



**Five
Rivers®**

**FIVE RIVERS
CHILDCARE LTD**

Special
Education
Needs Policy &
Procedure

'Five Rivers is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment'

Policy Owner	Headteacher
Authoriser	Head of Education
Date of Original Issue	01/08/2018
Policy Updated	09/09/2020
Date of Next Review	09/09/2021
Version	V2

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1. Special Education Needs Policy

1.1 Policy Statement

- 1.1.1 This Code of Practice provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England. It relates to children and young people with special educational needs (SEN) and disabled children and young people. A 'young person' in this context is a person over compulsory school age and under 25.
- 1.1.2 This policy details the provision for young people with special educational needs that we provide that is 'additional to' or 'different from' the provision made for all young people in state education.
- 1.1.3 Our central aim is to reduce the barriers to effective learning for young people with special educational needs.
- 1.1.4 The SEND Policy has been written in accordance with:
- The Special Educational Needs and Disability Code 0 – 25 years code of practice 2015
 - The Equality Act (2010)
 - The Children and Families Act (2014)

1.2 Terms and Definitions

- 1.2.1 The below table sets out a number of terms and definitions used within this document:

Term	Definition
Special Educational Needs	Special Educational Needs has a legal definition, referring to children who have learning problems or disabilities that make it harder for them to learn than most children of the same age. Many children will have special needs of some kind at some time during their education.

1.3 Data Protection

- 1.3.1 Five Rivers Child Care supports the objectives of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and other legislation relating to Data Processing, including the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and the Freedom of Information Act 2000. Five Rivers Child Care has a statutory obligation to process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018
- 1.3.2 Every member of Five Rivers Child Care has an obligation to ensure that the information they process (use) is collected, maintained and disclosed in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and the Five Rivers Child Care Data Protection Policy.

1.4 Disclosure of Information

- 1.4.1 Any use or disclosure of information held within Five Rivers Child Care, without there being a legitimate purpose or legal basis, will be classed as unauthorised and is a criminal offence under Section 55 of the Act Right of Access (Subject Access Requests).

2. Special Education Needs Procedure

2.1 Identification, Assessment, Provision and Review

- 2.1.1 All of our young people will have an LEA Care Plan, which sets out how the care needs of the child will be met. These include health, education, emotional and behavioural development, identity, family and social relationships, social presentation and self-care skills. The Care Plan will specifically include a Personal Education Plan (PEP) and a Health Plan (both are a statutory requirement) which will particularly assess and set out the child's education and health needs. This will be used to help identify any SEN needs.
- 2.1.2 All Young People are expected to make progress. However, it should not be assumed that all young people would progress at the same rate. The rate of progress may vary depending on individual learning styles and ability.
- 2.1.3 All young people at Five Rivers Schools will have a robust Individual Educational Plan. Each student will be assessed within the first month of placement. This will ensure that Individual Education Plans are produced from an informed starting point. These will be reviewed every term by students and their teachers. Inadequate progress is the trigger for intervention and identifies a need for special educational needs provision.

2.2 Adequate Progress

- 2.2.1 This is where the pupil:
- Closes the attainment gap between the Young Person and their peers
 - Prevents the attainment gap growing wider
 - Is similar to that of peers starting from the same attainment baseline, but less than that of the majority of peers
 - Matches or betters the Young Person's previous rate of progress
 - Ensures access to the full curriculum
 - Demonstrates an improvement in self-help, social or personal skills
 - Demonstrates improvements in the pupil's behaviour

2.3 Inadequate Progress

2.3.1 This is where the pupil:

- Shows little or no progress despite receiving differentiated learning opportunities, and also:
- Makes little or no progress even when teaching approaches are targeted particularly in an identified area of weakness
- Shows signs of difficulty in developing literacy or numeracy skills which result in poor attainment in some curriculum areas
- Presents persistent emotional or behavioural difficulties which are not ameliorated by the behaviour management techniques usually employed in the company
- Has sensory or physical problems, and continues to make little or no progress despite the provision of a differentiated curriculum.

2.4 Identification

2.4.1 A Young Person may be identified as giving cause for concern in the following ways:

- Through Education, Health, Social or Psychology Services on entry
- Through a carer's social workers expression of concern
- As a result of an analysis of whole company assessment procedures, e.g. following baseline assessment or tests
- Following concerns regarding ongoing progress and development by the teacher
- Or through records provided by a previous School or the placing authority of identification and special educational needs provision. In this situation the company will provide continuity of special educational provision and review the situation at the first review of the Young Person's *personal education plan (PEP)*.

