



**City of York Council
Ordinarily available provision**

October 2018

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1. Introduction

The majority of children and young people with special education needs and disabilities have their needs met within their local mainstream setting. All educational settings (pre-school settings, schools and colleges) are able to adjust the curriculum and environment through their delegated resources (funding formula April 2013).

The SEND reforms (Code of Practice 2015) describe the processes to ensure schools introduce a graduated response to meeting individual needs. Parents and Carers should be given the opportunity to be fully involved in seeking to understand and plan to meet those needs. They should be confident that educational settings are able to respond to their needs as quickly as possible.

This document aims to set out:

- who shares responsibilities for identifying children / young people' needs and meeting them
- what resources are available to educational settings in York
- what types of ordinarily available provision can be made for children and young people
- how requests for EHC needs assessment can be made.

2. The Local Offer

The City of York Council have published a 'local offer' of education, health & care services it expects to be available to children, young people aged 0 - 25 who might have additional needs. This was written with parent/carers and is reviewed by children, young people and parent/carers and updated regularly as a priority to ensure current information is available. All local authorities are required to:

- provide clear, comprehensive and accessible information about the support and opportunities that are available
- make provision more responsive to local needs and aspirations by directly involving children and young people with special educational needs and / or disabilities, parents and carers, and service providers in its development and review.

Educational settings must provide detailed information about how they identify, assess and support pupils with SEND. Schools publish a [SEN Information Report](#) on their website. This reflects the local offer and is explicit about the type and level of support parent/carers might expect their child or young person to receive from the school's ordinarily available provision.

3. SEN Support

York City Council's policy is to encourage all educational settings (early years' settings, schools and colleges) to provide for children and young people with a wide range of abilities and needs, including those with SEND, usually from within their catchment / local area. The delegated SEN budget is available to them to make sure that settings can embed inclusive practice. Inclusion remains a central tenet of the Education Act 1996, the Children & Family Act 2014 (the SEND reforms) and the Equality Act 2011.

Any additional Local Authority resources for children and young people with SEND are made available to educational settings to supplement their own resources, through top up funding agreed by the Education Health and Care Panel and are not instead of them.

It is not expected that additional resources will usually be delivered on a wholly 1:1 basis with individual children and young people but rather there will be effective and flexible deployment of resources to meet the needs of children and young people in the setting. Settings may choose to offer support through class, group and individual level, or through the purchase of appropriate equipment/ resources.

Decisions on how best to support children and young people will always take into account the context within which the child or young person is educated.

Where a pupil has SEND, the responsible body is required to fulfil the following statutory duties:

The Local Authority must:

- Ensure there is sufficient provision for children and young people with special educational needs and / or disabilities and to review it annually
- Publish information on SEND funding and provision
- Monitor the progress of children and young people with SEND
- Provide information, support, advice and guidance to parents of children and young people with SEND including the provision of a statutory special educational needs and disabilities advice and support service, known as SENDIASS and mediation service
- Publish information about the local offer, i.e. what is *expected* to be available for children and young people with special educational needs and / or disabilities aged 0-25
- Make arrangements for the assessment of children and young people' education, health & care needs where agreed, and maintain and review Education, Health & Care Plans

Schools, Governors and Proprietors must:

- Ensure that to the best of their endeavours, the necessary provision is made for any child or young person who has SEND
- Ensure that where the Headteacher / Principal or a nominated governor has been informed by the local authority that a pupil has SEND, those needs are made known to all who are likely to teach or support that pupil. Ensure that staff are aware of the importance of identifying and providing for children and young people who have SEND

- Ensure that a pupil with SEND has access to appropriate activities within the school together with other children or young people, so far as this is reasonable for the efficient and effective education of children in their setting
- Report to parents on the implementation of the school's policy for children and young people with SEND by publishing an annual SEN report
- Ensure the statutory duties within the current SEN Code of Practice are applied to all children and young people with SEND within their setting
- Ensure that the school notifies parents of a decision that SEND provision is being made for their child

Governors must:

- Appoint a SEND Governor to have oversight of the arrangements for SEND in school
- Know how many children and young people in the school have SEND
- Know how much money the school receives for SEND and ensure an appropriate budget arrangement is in place to undertake its duties to arrange provision for children and young people with SEND
- Review and approve the SEND policy and the SEN Information Report and any other relevant policies
- Monitor the progress of children and young people with SEND and ensure that the appropriate provision are made, as specified in Education, Health & Care Plans
- Ensure that SEND provision is integrated into the school improvement plan
- Publish on a school website the school SEND Information Report (or School Local Offer)

Schools / Colleges must:

- Identify children and young people with SEND and ensure provision is made in accordance with the SEN Code of Practice (2015)
- Schools must appoint a SENCO who is a qualified Teacher (or, alternatively, the Headteacher may take on this role); Colleges must have a named professional who leads on all aspects of SEND and provide appropriately qualified staff to teach and meet the needs of young people with SEND
- Invest in whole school and targeted training for staff
- Ensure inclusive teaching and support is embedded throughout the school and that all Teachers understand that they are responsible for children and young people with SEND
- Provide information on school arrangements for SEND to parents and governors
- Be pro-active in making present and future arrangements for children and young people with a disability.

Teachers must:

- Set goals and outcomes that stretch and challenge children and young people of all backgrounds, abilities and needs
- Be accountable for children and young people' attainment, progress and outcomes
- Be aware of children and young people' capabilities and prior knowledge and plan teaching to build on these

- Adapt teaching to respond to the strengths and needs of all children and young people
- Know when and how to differentiate appropriately, using approaches which enable children and young people to be taught effectively
- Have a secure understanding of how to promote learning and how to overcome the barriers to learning
- Demonstrate an awareness of the physical, social and intellectual development of children, and know how to adapt teaching to support children and young people's education at different stages of development

Have a clear understanding of the needs of all children and young people, including those with special educational needs; those of high ability; those with English as an additional language; those with disabilities; and be able to use and evaluate distinctive evidence based teaching approaches to engage and support them.

Complaints procedure

Parent/carers and young people aged 16 - 25 have the following rights of redress, should the educational setting, Board of Governors or Local Authority fail in their duty to provide, if the parent or young person disagrees with a decision or feels that there is discriminatory practice. The first step would always be for parent/carers to talk to their child's setting and try to resolve things with the people working with their child. If this does not resolve the issue we encourage parent/carers to contact [SENDIASS](#). SENDIASS are arms length and provide information, advice and support to children and young people who have, or may have, special educational needs and disabilities 0-25 years, and their parents/carers.

The procedures for complaints are as follows:

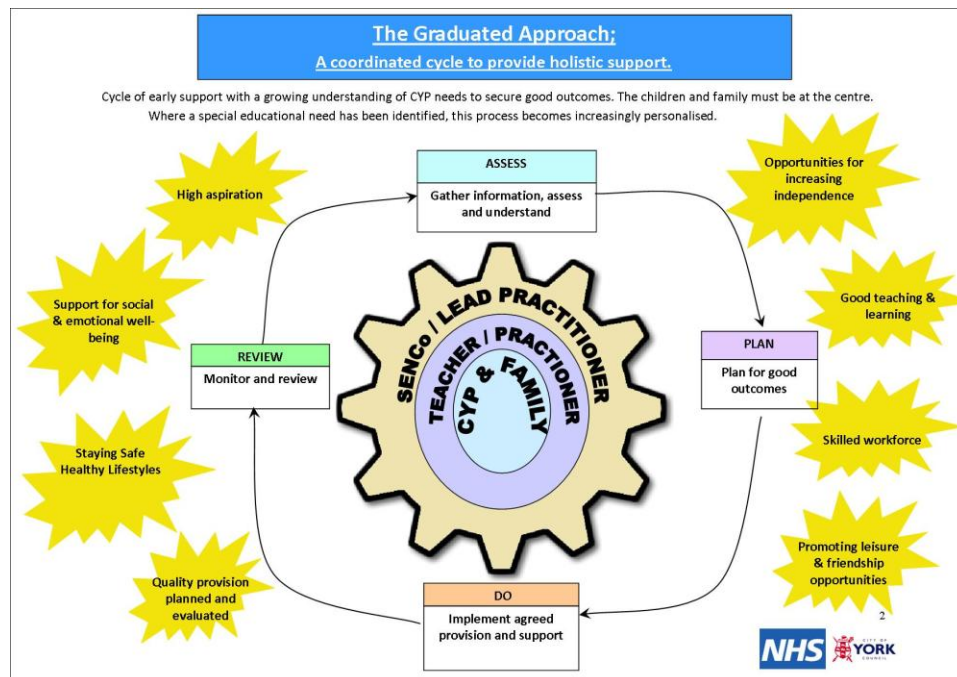
- Talk to staff working with your child
- Follow the setting's complaints procedure
- Contact SENDIASS
- Talk to the Local Authority's SEN team (LA schools) or Academy Trust (Academies)
- Follow the Local Authority's complaints procedure – 'Have Your Say'
- Access the offer of mediation with KIDS – details available through SENDIASS
- The vast majority of concerns are resolved before this stage. An extremely small number of parent/ carers consider an appeal to the First Tier Tribunal
- Consider a claim against the responsible body (Chair of Governors or Local Authority) for disability discrimination to the First Tier Tribunal
- Contact the Local Authority Ombudsman (Schools and LA) or Ofsted.

