

<b>OVERVIEW AND SCRUTINY REVIEW PANEL – SEN AND SCHOOL ATTENDANCE</b>
<b>18 JUNE 2015</b>
<b>TO REVIEW SCHOOL ATTENDANCE FOR CHILDREN WITH DISABILITIES OR SEN AND THE TRANSITION TO EDUCATION, HEALTH AND CARE PLANS UNDER THE CHILDREN AND FAMILIES ACT 2014.</b>
<b>REPORT OF HEAD OF DEMOCRATIC SERVICES</b>

## **1. Purpose**

To carry out a review on what action the Council is taking in relation to:

- (1) school attendance for children with disabilities or special educational needs and the support mechanisms in place to improve attendance;
- (2) progress of the transition from Statement of Special Educational Needs to the new Educational, Health and Care Plans (EHC) arising from the Children and Families Act 2014.

## **2. Action required**

The Committee is asked to:

- (1) **approve the scope attached at Appendix A;**
- (2) **invite participation from colleagues from Children and Adults to outline what work is taking place to improve school attendance for children with disabilities or special educational needs. Colleagues to outline the progress of the transition to the new EHC.**
- (3) **ask members of the Review Panel to highlight pertinent points and outcomes from the discussion;**

## **3. Background information**

- 3.1 The focus of the review is to look at the school attendance for children with disabilities or special educational needs and to establish what support is in place to mitigate potential barriers to attendance. Part of the review will look at the progress being made by Nottingham City Council on the transition from Statements of special educational needs to Educational, Health and Care plans under the Children and Families Act 2014.
- 3.2 In the past, school census data has consistently portrayed a high number of primary and secondary school absentees as having special educational needs. Inclusion is about much more than the type of school that children attend, it is about the quality of their experience, and how

they are helped to learn, achieve and participate in school life. Attendance strategies for pupils with special educational needs must have the same focus, challenge and expectations as for all other pupils.

- 3.3 Although children and young people with special educational needs are more likely to require multi-agency services to address their needs, these services should not be delivered as an alternative to the school curriculum. The Department for Education recognises that if schools can improve their attendance by 1%, they will see a 5-6% improvement in attainment. In many cases, poor or deteriorating attendance can indicate that a pupil is becoming disaffected from an environment where they feel they cannot succeed and therefore different interventions might be required to re-engage pupils.

#### What are Special Educational Needs?

- 3.4 Many children will experience some kind of difficulty in learning at some stage during their school life. Most will receive the help they need from their nursery/school/college. However, some children may need extra or more specialist help. A child will have Special Educational Needs (SEN) if they have learning difficulties or a disability that requires a special educational provision. In most cases, the special provision that is needed can be made with a mainstream school, however for some children and young people, it may be agreed that a special school would be most appropriate for their needs.
- 3.5 The Department for Education (DfE) produces statutory guidance called the Special Educational Needs and Disability Code of Practice<sup>1</sup>, which must be followed by local authorities, schools, health and other organisations working with children and young people. The DfE also produces supplementary guidance for families called Special Educational Needs and Disability – a guide for parents and carers<sup>2</sup>. This provides useful information on what the law says about Special Educational Needs and Disability (SEND), key points about the SEND Code of Conduct, and what to expect from the systems which supports children and young people with SEND.

#### Local context

- 3.6 Nottingham City Council's SEN Service is available for children and young people 0-19 with special educational needs, and their families, who live in the city of Nottingham and/or attend a city school, Children with SEN who are looked after by Nottingham City Council but living

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<sup>1</sup> The statutory guidance can be found via the following link, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398815/SEND\\_Code\\_of\\_Practice\\_January\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf)

<sup>2</sup> The guide for parents can be found via the following link, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417435/Special\\_educational\\_needs\\_and\\_disabilities\\_guide\\_for\\_parents\\_and\\_carers.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417435/Special_educational_needs_and_disabilities_guide_for_parents_and_carers.pdf)

elsewhere, schools, academies, colleges, early year's providers, and other educational establishments.

- 3.7 The SEN Service at Nottingham City Council will administer the statutory assessment and education, health and care plans process for children and young people with special educational needs. The Council also provides advice to schools on the statutory requirements in relation to transport requirements.
- 3.8 Nottingham City Council's Special Educational Needs Service supports children and young people with SEN to get the most out of school life. They work closely with parents, schools, Children and Families colleagues and Health Services to ensure that children and young people with SEN get the most out of their school life and maximise their achievements.
- 3.9 Each area of the city (North, Central and South) has a dedicated casework and officer who provide consultation advice and problem solving services for schools, parents and carers, colleagues and partner agencies, in addition to the services provided by the team as a whole.

#### School attendance and assistance

- 3.10 One aspect of school attendance is often the difficulty felt by parents in getting their children to school on time. The SEND Code of Practice dictates that the local offer to children and young people must include information about arrangements for transport provision. Local authorities must ensure that suitable travel arrangements are made where necessary to facilitate an eligible child's attendance at school. Section 508B of the Education Act 1996 requires local authorities to make such travel arrangements as they consider necessary for children within their area. Under this provision, such arrangements must be provided free of charge.
- 3.11 Section 508C of the Act gives local authorities discretionary powers to make school travel arrangements for other children not covered by section 508B. Such transport does not have to be provided free of charge. Section 4.50 of the Code of Conduct states that local authorities must publish a transport policy statement each year setting out the travel arrangements they will make to support young people aged 16 -19 and learners with learning difficulties and/or disabilities aged up to 25, to access further education. This should include any arrangements for free or subsidised transport.
- 3.12 Within their local offer, authorities must include information about:
- Any specific arrangements for specialised transport (for example, specifically fitted buses);
  - Any support available from the local authority or others with transport costs; and should include information about:

- Any support that is offered to children and young people to help them use transport, including public transport, and
- Any training given to aid independent travel.

