



TRAFFORD
COUNCIL

Special Educational Needs and Disability Policy

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References

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Support and Aspiration: A new approach to SEN and Disability	
Children and Families Act 2014 Part 3	
SEND Regulations 2014	
SEND Code of Practice 0 to 25 years 2014 and January 2015 from April 2015	
SEN Provision	
www.trafford.gov.uk/localoffer	The Local Offer contains many up to date documents related to this policy.
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Next Review

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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. This document 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. 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 on the Local Offer (see section 7 below).

2. Context

- 2.1. 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.
- 2.2. 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, but the proportion in Trafford has risen slightly from last year compared to a slight reduction seen nationally. This is children in Trafford schools not Trafford residents so includes those from other local authorities.
- 2.3. 39% of the Trafford school population with a statement of SEN are in a special school provision. The proportion of the total Trafford school population who attend special schools is approximately 1.3%.
- 2.4. 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. The primary types of need are: severe learning difficulties, autistic spectrum disorder and social & emotional behavioural difficulties.

- 2.5. 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. Background

3.1. 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). Trafford were also a pathfinder champion with Manchester and Wigan LAs from April 2013 to March 2014. Trafford are now considered by the DfE as an 'early implementer' for the SEND reforms. Between January 2012 and July 2014 during the pathfinder period Trafford issued 72 EHC Plans, many of these alongside a statement. These will be converted into statutory plans from September 2014 as a matter of priority in line with the transition arrangements set out by the DfE. (Click here for [Transition Plan for the Transfer Review Process](#)).

3.2. Trafford launched a strategic review of SEN provision in May 2012 and made recommendations for changes to provision. The objectives identified for the review were;

- To ensure the availability of high quality, locally based provision that meets future needs of children with SEND
- Reduce reliance on independent, out of borough provision by improving the "in borough" offer
- A budget neutral process to reallocate resource to locally based provision
- Establish holistic support packages based around local provision
- Maximise the benefits of the CYPs integrated service delivery model
- Establish a detailed understanding of current assessed needs and the barriers to accessing local provision

- Ensure that children and young people are able to access high quality provision that matches their needs

3.3. In March 2014 progress on the implementation of the recommendations was published. Trafford Council Executive approved the recommendations as follows;

- The establishment of a partnership with the Dunham Trust to develop a new primary specialist school
- The full rebuild and relocation of Brentwood School to the Cherry Manor Site
- Establish a partnership with a mainstream school to develop the proposed Secondary ASD centre in Trafford
- The delegation of the Medical Education Service -MES to the Nexus Management Committee through a service level agreement (SLA)

4. Priorities

4.1. *Trafford Children and Young People's Strategy: 2014-17* identifies building blocks, key principles and key themes, and ambition statements.

4.2. Many of these, identified through consultation for the strategy support the principles and practice underpinning the new legislation for SEN and disability such as the key principles of 'good use of resources', 'evidence based working', 'listen to and respond to children, young people and families', 'tell your story only once', 'joined- up working and 'good-quality advice and information.

4.3. Trafford's SEND Policy will support the building blocks, **key themes** and *ambition statements* in the CYP Strategy, specifically;

A positive start- **Promoting the Early years** by *supporting parents to feel confident to identify and meet the needs of their children, increasing the use of the Common Assessment Framework (CAF) across partners, ensuring all children are as ready for school as they can be*

The here and now- **Safeguarding** by *promoting resilience at key transitions, access to leisure activities for all and inclusion for children with SEND within universal services*

A bright future-**Promoting attainment** by *reducing the gap in educational achievement for those with SEND, supporting the coordination of services for emotional well-being and improving the provision of on-line information and advice*

4.4. Section 19 of the Children and Families Act (2014) and the guidance in the SEN and Disability Code of Practice: 0-25 years (2014) sets out the principles as follows;

When carrying out its functions in relation to children and young people with SEND the LA 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

5. Trafford Aims & Objectives

5.1. The aims and objectives of this policy are based on the principles of the *Trafford Children and Young People Strategy 2014-17* and the *Children and Families Act (2014)*.

5.1.1. To place children, their parents and young people at the centre of decision- making

We are doing this by:-

- I. Continuing to develop person centred approaches amongst our staff and education providers and support the use of this approach in all reviews and EHC assessment and planning and review processes.
- II. Involving children young people and their families in the development and review of the Local Offer and use EHC plans and children, young people and their families' views to inform commissioning decisions.
- III. Working closely with Trafford Parent Forum, groups of children and young people with SEND and the youth cabinet, Parent and Young People's Partnership Service (PYPPS) and Independent Supporters (IS) to make sure parents and young people are informed, involved in co-production of guidance and offered impartial information, advice and support.
- IV. Improving the provision of on-line information through the Local Offer (based within the Trafford Service Directory) in partnership with health partners, children and young people with SEND and their parents.

5.1.2. To support parents with the early identification of children and young people's needs and early intervention to support them

We are doing this by:-

- I. Ensuring that procedures for identification, assessment and decision making are clear, objective and carried out in line with the requirements of the SEND Code of Practice 0-25 years (2014).
- II. Providing clear support and guidance to settings, schools, post 16 providers in relation to identification of need and intervention including guidance documents such as [Trafford Graduated Approach Guidance \(2014\)](#).
- III. Ensuring there is a clear referral and assessment pathway for EHC needs assessment and production of EHC Plans and a plan setting out priorities for transferring from statements and LDAs to EHC plans following a transfer review.
- IV. Providing an Early Help intervention approach to meeting identified needs and increasing the use of the Common Assessment Framework (CAF) across partners.
- V. Working together across the LA and the Health and Wellbeing Board to assess the health needs of local children and young people with SEND.

5.1.3. To offer greater choice and control for children, young people and their families over the support that they receive.

We are doing this by:-

- I. Keeping the SEND provision within the Local Offer under review and responding to the changing needs.
- II. Ensuring that the content within the Joint Strategic Needs Assessment (JSNA) 2012-16, is refreshed on a regular basis (last update 2014). That the JSNA informs decisions taken by the Health and Wellbeing Board, Children's Trust Board, and the Joint Commissioning Management Board for children and young people. Details can be found via this link. [InfoTrafford - JSNA | Home](#).
- III. Making personal budgets available to families where requested for children and young people with Education Health and Care (EHC) plans in accordance with a clear Local Offer for personal budgets.

5.1.4. To provide coordination of and collaboration between education, health and social care services to provide support.

We are doing this by:-

- I. Providing high quality multi-agency services and provision of support.
- II. Reviewing, planning and jointly commissioning services and ways of sharing information providing a 'tell us once' approach.

5.1.5. To provide high quality provision to meet the needs of children and young people with SEN within their local community wherever possible and to reduce the gap in educational achievement

We are doing this by:-

- I. ensuring that there is an equitable and coherent continuum of provision to support all children and young people with special educational needs;
- II. providing special education in the child's/ young person's local education provider whenever possible, taking account of parental wishes unless:
 - The school or Further Education (FE) college is unsuitable to the child's age, ability and aptitude or to his special educational needs or
 - The attendance of the child at the school or FE college would be incompatible with the provision of efficient education for the children with whom he would be educated or the efficient use of resources;
- III. ensuring, through regular monitoring, provision for children and young people with special educational needs is of high quality and that resources are appropriately and effectively deployed;
- IV. providing high quality support, guidance and professional development to ensure that all education providers provide appropriately for pupils with special educational needs;
- V. expecting educational settings to monitor and track progress and development of children and young people and implement local guidance for SEN Support;
- VI. implementing the recommendations for the SEN review and involving parents, children and young people in reviewing provision in the future

5.1.6. To provide a focus on inclusive practice and removing barriers to learning

We are doing this by:-

- I. Making clear the LA's expectations of early year's settings, schools and colleges with the resources made available to them through the *Trafford Graduated Approach Guidance (2014)*, provision

mapping, SEN funding and EHC needs assessment referral guidance.

- II. Offering (maintained schools) information on improving accessibility through the Accessibility Strategy.
- III. Nurturing positive attitudes, and a greater understanding of special educational needs and disability, encouraging settings to consider needs together and meet duties regarding admissions
- IV. Providing high quality advice, guidance and professional development opportunities around SEN, disability and medical conditions ensuring schools publish an annual SEN information report and have arrangements in place to support children with medical conditions.

5.1.7. To achieve successful preparation for adulthood, including independent living and employment

We are doing this by:-

- I. Providing clear information on the Local Offer for this area
- II. Supporting settings to include planning provision to assist in preparation for adulthood in every EHC plan review from Y9
- III. Providing access to person centred planning training for settings
- IV. Support learning providers to develop a tailored post 16/19 programme for young people to meet their individual needs in line with the outcomes identified in a young person's EHC plan.

For details on implementation please see [‘Implementing the Special Educational Needs and Disability \(SEND\) Reforms- Action Plan’](#) on Trafford’s Local Offer.

6. Definitions

- 6.1. Trafford follows the definitions of Special Educational Needs, Learning Difficulty and Disability and Special Educational Provision and Disability as in the [SEND Code of Practice 2014](#) and Equality Act 2010.

7. Impartial information, advice and support

- 7.1. Trafford has a Parent and Young People’s Partnership Service (PYPPS) to offer impartial information, advice and support to young people with SEND and/or their parents and parents of younger children who are disabled or have SEN. This service can offer advice on any part of the SEND system and also signpost to other specific services and a wide range of those available is provided on Trafford’s Local Offer.

