



# Special Educational Needs

Code of Practice  
0 – 19 years

October 2017

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### This code of practice includes:

- **Statutory guidance** which sets out what schools and the Education Department **must** do to comply with the Law
- **Non Statutory guidance** which provides advice for schools and the Education Department to understand how to comply with the Law

## Foreword

It gives me great pleasure to introduce the updated Special Educational Needs Code of Practice for Jersey. Our vision for children with special educational needs is the same as for all children and young people – that they achieve well in their early years, at school and in college, and lead happy and fulfilled lives.

This new Special Educational Needs Code of Practice will play a vital role in Underpinning this vision. I believe that, over time, it will make a major contribution to strengthening partnerships across the island between schools, the Education Department and Health and Social Services. In the process, it will also help to increase confidence on the part of teachers, parents and other stakeholders in the quality of service offered to our schools and families.

For children and young people this means that their special educational needs will be picked up at the earliest point with support routinely put in place quickly, and their parents will know what services they can reasonably expect to be provided. Children and young people and their parents or carers will be fully involved in decisions about their support and what they want to achieve. Importantly, the aspirations for children and young people will be raised through an increased focus on life outcomes, including employment and greater independence.

The Education Department has been working with various stakeholders to develop the way it can be clearer and more supportive by jointly planning pathways for children and young people who have special educational needs. Those with more complex needs will have better co-ordination of support as they start life as well as prepare for adulthood.

The Code of Practice is the product of extensive consultation; we have listened to a wide range of individuals and groups and the result is a Code which will provide greater clarity for everyone working with children and young people within schools. Many people have worked hard to develop and refine the Code of Practice during the consultation phase. I very much look forward to watching it embed and become integral part of building local capacity, ensuring the greatest outcomes for children and young people with special educational needs in Jersey.

Yours sincerely



**Justin Donovan**  
Chief Education Officer

# Principles

## What this chapter covers

This chapter lays out the key principles governing the new Jersey Special Educational Needs Code of Practice. This links to the relevant Jersey legislation and to best practice guidance and frameworks from other jurisdictions.

## Relevant Legislation

[Education \(Jersey\) Law 1999 Revised Edition \(1 January 2017\)](#)

## Introduction

The Education (Jersey) Law 1999, (as amended, referred to as “The Law”)<sup>1</sup> is the primary legislation governing the legal requirements and duties for all areas of Jersey education, including Special Educational Needs (SEN). Part 1, Article 4 of the Law defines the term “special educational needs” in Jersey, as well as the defined meaning of “learning difficulty”, “special educational provision” and “special school”. Part 5 of the Law, Articles 28 to 32 precisely define the duty of the Education Minister in relation to a child/young person with SEN; the power of the Education Minister to require assessment; parental/carer’s rights in relation to SEN, and other powers. In addition, children/young people with SEN have rights defined in other parts of the Law, for example, in accessing the Jersey Curriculum (Article 16).

The principles outlined in this chapter seek to ensure that the Law is fully implemented in line with current best practice in SEN, paying full regard to the needs of children/young people with SEN. Our research has taken the perspectives of the relevant SEN Codes of Practice (or their equivalents) in the diverse education systems of the United Kingdom. In particular, these principles are closely aligned with those found in the Code of Practice for schools and organisations which work with and support children and young people with educational needs and disabilities in England.<sup>2</sup> This chapter sets out these principles and how they are reflected in the chapters that follow.

In this Code of Practice, where the text uses the word ‘**must**’ it refers to a statutory requirement under primary legislation.

