family and setting to jointly complete the paperwork, either party should submit the request form to the LA with their relevant sections completed, and the LA will then contact the other party to complete the remaining sections. However, if a school or setting submit a request, this must contain a parental signature for consent otherwise it will not be possible to process the request.

It is anticipated that some sections of the form will not be relevant for some children/young people's situations and, in such cases, please state not applicable (n/a).

If you feel that you would like to write more in some parts of the form than the space allows, please write on a separate sheet of paper indicating what part of the form you are responding to (e.g. 1c, 2 aspirations, etc). It can be helpful to attach additional documents or reports such as health letters confirming a diagnosis or a copy of a school report. These can help to build up the wider picture of a child or young person's needs. The form has boxes for you to list details of any additional paperwork you would like to be considered.

**Part 1:** This section is for the parent to record their child's details, the family's contact details and list any professionals who have helped with the application process, or who are currently supporting the child or young person.

1(b) If you are the only person with parental responsibility, please write in your details. If you share parental responsibility with someone else who lives at the same address, please write both names in the first box. By law, we also have to know if anyone else has parental responsibility for your child. Please include their name, address and contact details.

**Part 2:** This is for the parents/carers to share their views. We strongly recommend that requests are made alongside the education setting the child or young person attends, or other relevant professionals and parents/carers or young people themselves, particularly if they are over the age of 16. In any event, a request made jointly by parents and schools is likely to provide the most detailed picture of a child and young person's needs and progress and the support currently in place.

**Part 3:** This is to record the child or young person's views. If possible, the child or young person should be encouraged to fill in this section themselves. If that is not possible, then please advise who is filling in the form on the child or young person's behalf.

**Part 4:** This section is to set out information about the child or young person's health needs. It is important to understand that a child or young person may have complex health needs but no SENs. In these instances, it is likely that a robust health care plan will ensure that relevant support and interventions are in place and an EHC needs assessment or plan will not be required.

**Part 5:** This section is to set out any information regarding social care needs. This may not necessarily relate to direct input from social care services, but could be related to issues such as access to social activities or having personal care needs met.

**Part 6:** This is for the school or setting to record their views of the child or young person's SENDs and the support put in place to address those needs. The information in this section is particularly relevant to the decision about whether or not an EHC needs assessment is required and therefore should be completed as fully as possible.

Please set out how support has been reviewed and adapted through the 'assess, plan, do and review' cycles (at least terms if the child is of school age) and the evidence of the impact of this. There will need to be details of the child or young person's progress over time. If this information is not provided, it is unlikely that there will be sufficient evidence that an EHC needs assessment is required.

It is expected that education settings will be **selective** about the additional documents they attach. Please be aware that all documents are available for parents/carers to see. Care must be taken to ensure that no other children's names are mentioned within the documents and all information shared should be compliant with the General Data Protection Regulation, (GDPR). It is **unnecessary** to attach documents such as the SEN policy or detailed logs of behaviour incidents. The majority of information should be extracted from education records.

6(h) Please set out the provision in place and pro rata the cost according to numbers in group etc. The cost is to be counted weekly, e.g. the hourly rate of TA times the numbers of hours of support per week.

**Part 7:** This section is about ensuring there is informed consent from all relevant parties.

### **Further Support and Advice**

If a parent/carer or young person living in Nottingham City would like independent support or advice regarding any aspect of SEND, this is available from Nottingham and Nottinghamshire Information, Advice & Support Services (IASS):

Website: [www.askusnotts.org.uk](http://www.askusnotts.org.uk)

Email: [askus@futuresforyou.com](mailto:askus@futuresforyou.com)

Tel: 0800 121 7772