- 7.2.** Independent Supporters have been funded by the Government through the Council for Disabled Children to provide support to parents and young people going through the new EHC needs assessment or transition from a statement to an EHC plan. In Trafford the lead organisation for providing the Independent Supporter service is VCAT (Voluntary and Community Action Trafford) in conjunction with Wrap-around Partnership. Their services are being targeted to support the transfer review process from the old to the new system. However, should they wish, any parent or young person going through an EHC needs assessment can request their support.
- 7.3.** A wider range of advice and support groups and information about getting involved is available on the Local Offer (see below) *Advice and Support* page.

8. The Local Offer in Trafford

8.1. Overview

Through the Children and Families Act (2014) every LA has the duty to provide an accessible Local Offer of services and provision for children and young people with SEND. Trafford's Local Offer is based within the Trafford Service Directory and has been developed in collaboration with young people, parents and providers and aims to provide clear, comprehensive, accessible and up-to-date information about available provision and how to access it. The Local Offer provides the detail regarding the operational implementation of this policy.

8.2. Maintaining the Local Offer

Trafford will continue to improve this information and to publish and act on comments made about the content.. The Joint Strategic Needs Assessment (JSNA) will identify gaps in provision and any changes in provision commissioned locally will be reflected in the Local Offer. Some gaps may be met through personal budgets rather than newly commissioned provision. The Local Offer has information on the current scope of personal budgets in Trafford.

8.3. SEN/EHC support services in Trafford

Trafford has a range of services within Education, Health and Social Care who will work with children and young people with SEND and their families. Many of the services are within the Multi-agency complex and additional needs (CAN) service. This service is also to be co-located with SEN Advisory Service (SENAS) and the Educational Psychology Service to support joint working. Each has referral information, age range, eligibility criteria and a service description available on Trafford's Local Offer.

8.4. Specialist provision in Trafford

- 8.4.1.** Trafford's Local Offer provides details of the continuum of specialist provision for children and young people with the most severe and complex needs with Statements or EHC Plans. The range of specialist provision is currently subject to Trafford's SEN Review as detailed in 3.2 above.
- 8.4.2.** Trafford has 6 additional part time places within a mainstream school nursery for children with speech and language needs called the Inclusive Nursery provision.
- 8.4.3.** Trafford currently has 9 Primary small specialist classes within 6 schools offering a total of 92 places with mainstream primary school settings. These have a range of designations covering autism, social communication, language difficulties and complex needs. Three classes cater for Reception and KS1 pupils and 6 cater for KS2.
- 8.4.4.** Trafford currently has 6 special schools, 3 for Primary age and 3 for secondary offering approximately 530 special school places within Trafford for a wide range of need, 4 of the schools have specialist provision for Autism.
- 8.4.5.** Trafford has a Primary PRU provision within Longford Park Special School and KS3 and KS4 provision at the Nexus centre.
- 8.4.6.** The Medical Education Service (MES) is designated as a PRU and encompasses the provision for children and young people requiring home tuition and covered by section 19 of the Education Act (1996) to provide education for children out of school due to medical conditions.

The Local Offer can be viewed using this link: www.trafford.gov.uk/localoffer

9. Working Together across Education Health and Care

9.1. Section 75 Agreement

Trafford Council and NHS Trafford Clinical Commissioning Group (CCG) have a unique Section 75 partnership commissioning agreement in place which governs all LA and health commissioning for children and young people. This means Trafford already has the foundations in place to meet the statutory requirements of the SEND Code of Practice (2014); that local authorities and clinical commissioning groups must make joint commissioning arrangements for EHC provision for children and young people with SEN or disabilities.

9.2. Personal Health Budgets

Trafford is an area that has implemented personal health budgets successfully to time scales and both the CCG and LA are working to develop an integrated process for children, young people and their families wishing to personalise their care support.

9.3. Designated Medical Officer

Trafford has a Designated Medical Officer (DMO) to provide the point of contact for Trafford LA, schools and colleges seeking health advice on children and young people who may have SEN or disabilities, and provides a contact for CCGs or health providers so that appropriate notification can be given to the Local Authority of children under compulsory school age who they think may have SEN or disabilities. The DMO will have the additional duty of agreeing the health provision in an EHC plan.

9.4. Health and Wellbeing Board

In Trafford there is a well-established Health and Wellbeing Board that meets on a bi-monthly basis. Its members represent the key partners locally who have an impact on the health and wellbeing of the whole population. Further details can be found via the link

<https://democratic.trafford.gov.uk/ieListDocuments.aspx?CId=260&MId=1057&Ver=4>.

9.5. Commissioning Health Services

The health contribution to assessments is commissioned through the community health contracts and the provider (Pennine Care) is monitored through monthly meetings. The commissioned services are all described on the Local Offer pages and the CCG is commissioning a patient care co-ordination centre (PCCC) which will help navigate referrals for treatment for children and young people to the correct service efficiently.

9.6. Complaints

The CCG and LA have separate complaints processes for service users in receipt of services. An aligned process is in place for complaints specifically regarding an EHC Needs Assessment and local mediation processes are initiated where a complaint refers to the joint provision of services to meet an assessed need (see section 21 of this policy).

9.7. Engagement with Parents and Carers

Trafford Parent Forum (TPF) is part of a governance structure for the SEND reforms in Trafford which is mutually beneficial and provides the opportunity for joint decision making and coproduction. The Chair of TPF sits on the EHC advisory group and on the SEND reforms steering group and representatives are part of task and finish groups and the LA has representation on the TPF board.

9.8. Engagement with Children and Young People

Trafford has a structure within the *Children and Young People's Service Participation Strategy (2013)*, which shows the routes for children and young people's involvement in decision making. It shows different levels from individual to targeted groups such as those with SEND into the youth cabinet

and up to the UK youth parliament. A guide and toolkit accompany this to support implementation the advocacy and engagement officer in Trafford provides advice to the SEND reforms steering group.

9.9. The Complex and Additional Needs Service (CANS) Common Process

The CANS brings together a wide range of professionals across education, health and social care who provide support to children and young people who are disabled or have additional needs and their families (see CANS in Local Offer). The CANS Common Process is a new way of coordinating assessments and delivering support to children and families if a child is being referred to more than one of the teams within CANS and/or SEN Advisory Service (SENAS). It involves a number of professionals meeting on a weekly basis to look at children's referral information and deciding who should take the lead and coordinate all CAN services and assessments. The group use their pooled specialisms and expertise to consider how the needs of the most complex children can be best met.

9.9.1. The purpose of this new way of working is to ensure that families, children and young people receive a well-coordinated joined up service. The process enables professionals to work well together and with families providing joint assessments, and joint plans.

9.9.2. A lead professional/key worker is appointed to coordinate assessment and support. The CAF is an integral part of the process.

9.9.3. All the professionals involved in the care and support of the child share the referral and assessment information with parental consent which prevents families having to repeat information over and over and mean that any assessments undertaken are seeking new information rather than repeating what has been done already.

9.9.4. The CANS Common Process will support the EHC needs assessment and transfer review process from statements to EHC plans. It can help contribute a coordinated approach to new assessment to feed into annual review of statements or EHC plans.

9.10. Trafford Neurodevelopmental Pathway (NDP)

NDP provides families with multi-professional diagnosis of autism, involving a number of services, for example Child and Adolescent Mental Health Service (CAMHS), Speech and Language Therapists, Educational Psychology. A medical diagnosis does not link to any particular level of support for SEN as this depends on how a condition is impacting on learning and access to education. Some children and young people will manage with reasonable adjustments, or with good quality SEN Support in school whereas some may require high levels of support and others a more specialised environment, many of these children or young people may have complex needs in

conjunction with a diagnosis of autism. Further information is available on the Local Offer.

10. Duties on Early Years Settings, Schools and FE colleges

- 10.1.** The full range of duties and expectations are in the *SEND Code of Practice 0-25 years* (2014) and the relevant chapters should be read carefully and followed by early years' providers, schools (including Academies) and Post 16 providers and professional who work with any of these education providers.
- 10.2.** Specific guidance booklets have been produced by the DfE and links to these are available on Trafford's Local Offer. The SEND code of practice refers to early years providers, schools and FE colleges having a duty to use their best endeavours to meet the needs of children and young people with SEN.
- 10.3.** In the implementation guidance from the DfE July 2014 the LA has a duty to reassure itself that these education and training providers have arrangements in place to meet their best endeavours duty. The LA implementation plan has details of the work on this from summer 2014 also see *Monitoring of SEN section 24* of this policy. On-going accountability is via OFSTED and the annual report to parents on progress by schools and performance tables and destination measures for FE colleges.