This means that whenever the Education Department and maintained educational settings are taking decisions they **must** give consideration to what the Code says. They cannot ignore it. They **must** fulfil their statutory duties towards children/young people with SEN in the light of the guidance set out in it. They **must** be able to demonstrate in their arrangements for children/young people with SEN that they are fulfilling their statutory duty to have regard to the Code of Practice. So, where the text uses the word ‘should’ it means that the guidance contained in this Code **must**

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<sup>1</sup> The most recent amendment to the [Education \(Jersey\) Law 1999 is January 1<sup>st</sup> 2017](#)

<sup>2</sup> Section 19 of the Children and Families Act 2014 sets out the principles underpinning UK legislation to which Jersey’s guidance in this Code of Practice aspires to reflect.

be considered and that those who **must** have regard to it will be expected to explain any departure from it.

## **Our Principles**

- 1.1 The Education Department<sup>3</sup> and schools must, in relation to children/young people with SEN, have regard to:
- the views, wishes and feelings of the child/young person and their parents/carers
  - the importance of the child/young person and their parents/carers participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions
  - the need to support the child/young person and their parents/carers, in order to facilitate the development of the child/young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood
- 1.2 These principles are designed to support:
- the participation of children/young people and their parents/carers in decision making
  - the early identification of children/young people's needs and early intervention to support them
  - greater choice for children/young people and parents/carers over support in line with Jersey legislation
  - improved collaboration between education, health and social care services to provide support
  - high quality provision to meet the needs of children/young people with SEN
  - a focus on inclusive practice and removing barriers to learning
  - successful preparation for adulthood, including independent and healthy living and employment

## **The Principles in Practice**

### Participating in decision-making

- 1.3 The Education Department will seek to ensure that children/young people and their parents/carers are involved in discussions about their individual support and about local provision.
- 1.4 Early years providers, schools and colleges should also take steps to ensure that children/young people and their parents/carers are actively supported in

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<sup>3</sup>Section 19 of the UK Children and Families Act 2014 makes clear that local authorities, in carrying out their functions under the Act, must have this regard; in Jersey the Education Department is both the government department and the equivalent of a local authority.

contributing to needs assessments, developing and reviewing Records of Needs (RoNs).

Specifically, the Education Department **must**:

- ensure the child/young person's parents/carers are fully included in the Exceptional Action (EA) assessment process from the start, are fully aware of their opportunities to offer views and information, and are consulted about the content of the RON
- make arrangements for providing children/young people with SEN, and their parents/carers, with advice and information about matters relating to SEN (see Chapter 2)

1.5 Children/young people have a right to receive and impart information, to express an opinion and to have that opinion taken into account in any matters affecting them from their early years. Their views should be given due weight according to their age, maturity and capability (Articles 12 and 13 of the United Nations Convention on the Rights of the Child).

1.6 Parents'/carers' views are important during the process of carrying out an EA assessment and drawing up or reviewing a RoN in relation to a child/young person. The Education Department, early years providers, schools and the college should enable parents/carers to share their knowledge about their child and give them confidence that their views and contributions are valued. At times, parents/carers, teachers and others may have differing expectations of how a child/young person's needs are best met. Sometimes these discussions can be challenging but it is in the child/young person's best interests for a positive dialogue between parents/carers, teachers and others to be maintained, to work through points of difference and establish what action is to be taken.

### **Supporting children/young people and their parents/carers to participate in decisions about their support**

1.7 The Education Department **must** ensure that children/young people and their parents/carers are provided with the information, advice and support necessary to enable them to participate in discussions and decisions about their support. This should include information on their rights and entitlements in accessible formats and time to prepare for discussions and meetings. From Year 9 onwards, particularly for those with RoNs (complex and multiple needs in pilot year 2016/17), the Education Department, schools, the College and other agencies will be involved in the planning for their transition to adult life, the future and how to prepare for it, including their good health, where they will live, their relationships, control of their finances, how they will participate in the community and achieve greater independence. The Education Department should help young people and their families prepare for the change in status under the Law in regard to SEN that occurs once the child reaches the end of compulsory school age (CSA). The Education (Jersey) Law states a "child means a person who has not attained the age of 19 years". Part 5 (re SEN) "does not include any young person who is not in full

or part time education”. Section 29(3) refers to the “child who has attained the age of 16 years” being able to make a “wish” regarding choice of school.