2.4.2 Following the identification of a cause for concern:

- It will be passed over to the Teacher in Charge who will liaise with the young person's carers', clinical lead and Head of education
- If necessary advice will be sought from the local SEN Team to decide the most appropriate course of action
- If appropriate, tests will be administered to gather further information and results forwarded to the young person's Manager and social worker and other relevant agencies who may be involved
- Any teaching strategies that test results indicate will help and will become part of normal teaching practice for that young person and will be recorded in their IEP
- Any additional support required from outside agencies will be sought, for example a speech and language specialist

2.5 Access Arrangements

2.5.1 Below is a list of English standardised tests that are used when applying for access arrangements for Qualifications and exams. These tests may also be used to establish a baseline when young people are placed at our school and they will be retested periodically to track progression.

2.6 Notes on Reviewing PEP'S

- PEP's are reviewed three times a year, usually at the end of each term.
- The PEP's include core and statement targets
- Progress against each target will be monitored on the PEP and a new target will be set once a current target is met
- PEP's are sent to Social workers once they have been reviewed (3 times per year)

2.7 A Request for Statutory Assessment

2.7.1 In the case of a Young Person demonstrating significant cause for concern the company may consider requesting a statutory assessment. All LEAs have established criteria for a request for statutory assessment and the identified member of senior management and designated teacher will consider the criteria when considering further action for a Young Person continuing to cause significant concern. Senior management takes lead responsibility for submitting a request for statutory assessment and will work closely with the designated teacher.

2.7.2 We will work closely with Special Educational Needs and Disabilities departments and the VSH as well as social workers to ensure that all SEN needs are met of looked after children. In addition, it is imperative that we work closely with other relevant professionals involved in the child's life.

2.8 Young People with Statements of Special Educational Needs or an EHCP

2.8.1 All Young People with statements of special educational needs have an IEP, recorded on an IEP form. The IEP targets will be based upon the long-term objectives set out in sub-section 1 of the Young Person's statement. The IEP will be reviewed three times per year and will be fully considered at the annual review of the statement. The teacher in charge is responsible for completing the IEP form and ensuring that a copy is placed in the Young Person's file and a copy is sent to social workers.

2.9 Annual Statement Reviews

- 2.9.1 The review process will enable changes to be made to an EHC plan so it remains relevant to the needs of our young person and the desired outcomes. There may be occasions when a re-assessment becomes appropriate, particularly when their needs change significantly.
- 2.9.2 The Teacher in Charge will take lead responsibility for organising and preparing for the review and will work closely with the Young Person's teachers, Registered Manager and carers.
- 2.9.3 Our School will endeavour whenever possible to ensure that these Reviews will coincide with the care reviews for Looked after Children.
- 2.9.4 In preparing for the review report, our school must actively seek the written advice from the parents (Social Services guidance/advice will be relevant here), and additional people specified by the LEA and anyone else considered appropriate.

2.10 Actions Following the Review

2.10.1 Once the review report is received by the LEA they may take the following actions.

2.10.2 The EHC plan continues to be appropriate:

- Amend the plan if:
 - Significant new needs have emerged;
 - Significant needs which are recorded on the care plan are no longer present;
 - The provision needs changing;
 - The child or young person should change schools.

2.10.3 Cease to maintain the EHC plan.

2.11 Transitional Reviews of Educational Health Care Plans (EHC plans)

- 2.11.1 An EHC plan **must** be reviewed and amended in sufficient time prior to a child or young person moving between key phases of education, to allow for planning for and, where necessary, commissioning of support and provision at the new institution.
- 2.11.2 The review and any amendments **must** be completed by 15 February in the calendar year of the transfer at the latest for transfers into or between schools.
- 2.11.3 For young people moving between post-16 institutions, the review process should normally be completed by 31 March where a young person is expected to transfer to a new institution in the new academic year. However, transfers between post-16 institutions may take place at different times of the year and the review process should take account of this. In all cases, where it is proposed that a young person is to transfer between one post-16 institution and another within the following 12 months, the local authority **must** review and amend, where necessary, the young person's EHC plan at least five months before the transfer takes place.
- 2.11.4 In some cases, young people may not meet the entry requirements for their chosen course or change their minds about what they want to do after the 31 March or five-month deadline. Where this is the case, local authorities should review the EHC plan with the young person as soon as possible, to ensure that alternative options are agreed and new arrangements are in place as far in advance of the start date as practicable.