11. A Graduated Approach to SEN- Identification and SEN Support

11.1. Early Years

- 11.1.1.** All early years providers are required to have arrangements in place to identify and support children with SEN or disabilities and to promote equality of opportunity for children in their care. These requirements are set out in the EYFS framework.
- 11.1.2.** Early years providers and educational settings should have arrangements in place that include a clear approach to assessing SEN. This should be part of the setting's overall approach to monitoring the progress and development of all children.
- 11.1.3.** The EYFS framework includes two specific points for settings to provide written assessments for parents and other professionals – when the child is aged two and when the child turns five. These are the 2 year progress check and the EYFS profile. At an early stage Trafford's Early Education and Childcare Service offer advice and guidance to settings and the Area SENCO can be referred to for advice on good practice in identifying and meeting special educational needs within a setting.
- 11.1.4.** To support the transition, information should be shared by the current setting with the receiving setting or school. The current setting should

agree with parents the information to be shared as part of this planning process

11.1.5.In Trafford the Graduated Approach Guidance (2014) early years section provides advice to settings on the ‘*assess, plan, do, review*’ cycle of action expected within SEN Support. The early years section of this document is not separated into the 4 broad areas of need as the school age section is as there is the recognition that identification is on-going and there will be even greater overlap between needs at this stage of a child’s development. The LA’s Area SENCO can advise the setting SENCO on this and on record keeping, referrals to other agencies, reviews of EHC plans and transition. Parents must be fully informed and be involved in these processes.

11.2. Multi-agency working in Early years

11.2.1.Children with complex developmental and sensory needs may be identified at birth and health assessments from birth enable very early identification of a range of medical and physical difficulties.

11.2.2. Health services, including paediatricians, the family’s general practitioner, and health visitors, should work with the family, support them to understand their child’s needs and help them to access early support.

11.2.3.In Trafford the multi-professional health team Trafford Early Development Service (TEDS) and education service Trafford Sensory Impairment Support Service (TSISS) can both become involved with individual children and families from birth. The Area SENCO can advise settings from birth and SEN Advisory Service (SENAS) can become involved in offering educational advice and support to children and families from 2 years old.

11.2.4.The SEND Code of Practice states:

‘Where a health body is of the opinion that a young child under compulsory school age has, or probably has, SEN, they **must** inform the child’s parents and bring the child to the attention of the appropriate local authority’ paragraph 5.15 (DfE 2014)

In Trafford young children are brought to the attention of the LA by a community paediatrician if it is felt they may have SEN and a multi-agency group including TEDS, SENAS, meets monthly to discuss available information and plan ways of gathering further information through joint agency visits and assessment. Other young children can be brought to this monthly meeting where a setting or another health service such as Speech and Language Therapy have referred to education earlier than a paediatrician and it is felt there is a need for

multi-agency approach. In some cases there may be enough evidence to start an EHC needs assessment or offer assessment place at a specialist setting.

11.2.5.The education and health services in Trafford work closely together in early years and are trained to provide Portage and Early Support models of working with families and children. Further information is available through the [Local Offer Early Years section](#).

11.3. Schools

11.3.1.Consideration of whether special educational provision is required should start with the desired outcomes, including the expected progress and attainment and the views and wishes of the pupil and their parents. This should then help determine the support that is needed and whether it can be provided by adapting the school's core offer or whether something different or additional is required.

11.3.2.The core offer should include 'catch up' provision (sometimes known as Wave 2) for those who are underachieving as this may be adequate for some children rather than requiring personalised programmes necessary for those with SEN. Nationally some schools have over-identified children with SEN, the waves model can help schools with this and this is explained within the Trafford Graduated Approach Guidance (2014), see below and Local Offer.

11.3.3.Special educational provision should be matched to the child's identified SEN. Children's SEN are generally thought of in the following four broad areas of need and support

- *communication and interaction*
- *cognition and learning*
- *social, emotional and mental health*
- *sensory and/or physical needs*

These areas give an overview of the range of needs that education providers should plan for. However, individual children and young people often have needs that cut across all these areas and their needs may change over time. The purpose of identification is to work out what action settings needs to take, not to fit a pupil into a category.

11.3.4.The removal of behaviour from these categories should encourage the recognition that there are underlying causes to behaviour that should be investigated throughout the identification and assessment process.

11.3.5.Trafford has a behaviour and attendance (B&A) Adviser and a B&A consultant who can support schools with advice around whole school or class/group strategies and approaches to behaviour management and

advice on exclusion. Behaviour for learning should be the main focus of early work, assessing the learning environment and quality first teaching prior to identification of an individual's special educational need.

- 11.3.6.** Persistent mental health difficulties may lead to pupils having significantly greater difficulty in learning than the majority of those of the same age. Schools should consider whether the child will benefit from being identified as having a special educational need (SEN). Any special educational provision should ensure it takes into account the views and wishes of the child and their family (see *Mental Health and Behaviour in Schools: DfE June 2014*). A referral to the Child and Adolescent Mental Health Service (CAMHS) may be relevant via the school nurse.
- 11.3.7.** A detailed assessment of need should ensure that the full range of an individual's needs is identified, not simply the primary need. The support provided to an individual should always be based on a full understanding of their particular strengths and needs and seek to address them all using well-evidenced interventions targeted at their areas of difficulty and where necessary specialist equipment or software.
- 11.3.8.** Some identification checklists and resources to support identification are included in *Trafford's Graduated Approach Guidance (2014)*. However early assessment should be a combination of observation, informal and standardised assessment.
- 11.3.9.** Where it is decided that a pupil does have SEN, the decision should be recorded in the school records and the pupil's parents **must** be formally informed that special educational provision is being made. Arrangements for appropriate support should be made through the school's approach to SEN Support.
- 11.3.10.** Where a pupil is identified as having SEN, schools should take action to remove barriers to learning and put effective special educational provision in place. This provision will comprise of educational or training provision that is additional to or different from that made generally for others of the same age. This means provision that goes beyond the differentiated approaches and learning arrangements normally provided as part of high quality, personalised teaching. It may take the form of additional support from within the setting or require the involvement of specialist staff or support services.
- 11.3.11.** SEN support should take the form of a four-part cycle of assessment, planning, implementation and review through which earlier decisions and actions are revisited, refined and revised with a growing

understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes. This is known as a graduated approach. It draws on more detailed approaches, more frequent review and more specialist expertise in successive cycles in order to match interventions to the SEN of children and young people.

- 11.3.12.** Trafford have developed *The Graduated Approach Guidance (2014)* to cover universal provision and that at SEN Support in early years settings and schools. This includes descriptors of a child's level of need, the intervention and support that should be provided and at what stages to involve professionals and parents in the monitoring and reviewing of the provision. It covers provision that should generally be possible from within a schools budget for their response to children with SEN and the expectations of provision prior to accessing high needs top-up funding from the LA. (see Funding section 13)
- 11.3.13.** Schools must work closely with parents throughout the process and should meet parents at least three times each year, these discussions should be led by a teacher with good knowledge and understanding of the pupil who is aware of their needs and attainment.
- 11.3.14.** Trafford services will expect EY settings and schools to refer to the graduated approach within referrals to SEN Support services, as well as in EHC needs assessment referrals. Referrals to SEN support services will usually be through a single agency referral form (SARF). Individual service referral processes are detailed in their listings within the Local Offer. Parental permission is required and copies of referrals will be provided if requested. The *Trafford Graduated Approach Guidance (2014)* emphasises the importance of involving parents throughout and specialists as relevant in review and monitoring of provision. Trafford services will work with schools as expected by the SEND code of practice: *The SENCO and class teacher, together with the specialists, and involving the pupil's parents, should consider a range of evidence-based and effective teaching approaches, appropriate equipment, strategies and interventions in order to support the child's progress. They should agree the outcomes to be achieved through the support, including a date by which progress will be reviewed.* DfE 6.62: (2014)
- 11.3.15.** In Trafford it is expected that access to high needs top-up funding will usually be through an Education, Health and Care plan. Referral for an Education, Health and Care needs assessment should therefore demonstrate the use of a setting's budget to provide good quality, targeted provision through SEN Support and use of specialist expertise to inform the review of the provision.

11.3.16. Schools have a duty to provide **SEN Information** in a report on their website each year to detail the implementation of the governing body's or the proprietor's policy for pupils with SEN. This should be kept up to date during the year. The information should be helpful to parents in seeing who they should contact and what the school usually provides for children with SEN. The information required is set out in the Special Educational Needs and Disability Regulations 2014. Trafford provide a proforma for schools to do this. This is available on the Local Offer. Schools have a duty to cooperate with the LA Local Offer and in Trafford schools are supported by the Family Information Service in linking their websites to the Local Offer and vice versa and maintaining the school's record within it.

11.3.17. It is recommended that schools publish equality information in the same place as information about SEN to make it easily accessible for parents. This should include the Accessibility Plan, equality objectives (these can both be part of the school development plan if desired as long as they are clear) and reports on progress towards these and information on non-discriminatory admissions which may be within the SEND policy.

11.4. FE Colleges

11.4.1. FE colleges often work quite differently to schools in the way they provide for young people to meet their needs and develop their independence. Where a young person is transferring from school to college the Transfer Review will inform the planning and the need for additional resources. If an FE provider can meet the needs of a young person within their SEN provision it may be recommended that an EHC plan is not required. In Trafford all EHC assessment information from the transfer review process will be shared with the college to provide detail about the young person's needs and demonstrate how the provision that is available from within the college can meet them. Trafford will work with providers to develop a clear offer of provision and graduated approach for young people progressing into Post 16 learning. Trafford College's website and SEN information is linked to Trafford Council's Local Offer.

11.5. Record Keeping.

11.5.1. The SEND code of practice recommends all settings can determine their own approach to record keeping in line with the requirements of the Data Protection Act 1998. The provision made for children and young people with SEN should be recorded accurately and kept up to date. There is no mention of Individual Education Plans (IEPs) in the current code of practice. However as a setting goes through a cycle of assess, plan, do and review during their graduated approach to

meeting the SEN of children and young people they should keep individual records referring to outcomes, action and additional and different support being put in place following identification and assessment.