- 1.8 The Education Department should consider whether some young people may require support in expressing their views, including whether they may need support from an advocate (who could be a family member or a professional). The Education Department should not use the views of parents/carers as a proxy for young people’s views. Young people will have their own perspective and local authorities should have arrangements in place to engage with them directly.

### **Involving children/young people and their parents/carers in planning and reviewing services**

- 1.9 The Education Department **must** consult children/young people with SEN and their parents/carers in reviewing educational and training provision and in preparing and reviewing any information available. It is important that they participate effectively in decisions about support available to them.
- 1.10 Effective participation should lead to a better fit between families’ needs and the services provided, higher satisfaction with services, reduced costs (as long-term benefits emerge) and better value for money. The Education Department should work with children/young people and their parents/carers to establish the aims of their participation, mark progress and build trust. They should make use of existing organisations and forums which represent the views of parents/carers, and those which represent the views of children/young people directly, and where these do not exist, the States of Jersey should consider establishing them.

Effective participation happens when:

- it is recognised, valued, planned and resourced (for example, through appropriate remuneration and training)
- it is evident at all stages in the planning, delivery and monitoring of services
- there are clearly described roles for children/young people and their parents/carers
- there are strong feedback mechanisms to ensure that children/young people and their parents/carers understand the impact their participation is making

### **Parent Carer Forum Jersey**

The Parent Carer Forum is a way of bringing parents and carers together to create a strong community of families who have children with special needs. They hope to represent all families by ensuring a diverse membership and representation of diverse views from children living with special needs and parent/carers’ from all backgrounds and sectors of the community. They provide regular communication with parent/carers’, ensuring they are able to decide whether to be involved in a piece of work/consultation that is going on.

- 1.11 Parent Forum Jersey will be run by a committee of parents/carers with an independent chair and up to 12 members. The group is backed by the Education, Health and Social Services and Social Security Departments and will work with them to feedback other parents'/carers' views about the special needs services on offer to the Island's children/young people.
- 1.12 The volunteer parents on the committee will represent other families and put their views forward. These members will receive informal training and help if necessary and will attend meetings along with representatives of the organisations that help children/young people with special educational needs.

### **Identifying children and young people's needs**

- 1.13 The Education Department **must** carry out its functions with a view to identifying all the children/young people in Jersey who have or may have SEN or have or may have a disability. The Education Department can gather information on children/young people with SEN in a number of ways. Schools or Health, Social Services and Early Years Providers can bring a child/young person who they believe has or probably has SEN or a disability to their attention.
- 1.14 A child/young person's parents/carers, early years providers, schools and colleges have specific rights to request a needs assessment for a RoN and children/young people and their parents/carers should feel able to tell their early years provider, school or college if they believe they have or may have SEN.

### **Greater choice for parents and young people over their support**

- 1.15 States of [Jersey Online Directory](#) (JOD) should reflect the services that are available as a result of on-going strategic assessments of local needs and reviews of local education, care provision and of health provision. Linking these assessments and reviews to the JOD will help to identify gaps in local provision. The Education Department and Health & Social Services **must** involve children/young people with SEN and their parents/carers in the development and review of the JOD. This will help to ensure it is responsive to local families.

### **Collaboration between Education and Health and Social Services to provide support**

- 1.16 If children/young people with SEN are to achieve their ambitions and the best possible educational outcomes, including getting a job and living as independently as possible, then education and health and social services should work together to ensure they get the right support.

## High quality provision to meet the needs of children/young people with special educational needs

- 1.17 High quality teaching that is personalised will meet the individual needs of the majority of children/young people. Some children/young people need educational provision that is additional to or different from this. Early years providers, schools and the college **must** use their best endeavours to ensure that such provision is made for those who need it. Special educational provision is underpinned by high quality teaching and is compromised by anything less.
- 1.18 Early years providers, schools and colleges should know precisely where children/young people with SEN are in their learning and development.