2.12 Guidance Taken from the Code of Practice for Looked-after Children

- 2.12.1 Children who are being accommodated, or who have been taken into care, by a local authority (i.e. under Section 20, or Sections 31 or 38 of the Children Act 1989) are legally defined as being 'looked after' by the local authority. Around 70% of looked after children have some form of SEN, and it is likely that a significant proportion of them will have an Education, Health and Care (EHC) plan. Children and young people on remand to youth detention accommodation are treated as looked after by their designated local authority under the terms of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (section 104(1)). Further information is provided in paragraphs 10.142 to 10.145.
- 2.12.2 Local authorities will have particular responsibilities for these children and will act as a 'corporate parent'. The local authority **must** safeguard and promote the welfare of all children they are looking after.
- 2.12.3 All maintained schools and academies and free schools **must** appoint a Designated Teacher for looked after children. Where that role is carried out by a person other than the SEN Co-ordinator (SENCO), Designated Teachers should work closely with the SENCO to ensure that the implications of a child being both looked after and having SEN are fully understood by relevant school staff.
- 2.12.4 Local authorities **must** promote the educational achievement of the children they look after, regardless of where they are placed. The Children and Families Act 2014 requires every local authority to appoint an officer who is an employee of that or another authority to discharge that duty. This officer, often known as a Virtual School Head (VSH), will lead a virtual school team which tracks the progress of children looked after by the authority as if they attended a single school. Special Educational Needs and Disabilities departments should work closely with the VSH as well as social workers to ensure that local authorities have effective and joined-up processes for meeting the SEN of looked after children.
- 2.12.5 Local authorities are required to act under care planning statutory guidance issued by the Secretary of State when exercising their social services functions with regard to the children they look after. This is set out in volume 2 of the Children Act 1989 guidance.
- 2.12.6 This means that a considerable amount of planning will be done around the care, health and education needs of looked after children. They will have a Care Plan, which sets out how the local authority will meet the care needs of the child, addressing all important dimensions of a child's developmental needs. These include health, education, emotional and behavioural development, identity, family and social relationships, social presentation and self-care skills. The Care Plan will specifically include a Personal Education Plan (PEP) and a Health Plan (both are a statutory requirement) which will particularly assess and set out the child's education and health needs. It may be through making these assessments that a child's SEN will be identified.
- 2.12.7 Where a looked after child is being assessed for SEN it is vital to take account of information set out in the Care Plan. SEN professionals **must** work closely with other relevant professionals involved in the child's life as a consequence of his/her being looked after. These include the social worker, Designated Doctor or Nurse, Independent Reviewing Officer (IRO), VSH and Designated Teacher in school. This will ensure that the child's EHC plan works in harmony with his/her Care Plan and adds to, but does not duplicate, information about how education, health and care needs will be met. It is essential to involve the child, their carers and, where appropriate, their parents in the planning process. When referencing information contained within the Care Plan only information relevant to meeting the child's SEN should be included in the EHC plan. If in any doubt SEN professionals should discuss this with the social worker and, where appropriate, the child and their carers.

- 2.12.8 A significant proportion of looked after children live with foster carers or in a children's home and attend schools in a different local authority area to the local authority that looks after them. Local authorities who place looked after children in another authority need to be aware of that authority's Local Offer if the children have SEN. Where an assessment for an EHC plan has been triggered, the authority that carries out the assessment is determined by Section 24 of the Children and Families Act 2014. This means that the assessment **must** be carried out by the authority where the child lives (i.e. is ordinarily resident), which may not be the same as the authority that looks after the child. If a disagreement arises, the authority that looks after the child, will act as the 'corporate parent' in any disagreement resolution, as described in Chapter 11.
- 2.12.9 It is the looked after child's social worker (in close consultation with the VSH in the authority that looks after the child) that will ultimately make any educational decision on the child's behalf. However, the day-to-day responsibility for taking these decisions should be delegated to the carer who will advocate for the looked after child and make appeals to the First-tier Tribunal (SEN and Disability) as necessary.
- 2.12.10 For a child in a stable, long-term foster placement it may well be appropriate for the carer to take on the responsibility of managing a Personal Budget but this will need careful case-by-case consideration. (See Chapter 9).
- 2.12.11 The Care Planning Regulations specify the frequency with which Care Plans are reviewed. It is important to ensure the annual review of an EHC plan coincides with one of the child's Care Plan reviews. This could be done as part of the review of a child's PEP which feeds into the review of the wider Care Plan. Social workers and SEN teams will need to work closely together to ensure that transitions from being looked after to returning home are managed effectively, to ensure continuing provision.