11.5.2. Early years practitioners **must** maintain a record of children under their care as required under the EYFS framework. Such records about their children **must** be available to parents and they **must** include how the setting supports children with SEN and disabilities.

11.5.3. Parents and young people must be informed of any special provision being made by a setting and should be involved in regular discussions about the child or young person's progress, expected outcomes from the support and planned next steps. Settings should plan how they will measure impact of any intervention or provision. As part of any inspection, Ofsted will expect to see evidence of progress, a focus on outcomes and a rigorous approach to the monitoring and evaluation of any SEN support provided.

11.5.4. Trafford LA has promoted whole school provision mapping of interventions since 2005. This gives an overview of provision that is additional and different and can help managers make strategic decisions for the efficient and effective use of resources within their setting. The DfE, with a number of schools across the country, developed materials which provide suggestions for provision mapping on a wider scale including good practice in provision management and intervention-mapping.

11.5.5. Trafford LA support this and have introduced an individual provision map for use at the point of referral for an EHC needs assessment based on outcomes and costing additional SEN provision. Other record keeping ideas are included in the *Trafford Graduated Approach Guidance (2014)*.

'Schools use information systems to monitor the progress and development of all pupils. Details of SEN, outcomes, teaching strategies and the involvement of specialists should be recorded as part of this overall approach' (SEND CoP 7:74).

11.5.6. Colleges are required under the SEND Code of Practice (2014) to keep a student profile and record of support provided and its effectiveness. They should have a system in place to record the progress of students with SEN (what was referred to as LDD) that meets their own and their funding regulation requirements.

11.5.7. Where a student has an EHC plan colleges will be required to provide feedback to the LA on the progress the young person is making towards the agreed outcomes through the annual review. Colleges are

expected to work closely with parents and young people to keep them informed of progress.

11.5.8. In order to support planning and commissioning Trafford LA will work with post 16 providers to gather data and information on the progress of all learners with SEND.

11.6. Continuing Professional Development (CPD)

11.6.1. Trafford education services offer a range of CPD for schools relating to SEN through the SEN Advisory Service (SENAS) and the Educational Psychology Service usually purchased through service level agreements. SENAS organises training involving health staff commissioned with education funding such as some specialist speech and language therapy. The Trafford Sensory Impairment Support Service (TSISS) will train schools as part of their involvement with a child or young person.

11.6.2. Early years settings can purchase CPD through the Early Years commissioned training at an awareness level for all staff or at an enhanced level for SENCOs.

11.6.3. Trafford have a number of *Signalong* trainers and made a decision to adopt this approach across special schools and services in 2009 as required when supporting children with language and communication needs. The *Trafford Signs and Symbols Guidance* (2009) document details its use and that of common symbol systems and is available on the Local Offer.

11.6.4. High quality free training materials are always promoted such as the Inclusion Development Programme www.idponline.org.uk/ as a starting point for all settings aimed at improving teachers' knowledge of the SEN most frequently encountered. These can provide an awareness for anyone coming into contact with a child but also provide more detail for staff adapting teaching and learning for a child or young person. The advanced SEN materials www.advanced-training.org.uk/ and the complex needs materials www.complexneeds.org.uk/ published by DfE take professionals into greater depth and are also free and available online.

11.6.5. Trafford provide a range of accredited courses in partnership with Manchester Metropolitan University (MMU) including those for Teaching Assistants working with pupils with Autism or Dyslexia and the National Award in SEN Coordination for School SENCOs or aspiring SENCOs.

12. Role of the SENCO

12.1. SENCOs in Early Years settings

All Early Years settings have to have an identified SENCO. Trafford has an Area SENCO within the Early Education and Childcare Team to provide advice and guidance to early years providers on the development of inclusive early learning environments. The Area SENCO helps make the links between education, health and social care to facilitate appropriate early provision for children with SEN and their transition to compulsory schooling. In Trafford the Area SENCO works particularly closely with TEDS and SENAS to do this.

12.2. SENCOs in Schools

The Children and Families Act and the SEND code of practice (2014) state the need for the SENCO in a school to be a qualified teacher and to have the National Award in SEN Coordination.

All SENCOs in Trafford schools and Academies meet the statutory requirement to have the National Award in SEN Co-ordination if they are required (those in post before September 2009, do not). This is monitored by the LA annually. Trafford has a partnership agreement with MMU to provide the course and this is delivered locally with individual mentoring through the SEN Advisory Service and serving SENCOs.

12.3. SEN Post-16 providers (SENCO)

Colleges should ensure that there is a named person in the college with oversight of SEN provision to ensure co-ordination of support, similar to the role of the SEN Co-ordinator (SENCO) in schools. This person should contribute to the strategic and operational management of the college.

Curriculum and support staff in a college should know who to go to if they need help in identifying a student's SEN, are concerned about their progress or need further advice. In reviewing and managing support for students with SEN, colleges and 16-19 academies may find the broad areas of need and support outlined in Chapter 6 of the SEND code of practice (2014) helpful.

13. Funding for SEN

13.1. Overview

Parents and carers need to feel confident that settings have secure systems in place and that they offer a flexible range of provision available to meet the individual needs of each and every-one of their children. They want to be listened to and treated with respect. Where children have additional needs and advice from outside agencies is required, parents want to be fully involved and also be confident that settings are able to respond to that need as quickly as possible.

The LA is required to publish the arrangements for SEN funding. Parents and carers of children and young people are informed that all schools and colleges receive funding within the budget to enable them to make provision for children with SEN and that, schools have the autonomy to make arrangements from within their existing staffing or to seek external advice and support where appropriate.

13.2. Funding Reform

13.2.1. In April 2013 significant funding changes for special school and mainstream SEN provision including in early years and post 16 came into effect through the School Funding Reform. The changes meant high needs funding would be arranged on an equivalent basis across different types of providers whether in an early years setting, school or academy, further education and alternative provision sectors.

13.2.2. The diagram below sets out how the funding reforms will allocate funds to different types of education settings.

	Pre-16 SEN and AP		Post-16 SEN and LDD
	Mainstream settings	Specialist settings	All settings
Element 1: Core education funding	Mainstream per-pupil funding (AV/PU)	Base funding of £10,000 for SEN and £8,000 for AP placements, which is roughly equivalent to the level up to which a mainstream provider would have contributed to the additional support provision of a high needs pupil. Base funding is provided on the basis of planned places.	Mainstream per-student funding (as calculated by the national 16-19 funding system)
Element 2: Additional support funding	Contribution of £6,000 to additional support required by a pupil with high needs, from the notional SEN budget	Contribution of £6,000 to additional support required by a high needs pupil. Base funding is provided on the basis of planned places.	Contribution of £6,000 to additional support required by a student with high needs
Element 3: Top-up funding	"Top-up" funding from the commissioner to meet the needs of each pupil or student placed in the institution		

13.2.3. Funding for elements 1 and 2 (see diagram above) is delegated to each education setting and form its mainstream funding and notional SEN funding lines. Element 3 funding is commissioned on an individual learner basis from the high needs funding block by the lead commissioner. In Trafford the lead commissioner role is fulfilled by Trafford Council. It is element 3, high needs top-up funding that can be considered for use as a personal budget from education once an EHC plan has been agreed if parents request this and the commissioner/the local authority agrees with the request within the X regulations and it Local Offer (see section 19 Personal Budgets in this policy and [Local Offer Person Budgets information](#))

13.2.4. These funding changes also affect the financial management arrangements of pupil referral units by bringing them in line with other types of specialist education providers.

13.3. Funding EY settings

13.3.1. Early years settings within Trafford are expected to follow guidance within the 'Early Years' section of *Trafford's Graduated Approach Guidance* (2014). The provision of centrally supplied specialist services forms the majority of support expected within Element 2 in early years settings. High needs funding will be added to this in some cases. In recognition of the different level of delegation with early years the financial threshold for accessing high needs funding is lower than in non-early years settings. High needs funding will provide for support within the statutory entitlement of 15 hours nursery or in a few cases 2 year old provision. The most complex 2 and 3 year old children will be offered EHC needs assessment places at one of Trafford's primary special schools. All places are offered in line with Trafford's transport policy.

