SEND Reforms 2014

Big changes are taking place in the world of Special Educational Needs and Disability (SEND).

From 1 September 2014 a new law came into effect, which will have a significant impact on the way children with special educational needs (SEN) and disabilities are supported in education.
(Children and Families Act 2014: www.legislation.gov.uk/ukpga/2014/6/contents/enacted)

The new law marks a significant change in the approach to special educational needs. The focus now is very much on 'outcomes', in other words, identifying what the child, parents and professionals want the child/young person to achieve in the long, medium and short-term.

These changes will mean:

- There is much greater emphasis on the **views and involvement of parents and children**. Local authorities must ensure that children and their parents are involved in discussions and decisions about their individual support and about local provision.

- **School Action and School Action Plus** (the names given to the stages of support provided by schools and nurseries at present) will be replaced by **'SEN support'** which involves a cycle described as 'assess, plan, do, review' (not a new idea, just a new description of good teaching).

- **Statements of SEN** will be replaced by **Education, Health and Care Plans** (EHC plans).

- **Shorter timescale** for assessing and writing an EHC plan: 20 weeks (reduced from 26) from the date of the request to issuing a plan.

- EHC plans will also extend **to young people in further education** colleges and some apprenticeships, but not universities.

- Parents and young people aged 16 and over will have a right to request a **Personal Budget** to buy the provision set out in an EHC plan.

- Local authorities must set out a **'Local Offer'** of the support they expect to be available for children and young people with SEN and disabilities. Education and health and social services are required to work together to plan services to meet people's needs at a strategic level (also known as 'joint commissioning').

- There's a new **deadline for the local authority** to make a decision on annual reviews – four weeks from the date of the annual review meeting.

- Improved **cooperation between all services**, schools and local authorities to ensure professionals are working more closely together.

Glossary of terms

EHC needs assessment *an assessment of a child's education, health and care needs, carried out by the local authority in consultation with relevant professionals such as educational psychologists and speech and language therapists. Local authorities must consult the child/young person and parents throughout the process.*

Local Offer *Local authorities have to set out in their Local Offer information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have EHC plans.*

Outcomes *EHC plans must specify the outcomes sought for the child or young person. These are outcomes which will enable children and young people to progress in their learning and be well prepared for adulthood.*

Personal Budget *an amount of money identified by the local authority to deliver provision set out in an EHC plan, where the parent or young person is involved in securing that provision.*

School Action/School Action Plus *the terms used in the 2001 SEN Code of Practice for the stages of support for SEN provided from within a school's own resources. These stages have been replaced in the new legislation with one term: SEN support.*

Special Educational Needs (SEN) *a child has SEN if their learning difficulty or disability calls for special educational provision, that is provision which is different from or additional to the provision normally made for other pupils of the same age. You may also see the acronym SEND used – this is intended to include children who have special educational needs and/or a disability.*

Special Educational Needs and Disabilities (SEND) Code of Practice *is guidance on how children with special educational needs and disabilities should be supported. By law, it must be followed by local authorities, schools and a wide range of other bodies unless there are good reasons why not. The guidance has legal effect through the Children and Families Act 2014 (part three).*

SEN support *under the new legislation all support provided from within the resources of the school/nursery/college (i.e. without an EHC plan) is called SEN support. Examples of this could be inclusion in a language group, advice from a speech and language therapist, a buddying scheme or a home/school diary. This term replaces School Action and School Action Plus which were used in the 2001 legislation. If a child doesn't make adequate progress over time in spite of SEN support, the next stage is to request an EHC needs assessment.*

Statutory assessment *an assessment of a child's special educational needs carried out by the local authority in consultation with relevant professionals such as educational psychologists and speech and language therapists. This is called an 'EHC needs assessment' under the new legislation.*

Annual review *the review of an EHC plan which the local authority must carry out at least every 12 months.*

Disability *the legal definition is when a person has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day to day activities. Long-term means lasting, or likely to last, at least 12 months.*

Education Health and Care Plan (EHC plan) *an EHC plan sets out a child's education, health and social care needs, the desired outcomes which parents, professionals and, wherever possible, the child have identified, and the support which is to be provided to help the child person achieve the desired outcomes. It is drawn up by the local authority after an EHC needs assessment has determined that an EHC plan is necessary.*