They should:

- ensure decisions are informed by the insights of parents/carers and those of children/young people themselves
- have high ambitions and set stretching targets for them
- track their progress towards these goals
- keep under review the additional or different provision that is made for them
- promote positive outcomes in the wider areas of personal and social and emotional health and development
- ensure that the approaches used are based on the best possible evidence and are having the required impact on progress

Chapters 4, 5 and 6 give guidance on identifying and supporting children/young people with SEN.

### A focus on inclusive practice and removing barriers to learning

- 1.19 The Education Department is committed to the inclusive education of children/young people and the progressive removal of barriers to learning and participation in mainstream education. Education (Jersey) Law 1999 secures the general presumption in law of mainstream education in relation to decisions about where children/young people with SEN should be educated. The Discrimination (Jersey) Law 2013 included the first protected characteristic (race) and was introduced on 1 September 2014. The protected characteristics were extended to sex, sexual orientation, gender reassignment, maternity & pregnancy and age. By 2018, it will provide protection from discrimination for disabled people, following the agreement of the current Disability Strategy.
- 1.20 Where a child/young person has SEN but does not have a RoN, they **must** be educated in a mainstream setting except in specific circumstances (refer to the law).
- 1.21 The Education Department [School Admissions Policy](#) **must** ensure all applications for children/young people with SEN to be treated fairly.

The Education Department:

- **must** consider applications from parents/carers of children/young people who have SEN but do not have a RoN on the basis of the school's published admissions criteria as part of normal admissions procedures
  - **must** not refuse to admit a child who has SEN but does not have a RoN because they do not feel able to cater for those needs
  - **must** not refuse to admit a child on the grounds that they do not have a RoN
- 1.22 The Discrimination (Jersey) Law 2013 will prohibit schools from discriminating against disabled children/young people in respect of admissions for a reason related to their disability once it becomes a protected characteristic. All post-16 settings manage their own admissions policies and also should not discriminate against disabled young people in respect of admissions. Students will need to meet the entry requirements for courses as set out by the college, but should not be refused access to opportunities based on whether or not they have a SEN or disability. They **must** demonstrate how they will make reasonable adjustments without impacting on the integrity of the qualification.
- 1.23 Children/young people without a RoN can be placed in a special school or an Additionally Resourced Centre (ARC) only in the following exceptional circumstances:
- for an assessment placement
  - where they are admitted following a change in their circumstances with their agreement (in the case of a young person) or the agreement of their parent/carer (in the case of a child), the Education Department and the head teacher of the special school. Where an emergency placement of this kind is made, the Education Department should immediately initiate an Exceptional Action assessment or re-assessment
- 1.24 The leaders of early years settings, schools and the college should establish and maintain a culture of high expectations that expects those working with children/young people with SEN to include them in all the opportunities available to other children/young people so they can achieve well.
- 1.25 In practical situations in everyday settings, the best early years providers, schools and colleges do what is necessary to enable children/young people to develop, learn, participate and achieve the best possible outcomes irrespective of whether that is through reasonable adjustments for a disabled child/young person or special educational provision for a child/young person with SEN.
- 1.26 Much of the guidance in this Code of Practice focuses on the individual responsibilities to children/young people with SEN. When early years providers, schools, the College, the Education Department and others plan and review special educational provision and make decisions about children/young people with SEN they should consider, at the same time, the

reasonable adjustments and access arrangements required for the same child/young person.

- 1.27 The presumption of mainstream education is supported by provisions safeguarding the interests of all children/young people and ensuring that the preferences of the child/young person's parents/carers for where they should be educated are met wherever possible.
- 1.28 The special school and ARCs have an important role in providing for children/young people with SEN and in working collaboratively with each other to develop and share expertise and approaches.

