

## **DUDLEY DYSLEXIA ASSOCIATION**

Helpline 01384 291001

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### **THE SEN CODE OF PRACTICE**

*The new Code of Practice is available free from the Department for Children, Schools*

*and Families (e-mail [dcfs@prolog.uk](mailto:dcfs@prolog.uk) or from the website*

*([www.teachernet.gov.uk/wholeschool/sen/](http://www.teachernet.gov.uk/wholeschool/sen/)), and sets out the duties of schools and Local*

*Education Authorities (LEAs) with respect to the identification and assessment of pupils*

*with special educational needs. It replaces the 1994 Code and became effective from*

*January 2002. An equivalent Code operates in Wales (but not Scotland, which has different procedures. Information on the latter is available from*

*[www.scotland.gov.uk](http://www.scotland.gov.uk)).*

*Bilingual copies of the Welsh Code can be obtained from*

*[matthew.humphries@wales.gsi.gov.uk](mailto:matthew.humphries@wales.gsi.gov.uk) or the website [www.wales.gov.uk](http://www.wales.gov.uk).*

*A useful guide for parents on the new Code is available from the DCFS (e-mail [dcfs@prolog.uk](mailto:dcfs@prolog.uk)).*

*The new Code retains much of the guidance from the original 1994 Code, but takes into*

*account the experiences of schools and LEAs in using the original Code and developments in education since 1994. It includes new rights and duties*

*introduced by*

*the SEN and Disability Act 2001 and Regulations.*

*The main changes from the original Code are:*

*1. The provision of a stronger right for children with SEN to be educated at a mainstream school*

*2. New duties on LEAs to arrange for parents of children with SEN to be provided with services offering advice and information and a means of resolving disputes*

*3. A new duty on schools and relevant nursery education providers to tell parents when they are making special educational provision for their child*

*4. A new right for schools and relevant nursery providers to request a statutory assessment for a child*

*Also, the new Code recommends that in order to help match special educational provision to children's needs, schools and LEAs should adopt a graduated*

*approach*

*through School Action and School Action Plus and Early Years Action and Early Years*

*Action Plus in early education years. These phases of resourcing replace the old 5-*

*staged model within the old Code.*

*Part 2 of the Special Educational Needs and Disability Act 2001 amends the Disability*

**and Discrimination Act 1995 to prohibit all schools from discriminating against disabled children in their admission arrangements, in the education and associated services provided by the school for its pupils or in relation to exclusions from schools. From September 2002, schools are required not to treat disabled pupils less favourably for a reason relating to their disability and to take reasonable steps to ensure that they are not placed at a substantial disadvantage to those who are not disabled. A Disability Rights Code of Practice for schools will explain these new anti-discrimination duties to schools. Additional guidance to be read in conjunction with the new Code is available in the "SENToolkit" (ref. 558/2001, available from the DCFS, as above). Parents may request a statutory assessment of their child's special educational needs at any time. However, the following features are stressed: An LEA does not have to comply with the request if a statutory assessment has been made within 6 months of the date of the request or, if it has a view that a statutory assessment is not necessary. A parental request should normally follow discussions between the parents and relevant professionals, such as teachers and support professionals. Parents may decide to request an assessment if they believe that their child needs are either not being met or are so substantial that a mainstream school could not meet them effectively from within their own resources. Parents of very young children with complex needs can request an assessment. Where a child attends an independent school or is educated at home and a parental request is made, the same procedures should apply. The LEA must decide within 6 weeks whether to carry out the assessment and must inform the child's head teacher that the parent has made a request. It must also inform the educational psychology service, the designated officers of the Social Services Department and the health authority as well as other agencies that might be later asked for advice. Parents can appeal their case to the SEN Tribunal. Its name has changed to the Special Educational Needs and Disability Tribunal (SENDIST). It is independent of central**

**and**

**local government and covers England and Wales only. It decides and hears parents'**

**appeals against LEA decisions on children's special educational needs. SENDisT also**

**decides and hears parents' claims about disability discrimination in schools. The regulations governing the Tribunal's work are:**

**1. Statutory Instrument 2001 No. 600 The Special Educational Needs Tribunal Regulations 2001**

**2. Statutory Instrument 2002 No. 1985 The Special Educational Needs and Disability**

**Tribunal (General Provisions and Disability Claims Procedure) Regulations 2002**

**Both are available from HMSO for £4 each. You can, however, view and download the**

**text of the regulations free of charge from the HMSO website. Follow the links to Statutory Instruments and the relevant year.**

### **The Process of Assessment.**

**The core aim of the Government's SEN policy is to ensure that all children have the opportunity to benefit from an inclusive education. The Code of Practice recommends a graduated response to a child's special educational needs. It is broadly divided into three stages:**

**School Action - This is the stage at which a teacher or Special Educational Coordinator (SENCO) identifies a child with special needs. In consultation with the child's parents, they will agree to provide additional support beyond what is provided as part of the standard curriculum.**

**School Action Plus – In some cases, it may be necessary to seek help from specialist outside services. At this stage, School Action Plus is implemented.**

**Request for a Statutory Assessment – For some children, the stages above are not enough to meet their additional needs. In this case, either the school or the parents may ask for a statutory assessment. If you as a parent request this statutory assessment, the LEA will still need to contact the school or other professionals for evidence of your child's needs.**

**For children under the compulsory school age but over 2 years old, the Code of Practice recommends the same three stages, but calls them Early Years Action and Early Years Action Plus.**

### **5. Useful contact**

**Advisory Centre for Education (ACE)**

**Advice line. Tel: 0808 800 5793 Fax: 020 7354 9069**

**Admin Email: [ace-ed@easynet.co.uk](mailto:ace-ed@easynet.co.uk)**

**Web: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)**