4. Ordinarily Available Provision at SEN Support

Educational settings make a range of ordinarily available provision for all children and young people, including those with SEND from the totality of resources available to them. Educational settings use a 'graduated approach' to implement increasingly specialist level of teaching and intervention for children and young people with SEND.

For more information on the “graduated approach” please refer to the [Nasen SEN Support and Graduated Response](#) document.

Schools and colleges in particular must demonstrate how they use the place funding and the delegated SEN budgets to meet children and young people's needs with and without an Education Health and Care plan and develop and review support plans in consultation with parents, children and young people.



5. Co-ordinated support

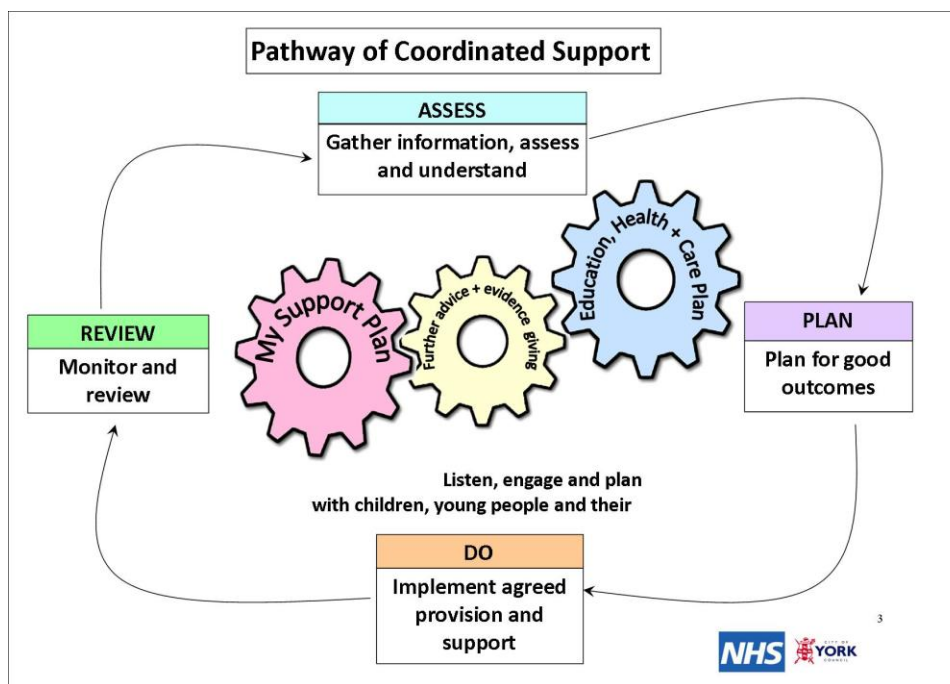
York City Council recognises and respects that schools and colleges will have a variety of processes and formats in which to record SEND support in-house. The local authority encourages state funded schools & colleges to use the York **My Support Plan (MSP)** or **My Agreed Outcomes** to record how a child or young persons needs will be met through a co-ordinated approach.