13.4. Funding for Mainstream Schools and Academies

13.4.1. The SEND code of practice (2014) sets out the duties of mainstream schools and academies.

'Schools have an amount identified within their overall budget, called the notional SEN budget. This is not a ring-fenced amount, and it is for the school to provide high quality appropriate support from the whole of its budget. (6.96)

It is for schools, as part of their normal budget planning, to determine their approach to using their resources to support the progress of pupils with SEN. The SENCO, head teacher and governing body or proprietor should establish a clear picture of the resources that are available to the school. They should consider their strategic approach to meeting SEN in the context of the total resources available,

including any resources targeted at particular groups, such as the pupil premium'. (6.97)

'Schools are not expected to meet the full costs of more expensive special educational provision from their core funding. They are expected to provide additional support which costs up to a nationally prescribed threshold per pupil per year. The responsible Local Authority, usually the authority where the child or young person lives, should provide additional top-up funding where the cost of the special educational provision required to meet the needs of an individual pupil exceeds the nationally prescribed threshold'. (6.99)

- 13.4.2.** Trafford schools and academies receive a notional SEN budget with their total budget. The notional SEN budget is determined and agreed by the schools' Funding Forum and constitutes the "element 2" (see above diagram) funding for that school.
- 13.4.3.** Before agreeing access to high needs funding (element 3). Trafford expect proof of the effective use of element 2 funding (over and above element 1: basic entitlement). This must include a provision map offering proof of the on-going need for resources over and above element 2 funding in order to meet the special educational needs of the child or young person and provision to meet these. Provision maps will need to be provided for annual review linked to outcomes set for the child/young person.
- 13.4.4.** In Trafford high needs funding will be used as part of an EHC plan to meet the outcomes identified. The amount of high needs funding allocated will relate to teaching assistant (TA) hours as a proxy measure until at least September 2015. After this date a joint EHC Resource Identification System will be established. The most effective employment of resources will be part of the action planning to meet outcomes in the EHC Plan. Despite the proxy measure all stakeholders should not consider TA hours as the only or necessarily the best use of high needs funding as the provision should be carefully planned between school, LA, parent and professional involved to meet the outcomes of the EHC plan.
- 13.4.5.** There are a few situations where it may be best for the individual if high needs top-up funding is provided for a period before or instead of an EHC needs assessment taking place. These exceptions are explained in the high needs block funding briefing on the Local Offer.
- 13.4.6.** Trafford Sensory Impairment Support Service provides support for children and young people with Visual Impairment (VI) or Hearing Impairment (HI) at SEN Support and with statements and EHC plans.

Settings have to make reasonable adjustments and use element 1 funding with the rest provided by the service. In some cases, element 2 may need to be provided by the setting where there are additional needs not related to the VI or HI and in a few cases additional element 3 top-up may be provided for this reason.

13.5. Funding for Specialist provision

13.5.1. Trafford special schools are funded at £10,000 a place and receive top-up currently on an average basis but from April 2015 they will have an individual amount based on descriptors of SEN and from April 2016 it is planned to link these to a joint resource indication system.

13.5.2. Trafford's Small Specialist Classes (SSCs) within mainstream schools are funded at £10,000 per place. A service agreement is in place with each school/academy setting out the expectations of the LA and the school/academy. Most children in a SSC will have their needs met within the £10,000 due to the staff ratios this creates. In exceptional cases such as complex physical needs some may receive top-up funding.

13.6. Funding for Post 16 funding (non-schools)

13.6.1. This section applies to FE Colleges, Independent Specialist Providers (ISPs), and SFA (Skills Funding Agency) accredited Training Providers. It sets out where post 16 funding differs from that in the Mainstream schools section. The SEND code of practice does not apply to those young people who progress to Higher Education.

13.6.2. The EFA provides funding for 16-18 year olds in post 16 settings as well as for those aged 19-25 who have an EHC plan. FE colleges are not able to charge fees for these students. The SFA provides funding for all students aged 19 and over who do not have an EHC plan including those who declare a learning difficulty or disability.

13.6.3. Training providers delivering apprenticeships and traineeships receive funding for all 16-18 year olds from the SFA including those with a learning difficulty or disability. Where an apprentice aged 19-25 has an EHC plan the provider is funded at the same rate as a 16-18 year old.

13.6.4. These institutions receive an allocation based on a national funding formula for their core provision. They also have additional funding for students with additional needs, including those with SEN. This constitutes their element 1 and element 2 funding (see diagram in 13.3.2). This funding is not ring-fenced and in line with mainstream schools, post 16 settings are expected to provide appropriate, high quality SEN support using all available resources.

- 13.6.5.** Colleges are not expected to meet the full costs of more expensive support from their core and additional funding in their main allocation. high needs funding is available where support costs exceed a nationally prescribed threshold per student per year. For mainstream FE colleges access to high needs funding is the same as for mainstream schools and academies and is outlined in 13.5.5
- 13.6.6.** Only young people aged 19-25 are required to have an EHC plan in order to access high needs funding. Although there is an expectation that 16-18 year olds will have an EHC plan in order to access high needs funding, in exceptional circumstances Trafford Council will consider funding without an EHC plan in line with mainstream schools and academies. Examples of such exceptions may be found in the national high needs funding guidance
- 13.6.7.** Where a student has support from the Local Authority's (LAs) high needs funding but does not have an EHC plan, colleges should also provide information on the student's progress to the LA to inform its commissioning.
- 13.6.8.** Due to the range, flexibility and support within mainstream post 16 settings Trafford LA will expect that a number of post 16 providers will have been considered through the EHC annual review or transfer review process. This consideration will involve the young person and parent/carers with support from an independent careers advice provider to understand appropriate post 16 provision, so that *where appropriate* mainstream provision is applied to before any application to specialist provision is made.

14. Equality Act 2010 and Supporting pupils with Medical Conditions

14.1. Medical conditions

All early years providers should take steps to ensure that children with medical conditions get the support required to meet those needs. This is set out in the Early Years Foundation Stage (EYFS) framework.

- 14.1.1.** Trafford schools and academies have advice and guidance available through the Local Offer on supporting pupils with medical conditions. This is through a combination of SEN Advisory service, School Nursing team and Trafford Children's Community Nursing Team. The statutory guidance 'Supporting pupils at school with medical conditions (2014)' states:

'the school's governing body **must** ensure that arrangements are in place in schools to support pupils at school with medical conditions and should ensure that school leaders consult health and social

care professionals, pupils and parents to make sure that the needs of children with medical conditions are effectively supported'.

14.1.2. Children and young people who cannot attend school due to their medical needs are offered support through the Medical Education Service (MES) (see Local Offer section of this policy and further information on Trafford's Local Offer).

14.2. Equality Act 2010

All settings, early years, schools, FE colleges, sixth form colleges, 16-19 academies and independent special schools approved under Section 41 of the Children and Families Act 2014 have duties under the Equality Act 2010. They must not discriminate against, harass or victimise disabled children or young people and they have an anticipatory duty to make reasonable adjustments to prevent them being placed at a substantial disadvantage. All publicly funded early years providers must promote equality of opportunity for disabled children. Schools and colleges have wider duties to prevent discrimination, to promote equality of opportunity and to foster good relations. Trafford council encourages all education and training settings to focus on inclusive practice and removing barriers to learning. Trafford provides *Intimate Care Guidance* to support the inclusion and participation of children and young people with support needs for continence and personal care ([see Local Offer medical needs](#)). Trafford Accessibility Strategy is being revised to support schools it is responsible for in meeting the needs of disabled pupils and raising their attainment. The purpose of the strategy is to ensure that accessibility of the curriculum, the physical environment and information for disabled students is central to the delivery of services and supports schools with their accessibility plans (see Local Offer Overview section).

14.3. Exclusions

Specific work on meeting needs and avoiding exclusions of children with SEND is part of the role of the PRUs, Longford Park School Outreach Service and all the SEND support services. Trafford Behaviour and Attendance service offers advice and guidance to schools on exclusions. All schools must report exclusions to the Local Authority. Patterns and numbers of exclusions for children with SEN will be monitored at termly LA SEN Managers' meetings. If a setting feels a child or young person with a statement or EHC plan is at risk of permanent exclusion an early annual review should be called involving parents and the EHC Coordinator.

15 Preparing for Adulthood

15.1 Young people and their parents/carers should be supported by schools, colleges and training providers to have high aspirations about employment,

independent living and community participation and this should be developed through the curriculum and extra-curricular provision.

- 15.2** Maintained schools and pupil referral units have a statutory duty under section 42A of the Education Act 1997 to ensure pupils from Year 8 until Year 13 are provided with independent careers guidance. Academies, including 16-19 academies and free schools are subject to this duty through their Funding Agreements. FE colleges also have equivalent requirements in their Funding Agreements which applies to all students up to and including age 18 and will apply to students aged 19-25 with an EHC plan.
- 15.3** From the end of compulsory school age (at the end of the academic year in which they turn 16) the right to make requests and decisions under the Children and Families Act 2014 applies to the young person, rather than to their parents. The specific rights are
- the right to request an EHC needs assessment
 - the right to make representation about the content of their EHC plan
 - the right to request that a particular institution is named in their EHC plan
 - the right to appeal to the First Tier Tribunal (SEN and Disability) about decisions concerning their EHC plan.
- 15.4** Trafford LA will continue to involve parents in discussions regarding the young person's future, however recognises that where there are choices to be made the final decision rests with the young person.
- 15.5** The right of young people to make a decision is subject to their capacity to do so as set out in the Mental Capacity Act 2005 (see appendix to SEND code of practice (2014)).
- 15.6** All EHC plan reviews from Y9 must include planning towards preparing the young person for adulthood. Trafford LA will ensure that these reviews take place and schools and colleges must co-operate with the LA in these reviews. If it is clear that a young person wishes to progress to a different school sixth form or a college then the school or college must co-operate so that it can help to shape the outcomes in the EHC plan and start to develop a tailored post 16 study programme for the individual young person.
- 15.7** Where a young person has an EHC plan and is moving to a different learning provider Trafford LA will consider the need to provide a full package of provision and support across education, health and care that covers five days a week where that is appropriate to meet the young person's needs. This may involve using different providers including non –educational activities such as volunteering, work experience, opportunities for young people to develop skills they need for independent living, skills to enable them to develop and maintain friendships and access facilities in the local community. It can also include health and care related activities.