2.13 Objectives

2.13.1 The objectives of our procedures are:

- To ensure the early identification of all young people with special educational needs
- To address identified special educational needs effectively using all the resources available to the company.
- To ensure that all staff within the company are committed to providing effective education for all young people with special educational needs
- To ensure that the views of the young person with special educational needs are actively sought and taken into account
- To work in partnership with the care staff, managers and social workers of young people with special educational needs and to recognise the vital role they have to play in supporting their young person's education
- To ensure that young people with special educational needs have full access to a broad, balanced and relevant education, including an appropriate curriculum.

2.13.2 The management will:

- Oversee the day-to-day operation of the SEN Policy
- Co-ordinate provision for young people with special educational needs
- Liaise with and advise other members of staff
- Oversee the records of all young people with special educational needs
- Liaise with care staff and social workers of young people with special educational needs
- Manage all correspondence relating to special educational needs
- Contribute to the in-service training of staff
- Liaise with external agencies including the educational psychologists, LEA support services and health and social services and voluntary bodies.

2.14 Arrangements for Young People with Special Educational Needs

2.14.1 Young people with special educational needs, who do not have an EHC plan, will be subject to the same arrangements as all other young people. Young people with an EHC plan will always be treated the same as others.

2.14.2 The company's approach is one of identifying and assessing the individual's special educational needs and organising flexible provision to address these needs and promote progress and achievement for the young person in all areas of life.

2.14.3 Where a child or young person is covered by SEN and disability legislation, reasonable adjustments and access arrangements should be considered as part of SEN planning and review.

2.15 Assessment and Provision

2.15.1 How young people with special educational needs are identified and their needs determined and reviewed.

2.15.2 Arrangements for providing access by young people with special educational needs to a balanced and broadly based curriculum.

2.15.3 All young people have access to the full curriculum. This includes the National Curriculum and the National Literacy and Numeracy frameworks. We use a variety of teaching and learning approaches to maximise the achievement of all our young people.

2.15.4 Curriculum planning is differentiated and flexible to recognise the individual needs of all young people and to ensure progression for all young people.

2.15.5 As a company we aim to:

- Set suitable learning challenges
- Respond to young people's diverse needs

- Overcome potential barriers to learning and assessment for individuals and groups of young people.

2.15.6 These principles are embraced and applied in planning, teaching and assessing our curriculum.

2.15.7 All young people with special educational needs have full access to the environment, resources, staff and activities of our company.

2.15.8 Some young people with special educational needs may require some form of 'special provision' to enable them to access some activities.

2.16 Evaluating Success

2.16.1 The company undertakes regular monitoring and evaluation of policy and practice for special educational needs through the following approaches:

- Teaching observations
- Monitoring of teachers' planning and assessment records
- Analysis of assessment outcomes
- Monitoring of special educational needs records including:
 - Individual education plans, PEP reviews, Annual reviews of statements etc.
- Monitoring of the progress of young people with special educational needs in meeting individual education plan targets.
- Monitoring of parental views about the quality of special educational needs provision.

2.16.2 The information collected through monitoring and evaluation is discussed during meetings with teachers at regular half termly meetings.

2.16.3 We thereby ensure that:

- Systems for identifying, assessing and reviewing young people with special educational needs are effective.

2.16.4 Performance indicators include:

- Number of complaints from social workers regarding special educational needs provision
- Records of action taken in response to young people's special educational needs are identified in short term curriculum planning and are recorded on IEP's.
- Evidence through analysis of outcomes that young people with special educational needs are making progress.

2.17 The Role Played by Care Staff, Parents and Social Workers

2.17.1 The company attaches great importance to working in partnership with care staff, parents and social workers to achieve the very best for all young people. A central objective of our policy is:

- *To work in partnership with care staff and social workers of young people with special educational needs and to recognise the vital role they have to play in supporting their young person's education.*

2.17.2 To this end, care staff and social workers are encouraged to meet regularly with teachers and to make an active contribution to identification and planning of action to meet their young people's special educational needs.

2.17.3 The transfer of young people with statements of special educational needs will be discussed with their care staff, parents and social workers at the annual review. Contact will be made where appropriate with the placing authority including an invitation to attend the young person's review via the social worker and invitation to visit the young person in the school and discuss their particular strengths and needs.

2.17.4 The company ensures that all records and relevant documentation are passed to the receiving school or placement.