Where it is the view of the SENCO that the setting might request an Education Health and Care needs assessment for the child and young person in the future a full My Support Plan will be needed.

The My Support Plan helps educational settings to demonstrate the level of resource they have made available to provide targeted support. This demonstrates to the local authority that the child or young person's needs require 'additional and different' provision, over and above the SEN delegated budget.

“Before he had a My Support Plan, he didn't have any help. Having everyone all together made a difference. ‘We had a big meeting and we put it all in place. Now if anyone asks, it is all in one place. Having everyone together they all know things. Everyone knows what is going on. I think it is working to be honest. He has come on leaps and bounds since being at school.’

Educational settings, usually lead by the SENCO/ Pastoral Manager, should follow the Pathway of Coordinated Support:



ASSESS

- collect information about every child or young person's attainment and progress as soon as they enter that setting
- monitor progress over time
- Identify children and young people making less than expected progress and who are unlikely, on current performance, to attain at an expected or higher level
- Moderate the assessment of pupils attainment levels and target setting in a rigorous way including using

- standardised tests
- criterion referenced assessment checklists
- profiling tools, e.g. for behaviour
- observation schedules and prompt sheets
- questionnaires for children and young people and parent/carers
- screening assessments e.g. for specific learning difficulties including dyslexia
- request specialist support e.g. Educational Psychology, Speech & Language Therapy

PLAN

- develop and put in place processes and resources for all pupils to increase their progress and raise attainment - a clear set of strategies and approaches to support class differentiation
- involve parent/carers and child or young person from the outset, and work in partnership with all relevant staff to co-produce a plan to address the needs, and work towards agreed outcomes
- ensure the resources to deliver the plan are in place
- incorporate and implement advice from specialists
- agree who will regularly monitor progress towards meeting the agreed outcomes, adjusting the plan as needed, and how frequently this will be (weekly / half-termly)

DO

Monitor...

- how well the child or young person responds to the delivery of the plan
- how independently the child or young person is working and if improvement is evident
- how engaged they are in their learning
- how children, young people are responding to home and education environments
- the impact of learning on wellbeing at home and in education settings
- how effectively they are able to work with their peers
- the quality of teaching input
- independence skills to ensure children and young people are not becoming over- reliant on teaching assistant support
- the effectiveness of adult support in enabling them to work towards / achieve the planned outcomes
- if the skills they are developing in targeted provision are being transferred to more general learning / settings
- if they have been provided with opportunities to work in a variety of groups

REVIEW

- involve parent/carers and the child or young person at the centre of the review by delivering a person-centred-review process; ensure the regular monitoring and review of progress at times / in locations that maximises attendance and contribution
- gather the views of the parent/carers and child or young person, teacher, support staff, other professionals involved
- use evidence to determine if the child or young person has made 'good-enough' progress - are they working towards or have they met the desired outcomes?

- establish if the child or young person has demonstrated their ability to generalise their learning / skills
- understand if the support arrangements are being effective in increasing the rate of progress and narrowing-the-gap

York City Council would usually expect state funded schools to complete at least two cycles of the assess, plan, do and review cycle to gather sufficient evidence to support a request for Education Health and Care needs assessment. Any interventions made must be evidence-based with an account of the progress the child has made in response to the interventions.

Please Read The Step by Step Process to request an [Education Health Care needs assessment - Guidance](#).

6. SEN Provision in Schools

York City Council (CYC) have developed the [SEN Thresholds](#), available in a summary and detailed document, to describe assessment/ planning, teaching, curriculum and resources that will be available at universal, targeted and specialist provisions.

In deciding whether to make special educational provision, the teacher and SENCO should consider all of the information gathered from within the school about the pupil's progress, in comparison to national data and expectations of progress. This should include high quality and accurate formative assessment, using effective tools and early assessment materials. For higher levels of need, schools should have arrangements in place to draw on more specialised assessments from external agencies and professionals.

This information gathering should include the views of pupil and their parents/carers. The Listen to Me resources can be used to support creative ways to involve children and young people. We encourage schools and settings to share the CYC SEN Threshold documents with parents/carers as the focus for a structured discussion to develop a good understanding of the pupil's areas of strength and difficulty, the parents' concerns, the agreed outcomes sought for the child and the next steps.