- 15.8** Gaining employment or supported employment should be an aspiration for the majority of young people with SEN and Trafford LA will work with a range of partners to facilitate young people's transition into employment.
- 15.9** All young people, including those with SEN, are required to remain in learning until their 18th birthday. This does not necessarily mean staying at the same school but can include full time study in a school, college or training provider; full time work or volunteering combined with part time education or training; or an apprenticeship or traineeship.
- 15.10 The Care Act 2014:** this new legislation reforms the law and prioritises individual wellbeing for those over the age of 18 with care and support needs with an emphasis on person centred planning and outcomes and putting people in control of their care and support needs. Trafford Council has transformation projects in place to bring together adult and children and young people's health and social care services for those with complex and additional needs. The overlap between the Care Act (2014) and the Children and Families Act (2014) such as outcomes focussed person centred practice when considering assessment planning and support and co-production and multi-agency approaches to planning and commissioning, are being considered within this.
- 15.11** The Care Act places a duty on LAs to produce a care and support plan for anyone over 18 where eligible needs are identified and in Trafford this will be brought together with the EHC plan where one is in place along with any personal budget. A Child's needs assessment (CAN) will be carried out if it is likely that there will be care and support needs post 18. This will be carried out at a time when it is of significant benefit to the young person's preparation for adulthood.
- 15.12** Further information on preparing for adulthood is available on the Local Offer pages including the Trafford transition guide for young people and their parents making the transition from children's to adult services.

16. EHC Needs Assessments

16.1 Introduction

The EHC needs assessment should not normally be the first step in the process, rather it should follow on from planning already undertaken with parents and young people in conjunction with an early years provider, school, post-16 institution or other provider. A child's parent, young people over the age of 16 and under the age of 25 and a person acting on behalf of a school or post-16 institution has the right to request an EHC needs assessment. A child or young person under the age of 19 in youth custody, their parents or a professional from the custodial establishment can request an assessment. Others can bring a child or young person who has SEN (or may have) to the

attention of the LA where they think an EHC needs assessment may be necessary this should be with the knowledge and where possible the agreement of the parent/young person.

16.2 Referrals

The process for referring children and young people for an EHC needs assessment is part of the Local Offer EHC information. Trafford Council uses the Common Assessment Framework (CAF) through an electronic system to provide a joined up approach to EHC assessment and information sharing. A form is available for a parent and young person referral and for settings who currently do not have access to the system. Others bringing children or young people to the attention of the LA should initially email the EHC assessment team manager with their concerns.

16.2.1 As in the SEND code of practice (2104), in making a decision the LA will consider;

- 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 being 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, 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.

16.2.2 Trafford's *Graduated Approach Guidance* (2014) helps settings and parents see the action that a setting should have taken prior to a referral including, the levels of achievement, slow rates of progress, expected provision (through intervention and support) and the monitoring and reviewing of this provision with increasing involvement of professionals, at SEN Support in EY settings and schools. This

guidance will be used in conjunction with the referrer's evidence when the LA is deciding whether or not special educational provision through an EHC plan may be required and so whether or not an assessment of education, health and care needs should be completed.

16.2.3 Whoever makes the referral the setting will be asked to demonstrate the provision tried and progress towards outcomes using a provision map with evidence that the cost of appropriate provision to the school or college, per annum, is more than the nationally prescribed threshold of basic entitlement plus £6,000 from the school's budget. The Common Assessment Framework (CAF) completed by the setting with the parent and child or the young person or CAF based referral form completed by the parent or young person over 16 adds to the provision map evidence by covering known education, health and social care needs. Additional information including a recent educational psychology report and health reports should be attached.

16.2.4 Once a referral is received EHC Coordinators will check for any further information on the electronic CAF system and alert social care and the designated medical officer (DMO) that the referral has been received.

16.3 Decision Making

16.3.1 The main decision points within the EHC Needs Assessment process are: the decision to carry out an EHC Needs Assessment; the decision to provide an EHC plan; the level of resource that is available to meet the needs set out in the plan; and if applicable the personal budget plan for how part or all of this resource will be spent. Trafford Council has reviewed the organisation, membership, format and frequency of the EHC panel with key stakeholders in order to improve the system, maintaining objectivity and creating transparency around decision making. Detailed information on the decision making process and EHC panel will be available on the Local Offer EHC needs assessment section.

16.3.2 Decision to Assess: Decisions will be made at the EHC panel (part 1) based on information received at referral and will be communicated to the parent and referrer by the EHC coordinator. If the decision is to proceed with an EHC needs assessment then the assessment process will continue. If the decision is not to conduct an EHC needs assessment then a meeting will be held with parents/young person, preferably within the school setting, ensuring that the child or young person gets the required provision at SEN Support. Statutory timescales will be adhered to so that parents and referrers are informed of the decision to carry out an EHC needs assessment or not within 6 weeks of receiving that referral. Decisions to assess for pre-school children are currently made following information gathering by

early years services, working closely with parents, at the pre-school moderation panel this is under review in-line with the EHC panel membership as above (see *Multiagency working in the early years* section).

16.3.4 EHC Needs Assessment places in special schools

Following referral an EHC needs assessment place can be agreed by the EHC panel and offered to parents within any local special school if it is felt this would be the most helpful option in order to gain specialist view. **PRUs and permanently excluded pupils:** In order to prevent permanent exclusion and improve behaviour off site referral to the PRU provision in Trafford may form part of a school's response to managing behaviour. This will ordinarily only take place after other interventions within the school setting has been tried. If further assessment is felt to be required it is the school's responsibility to make the relevant referrals within their graduated approach to SEN Support, such as Educational Psychology and if necessary EHC needs assessment. Where a permanent exclusion has led to a young person being placed in a PRU the PRU is responsible for the referrals to the educational psychologist and for an EHC needs assessment. In some cases the LA may decide that it is more appropriate for the EHC needs assessment to take place within a more specialised setting and an assessment place at a Trafford special school may be recommended.

16.3.5 Decision to proceed with an EHC Plan: Decisions will be made at the EHC panel (part 2) based on information received through the EHC needs assessment process. This decision will be communicated to parents in writing within the statutory timescale.

An EHC needs assessment will not always lead to an EHC plan. The information gathered during an EHC needs assessment may indicate ways in which the school, college or other provider can meet the child or young person's needs without an EHC plan. SEND code of practice, 9.6:DfE (2014).

When deciding whether to make special educational provision in accordance with an EHC plan, the LA through the EHC panel will consider all the information gathered during the EHC needs assessment and set it alongside that available to the local authority prior to the assessment. The panel will consider both the child or young person's SEN and the special educational provision made for the child or young person and whether:

- the information from the EHC needs assessment confirms the information available on the nature and extent of the child or young person's SEN prior to the EHC needs assessment, and whether

- the special educational provision made prior to the EHC needs assessment was well matched to the SEN of the child or young person

Where, despite appropriate assessment and provision, the child or young person is not progressing, or not progressing sufficiently well, the EHC panel will consider what further provision may be needed and will take into account

- whether the special educational provision required to meet the child or young person's needs can reasonably be provided from within the resources normally available to mainstream early years providers, schools and post-16 institutions, or
- whether it may be necessary for the local authority to make special educational provision in accordance with an EHC plan

Where the LA carries out an EHC needs assessment for a child or young person and

- their circumstances have changed significantly, or
- the child or young person has recently been placed in a new setting, or
- their special educational needs were identified shortly before the EHC needs assessment, and no comparable special educational provision was being made for the child or young person prior to the EHC needs assessment, then the local authority should consider what new special educational provision is needed,

Where a decision is made that an EHC plan is not required the parent, setting and DMO will be informed as soon as possible but at the latest 16 weeks from receiving the referral. Assessment information will be provided to the parent and setting so that it can be used within a setting based SEN Support plan. This should be written by those involved, including needs and suggested outcomes that can be met within the setting's response to SEN.

16.3.6 Decision on the resource: The draft EHC plan will include information on the level of need and an appropriate resource allocated to meet the needs and outcomes in the plan. Currently the resource decision for education funding for school aged and early years children is made using the information provided through the assessment matched to a band of top-up funding which relates to a number of teaching assistant (TA) support hours. As described in the *Funding section* above this does

not have to equate to those hours directly in all cases instead it should be agreed to be used in the best way to meet the outcomes identified. For FE colleges high needs funding requests are currently used.

16.3.7 Trafford is working towards making this resource decision more transparent by developing a joint resource indication system to determine an appropriate level of resource. This work is in development to be introduced in stages from September 2015 in conjunction with experts in the field, *In Control* (link to website).

16.3.8 Resource decisions for Health and Social care are determined by the relevant commissioner; however the EHC process will bring together these decisions to ensure that the resource is used to achieve joint outcomes across all three areas. A resource indication system is already used by social care for children with complex and additional needs to offer personal budgets for short breaks (see Personal Budgets section below). EHC panel (part 2) will agree resources in most cases with some complex cases, and large personal budgets going to a joint resource panel for sign off. The joint resource indication system will help coordinate these resource decisions.

16.3.9 If a parent requests a personal budget the EHC Coordinator will work with the relevant parties to try to agree the use of a personal budget to meet the outcomes on the draft EHC plan. A Personal Budget Spending Plan may be needed to provide details of this and will need to be signed off by commissioners.

