

Responding to need

Special Educational Needs Code of Practice

Local education authorities, schools and those working in early education settings have a statutory duty to identify, assess and make provision for children's special educational needs. The *Code of Practice* is intended to provide practical advice on how they should go about it. The current revision of the Code was issued in 2001 and was effective from 1 January 2002. Since that date LEAs, schools, early education settings and those who help them – including health and social services – have had to have regard to it. They must not ignore it. That means that whenever settings, schools and LEAs decide how to exercise their functions relating to children with SEN, and whenever the health and social services provide help to them in this, those bodies must consider what the Code says. But while it gives guidance that is “designed to help them to make effective decisions... it does not - and could not - tell them what to do in each individual case.” (*Code of Practice*, 2001, p. 3)

The Code has ten chapters:

1. Principles and Policies
2. Working in Partnership with Parents
3. Pupil Participation
4. Identification, assessment and provision in early education settings
5. Identification, assessment and provision in the primary phase
6. Identification, assessment and provision in the secondary sector
7. Statutory assessment of special educational needs
8. Statements of special educational needs
9. Annual Review
10. Working in partnership with other agencies

The fundamental principles that are listed at the beginning are:

- a child with special educational needs should have their needs met
- the special educational needs of children will normally be met in mainstream schools or settings
- the views of the child should be sought and taken into account
- parents have a vital role to play in supporting their child's education
- children with special educational needs should be offered full access to a broad, balanced and relevant education, including an appropriate curriculum for the Foundation Stage and the National Curriculum.

The Code gives specific advice on the identification and assessment of children who are learning English as an additional language. In the chapter on the primary phase it states:

5:15 The identification and assessment of the special educational needs of children whose first language is not English, requires particular care. It is necessary to consider the child within the context of their home, culture and community. Where there is uncertainty about an individual child, schools should make full use of any local sources of advice relevant to the ethnic group concerned, drawing on community liaison arrangements wherever they exist.

5:16 Lack of competence in English must not be equated with learning difficulties as understood in this Code. At the same time, when children who have English as an additional language make slow progress, it should not be assumed that their language status is the only reason; they may have learning difficulties. Schools should look carefully at all aspects of a child's performance in different subjects to establish whether the problems they have in the classroom are due to limitations in their command of the language that is used there or arise from special educational needs. At an early stage a full assessment

should be made of the exposure they have had in the past to each of the languages they speak, the use they make of them currently and their proficiency in them. The information about their language skills obtained in this way will form the basis of all further work with them both in assisting their learning difficulties and in planning any additional language support that is needed.

Similar advice is given in the chapter on the secondary phase:

6:14 The identification and assessment of the special educational needs of young people whose first language is not English requires particular care. It is necessary to consider the young person within the context of their home, culture and community. Where there is uncertainty about an individual, schools should make full use of any local sources of advice relevant to the ethnic group concerned, drawing on community liaison arrangements wherever they exist.

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The full text of the SEN Code of Practice at:

<http://www.teachernet.gov.uk/docbank/index.cfm?id=3724>

A graduated response to possible SEN

The Code of Practice recommends that schools and LEAs should provide a graduated response to children who appear to have learning difficulties. It suggests that interventions in teaching and curriculum are gradually increased, seeing whether less intrusive interventions can help before embarking on the statutory assessment and statementing procedures. The aim is to provide as much help as is required, but not to intervene more than is necessary. The three levels of support that are set out in the Code of Practice are:

- 1) *School Action* (or *Early Years Action* for younger children)
- 2) *School Action Plus* (or *Early Years Action Plus* for younger children)
- 3) *Provision outlined in a statement of SEN*

School Action

The class teacher or the school's SENCO, another teacher or a Learning Support Assistant (LSA) gives the child extra help. The child has an Individual Education Plan (IEP) which lists targets for them to work towards and the action/support necessary to help them to achieve those targets. The parents must be consulted and involved so that they too can help their child at home in line with what the school is doing. The aim of School Action is to make it possible for the child to progress to the point where they no longer need extra help.