However support is provided, a date for reviewing progress should be agreed and the parent, pupil and teaching staff should each be clear about how they will help the pupil reach the expected outcomes. The overriding purpose of this action is to help the pupil achieve the identified outcomes and remove any barriers to learning. Where it is decided that a pupil does have SEN, the decision should be recorded in the school records and the pupil's parents must be formally informed that special educational provision is being made.

All this information should be clearly and comprehensively described in the pupils **My Support Plan (MSP)** or **My Agreed Outcomes**

SEN support should include planning and preparation for the transitions between phases of education and preparation for adult life (see SEND Code of Practice Chapter 8, Preparing for adulthood from the earliest years). To support transition, the school should share information with the school, college or other setting the child or young person is moving to. Schools should agree with parents and pupils the information to be shared as part of this planning process. Where a pupil is remaining at the school for post-16 provision, this planning and preparation should include consideration of how to provide a high quality study programme.

7. SEN Provision in Colleges

All school and academy sixth forms, sixth form colleges, further education colleges and 16-19 academies are provided with resources to support students with additional needs, including young people with SEND.

These institutions receive an allocation based on a national funding formula for their core provision. They also have additional funding for students with additional needs, including those with SEN. This funding is not ring-fenced and is included in their main allocation in a 'single line' budget. Like mainstream schools, colleges are expected to provide appropriate, high quality SEN support using all available resources.

It is for colleges, as part of their normal budget planning, to determine their approach to using their resources to support the progress of young people with SEN. The principal or a senior leader should establish a clear picture of the resources available to the college and consider their strategic approach to meeting SEN in the context of the total resources available.

This will enable colleges to provide a clear description of the types of special educational provision they normally provide. This will help parents and others understand what they can normally expect the college to provide for young people with SEN.

Colleges are not expected to meet the full costs of more expensive support from their core and additional funding in their main allocation. They are expected to provide additional support which costs up to a nationally prescribed threshold per student per year. The responsible local authority, usually the authority where the young person lives, should provide additional top-up funding where the cost of the special educational provision required to meet the needs of an individual young person exceeds the nationally prescribed threshold. This should reflect the cost of providing the additional support that is in excess of the nationally prescribed threshold. There is no requirement for an EHC plan for a young person for whom a college receives additional top-up funding except in the case of a young person who is over 19. But where the local authority considers it is necessary for special educational provision to be made through an EHC plan it should carry out an EHC needs assessment. Local authorities should be transparent about how they will make decisions about high needs funding and education placements. They should share the principles and criteria which underpin those decisions with schools and colleges and with parents and young people.

It should be noted that colleges are funded by the Education Funding Agency (EFA) for all 16-18 year olds and for those aged 19-25 who have EHC plans, with support from the home local authority for students with high needs. Colleges must not charge tuition fees for these young people. Further information on funding can be found on the GOV.UK website.

Colleges are funded by the Skills Funding Agency (SFA) for all students aged 19 and over who do not have an EHC plan (including those who declare a learning difficulty or disability). Colleges are able to charge fees for these students. However, students who meet residency and eligibility criteria will have access to Government funding. Further information on funding eligibility is available on the SFA's website. Colleges also receive funding from HEFCE for their higher education (HE) students, but this Code does not apply to HE students.

