

SEN Policy



Forward

Wrexham County Borough Council places a high priority on improving the outcomes and raising aspirations of our children and young people with Special Educational Needs.

This Policy focuses not only on education but recognises the other services that play a part in delivering this ambition. Our success will lie in the effectiveness of the partnership between ourselves and schools, colleges and settings in the maintained and non-maintained sectors, health and social care, including adult services and the voluntary sector.

Ian Roberts
Head of Education

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1 Introduction

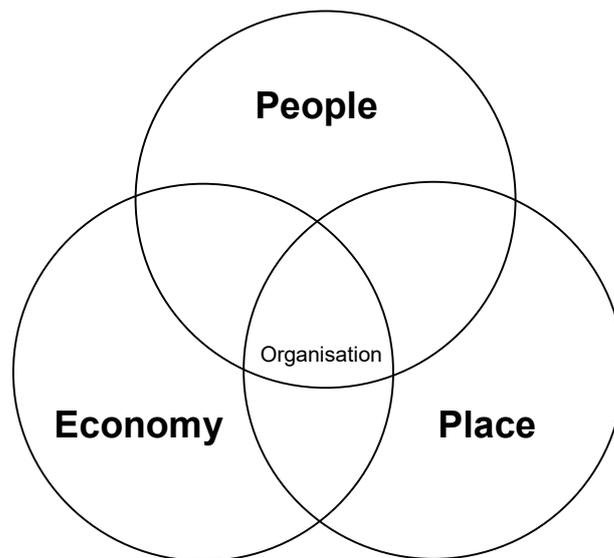
Wrexham County Borough Council, as the Local Authority, recognises that all learners have individual needs. This Special Educational Needs Policy Framework:

- sets the context;
- provides a definition of special educational needs (SEN) and special educational needs provision;
- outlines the key principles that underpin the Authority's approach to providing for children and young people with special educational needs;
- relates to children and young people with special educational needs in all our mainstream and special schools and settings, as detailed in the Special Educational Needs Code of Practice for Wales (2002).
- outlines the responsibility and commitment to provide for our children and young people according to their needs using a range of support, interventions and provision;
- outlines the commitment to work in partnership with pupils, parents, school and all relevant agencies;
- recognises partnership working – pupils, parents, school, agencies etc.

2 Strategic Priorities

Wrexham County Borough Council Strategic Priorities 2019 to 2022

The SEN Framework Strategy contributes to Wrexham's Council Plan which sets out three strategic themes Economy, People and Place – and a corporate theme of Organisation – striving for excellence.



These strategic and corporate themes are comprised of a number of priority outcomes. The SEN framework strategy primarily contributes to the plans to meet the strategic theme: People.

Priority Outcomes

PE1 “All children and young people have positive aspirations, learn and achieve their potential.”

Education Priorities

- To improve secondary education.
- To support and challenge schools to maintain and improve standards in the Foundation Phase and Key Stage 2 with a focus on the performance of boys and pupils entitled to free school meals (eFSM)
- To support and develop governors and elected members in their strategic leadership role through a comprehensive training programme including mandatory requirements
- To support schools in preparation for curriculum reform

- To prepare for at LA level and to support schools in preparation for Implementation of the ALN Act
- To support and challenge schools to improve attendance with a focus on eFSM and reducing persistent absenteeism.
- In partnership with other services such as health, support schools and young people to improve physical mental and emotional health through an integrated package of support.
- To review and identify the need for provision for pupils with behaviour, emotional and social needs (BESD)
- Work with key partners to create an environment that enables young people to raise their own aspirations, to ensure that they can fulfil their learning and career potential.
- Improve the infrastructure of Wrexham schools through delivery of the 21C schools programme, grants and S106 funding including increasing capacity for Welsh medium provision.

3 Inclusion Service Priorities

The Inclusion Service within the Local Authority is responsible for managing the special educational needs provision within the County Borough of Wrexham.

3.1 Our priorities

The following priorities will help us to achieve this vision for all Children and Young People with SEN:

Priority 1

Identify the need for provision for pupils with high behaviour, social and emotional needs.

Priority 2

Ensure that primary specialist provision matches need and demand.