16.4 EHC Needs Assessment

16.4.1 The EHC needs assessment builds on the information provided through the CAF/referral form, provision map and other evidence gathered for the referral. Trafford Council's policy is to use the new EHC module in its electronic system (Liquid Logic) to be able to store and share confidentially information required for the assessment. Advice will be sought in line with the code of practice from the educational setting, support services, educational psychology service, health and social care and any other relevant parties. The designated medical officer (DMO) will coordinate health requests for advice and new assessment for health and all referrals for assessment and advice for social care will go to the multi-agency assessment and referral team (MARAT) through the secure electronic system to the appropriate team such as the CAN social care team. The transition coordinator in adult social care will be the link for information for those over 18 years old with social care needs. Advice forms will be provided based on needs, outcomes and provision. Professionals should limit their advice to areas in which they have expertise. Statutory timescales will be

adhered to so that if an EHC plan is being issued this will be within the 20 weeks set out in the SEND code of practice (2014).

16.4.2 Involving children, young people and parents in assessment and planning

Trafford Council is committed to putting children young people and families at the centre of the assessment and planning. The EHC Coordinators will act in a key working role for the parent or young person during the EHC needs assessment process. Where there is another professional acting in a key worker role with a family the EHC coordinators/Key Worker will work closely with them so as not to duplicate communications and meetings. Documentation *such as Preparing for my assessment* can be used by parents and young people to give their views and aspirations; express an interest in a personal budget and also provides information for the one page profile within the EHC plan.

16.4.3 Families can also access impartial advice and support from Parent and Young People's Partnership Service and Independent Supporters during the process (see *Impartial Information, Advice and Support* section plus the Local Offer information).

17. EHC Plans

17.1 Principles

Trafford has a person-centred format for the EHC plan. It focusses on key questions within person centred planning to bring together the advice provided during the EHC needs assessment and pulls these into outcomes and provision. The SEND Code of Practice states

'An outcome can be defined as the benefit or difference made to an individual as a result of an intervention. It should be personal and not expressed from a service perspective; it should be something that those involved have control and influence over, and while it does not always have to be formal or accredited, it should be specific, measurable, achievable, realistic and time bound (SMART). When an outcome is focused on education or training, it will describe what the expected benefit will be to the individual as a result of the educational or training intervention provided'. (9.66)

The EHC Coordinators/key workers will work closely with parents and young people and commissioners and providers to agree outcomes and provision on the EHC plan (see EHC needs assessment process on Local Offer).

17.2 Request for particular school, college of other institution

17.2.1 The SEND code of practice states '

Children and young people with SEN have different needs and can be educated effectively in a range of mainstream or special settings. Alongside the general presumption of mainstream education, parents of children with an EHC plan and young people with such a plan have the right to seek a place at a special school, special post-16 institution or specialist college' (2014)

17.2.2 Trafford Council aims to meet the needs of children and young people in their locality wherever possible.

17.2.3 The child's parent or the young person has the right to request a particular school, college or other institution of the following type to be named in their EHC plan:

- maintained nursery school
- maintained school and any form of academy or free school (mainstream or special)
- non-maintained special school
- further education or sixth form college
- independent school or independent specialist colleges (where they have been approved for this purpose by the Secretary of state)

If a child's parent or a young person makes a request for a particular nursery, school or post-16 institution in these groups the Local Authority must comply with that preference and name the school or college in the EHC Plan unless:

- it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or
- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources

17.2.4 A child's parent or the young person may also make representations for places in non-maintained early years provision or at independent schools or independent specialist colleges or other post-16 providers that are not included on the list above. While Trafford Council will consider such requests, a local authority is not under the same conditional duty to name the provider. While Trafford Council will have regard to the general principle in section 9 of the Education Act 1996 that children should be educated in accordance with their parents' wishes, this will be so long as this is compatible with the provision of

efficient instruction and training and does not mean unreasonable public expenditure.

17.2.5 In the vast majority of cases it is hoped that the educational placements named in EHC plans will be agreed by all parties. Once an EHC plan has been finalised following the statutory 15 day consultation period Trafford is not responsible for providing alternative provision if this placement is disputed and an appeal is lodged with the First Tier Tribunal. The LA will use an attendance order where appropriate to challenge non-attendance at the named setting.

17.3 Moving from Statements to EHC Plans

17.3.1 Education Health and Care plans will completely replace statements by April 2018. Trafford has a Transition Plan for the Transfer Review Process that details the EHC needs assessment timetable and process for those currently with statements. This targets key points of transition between phases of education following DfE guidance. Once initiated this process should be completed within 14 weeks. Until an EHC needs assessment has taken place through the transfer review process current statements will continue to be related to the 1996 Education Act. However reviewing processes will be encouraged to be person-centre and outcomes based as covered below.

17.3.2 Trafford will issue an EHC plan where the LA determines that special educational provision is needed in order to meet needs and agreed outcomes. This will usually be where the cost of the special educational provision required to meet the needs of an individual pupil exceeds the nationally prescribed threshold (see SEN Funding section 13) and where the required coordination of provision at transition is beyond that usually available in that setting.

17.3.3 The EHC Plan will detail outcomes for education, health and social care which may overlap. They will incorporate the health and social care provision related to the SEN as detailed below in agreement between relevant commissioners:

- Any health provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. Where an Individual Health Care Plan is made for them, that plan should be included.

- Any social care provision which **must** be made for a child or young person under 18 resulting from section 2 of the Chronically Sick and Disabled Persons Act 1970.
- Any other social care provision reasonably required by the learning difficulties or disabilities which result in the child or young person having SEN. This will include any adult social care provision being provided to meet a young person's eligible needs (through a statutory care and support plan) under the Care Act 2014.

17.4 Reviewing Statements and EHC Plans

17.4.1 Where a child has a statement or an EHC plan, the Local Authority **must** review the plan every twelve months. The review must be within 12 months of the first plan and then within 12 months of any previous review. An EHC plan for a child under five will be reviewed every three to six months to ensure that the provision continues to be appropriate. These reviews may be streamlined and not necessarily require the attendance of the full range of professionals, depending on the needs of the child, this will be discussed with parents.

17.4.2 Trafford Council promotes person centred planning and reviews. It will provide paperwork for settings to gather views and record person centred annual reviews. The meeting **must** focus on the child or young person's progress towards achieving the outcomes specified in the EHC plan, and on what changes might need to be made to the support provided to help them achieve those outcomes, or whether changes are needed to the outcomes themselves. A provision map should be provided by the setting for the review. This should demonstrate the use of additional setting funding (element 2) and LA top-up funding (element 3) to provide support towards achieving educational outcomes.

17.4.3 Two weeks before the start of each term the LA will provide a list to the relevant setting, the CCG/Designated Medical Officer (DMO) and Social Care leads of all EHC plans to be reviewed that term.

17.4.4 The LA requests that early years settings and colleges convene and hold these reviews on its behalf and it requires schools to do so. The EHC coordinators will attend annual reviews on request or at the LAs discretion. Professionals across Education, Health and Care must cooperate with the LA during the review.

17.4.5 If a child or young person does not attend a school or other institution then the LA will hold the review and write the report

reflecting the key points (as recommended in 9.177 SEND Code of Practice 2014).

17.4.6 Parents and/or the young person will be notified of the LAs decision following a review within 4 weeks. If the Local Authority decides not to amend the plan they will notify the child's parent or the young person of their right to appeal that decision and the time limits for doing so, of the requirements for them to consider mediation should they wish to appeal, and the availability of information, advice and support and disagreement resolution services

17.4.7 Early reviews can be held in within the annual period but this should be discussed with the EHC coordinator and parent and SEN Assessment Team.

17.4.8 All reviews from Y9 must include planning towards preparing the young person for adulthood.

18 Personal Budgets

18.1 A personal budget is an amount of money identified by the local authority (LA) to deliver provision set out in an EHC plan where the parent or young person is involved in securing that provision.

18.2 The child's parent or the young person has a right to request a personal budget, when the Local Authority has completed an EHC needs assessment and confirmed that it will prepare an EHC plan. They may also request a personal budget during a statutory review of an existing EHC plan.

18.3 Personal budgets should reflect the holistic nature of an EHC plan and can include funding for special educational, health and social care provision. They should be focused to secure the provision agreed in the EHC plan and should be designed to secure the outcomes specified in the EHC plan. The personal budget is not **all** the resources that will be used to support a child or young person. It is just the cashable amount that could be made available to be used flexibly to meet the additional needs. A personal budget is not extra money – it is money that would have been spent on meeting the child or young person's needs in the EHC plan. Offering it as a personal budget creates an opportunity to spend it in a more personal way, better tailored to individual cases and situations.

18.4 Trafford has experience of personal budgets and resource allocation systems in adult and children's social care. A combined policy for

Education, Health and Care is being developed. The current position on which funding streams are available to be taken as a personal budget, and the different ways in which this can be managed are available on the [Local Offer Personal Budget](#) pages.