### **Supporting successful preparation for adulthood**

- 1.29 With high aspirations, and the right support, the vast majority of young people can go on to achieve successful long-term outcomes in their adult life. The Education Department and their partners should work together to help young people to realise their ambitions in relation to:
- higher education and/or employment – including exploring different employment options, such as support for becoming self-employed and help from supported employment agencies
  - independent living – enabling young people to have choice and control over their lives and the support they receive, their accommodation and living arrangements, including supported living
  - participating in society – including having friends and supportive relationships, and participating in, and contributing to, the local community
  - being as healthy as possible in adult life
- 1.30 All professionals working with families should look to enable children/young people to make choices for themselves from an early age and support them in making friends and staying safe and healthy. As children grow older, and from Year 9 in school at the latest, preparing for adult life should be an explicit element of conversations with children and their families as the young person moves into and through post-16 education. For children/young people in or beyond Year 9 with RoNs, the Education Department will include provision to assist in preparing for adulthood in the RoN annual review.

## 2. Sharing Information

### What this chapter covers

This chapter explains where information outlining the support available for local children and young people with special educational needs (SEN) is available.

It covers:

- How the information about the available provision from the Education Department should be produced and how it can be accessed
- How the Education Department should make provision more responsive to local needs and aspirations

### Relevant Legislation

[Education \(Jersey\) Law 1999 Revised Edition \(1 January 2017\)](#)

[Administrative Provisions Part 9 Article 54](#)

[Children of Compulsory School Age Part 4 Article 23](#)

### Information

2.1 All information **should** be:

- **collaborative:** The Education Department should involve parents/carers and children/young people in developing and reviewing the information
- **accessible:** the published information should be easy to understand, factual and jargon free. It should be structured in a way that relates to young peoples' and parents/carers' needs (for example by broad age group or type of special educational provision). It should be well signposted and well publicised
- **comprehensive:** parents/carers and children/young people should know what support is expected to be available across education and how to access it. The information should include eligibility criteria for services, where relevant, and make it clear where to go for information, advice and support, as well as how to make complaints about provision or appeal against decisions
- **up to date:** when parents/carers and children/young people access the information it is important that the information is up to date
- **transparent:** the information should be clear about how decisions are made and who is accountable and responsible for them

2.2 In the preparation of the information, the Education Department should ensure that children/young people and parents/carers feel they have participated in the process. Parent Forum Jersey, young people's forums and other local groups are useful ways to engage families.

- 2.3 Information for parents/carers outlining the support available for local children/young people with SEN should be made available electronically.
- 2.4 Information for schools outlining the targeted and specialist services available for local children/young people with SEN should be made available electronically.

### **Jersey Online Directory**

- 2.5 The Education Department and agencies should co-operate with each other in the development and review of the [Jersey Online Directory](#) describing useful information and how to access support groups, services, activities and organisations available for local children/young people with SEN. This is to ensure that there is a comprehensive, transparent and accessible picture of the range of services available in one place.

### **Training Offer**

- 2.6 The Education Department should provide clear, comprehensive, accessible and up-to-date information about training for the early years and schools' workforce. The training offer should reflect the needs of the early years and schools' workforce and in the preparation of the information, the Education Department should ensure that the schools and settings have participated in the process.
- 2.7 The training offer should include professional development to secure expertise at different levels:
- **awareness:** to give a basic awareness of a particular type of SEN, appropriate for all staff who will come into contact with a child or young person with that type of SEN
  - **enhanced:** how to adapt teaching and learning to meet a particular type of SEN, for early years practitioners, class and subject teachers/lecturers and teaching assistants working directly with the child/young person on a regular basis, and;
  - **specialist:** in-depth training about a particular type of SEN, for staff who will be advising and supporting those with enhanced-level skills and knowledge
- 2.8 The 'published' workforce training offer should be reviewed and updated annually in the summer term ready for schools/individuals to plan and book their continued professional development (CPD) in advance of, and certainly ready for the next academic year

### **Early Years Settings and Schools**

- 2.9 Early Years Settings and Schools should publish detailed information about their arrangements for identifying, assessing and making provision for pupils with SEN (see Chapter 4, Schools).