Priority 3

Implement the LA ALN Action Plan to ensure compliance in September 2020

4 Principles

The Local Authority will abide by the fundamental principles outlined in the SEN Code of Practice for Wales, 2002*:

- a pupil with special educational needs should have their needs met;
- the special educational needs of children will normally be met in mainstream school settings;
- the views of the pupil should be sought and taken into account;
- parents and carers have a vital role to play in supporting their pupil's education;
- children with special educational needs should be offered full access to a broad, balanced and relevant education, based on the National Curriculum and the Foundation Phase Framework.

In addition, the Local Authority believe that

- all schools should recognise and respond to the diverse needs of their learner, while also offering a continuum of support and services to match those needs;
- there should be a fair and equitable allocation of available resources to support all children and young people with special educational needs;
- the effective and efficient use of resources should guide decision making and the allocation of those resources;
- there should be a coherent pattern of provision across the Local Authority to support the needs of children with special educational needs.

*Additional Learning Needs Code for Wales (2019) as from September 2020.

5 Context

Wrexham Local Authority adheres to the Current Legal Framework in Wales which consists of:

- The SEN Code of Practice for Wales (2002)
- Equality Act 2010
- Education Act 1996
- The Education (Special Educational Needs) (Wales) Regulations 2002

5.1 The SEN Code of Practice for Wales (2002)

The Education Act 1996 required a Code of Practice to be produced giving practical guidance on how local authorities and schools should undertake their functions in respect of SEN.

The current SEN Code of Practice specific to Wales has been in force since 1 April 2002.

The law provides that all relevant agencies must have regard to the Code of Practice and, whilst they may choose exactly how to fulfil their statutory duties, they must do so in light of the guidance the Code provides.

The Code sets out the procedures which should be followed for assessing whether a learner has SEN and putting in place interventions to address them.

5.2 Definition of Special Educational Needs

The Education Act 1996 (at Part IV) provides for various definitions in relation to Special Educational Needs:

5.2.1 Special Educational Needs

A pupil or young person are defined as having special educational needs in the SEN Code of Practice for Wales if they have a learning difficulty or disability which calls for special educational provision to be made for them.

A pupil had a learning difficulty if they:

- (a) have a significantly greater difficulty in learning than the majority of others of the same age; or

- (b) have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for others of the same age in schools within the area of the Local Authority.
- (c) are under compulsory school age and fall within the definition of (a) or (b) above and would so do if special educational provision was not made for them.

5.2.2 Special educational provision means:

- (a) for children of two or over, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the Local Authority, other than special schools, in the area
- (b) for children under two, educational provision of any kind.

(Education Act 1996, Section 312).

The identification and assessment of the Special Educational Needs of children whose first language is not English or Welsh, requires particular care.

Lack of competence in either English or Welsh must not be equated with learning difficulties as understood in the SEN Code of Practice for Wales.

(SEN Code of Practice for Wales (2002), Section 6.14 to 6.16).

5.2.3 Disability

Disability is defined in the Equality Act (2010) as:

A person has a disability for the purpose of this Act if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Equality Act (2010) – Section 6

* Under the Equality Act 2010, in relation to the protected characteristic of disability:

- (a) a reference to a person who has a particular protected characteristic is a reference to a person who has a particular disability.
- (b) a reference to persons who share a protected characteristic is a reference to persons who have the same disability.

Equality Act (2010)

6 Graduated Response

6.1 What is the Graduated Response of the SEN Code of Practice?

A model of action and intervention in schools and settings to help children who have special educational needs.

The approach recognises that there is a continuum of SEN and where necessary increasing specialist expertise may be required. The stages of the graduated response are as follows:

- Class Action
- School Action
- School Action Plus
- Statutory Assessment
- Statement of SEN

Class Action (5:39)

- A school's assessment of the progress of individual children should provide information about areas where a pupil is not progressing satisfactorily even though the teaching style and the following factors have been differentiated:
 - Environment
 - Speech, language and communication
 - Resources
 - Expectations
 - Outcomes

School Action (5:43-5:48 - primary)

- When a class teacher or the SENCo identifies a pupil with SEN the class teacher should provide interventions that are additional to or different from those provided as part of the school's usual differentiated curriculum offer and strategies.