- 18.5** Trafford Council and Trafford Clinical Commissioning Group (CCG) have identified the following areas where a personal budget **could** be given in the form of a direct payment. Each of these personal budgets has their own separate eligibility criteria.
- 18.6** Education funding-Top-up funding from the high needs funding block
- 18.7** Health-funding for continuing Care for children and Continuing health care for adults
- 18.8** Social Care –Complex and additional needs Short Breaks for children and social care personal budgets for adults
- 18.9** Where a direct payment is proposed to provide special educational provision Trafford will only agree to this with consent from the setting. If this is agreed it will be written into the conditions of receipt that any person employed by the child's parent or young person, but working on early years, school or college premises, will conform to the policies and procedures of that institution. If agreement cannot be reached then Trafford will not go ahead but will continue to work with all parties and discuss options such as a notional budget. Each request will be considered but in some cases the LA may be unable, at that point in time, to disaggregate funding that is currently supporting provision of services to a number of children and young people. This will be explained clearly in writing.
- 18.10** EHC Coordinators will discuss personal budgets and how these may differ depending on the type of educational institution for which the parents or young person express a preference. As part of their core provision, special schools and colleges make some specialist provision available that is not normally available at mainstream schools and colleges. The particular choice of a special school, with integrated specialist provision, will reduce the scope for a personal budget in Trafford.

19. Children and young people in specific circumstances

19.1 Looked After Children (LAC)

- 19.1.1 Trafford have a Virtual Head Teacher for LAC who works closely with the SEN services and EHC teams and is working to the new SEND Code Of Practice. The Virtual School have an Educational Psychology

resource to facilitate early identification, intervention and support school staff with strategies.

- 19.1.2 The Virtual Head Teacher and the LA are committed to making sure Statement or EHC Plan works in harmony with care plans to tell a coherent and comprehensive story of how a child or young person's needs are being met.
- 19.1.3 A member of the Virtual School Team will work closely with EHC Coordinators to contribute advice and recommendations to EHC Needs Assessment. They will attend Annual Reviews of Statements/EHC Plans and where possible work to coordinate these with reviews of the Care plan process such as the Personal Education Plan (PEP).

19.2 Children and young people with SEN who are in youth custody

- 19.2.1 From April 2015 there will be new duties relating to children and young people in custody. This does not apply to children and young people serving their sentence in the community or to those detained in a custodial establishment for over 18s. (see new DfE SEND code of practice dated January 2015)
- 19.2.2 The SEN/EHC Assessment team will work closely with the Youth Offending Service in Trafford to implement these changes.
- 19.2.3 In line with the SEND code of practice chapter 10 Trafford Council will not cease an EHC plan because a child or young person has been given a custodial sentence. Trafford will keep the plan on hold for those who are detained. The plan will be reviewed on release and become immediately active again. .
- 19.2.4 If the child or young person has an EHC plan before being detained Trafford will arrange appropriate special educational provision whilst he/she is detained. In practice the educational provision in relevant youth accommodation, including for additional support that detained persons may need as part of an EHC plan, will be delivered by an education provider under contractual arrangements with the Youth Justice Board (YJB) or custodial operator and commissioned and funded centrally. Trafford will work closely with the provider to arrange the provision.
- 19.2.5 If the EHC plan for a detained person specifies health care provision the health services commissioner for the custodial establishment **must** arrange appropriate health care
- 19.2.6 Trafford will accept referrals from parents of children who are detained or the young person who is detained or the person in charge of the custodial establishment.

19.3 Children and Young People with SEN educated at home

Trafford will follow the guidance in the SEND code of practice (2014) with regard to a parent's decisions to home educate children with a Statement or EHC plan. Trafford has a policy for Elective Home Education which provides more detail of the steps taken when a child or young person has SEN (see EHE Policy)

19.4 Children of service personnel

19.4.1 Trafford will follow guidance in the SEND code of practice 2014 (10.100) in respect of children of service personnel.

19.5 Children and young people in alternative provision because of health needs

19.5.1 Children and young people who are in hospital (including children and young people admitted to hospital under Section 2 of the Mental Health Act 2007) or placed in other forms of alternative provision because of their health needs should have access to education that is on a par with that of mainstream provision, including appropriate support to meet the needs of those with SEN.

19.5.2 In Trafford Health commissioners and the Local Authority will work closely to minimise disruption and coordinate support to enable a successful reintegration back into school as soon as possible. Where relevant, a reintegration plan will be linked to a child or young person's EHC Plan or individual healthcare plan.

19.6 Children with SEN who are in alternative provision

19.6.1 In Trafford these children and young people's needs are met through the Medical Education Service MES. The education will be suitable education meaning it is an efficient education suitable to a child or young person's age, ability and aptitude and to any SEN he or she may have. This education will be full-time, unless the Local Authority determines that, for reasons relating to the physical or mental health of the child, a reduced level of education would be in the child's best interests.

20. Resolving disputes-Disagreement Resolution and Mediation

20.1 Disagreement resolution

Disagreement resolution services are for all parents of children and young people with SEN, and young people over 16 years with SEN. Using the service is voluntary and free and covers SEN provision as well as disagreements about health and social care. The areas of disagreement that this service can help with are:

- If a parent/young person disagrees with the Local Authority, early years setting, school, or college about how they are carrying out their education, health and care duties or about the SEN provision they are making. This applies if a child or young person has any kind of SEN, not just if they are going through EHC Needs Assessment or if they have an EHC Plan
- If a parent/young person disagrees with Trafford LA or the Clinical Commissioning Group (CCG) about the social care or health provision during the EHC needs assessment, or about the EHC plan, and any review or reassessment of the EHC plan.

20.2 Mediation

20.2.1 Mediation is also a voluntary free process for parents and young people where they cannot reach an agreement with the Local Authority or CCG in matters relating to EHC plans. It only covers the following areas of disagreements where Trafford LA decides:

- not to carry out an EHC needs assessment or re-assessment of the child/young person's needs
- not to draw up an EHC plan, once they have done an assessment
- not to amend an EHC plan after the annual review or re-assessment
- to cease to maintain an EHC plan

20.2.1. Where Trafford LA has drawn up an EHC plan, mediation must be available if a parent/young person disagrees with:

- the parts of the plan which describe a child's special educational needs
- the special educational provision set out in the Plan

20.2.2. Trafford will provide parents and young people with access to an independent mediation adviser who you will need to contact for information about mediation if you are thinking about appealing to the SEND Tribunal. Details about the arrangements for mediation information will be set out in Trafford's Local Offer EHC assessment and plans section.

20.3 Appealing to the Special Educational Needs and Disability (SEND) Tribunal

20.3.1 Before a parent/young person can appeal to the SEND Tribunal, they must have contacted a mediation adviser (unless the appeal is only

about the school Trafford has named in the EHC Plan or if a setting has not been named). Parents/young people will need a certificate from the mediation adviser to register an appeal with the SEND Tribunal. Parents/young people will have one month from receiving the certificate or two months from the original decision (whichever is the later date) to register an appeal with the Tribunal.

- 20.3.2 The SEND Tribunal is a legal body. It hears appeals against decisions made by local authorities about EHC needs assessments and EHC plans. Appeals can be made to the Tribunal if Trafford LA decides:
- not to carry out an EHC needs assessment or re-assessment for your child.
 - not to draw up an EHC plan for a child/young person, once an assessment has been completed.
 - not to amend an EHC plan after the annual review or re-assessment
 - to cease to maintain an EHC plan
 - An appeal can be made if a parent/young person disagrees with what Trafford LA includes in an EHC plan such as:
 - how they describe a child/young person's SEN
 - what SEN provision is included for the child

The SEND Tribunal also hears disability discrimination claims against schools (and against local authorities if the Local Authority is responsible for the school).

21 Monitoring of SEN provision

- 21.1 Provision for children with SEND and their progress is monitored in several ways. The LA RAISE-online and those of individual schools are monitored by the School improvement Advisers in conjunction with the Inclusion Adviser. This informs Link Adviser visits and targeting of support if required. Support may either be offered in line with the Schools Causing Concern protocol or suggested as an option for schools through the Education Service level agreement (SLA) This support would look at how well schools use their SEN notional budget to provide for the children identified as having SEN.
- 21.2 Referrals for EHC needs assessment and annual reviews of plans plus advisory visits for pupils are also a way of monitoring how well schools are meeting the needs of pupils with SEN.
- 21.3 Progress data for children in the small specialist classes is collected annually by the SEN Advisory Service and compared with National *Progression Materials* (20010-11) where appropriate. As schools move away from using National curriculum levels this will be reviewed. Special schools are offered an annual meeting with their Trafford Link Adviser to discuss progression. Some

special schools buy into a commercial tool *CASPA* through a LA license this data is used alongside the progression materials. Trafford special schools currently use other commercial tools for breaking down P scales into small steps.

- 21.4 Trafford monitor non-maintained and independent school and college placements and residential provision through a combination of Annual review information, monitoring OFSTED reports, compliance visits by SEN staff and audits by the commissioning team. Information is shared across services as appropriate.
- 21.5 Where a young person with an EHC plan is in a college of FE, training provider or independent specialist provision and in receipt of high needs funding the provider will be required to provide an annual review of progress against the agreed outcomes in the EHC plan.
- 21.6 Section 13 of the Education and Skills Act 2008 requires learning providers to tell Trafford LA where a young person in post 16 learning including those with SEN is no longer participating.

22. Appendices-Links

Please check the Local Offer for up to date policies mentioned in this document.

www.trafford.gov.uk/localoffer

For an up to date glossary of terms, please see the SEND Code of Practice, which can be accessed using this link:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

The glossary can be located at the end of this document.