For a child learning EAL the IEP should cover language learning needs as well as learning needs that relate to core curriculum subjects. It may be advisable for a Bilingual Support Teacher to be involved in order to help the child build on what they know and understand in their home language. This will provide a foundation for addressing what is expected of them in the school curriculum more effectively.

For an account of how much schools can achieve at the *School Action* stage without labelling pupils or involving outside agencies - study this publication:

Enfield LcaS (1999) *Enabling progress in multilingual classrooms*. London : Enfield Education Department: Language and Curriculum Access Service.

School Action Plus

If the intervention made as a result of School Action is not enabling the child to meet their targets, this is the next

step that might be necessary. With School Action Plus there is more help from the school and, added to this, will be additional advice and guidance from specialist services, such as teaching support services and other agencies. It is likely that the school will consult its Educational Psychologist to plan what forms of intervention, including support from outside the school, might help.

The aim of *School Action Plus* support is to enable your child to progress so that they move from *School Action Plus* to *School Action*, or no longer need any extra help at all.

For a child learning EAL the external agencies who are consulted and involved may include the teaching service for EAL or Ethnic Minority Achievement Service in the area. It will be important to ensure that the child's proficiency in their home language is assessed at this point, if that has not been done already.

In North America too an emphasis has been placed on early intervention for struggling learners as a means of avoiding the use of special education provision for children learning EAL who do not really need it. Ortiz (2001) wrote:

Most learning problems can be prevented if students are in positive school and classroom contexts that accommodate individual differences. However, even in the most positive environments, some students still experience difficulties. For these students, early intervention strategies must be implemented as soon as learning problems are noted. Early intervention means that "supplementary instructional services are provided early in students' schooling, and that they are intense enough to bring at-risk students quickly to a level at which they can profit from high-quality classroom instruction" (Madden, Slavin, Karweit, Dolan, & Wasik, 1991, p. 594). The intent of early intervention is to create general education support systems for struggling learners as a way to improve academic performance and to reduce inappropriate special education referrals. Examples of early intervention include clinical teaching, peer and expert consultation, teacher assistance teams, and alternative programs such as those that offer tutorial or remedial instruction in the context of general education.

You can find fuller information about clinical teaching, peer consultation and the other strategies she lists there at: <http://www.ericdigests.org/2003-3/english.htm>

Statutory Assessment

Some children require more support than is available through School Action Plus. In that case, after a review of progress made with implementing the [Individual Education Plan](#), the parents or careers or the school may request that there is a formal assessment of the child's special educational needs. The Statutory Assessment is a formal process that includes a multi-disciplinary assessment. This means that a number of different professionals (such as the child's school, a medical officer and an educational psychologist) will be asked to advise the local education authority (LEA) on the child's needs. At the end of the process the LEA will decide whether or not to issue the child with a statement of special educational needs.

A Statement of Special Educational Needs

If this assessment shows that more specialised support is needed, the LEA will issue a Statement of special educational needs that sets out:

- the child's special educational needs
- what support is necessary to meet those needs
- how they will be helped

For a child learning EAL the listing of planned support that is set out in the Statement of SEN should include any additional help that is needed to enable the child to progress in learning to listen, speak, read and write in English (or to maintain or develop their mother tongue if that will be particularly helpful to them in the light of their special educational needs and overall situation).

Individual Education Plans for pupils learning EAL

Children who are on the SEN register are entitled to an Individual Education Plan (IEP). This should record the strategies that are to be employed to enable the child to progress. It will normally include information about:

- the short-term targets set for, or by, the child;
- the teaching strategies to be used;
- the provision to be put in place;

- the review date;
- success and/or exit criteria;
- outcomes (recorded at the review).

It is intended that IEPs should record what is different from, or additional to, those arrangements that are in place for the rest of the group or class. Typically they focus on three or four targets that match the child's needs. The targets should relate to key areas, including communication. That will need to be taken into account when preparing an IEP for a child learning EAL.