School Action (6:50 - secondary)

- When a subject teacher, member of the pastoral team or the SENCo identifies a pupil with SEN they should provide interventions that are additional to or different from those provided as part of the school's usual differentiated curriculum offer and strategies.
- Prior to moving to the School Action Plus stage schools must ensure that despite implementing relevant and purposeful intervention over a sustained period of time, the pupil is making limited progress and therefore it is agreed,

with parents that there needs to be involvement of outside agencies at School Action Plus. Evidence should include at least two evaluated IEPs/IBPs at School Action.

School Action Plus: (5:54-5:61-primary / 6:62 – 6:69 - secondary)

- “A request for help from external services likely to follow a decision taken by the SENCo and colleagues, in consultation with parents, at a meeting to review the pupil’s IEP. Schools should always consult specialists when they take action on behalf of a pupil through School Action Plus.”
- “ At School Action Plus external support services both those provided by the LEA and by outside agencies, will usually see the pupil, in school if that is appropriate and practical, so that they can advise teaching on new IEPs with fresh targets and accompanying strategies, provide more specialist assessments that can inform planning and the measurement of a pupil’s progress, give advice on the use of new or specialist strategies on materials and in some cases provide support for particular activities. The kind of advice and support available to schools will vary to local policies.”
- Schools can make a request for additional resources / provision at School Action Plus for individual pupils for consideration by the Local Authority Moderation Panel (please refer to section Decision Making).
- Schools will need to evidence that despite long term interventions from outside agencies at School Action Plus and evidence to demonstrate the use of existing school resources, the pupil has made limited progress.

7 Statutory Assessment Process

The process of Statutory Assessment is the responsibility of the Local Authority in close collaboration with pupil, parents, school and external agencies.

A request for Statutory Assessment can be received from:

- school
- parents
- Local Health Board
- Local Authority in accordance to Section 323 of the Education Act 1996.
- a responsible body as defined by Section 329A of the Education Act 1996.

Wrexham Local Authority conduct Statutory Assessment in accordance with legislation as described in the SEN Code of Practice for Wales (2002).

Statutory Assessment is carried out if the evidence provided shows that the pupil has significant difficulties and despite appropriate help and support the pupil has made limited progress.

7.1 Pupil and Parental Involvement

7.1.1 Parental Participation

It is important for Wrexham Local Authority to work closely with parents/carers of pupils with SEN and for their views to be considered. Parents are encouraged to provide their views during each stage of SEN process and to meet with their named officer as and necessary.

- Parents are encouraged to complete all documentation to ensure that their views are considered.
- During transitional years, parents should be encouraged to complete the relevant admissions forms.
- Parents can be signposted to the Parent Partnership Service on 358526, if they require support.

7.1.2 Parental Support

The Parent Partnership Service across Wrexham is provided by SNAP Cymru.

SNAP Cymru has longstanding expertise and knowledge of working with families and other organisations. The service ensures that parents of children with special educational needs have access to independent advice and guidance so that they can make appropriate and informed decisions. The Parent Partnership Service is free to families and offers impartial, accurate information, advice and support.

Further information regarding SNAP Cymru can be found via their website www.snapcymru.org. Parents, carers and professionals can access the service in the following ways:



Email: helpline@snapcymru.org

Website: www.snapcymru.org/contact

Telephone: 0808 801 0608 (Monday – Friday 9.30 am – 4.30 pm)

Mediation Arrangements

A Disagreement Resolution Service is available which is also provided by SNAP Cymru (contact details as above).

SNAP Cymru is a North Wales service and can help to resolve any disagreements between the Local Authority and parents.

7.1.3 Pupil Participation

Pupil participation is an important element of the SEN process and pupils should be encouraged and supported to contribute their views whenever possible should be encouraged to attend and participate in the meeting.

7.1.4 Pupil Support

Advocacy

Second voice advocacy service is available for all children and young people in Wrexham.

For further information contact the Second Voice Advocacy Team on 01978 358900 or secondvoice@wrexham.gov.uk.

