

# Cumbria County Council - SEND Handbook

## 1. Introduction and Overview

### 1. Introduction

This section of the handbook is principally designed to provide guidance to schools and settings, parents, professionals and children and young people with Special Educational Needs and Disabilities (SEN/D) about how we intend to meet responsibilities for identifying and addressing SEN in Cumbria. It is a public document that can be accessed via the Local Offer at <http://search3.openobjects.com/kb5/cumbria/fsd/advice.page?id=mIP9J0iAfbY>

The guidance takes account of changes to funding brought about in conjunction with the changes implemented by the Children and Families Act 2014. This includes the change of costs incurred to support a child or young person's SEN now being provided by the school through Element 2 funding. This is in addition to Element 1, essentially the AWPU. Refer to Appendix 4 for information regarding funding allocation.

The funding reforms are related to the SEN Code of Practice (DfE, 2015) and should be interpreted in this context. This guidance helps interpret the local implementation processes around Early Help, the allocation of High Needs Funding and the production of Education Health and Care Plans (EHCPs). Information about Early Help processes, including those relating to children and young people with SEND, can also be found on Cumbria's Local Safeguarding Children's Board (LSCB) website at: <http://www.cumbrialscb.com/>

### 2. Principles

This document and the SEND criteria it contains have been produced to adhere to a set of guiding principles.

These include the following:

In line with the SEND Code of Practice (DfE, 2015) it is acknowledged that, "Every school is required to identify and address the SEN of the pupils that they support" and that this means that they will "use their best endeavours to make sure that a child or young person with SEN gets the support they need – this means doing everything they can to meet children and young people's SEN" (DfE, 2015, p. 92). This requires schools and settings to demonstrate the use of their own resources using the graduated response (outlined on page 7).

The Local Authority (LA) will use its best endeavours with available resources to support schools to access information, advice and guidance and where appropriate specialist staff relating to SEND. This includes guidance that can be found at:

<http://www.cumbria.gov.uk/childrensservices/schoolsandlearning/ils/specialeducationalneeds/default.asp>

It is expected that in complying with the above duty schools will only request additional resources when they have used their best endeavours and have demonstrated that they have used available resources which could include specialist support and information advice and guidance. *There should also be evidence that this has been acted on.* This should be done via the submission of Early Help forms and Provision Maps (see Appendices 1 and 2).

In line with the SEND Code of Practice, “Early years providers, schools and colleges should also take steps to ensure that young people and parents are actively supported in contributing to needs assessments, developing and reviewing Education, Health and Care Plans” (DfE, 2015, p.20).

Access to additional educational provision to meet the special educational needs of children and young people should not be dependent on a medical diagnosis nor should a diagnosis automatically entitle children and young people with SEND to additional educational provision.

The LA will **not** produce or maintain EHCPs when needs can be met without the provision of the additional High Needs Element 3 funding. If the child or young person’s disability or outcomes improve sufficiently during the time additional High Needs Element 3 funding has been allocated and they no longer pass the threshold for such funding, schools **must** notify the LA and the LA funding will end.

The SEND Criteria are intended to be fair and equitable to children and young people with a wide range of SEND. The LA will employ moderation processes and regular reviews of the SEND Handbook to check and maintain this level of fairness and equity.

The Criteria have been set out to provide guidance:

- as to when it might be appropriate for settings, schools or colleges to request a statutory assessment towards an EHCP and additional resourcing to meet unmet needs via High Needs Element 3
- as to what might be done to meet needs, including how to use existing and, if appropriate, additional Element 3 ‘top up’ funding. The details of the latter for an individual child or young person would be contained in the EHCP if it is agreed that one should be issued

A guiding principle is that we should avoid thinking about the resources that children and young people with SEND require to meet their needs **only** in terms of hours of adult support, e.g. hours of support from Teaching Assistants (TAs).

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### 3. Criteria

#### Interpreting Criteria

Paragraph 9.16 of the SEND Code of Practice (DfE, 2015) states:

“Local authorities may develop criteria as guidelines to help them decide when it is necessary to carry out an EHC needs assessment (and following assessment, to decide whether it is necessary to issue an EHC plan). However, local authorities must be prepared to depart from those criteria where there is a compelling reason to do so in any particular case and demonstrate their willingness to do so where individual circumstances warrant such a departure.” (p.146)

The Code confirms that **Local authorities must not apply a ‘blanket’ policy** to particular groups of children or young people or certain types of need. Rather, consideration of a child or young person’s needs must be done individually and on their merits. *The banding presented is a guide, not definitive in terms of what is required to meet any particular child or young person’s needs.*

#### Structure

In the criteria for each specialism area (e.g. Autism, Cognition and Learning, etc.) there are usually four parts:

- Part 1: Introduction and Overview
- Part 2: Band Descriptors
- Part 3: Provision
- Part 4: Eligibility for Statutory Assessment

#### Part 2 Band Descriptors Structure

*In each specialism area descriptors are provided in up to 6 bands representing increasing levels of need. The terms chosen to represent different bands are presented below. Expected progress rates may be described in other, more particular ways depending on the specialism. However, **in general terms** the expected rates of progress at different band levels are also presented below:*

**Band One (Mild SEND) Band Two (Moderate SEND-Early Help):** at these two band levels, it is expected that schools and settings will meet needs from their delegated resources, albeit possibly with the advice of external specialists.