It is sometimes suggested that all children learning EAL should have IEPs. That is a misunderstanding of the purpose of IEPs. Children learning EAL have particular language learning needs. That is not the same as SEN, and they should not be grouped with children with SEN. The advice from the Primary National Strategy team was:

“They are just as capable as any other child and benefit from working alongside competent speakers of their first language where possible and of English. They should only have IEPs if they have been identified as having a SEN in addition to their EAL learning need.”

In the case of children who are learning EAL the IEP should include their English language acquisition targets and outline teaching strategies that will help them to develop their mastery of English for academic purposes. It should take account of any relevant previous school experience of a subject overseas, and it should refer to cultural considerations, if they might affect their progress. If the provision that is made involves additional staff employed to support pupils learning EAL, there should be arrangements for co-ordination between the class teacher or SENCO and these staff so as to ensure full collaboration in planning and consolidating new learning.

Parents' involvement

Over the last 40 years there has been an international trend for schools to encourage parents to play an increasing role in their children's school education. That is because it is seen as their right, as a means of making schools more accountable and more responsive, and also as an additional resource for the schools. Most importantly, it is believed that student learning is improved when schools work closely with parents.

There has been a particular effort to involve parents whose children have SEN as “partners” in their children's school learning. In the past parents were usually treated as passive recipients of advice from expert professionals who really knew about handicap and disability. Slowly parents were given greater rights to determine the type of schooling their children received. They came to be the key decision makers, and it was seen as the professionals' role to offer them information and services from which they could select according to their perception of their needs.

A more ambitious approach is to treat parents as real partners. When this is done, “teachers are viewed as being experts on education and parents are viewed as being experts on their children. The relationship between teachers and parents can then be a partnership which involves sharing of expertise and control in order to provide the optimum education for children with special needs.” (Hornby, 1995, pp. 20-21) But many parents have complained that, in practice, they are not allowed to take on a partnership role because LEAs do not give them enough information or support, because professionals do not give their views due weight and because there is not a range of provision from which to choose what will suit their child best. They have less choice than is available for children who do not have SEN.

In the past these problems have been even more acute for parents from black and ethnic minority communities. For example, Rehal (1989) interviewed 14 Panjabi-speaking parents in London and found that only one of them was aware that their child had been formally assessed under the provisions of the Education Act 1981 and issued with a statement of special educational needs. All of the children had Statements of SEN at the time. There was, in fact, official guidance in place that made it clear that the formal notification to parents of SEN assessment and the subsequent reporting should be in a language they understood or for which they could obtain an interpreter. In recent years that guidance has been strengthened so that it is for the LEA (and not the parents) to ensure that it is provided. “When such arrangements are made, it is essential that there is sensitivity to the position of the parents and children. In some (probably rare) situations what is required is exact, word-for-word translation, while in others the bilingual worker may need to take on a wider advisory and liaison function, helping both the family and the professionals to understand social and cultural assumptions that each is making.” (Frederickson and Cline, 2009, p21)

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Online Resources

For further discussion and examples of what IEPs may need to cover in the case of a bilingual child see the Portsmouth EMAS web site:

<http://www.blss.portsmouth.sch.uk/sen/iep.shtml>

Check the Portsmouth EMAS website for the full list of the 'SEN or EAL?' filter questions

<http://www.blss.portsmouth.sch.uk/sen/filterq.shtml>

To study how an LEA follows the requirements through in practice examine Birmingham's arrangements for Independent Parental Supporters (IPS) - people who volunteer to provide support to parents of children with SEN. All parents in the Birmingham area can have access to an IPS, if they wish. The SEN Parent Partnership information pack is available in eight community languages. The arrangements are described on the LEA's web site at:

<http://www.bgfl.org/services/parent/ips.htm>

The SEN Code of Practice has a chapter on partnership with parents.

<http://www.teachernet.gov.uk/docbank/index.cfm?id=3724>

Milton Keynes LEA's Handbook Guidance on the Assessment of EAL Pupils who may have Special Educational Needs:

http://www.mkweb.co.uk/emass/documents/website_EAL_SEN_Artwork.pdf

Section 3.5.4 of Surrey LEA's Special Educational Needs Handbook:
(Search for Special Educational Needs Handbook)

<http://www.surreycc.gov.uk>

References and Further Reading

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