8 Decision Making

The Special Educational Needs Code of Practice for Wales, 2002 (3:74 and 8.9) advises LAs to establish multi agency groups to moderate decisions in a consistent and robust manner. The role of this multi-agency group is:

- To adhere to the SEN Code of Practice 2002 and the Equality Act 2010
- Provide a balanced representation from a wide range of specialised services to make informed, objective, equitable decisions on statutory assessments, provision and placement for pupils of all ages and all ALN
- To make objective evidence based decisions on requests for addition resources / provision at School Action Plus and for Statutory Assessments. These decisions include:
 - Whether to issue a Statement of SEN (Refer to section 9 for detail)
 - Whether to amend or cease a Statement of SEN.
 - Whether to provide additional resources / provisions at School Action Plus.
 - Whether a pupil requires access to a specialist assessment placement
 - Whether to refer to other Wrexham Local Authority Panels as appropriate

These decisions are based on the written information received according to the criteria for Statutory Assessment / School Action Plus.

Decisions on pre-school pupils with SEN are made at a separate Pre School Moderation Panel.

In Wrexham these multi-agency groups are known as 'Moderation Panels' and representation includes:

- Inclusion Manager
- Inclusion Officers
- Educational Psychology Service
- Statutory Assessment Manager
- Representation from Primary and Secondary Schools
- Finance Department
- Education Social Work Team
- Behaviour Support Team
- Health Professionals
- Early Education Representatives
- Specialist Early Years Settings

9 Statements

Statements of Special Educational Need are written if the pupils' special educational needs are significant, and the provision to meet the needs cannot be reasonably provided from the resources normally available to schools and settings.

If a Statement of Special Educational Needs is issued it is divided into six parts.

- Part 1 Introduction contains the pupil's personal details and details of the person(s) with parental responsibility.
- Part 2 Specifies all the pupil's educational needs as identified during the assessment.
- Part 3 Specifies the provision necessary to meet the needs identified in part 2 and includes the objectives to be met, the provision to meet the objectives and monitoring arrangements. Short-term objectives should be evidenced in the IEP.
- Part 4 The type of school that can meet the pupil's needs.
- Part 5 Describes the pupil's non-educational needs.
- Part 6 Describes the provision to meet any needs identified in Part 5.

The Statutory Assessment process can take up to 26 weeks and the time limit starts upon receipt of the request. The Guide to Statutory Assessment flow diagram (page 15) provides detail of the 26 week process.

Wrexham Local Authority welcomes the opportunity to work closely with parents and they are encouraged to discuss the contents of the Statutory Assessment process or the Statement with their named officer, if deemed necessary.

A GUIDE TO STATUTORY ASSESSMENT

The flowchart on the next page explains the process that happens once a request for a Statutory Assessment has been made, including the possible outcomes.

Explanation of written advice

Within this flowchart we refer to seeking 'written advice'. This means if we (the Local Authority) decide to carry out a statutory assessment, we must seek written advice from professional agencies. This written advice relates to the educational, medical and psychological needs of the pupil and may be relevant to their current and future educational needs.

We may seek any of these types of advice:

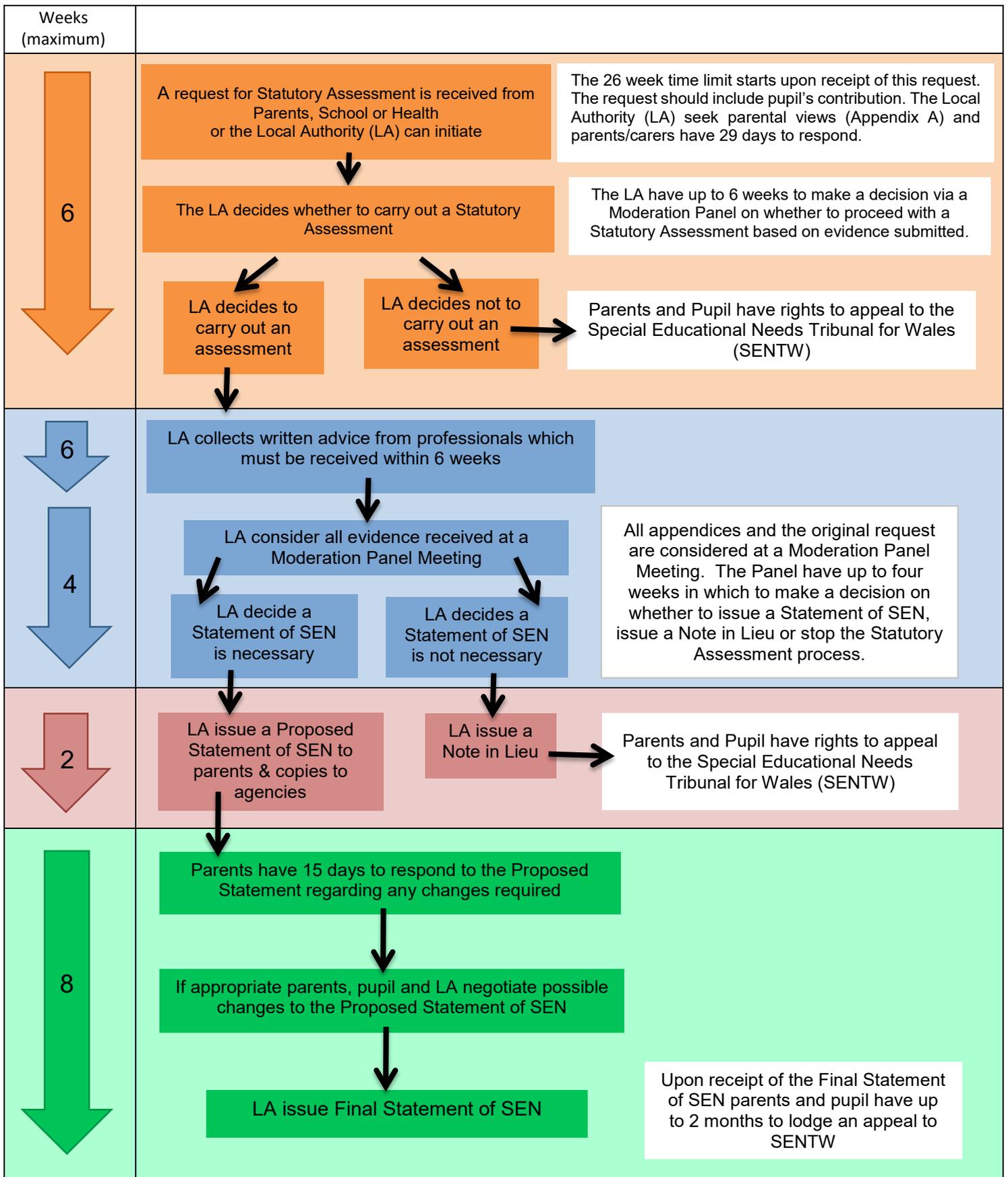
- Parental advice - Appendix A
- Educational advice - Appendix B
- Medical Advice - Appendix C
- Psychological Advice - Appendix D
- Social Services Advice - Appendix E
- Any other advice - Appendix F

The types of advice are referred to as different appendices because they are extra pieces of information, provided in addition to the original request.

These appendices are then used to inform the assessment process when deciding whether a SEN Statement is necessary.

For an accessible version of the flowchart see the outline description under [additional information](#).

What happens after a statutory assessment is requested?



10 SEN Provision

Pupils can access a range of provision suitable to their age, ability, aptitude and special education needs. Provision within Wrexham Local Authority includes the following:

- Mainstream Schools
- Resourced Provisions
- Specialist Schools
- Assessment provision

10.1 Transport Provision for pupils with SEN

All decisions regarding transport will be made by the Moderation Panel in line with the Local Authority home to school transport policy.

11 Appeals

11.1 Statutory Appeals

The Special Educational Needs Tribunal for Wales (SENTW) is an independent tribunal. They deal with appeals against certain decisions about a pupil or young person and their education. SENTW also deal with discrimination claims of unfair treatment in school relating to a disability.