- 2.10 The information should include arrangements for the admission of disabled pupils, the steps taken to prevent disabled pupils from being treated less favorably than other pupils, the facilities provided to assist access for disabled pupils and the schools' accessibility plans. The early years and school-specific information should relate to the schools' arrangements for providing a graduated response to children/young people's SEN.

### **Further Education**

- 2.12 All post-16 providers should publish more detailed information about their arrangements for identifying, assessing and making provision for pupils with SEN.

### **Transport Guidelines**

- 2.13 Transport can be an important factor in the support for children/young people with SEN.
- 2.14 The Education Department should ensure that suitable travel arrangements are made where necessary to facilitate transport for pupils placed outside their catchment area who have a Record of Need (RoN) and when there is no other means of transporting the pupil to school. These arrangements **must** be made clear in transport guidelines. Wherever possible and practical, parents/carers are encouraged to make their own arrangements to bring their child to school in order to maintain the home/school link. However, should this not be possible, the Head of SEN should be contacted to discuss the difficulties.

## 3 Early Years Providers

### What this chapter covers

This chapter explains the action early years providers should take to fulfil their responsibilities in relation to identifying and supporting all children/young people with special educational needs (SEN), whether or not they have a Record of Needs (RoN).

### Improving outcomes: high aspirations and expectations for children/young people with SEN

- 3.1 All children/young people are entitled to an education that enables them to:
  - achieve the best possible educational and other outcomes,
  - become confident young people with a growing ability to communicate their own views and ready to make the transition into compulsory education
- 3.2 Providers of early years education, that is all early years' providers in the States, private, voluntary and independent sectors that the Education Department funds, are required to have regard to this Code including the principles set out in Chapter 1. This is stipulated by the Nursery Education Fund (NEF) and the partnership agreement signed by the Education Department and each early years education provider.
- 3.3 All early years providers should follow the safeguarding and welfare requirements within the requirements for registration and nursery policy and the learning and development requirements, unless an exemption from these has been granted. This will be replaced by one set of Statutory Requirements and a Quality Framework to support best practice in all sectors.
- 3.4 Providers should have arrangements in place to support children/young people with SEN and/or disabilities. These arrangements should include a clear approach to identifying and responding to SEN. The benefits of early identification are widely recognised – identifying need at the earliest point, and then making effective provision, improves long-term outcomes for children/young people.
- 3.5 All those who work with children/young people should be alert to emerging difficulties and respond early. In particular, parents/carers know their children best and it is important that all practitioners listen and understand when parents/carers express concerns about their child's development. They should also listen to and address any concerns raised by children/young people themselves.
- 3.6 **States nursery classes should:**
  - use their best endeavours to make sure that a child with SEN gets the support they need

- ensure that children/young people with SEN engage in the activities of school alongside children/young people who do not have SEN
- designate a teacher to be responsible for co-ordinating SEN provision (the SEN Coordinator, or SENCo)
- inform parents when they are making special educational provision for a child

They should also prepare a report on:

- the implementation of their SEN policy
- their arrangements for the admission of disabled children/young people
- the steps being taken to prevent disabled children/young people from being treated less favourably than others
- the facilities provided to enable access to the nursery class for disabled children/young people

- 3.7 Early years providers should provide information for parents/carers on how they support children with SEN and should regularly review and evaluate the quality and breadth of the support they offer or can access for children with SEN. States nursery classes and all providers of relevant early education to children with SEN should co-operate with the Education Department in reviewing the provision that is available locally and in developing the Jersey Online Directory (JOD). Providers should work in partnership with other States of Jersey providers to explore how different types of need can be met most effectively.
- 3.8 The Education Department should ensure that all providers they fund in the States, private, voluntary and independent sectors are aware of the requirement on them to have regard to the SEN Code of Practice and to meet the needs of children with SEN as per the partnership agreement in order to promote equality and inclusion for children/young people with disabilities or SEN. This includes removing barriers that prevent children/young people accessing early education and working with parents/carers to give each child/young person support to fulfil their potential.
- 3.9 Where assessment indicates that support from specialist services is required, it is important that children/young people receive it as quickly as possible. The Jersey Online Directory (JOD) is developing information about the types of support available from different services, including early years, and how it can be accessed.

