



Section 1 - SEND & Inclusion Toolkit

Special Educational Needs & Disabilities (SEND)

Children and Young People's Services



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Special Educational Needs and/or Disabilities (SEND)

Definition of Special Educational Needs and/or Disability

A child or young person has SEND if they have a learning difficulty or disability which calls for special educational provision to be made for them. A child of compulsory school age or a young person has a learning difficulty or disability if they:

- have significantly greater difficulty in learning than the majority of others of the same age; *or*
- 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 mainstream schools or mainstream post-16 institutions.

A child under compulsory school age has special educational needs if they fall within the definition above or would so do if special educational provision was not made for them.

(Clause 20 Children and Families Act).

Many children and young people who have SEN may have a disability under the Equality Act 2010:

'...a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities'.

This definition provides a relatively low threshold and includes more children than many realise:

'long-term' is defined as 'a year or more' 'substantial' is defined as 'more than minor or trivial'.

This definition includes sensory impairments such as those affecting sight or hearing, and long-term health conditions such as asthma, diabetes, epilepsy, and cancer. Children and young people with such conditions do not necessarily have SEN, but there is a significant overlap between disabled children and young people and those with SEN. Where a disabled child or young person requires special educational provision they will also be covered by the SEN definition.

Equality & Inclusion

All educational settings have duties under the Equality Act 2010 towards individual disabled children and young people. They must make reasonable adjustments, including the provision of auxiliary aids and services for disabled children, to prevent them being put at a substantial disadvantage. These duties are anticipatory – they require thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage. Settings also have wider duties to prevent discrimination, to promote equality of opportunity and to foster good relations.

Educational settings support pupils with a wide range of SEN. They should regularly review and evaluate the breadth and impact of the support they offer or can access. Settings should also collaborate with other local education providers to explore how different needs can be met most effectively. They must have due regard to general duties to promote disability equality.

All pupils should have access to a broad and balanced curriculum. Teachers should set high expectations for every pupil, whatever their prior attainment. Teachers should use appropriate assessment to set targets which are deliberately ambitious. Potential areas of difficulty should be identified and addressed at the outset. Lessons should be planned to address potential areas of difficulty and to remove barriers to pupil achievement. In many cases, such planning will mean that pupils with SEN and/or disabilities will be able to study the full national curriculum.



Accessibility planning for disabled pupils

Schools are required to have an Accessibility Plan showing how they are planning strategically to increase access over time. Schools must publish their Accessibility Plan on the school website, which is aimed at:

- increasing the extent to which disabled pupils can participate in the curriculum.
- improving the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided; and
- improving the availability of accessible information to disabled pupils.

Although schools are not required to carry out these changes prior to receiving a pupil with a disability, they would need to have a clear plan as to what modifications may need to take place on receipt of a pupil with specific needs.

Each school should determine the format of their Accessibility Plan, but the Local Authority suggests that each of the categories above should have elements of short, medium, and long-term planning.

Schools will need to provide adequate resources for implementing plans and must review them regularly. OFSTED inspections may include a school's Accessibility Plan as part of their review.

Remember to include:

- how the curriculum is differentiated and, at Key Stage 4, what alternative accreditation is offered.
- how information for pupils, parents and the community is available in different formats.
- plans to improve the signage in the buildings and grounds.
- arrangements that could be put in place if a disabled parent needed support to attend a school event, e.g. the availability of a signer for a parents' evening.

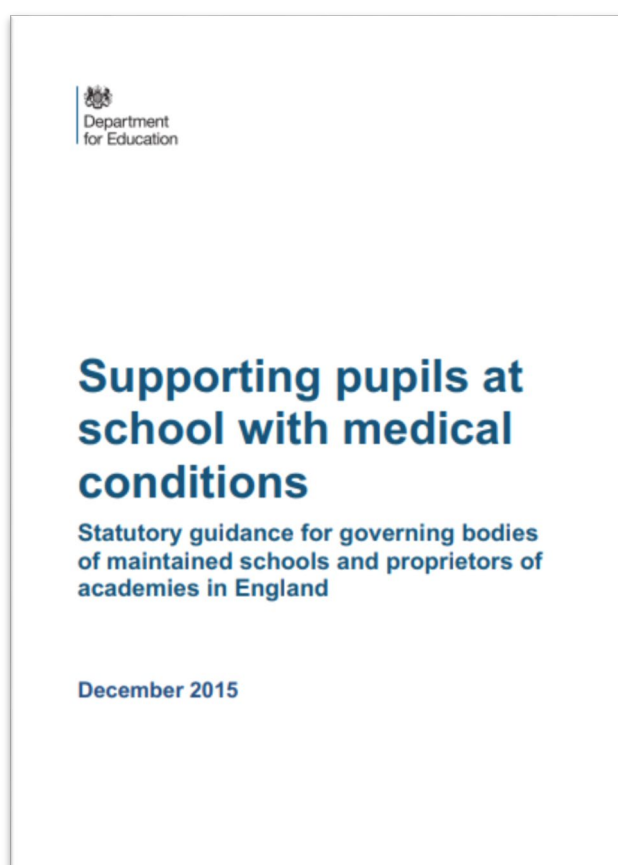
For more information on Auxiliary Aids, please see 'section 6 of the toolkit Useful resources'.

Medical conditions

The Children and Families Act 2014 places a duty on maintained schools and academies to make arrangements to support pupils with medical conditions. Governing bodies must ensure that the necessary arrangements are in place to support pupils with medical conditions and they should ensure that school leaders consult with health and social care professionals, pupils, and parents/carers to ensure the needs of children and young people with medical conditions are effectively supported. Individual healthcare plans will normally specify the type and level of support required to meet the medical needs of these pupils.

Where children and young people also have SEN, their provision should be planned and delivered in a co-ordinated way with the healthcare plan. Schools are required to have regard to statutory guidance [**'Supporting pupils at school with medical conditions'**](#).

School nurses are able to signpost to specialist help, relating to diabetes, asthma, epilepsy, anaphylaxis and tracheostomy care etc. The Local Authority also offer guidance and training on supporting disabled pupils with a medical condition, such as administering medications in school. Guidance can be found on the [**'For providers'**](#) page of the Local Offer.



County Durham Local Authority panels

Within Durham County Council there are a number of panels which support the identification of more significant needs and planning for children and young people with SEND. There are also a number of panels that have a joint education, health and care finance commissioning purpose. See below for an 'at a glance' guide to panels.

'At a glance' guide to Durham panels and decision making for educational providers

Centre point of entry to LA: sencasework@durham.gov.uk for queries and requests for provision additional to that funded from schools' notional SEN funding, following evidence of relevant and purposeful action. Directed to appropriate panel by SEN administrative team.

Early Years panel

- EHC needs assessment requests 0 - 5 years.
- Early Years SEND Support requests to replace Outreach and DCATCH.
- Requests for Educational Psychology involvement for Early Years children.
- Requests for Early Years places at EMP: Hearing Impairment.

Statutory (EHC) request panel to consider:

- EHC needs assessment requests five-25 years.

SEN support Top-Up funding panel to consider:

- school top up funding requests outside EHC plan.
- internal LA sign off of high cost education only funds (£10k+) for SEN support Top Ups.

Complex Case Panel to consider:

- emergency assessment requests.
- highly complex and challenging provision or placement issues relating to individual children/young people and/or placements.
- any provision within an EHC plan that is over 16K (education only).
- change of placement of EMP.