

Special Educational Needs

The Special Educational Needs and Disability Act 2001¹ sets out the legislation for the identification and provision for children / young people with special educational needs (SEN).

The SEN Code of Practice is a national guide for schools and SCE (local authorities in the UK) which sets out the ways in which a child or young person's special needs are identified and the practical help they should receive. The Code describes a 'graduated response' that should be put in place which builds on the level of expertise involved and the additional support available to the child/young person. The Code recommends that schools, working with parents, should identify and take action to meet children's needs as early as possible.

The law states that all schools must 'have regard' to the SEN Code when deciding how to support children with special educational needs – this means schools should always consider what the Code says.

The Code gives guidance to schools and sets out a framework in which they should work; it does not tell them what they must do in every case. Individual cases will depend on the individual circumstances of the child / young person as well as the resources available within different schools.

¹ The legislation is not statute in BFG but agencies will work within the spirit of the Act.

What are Special Educational Needs?

“Children have special educational needs if they have a learning difficulty which calls for special educational provision to be made for them.”
(CoP 1:3) Children have a learning difficulty if they:

Have a significantly greater difficulty in learning than the majority of children the same age; or

Have a disability that prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the local authority;

Are under compulsory school age and fall within the definition at (a) or (b) above or would so do if special educational provision was not made for them.

Children must not be regarded as having a learning difficulty solely because the language or form of language of their home is different from the language in which they will be taught.

Special educational provision means:

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 LEA, other than special schools in the area;

For children under two, educational provision of any kind.

(Education Act 1996, Section 312 and SEN CoP 1:3)

A learning difficulty refers to a difficulty which impacts on the ability to learn, not just a difficulty with learning to read, write or with number work. It could also mean:

Sensory difficulties i.e. hearing or sight problems;

Physical difficulties;

Speech difficulties either in understanding language or speaking;

Emotional and behaviour problems;

Difficulties forming relationships with other children or adults;

Many children will have difficulties in some areas of school work, or make slow progress at some time in their school life. This does not necessarily mean that they have special educational needs. Often a teacher can help a child / young person overcome difficulties they may be having by using a different way of working and giving them support.

Schools' responsibilities for children with SEN

All schools have a governing body (School Governance Committee in SCE schools) that are responsible for the policies and practices within their school. The governing body is made up of a number of different people which should include a parent representative. Individual members of the governing body may have responsibility for different areas of school life and every school is required to have a nominated governor for special educational needs. The SEN governor, along with the headteacher, is responsible for deciding the school's general policy and approach to meeting pupils' special educational needs and setting up the appropriate staffing and funding arrangement, and oversees the school's work.

Every school also has to have a **Special Educational Needs Coordinator (SENCO)**, although some schools may now use different titles for this post e.g. Learning Support Coordinator, Inclusion Manager, Inclusion Coordinator. Their role is described in the Code as follows:

“The SEN coordination (SENCO), in collaboration with the headteacher and governing body, plays a key role in determining the strategic development of the SEN policy and provision in the school in order to raise the achievement of pupils with SEN.” [CoP 5:30](#)

In practice, this means the SENCO will:

Take day to day responsibility for the implementation of the school's SEN policy;

Coordinate the provision for individual children with special educational needs;

Work closely with staff, parents/carers and other agencies;

Provide advice and guidance to other staff with the aim of securing high quality teaching for children with special educational needs;

The school has a responsibility to inform parents/carers if they are making special provision for their child.

Although the SEN governor and the SENCO have particular responsibilities for children with special educational needs, this is not their responsibility solely. Provision for children with special educational needs is a whole school issue and should be an integral part of school life.