### **The Discrimination (Jersey) Law 2013**

- 3.10 All early years providers should adhere to responsibilities under the Jersey Discrimination legislation. In particular, they should not discriminate against, harass or victimise children/young/people with SEN, and they should make reasonable adjustments to prevent them being put at substantial disadvantage. This duty is anticipatory – it requires thought to be given in advance to what disabled children/young people might require and what adjustments might need to be made to prevent their disadvantage. All

publically funded early years providers must promote equality of opportunity for disabled children/young people.

### **Medical conditions**

3.11 All early years providers should take steps to ensure that children with medical needs get the support required to meet them.

### **SEN in the early years**

3.12 All early years providers are required to have arrangements in place to identify and support children with SEN and to promote equality of opportunity for children in their care.

### **From 0 – 2 years – early identification**

3.14 Parents/carers' early observations of their child are crucial. Increasingly, these needs can and are identified antenatally. There are antenatal scans which provide the earliest opportunity for screening and these are followed by new-born assessments, hearing screening and on into the Healthy Child Programme (DOH 2009) which provides health surveillance and screening as well as immunisations at standard points of delivery. This enables very early identification of a range of medical and physical difficulties. Health services, including maternity services, paediatricians, the family's general practitioner, and health visitors, should work with the family, support them to understand their child's needs and help them to access early support this can be accessed on the Early Years Pathway which is initiated by the paediatrician. When accessing the pathway, a child will be allocated a keyworker. The keyworker will either be a Parent Partnership Worker or a Social Worker if they have one. The Early Years Pathway is based at the Child Development Centre (CDC). The role of the keyworker is to provide:

- Emotional and Practical Support including talking through difficult decisions and developing a trusting professional relationship
- Coordination which will involve being a single point of contact with professionals and helping coordinate meetings
- Planning and Assessment by ensuring families receive the right support and assessments from different professionals
- Information and Specialist Support such as advocating for the child and their family, providing information and signposting on to more specialist support when necessary

In the early stages of meeting a child and their family, the Keyworker will offer an Early Help assessment. The Early Help Approach is a single way of assessing the needs of children/young people and their families that can be used by all agencies working with children/young people. The Early Help Approach provides a range of assessment and planning tools that are suitable for children/young people from conception to 18, which can be used by all those who work with families. The assessment helps to identify emerging additional needs that, with help and support, can prevent things from

becoming worse. The Early Help Approach allows different professionals to coordinate their work with families by sharing a single plan (see reference section for website link).

- 3.15 Where health professionals such as speech and language or physiotherapy is of the opinion that a young child under compulsory school age has, or probably has, SEN, they must inform the child's parents/carers and provide formal notification to the Pre-School Forum (PSF) which is chaired by the Head of SEN. The work involved on the Pathway promotes the expertise of parents/carers and importance is placed on their views to inform decision making for their children. There is a strong emphasis on capturing the voice of the child, where appropriate dependent upon age and stage and the development of a communication passport for the child. The health body must also give the parents/carers the opportunity to discuss their opinion and let them know about any voluntary organisations that are likely to be able to provide advice or assistance. This includes the educational advice, guidance and any intervention to be put in place at an early point and before the child starts school.
- 3.16 This support can take a number of forms, including:
- Specialist support from health visitors, educational psychologists, speech and language therapists or specialist teachers, such as a teacher of the deaf or vision impaired. These specialists may visit families completing specific assessments, formulating plans to meet identified needs and co-producing with parents/carers and their children, to achieve the best outcomes in whatever setting is most appropriate. This includes the home
  - training for parents/carers in using early learning programmes to promote play, communication and language development
  - home-based programmes, such as Portage, which offer a carefully structured system to help parents/carers support their child's early learning and development
- 3.17 Information about these services should be included in the Jersey Online Directory.