**Band Three (Severe SEND- EHCP):** this is the point at which it is expected that resources additional to those delegated to schools and settings will be required to meet needs, and a statutory assessment for an EHCP may be appropriate.

**Band Four (More Severe SEND) Band Five (Profound SEND) Band Six (Exceptional SEND):** see band descriptors for individual specialisms.

### Part 3 Provision Structure

There is a common overall structure to the descriptions of responses required by settings in relation to the full range of SEN. *This structure indicates what should be provided to meet needs at different bands.* This includes options for recording human resources (e.g. hours of TA support) but it is also important to address other appropriate responses (e.g. particular intervention strategies or programmes). In addition, the structure indicates what is expected to be provided by the setting and what the LA can be expected to provide (once needs are at the higher band levels, 3-6).

**Table 1: Structure**

Band X – Provision		
Descriptor		
	Setting/Governing Body	Local Authority
Assessment and Planning		
Teaching and Learning Environment		
Human Resources and Staffing		
Curriculum and Teaching Methods		
Resources and Intervention Strategies		

It should be noted that all schools and settings are responsible for providing '**quality first teaching**' for all pupils, whether or not the pupils have SEN. For pupils with SEN it will be particularly important to ensure that this teaching is sufficiently personalised. The tables in Part 3 assume that such teaching will be continuing to be delivered by the school/setting at all of the bands, and therefore it is not repeatedly documented in the tables for each band. For detailed guidance about this teaching, please see the Department for Children, Schools & Families publication, 'Personalised Learning – a Practical Guide'.

#### **Part 4 Eligibility for Statutory Assessment Structure (for Local Authority Specialist Staff use)**

In some specialism areas, information from the detailed criteria has been extracted and set into a scoring system to aid the analysis of a child or young person's eligibility for an EHC assessment or plan *just in terms of that specialism*. In reality children and young people often have needs across specialism areas. This does not imply that scores or resources should simply be added across specialisms. These 'Eligibility Criteria' are simply for guidance and are for use **by LA specialist staff only**. The tables in Part 4 are included in this SEND handbook for information only, and in order to make sure that all the information used by local authority staff in making their decision is available to the public. Part 4 is not for use by schools and settings. (see Appendix 3)

#### **Provision Maps**

Paragraph 6.76 of The SEND Code of Practice states:

"Provision maps are an efficient way of showing all the provision that the school makes which is additional to and different from that which is offered through the school's curriculum. The use of provision maps can help SENCOs to maintain an overview of the programmes and interventions used with different groups of pupils and provide a basis for monitoring the levels of intervention" (p.105).

Much of what is presented here can be used by schools and settings to populate a provision map. ***This is important in helping the LA come to a conclusion about whether an EHC needs assessment is necessary*** as the SEND Code of Practice indicates in Paragraph 9.14 that the LA should pay particular attention to:

"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" (p.146)

**Appendix 2** provides a sample Provision Map.

#### **Process and Guidance used to decide whether to start a statutory assessment**

It is expected that professionals in schools and settings will ensure that certain steps have been taken before they apply for a statutory assessment. When the Local Authority receives a request for statutory assessment, it will check to see if the following guidance have been met before commencing such an

assessment (also see Appendix 1).

**Early Help Assessment:** an Early Help Assessment has been initiated and been in place for a period of at least 6 months.

**External Advice:** there must be evidence that the school or setting have accessed external advice.

**Use and Impact of advice:** evidence is presented which demonstrates how the external advice has been used and the impact of this on the progress of the child or young person.

**Progress:** evidence is submitted which demonstrates that the child's progress has not accelerated following the implementation of the early help assessment and external advice.

**Use of SEND budget:** the school or setting has provided evidence of how the SEN budget has been allocated and how this would directly address the child or young person's SEND needs.

**Amount spent on child or young person's needs:** School has utilised the full allocation of the notional SEND budget to address the child's needs.

**SEND criteria met:** there is clear evidence which demonstrates that the child or young person meets the SEND criteria including evidence of the category and level of need. This should include comprehensive detail of approaches and strategies already applied to support individual need.

**Attendance:** the child or young person has an attendance of over 80%, as lower attendance will impact on learning outcomes OR evidence that the child or young person's SEND impacts on attendance.

**Appendix 1** should be completed and used as a cover sheet and checklist for the information submitted.

### **Process and Guidance used in the making of an EHCP**

The list above specifies the guidance which the Local Authority uses to support a statutory assessment for an EHCP. The procedures in the Code of Practice for Special Educational Needs (DfE, 2014) will be followed. (See the Graduated Approach chart below).

## A Graduated Approach