SENTW deal with disputes relating to:

Appeals

- A parent and/or a pupil can make an appeal to SENTW against the following decisions made by a Local Authority in Wales:
 - a) Section 325(2)(appeal against decision not to make a statement);
 - b) Section 326(1)(appeal against contents of statement);
 - c) Section 328(3)(b)(reviews of educational needs);
 - d) Section 329(2)(b)(assessment of educational needs at request of child's parent);
 - e) Section 329(8)(b)(review of assessment of educational needs at request of a responsible body);
 - f) Paragraph 8(3)(b) of Schedule 27 (change of named school);
 - g) Paragraph 11 (2)(b) of Schedule 27 (ceasing to maintain a statement).

Claims

- A parent and/or a pupil can make a claim to SENTW about disability related discrimination in schools in Wales.

For further information regarding SENTW please refer to their website <http://sentw.gov.wales> or contact the helpline number 0300 025 9800.

12 Monitoring Arrangements

12.1 Reviewing, amending or ceasing Statements

Paragraph 9.1 of the Code of Practice requires all Statements of SEN (other than those for children aged under two) to be reviewed annually. This is so the Local Authority, the school, the pupil and the parents, and all other professionals involved consider the pupil's progress in the previous 12 months and whether any amendments are needed to be made to the description of the pupils needs or to the SEN Provision specified on the Statement.

The school/setting are responsible for co-ordinating the Annual Review and it is a way of monitoring and evaluating the continued effectiveness and appropriateness of the Statement. Statements should only be maintained when necessary and therefore the outcome of the review meeting will be one of the following:

- Statement to be continued with no amendment necessary.
- Statement may need changing.
- Statement may be ceased.

13 Partnership Working

In addition to working closely with pupils and parents, Wrexham Local Authority recognises the importance of working collaboratively with a range of professional agencies. These include:

- Schools and Governors
- Voluntary organisations
- Pre-school services
- Local Health Board
- Other Local Authority services
- Careers Wales
- FE Institutions

14 Training

The Local Authority provides a regular programme of SEN training for its schools. This programme is based on training needs identified via consultation with schools, evaluation forms of previous courses and through the Local Authority's own training priorities. The forms of training and advice offered by the Local Authority are as follows:

- Training related to SEN Code of Practice for Wales
- Training related to the ALNET Act (2018)
- NQT Training
- Training events relating to specific areas of SEN
- Governor training
- Training from health professionals
- Advice and guidance for individuals or groups
- Sharing good practice

15 Funding

15.1 Introduction

The Local Authority allocates funding to support pupils with SEN in the following ways:

- Funding delegated to the school for children with SEN (through AWPU);
- A notional amount of the whole school's budget within AWPU specifically allocated for children with SEN (minimum of 5% of total school budget);
- SEN delegated budget formula;
- Funding delegated for Resource Provision classes;
- Funding or resources allocated to specific pupils;
- Resources allocated to the Special school;
- Centrally held funding.

15.2 Funding delegated through Age Weighted Pupil Unit (AWPU)

Mainstream schools in Wrexham receive the majority of their funding through the pupil driven funding element: the Age Weighted Pupil Unit (AWPU). This means the school receives an equal amount of individual level of funding for every pupil of the same age, including those pupils with special educational needs to access an appropriate curriculum and appropriate resources.

15.2.1 Funding delegated for SEN within AWPU

Within the AWPU the Local Authority expects that a minimum of 5% of this delegated funding is notionally intended to support SEN as stated in the SEN Code of Practice 2002. This funding is expected to cover the following responsibilities:

- The planning and delivery of a modified and differentiated curriculum to meet the needs of pupils at the class action/schools action and school action plus stage of the SEN Code of Practice 2002;
- Resources (including the employment of a SENCo and other staff) to meet the needs of pupils at these stages;
- The monitoring and review of individual progress of pupils with SEN including liaison with parents and professionals;
- Developing and implementing a clear whole school policy for SEN.

15.3 Additional Learning Needs Funding in Mainstream Schools

Each of the authority's Primary and Secondary schools is allocated specific funding in its delegated budget, through the Additional Learning Needs formula element.

The agreed formula for this distribution is by reference to four specific factors reported by each school:

- i) National Reading and Numeracy test results.
- ii) Data relating to the number of pupils as School Action or School Action Plus through the PLASC return.
- iii) The number of pupils with English as an Additional Language (categories A – C).
- iv) The number of pupils entitled to free school meals.