8. The role of the SENCO (see SEND Code of Practice Chapter 6)

- Governing bodies of maintained mainstream schools and the proprietors of mainstream academy schools (including free schools) must ensure that there is a qualified teacher designated as SENCO for the school.
- A newly appointed SENCO must be a qualified teacher and, where they have not previously been the SENCO at that or any other relevant school for a total period of more than twelve months, they must achieve a National Award in Special Educational Needs Co-ordination within three years of appointment.
- The SENCO has an important role to play with the headteacher and governing body, in determining the strategic development of SEN policy and provision in the school. They will be most effective in that role if they are part of the school leadership team.
- The SENCO has day-to-day responsibility for the operation of SEN policy and co-ordination of specific provision made to support individual pupils with SEN, including those who have EHC plans.
- The SENCO will be liaise with parents/carers and staff responding to queries/concerns about a child's SEN and provide a support role to enable pupils to receive appropriate support and high quality teaching. The SENCO will ensure parents/carers know about the Local Offer and sign post what is available in York including support, parent groups and activities in York.
- The SENCO provides professional guidance to colleagues and will work closely with staff, parents/carers and other agencies.
- The key responsibilities of the SENCO will include:
 - overseeing the day-to-day operation of the school's SEN policy
 - co-ordinating provision for children with SEN
 - liaising with the relevant Designated Teacher where a looked after pupil has SEN
 - advising on the graduated approach to providing SEN support
 - advising on the deployment of the school's delegated budget and other resources to meet pupils' needs effectively
 - liaising with parents of pupils with SEN
 - liaising with early years providers, other schools, educational psychologists, health and social care professionals, and independent or voluntary bodies
 - being a key point of contact with external agencies, especially the local authority and its support services
 - liaising with potential next providers of education to ensure a pupil and their parents are informed about options and a smooth transition is planned
 - working with the headteacher and school governors to ensure that the school meets its responsibilities under the Single Equalities Act (2010) with regard to reasonable adjustments and access arrangements
 - ensuring that the school keeps the records of all pupils with SEN up to date
- The school should ensure that the SENCO has sufficient time and resources to carry out these functions. This should include providing the SENCO with sufficient administrative

support and time away from teaching to enable them to fulfil their responsibilities in a similar way to other important strategic roles within a school.

- It may be appropriate for a number of smaller primary schools to share a SENCO employed to work across the individual schools, where they meet the other requirements set out in this chapter of the Code. Schools can consider this arrangement where it secures sufficient time away from teaching and sufficient administrative support to enable the SENCO to fulfil the role effectively for the total registered pupil population across all of the schools involved.

Involving specialists

Where a pupil continues to make less than expected progress, despite implementation of a graduated response using evidence-based support and interventions that are matched to the pupil's area of need, the school should consider involving specialists, including those secured by the school itself or from outside agencies. The pupil's parents/carers should always be involved in any decision to involve specialists and will usually be asked to give written consent. For young people aged 16 yrs+ the young person themselves should be consulted in terms of giving informed consent.

Specialist services include, but are not limited to:

- Educational Psychologists
- Specialist Teachers or support services, including specialist teachers with a mandatory qualification for children with hearing and vision impairment, including multi-sensory impairment, and for those with a physical disability. (Those teaching classes of children with sensory impairment **must** hold an appropriate qualification approved by the Secretary of State. Teachers working in an advisory role to support such pupils should also hold the appropriate qualification.)
- Speech and Language Therapists
- Physiotherapists and Occupational Therapists
- School Wellbeing Workers
- Child and Adolescent Mental Health Services (CAMHS)

The SENCO will discuss any issues or concerns with parents /carers before involving specialists. Any recommendations or actions agreed with specialists should be shared with parents and recorded for each pupil.. All teachers and support staff who work with the pupil should be made aware of their needs, the outcomes sought, the support provided and any teaching strategies or approaches that are required.

Involving parents and children / young people in planning and reviewing progress

Where a pupil is receiving SEN support, schools should talk to parents regularly to set clear outcomes and review progress towards them, discuss the activities and support that will help achieve them, and identify the responsibilities of the parent, the pupil and the school. Schools should meet parents at least three times each year.

These discussions should be led by a teacher with good knowledge and understanding of the pupil who is aware of their needs and attainment. This will usually be the class teacher or form tutor,

supported by the SENCO. It should provide an opportunity for the parent to share their concerns and, together with the teacher, agree the outcomes for the pupil.

These discussions will need to allow sufficient time to explore the parents' views and to plan effectively. Meetings should, wherever possible, be aligned with the normal cycle of discussions with parents of all children / young people. They will, however, be longer than most parent-teacher meetings.

The views of the pupil should be included in these discussions. This could be through involving the pupil in all or part of the discussion itself, or gathering their views as part of the preparation.

A record of the outcomes, action and support agreed through the discussion should be kept and shared with all the appropriate school staff. This record should be given to the pupil's parents. The school's management information system should be updated as appropriate.