3.13 Most children with special educational needs do not have special transport needs. However, children may have special transport needs if they have:

- Additional needs or disabilities that place them or others at serious risk of danger during the journey to and from school;
- A mobility difficulty or medical condition, which requires a specialised vehicle eg tail-lift access or an ambulance.

3.14 If it is agreed that a child has a special transport need, the local authority may provide travel assistance in one of a variety of ways, such as a bus pass, minibus, taxi, ambulance or may offer mileage allowance to take your child to school.

3.15 If travel assistance is provided and your child are travelling on their own, you may be asked to accompany them. If the school is beyond walking distance, travel assistance arrangements will include your journey back home after dropping the child at school.

3.16 Where a child has a disability, whether or not they have special educational needs, their school must make reasonable adjustments, including the provision of auxiliary aid (such as tactile signage or induction loops) and services to prevent them being put at a substantial disadvantage. In addition to this, schools have a wider duty to prevent discrimination, to promote equality of opportunity and to foster good relations.

3.17 To support and encourage school attendance, the SEN support schools provide can take many forms, including:

- A special learning programme for your child
- Extra help from a teacher or a learning support assistant
- Making or changing materials and equipment
- Working with a child in a small group
- Observing children in classes or at break times and keeping records
- Helping a child to take part in class activities
- Helping other children to work with your child, or play with them at break times
- Supporting children with physical or personal care difficulties, such as eating, getting around school safely, toileting or dressing.

#### Education, Health and Care Plan (EHCP)

3.18 The Children and Families Act 2014 introduced new arrangements for supporting children and young people with special educational needs and disabilities. Statements of special educational needs and Learning

Difficulty Assessments (LDA) were replaced with a single Education, Health and Care (EHC) plan for children and young people with complex needs. This process places much more emphasis on personal goals and describes the support children and young people receive whilst in education or training.

- 3.19 Under the new system, which is designed to work better around a family's needs, councils must be able to offer a co-ordinated education health and care plan assessment and issue an EHC plan within 20 weeks. Those with an EHC plan also have the legal right to ask for a personal budget, which they agree with their council.
- 3.20 Council's must ensure that there is a source of independent information, advice and support for parents and children with SEN and disabilities. Families also have access to support workers to help with EHC needs assessments and the transfer from statements to EHC plans.
- 3.21 Parents can ask their local authority to carry out an assessment if they think their child needs an EHC plan or a request can come from anyone at a child's school, a doctor, or a health visitor. Following the request, local authorities have 6 weeks to decide whether or not to carry out an EHC assessment. If they decide to carry out an assessment, parents may be asked for school reports, a doctor's assessment of a child and a letter from a parent about the child's needs. Parents usually find out within 16 weeks whether or not an EHC plan is going to be made for a child.

#### Transition process from a statement to an EHC plan

- 3.22 although the Children and Families Act 2014 came into effect on 1 September 2014, the government staggered the deadlines for when local authorities must transfer children and young people with statements to EHC plans. From September 2014 to September 2015 the following groups must be transferred:
- Children/young people moving from school (including school sixth form) to a post 16 institutional or an apprenticeship;
  - Young people who receive support as a result of a Learning Difficulty Assessment (LDA) (on their request);
  - Children and young people with non-statutory EHC plans but who do not have a statement ('non-statutory' plans are those issued before the new law came into effect on 1 September 2014).
- 3.23 Children/young people in other year groups could have been transferred in 2014/15 if the local authority had wanted, and the government advised authorities to transfer those moving from one phase to another (primary to secondary), but this was not a legal duty. The responsibility for running the transition process lies with local authorities.

### Timeline for the transition process to an EHC plan

- 3.24 At least two weeks before the assessment starts – letter to parents/young people giving notice of the date the EHC needs assessment will begin.
- 3.25 Weeks 0-8 – EHC needs assessment process must be completed with 8 weeks. This involves local authorities gathering information and advice about the child or young person's special educational needs, the provision needed to support those needs and expected outcomes as a result of that provision being put in place. Local authorities might seek advice from parents, education providers, a medical or psychological perspective, social care or any other person the local authority thinks is appropriate. A Local authority does not need to seek new evidence from any providers if it is agreed that the existing information and advice is sufficient for the purposes of the assessment.
- 3.26 Week 8 – A draft EHC plan needs to have been produced and sent to the parent or young person. Upon receipt of the draft plan, the parent or young person has at least 15 calendar days to make representations to the local authority about the contents of the plan, ask for a meeting with an officer to discuss the plan, and to inform the local authority the type of school/college and the actual school they would like named in the final EHC plan.
- 3.27 Week 11 – the local authority must consult with the school/college the parent or young person has requested. The school/college should respond within 15 days.
- 3.28 Week 14 – Final EHC plan issued by the local authority and the statement automatically ceases.
- 3.29 If the local authority makes a decision about the educational support parents or young people are not satisfied with, they may have the choice to make an appeal. This process involves a special court, called a tribunal, to look at the decision that has been made and see if it is fair.

### **4. List of attached information**

- 4.1 None.

### **5. Background papers, other than published works or those disclosing exempt or confidential information**

- 5.1 None.

### **6. Published documents referred to in compiling this report**

- 6.1 Special Educational Needs and Disability Code of Practice: 0 to 25 years, Department for Education, January 2015

6.2 Special Education Needs and Disability, Department for Education,  
August 2014

7. **Wards affected**

All

8. **Contact information**

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