15.4 Resourced Provision Funding

Within Wrexham County Borough there are a variety of specialist resourced provisions in mainstream schools, which cater for the 4 areas of SEN identified in the SEN Code of Practice. Pupils with significant need access Resourced Provision through the LA Moderation Panel.

For Resourced Provision in Secondary Schools the budget is allocated according to the area of need and pupils are banded accordingly.

For Resourced Provision classes in Primary Schools, the budget is allocated according to the level of core staff required, as identified in the Service Level Agreement.

In addition to funding for staffing, each resourced provision budget includes an element to cover utility costs and supplies and services.

15.5 Special School Funding

The budget is allocated according to the individual pupil's needs as identified in the banding system. This is reviewed and agreed between the Local Authority and schools on an annual basis.

The balance of the school's delegated budget is allocated by reference to premises related factors, free school meals data and specific lump sums. The school is expected to plan its annual expenditure within the allocated budget.

15.6 Centrally held funding for pupils with SEN

The centrally held funding for SEN is split into a number of categories with various funding mechanisms for each heading. The main categories are:

- Service Support Costs: This comprises of the Inclusion Manager, the Educational Psychology Service, the Education Inclusion Service (including the administration team), the Literacy Support Service and the Speech and Language Outreach Service
- Teaching Assistants/Provision: the LA Moderation Panel allocates additional funding to school to support individual pupils. This additional funding is intended to complement schools existing resources.
- Specialist equipment (e.g. hoists, laptops, specialist seating etc) are purchased for individual pupils through request made by health professionals.
- In exceptional cases, where LA specialist provision is not appropriate to meet the needs of pupils with SEN, it is necessary to consider securing Out of County provision. Where appropriate, the Local Authority secures joint funding arrangements with Safeguarding and Support Service and/or the Local Health Board through the Joint Commissioning Panel.

Additional information

Outline description

Title: "What happens after a statutory assessment is requested?"

This flowchart shows the process after a statutory assessment is requested, giving three possible outcomes. The flowchart is split into four sections, labelled with numbers to show the maximum time (in weeks) it may take for that section of the process. The first section is six weeks, the second section is six weeks then four weeks, the third section is two weeks and the fourth section is eight weeks.

First section

Step 1. A request for Statutory Assessment is received from Parents, School or Health or the Local Authority (LA) can initiate. At this point "The 26 week time limit starts upon receipt of this request. The request should include pupil's contribution. The Local Authority (LA) seek parental views (Appendix A) and parents/carers have 29 days to respond."

Step 2. The LA decides whether to carry out a Statutory Assessment. At this point "The LA have up to 6 weeks to make a decision via a Moderation Panel on whether to proceed with a Statutory Assessment based on evidence submitted."

- a. LA decides to carry out an assessment ([leads to step 3](#))
- b. LA decides not to carry out an assessment - this is the first possible outcome. At this point “Parents and Pupil have rights to appeal to the Special Educational Needs Tribunal for Wales (SENTW)”

Second section

Step 3. LA collects written advice from professionals which must be received within six weeks

Step 4. LA consider all evidence received at a Moderation Panel Meeting. At this point “All appendices and the original request are considered at a Moderation Panel Meeting. The Panel have up to four weeks in which to make a decision on whether to issue a Statement of SEN, issue a Note in Lieu or stop the Statutory Assessment process.

- a. LA decide a Statement of SEN is necessary ([leads to step 5](#))
- b. LA decides a Statement of SEN is not necessary ([leads to step 6](#))

Third section

Step 5. LA issue a Proposed Statement of SEN to parents & copies to agencies ([leads to step 7](#))

Step 6. LA issue a Note in Lieu - this is the second possible outcome. At this point “Parents and Pupil have rights to appeal to the Special Educational Needs Tribunal for Wales (SENTW)”.

Fourth section

Step 7. Parents have 15 days to respond to the Proposed Statement regarding any changes required

Step 8. If appropriate parents, pupil and LA negotiate possible changes to the Proposed Statement of SEN

Step 9. LA issue Final Statement of SEN - this is the third possible outcome. At this point “Upon receipt of the Final Statement of SEN parents and pupil have up to 2 months to lodge an appeal to SENTW”.