### **Early Years provision**

- 3.18 The majority of 3 and 4 year olds, and many younger children, attend some form of early years provision. The requirements for registration and current nursery policy set out the standards that registered providers and nursery classes should meet to ensure that children learn and develop well and are kept healthy and safe. This not only includes environmental safety but more importantly safeguarding with reference to overarching principles and guidance from the Safeguarding Partnership Board (SPB). It also involves ongoing assessment of children's progress. Early years providers and educational settings should have arrangements in place that include a clear approach to assessing SEN. This should be part of the setting's overall graduated approach (3.28) to monitoring the progress and development of all children. Referrals to the Early Years Inclusion Team (EYIT) and other

appropriate agencies should be made when support is required. EYIT provides a support service to all pre-school settings both private and maintained in Jersey for children aged 0 to 4 years. The team consists of 2 Early Years Area Special Educational Needs Coordinators (EYAS) and two Portage Home Visitors (PHV).

3.19 In assessing progress of children in the early years, practitioners can use the non-statutory Early Years Outcomes guidance as a tool to assess the extent to which a young child is developing at expected levels for their age. The guidance sets out what most children do at each stage of their learning and development. These include typical behaviours across the seven areas of learning:

- communication and language
- physical development
- personal, social and emotional development
- literacy
- mathematics
- understanding of the world
- expressive arts and design

3.20 It is the expectation of the Education Department that parents/carers will receive a written report of their child's learning and development at the end of the Early Years Foundation Stage (EYFS) in the Reception year. Throughout the EYFS, practitioners will be using a framework to track and review progress against developmental milestones through observation. This will provide clear information for parents/carers and practitioners on the learning and development of their child.

### **Information on progress in EYFS and work from FNHC Health Visiting Team**

3.21 Family Nursing & Home Care (FNHC) are a local charity who are Commissioned to deliver nursing services in the community for adults and children/young people. The Child and Family Clinical Division comprises of health visitors, school nurses, community nursery nurses, Community Children's Nurse Team (Paediatric nurses) Looked After Children's Nurse and Child Accident prevention.

Health visitors and school nurses deliver the Healthy Child Programme (DOH 2009) and there are 5 standard contacts within this up to age 2 years. Care transitions to the School Nurse team at school entry.

At age 2 and up to 2 years and 6 months, the health visiting team offer a health and developmental assessment and utilise the Ages and Stages Questionnaire. This looks at 5 domains of development including communication, gross motor, fine motor, problem solving and personal/social. Each domain is scored for thresholds of meeting milestones in time, close to threshold and requiring strategies that are implemented and then followed up and where further assessment may be required. This will include necessary referrals. This assessment is complete in partnership with the parent/carer.

This information should identify the child's strengths and any areas where the child's progress is not within age-appropriate milestones. If there are significant emerging concerns, practitioners should develop a targeted plan to support the child, involving other professionals such as, the school SENCo or Early Years Area SENCo and for a younger child this may include a Portage referral.

The summary should highlight areas where:

- good progress is being made
- some additional support might be needed
- there is a concern that a child may have a developmental delay (which may indicate SEN)

This information will be held by the parent/carer and within FNHC child health records (EMIS). Opportunities for this to be considered and shared with Early Years settings are encouraged and sought.

- 3.22 It should describe the activities and strategies the provider intends to adopt to address any issues or concerns. If a child moves settings between the ages of 2 and 3 it is expected that the progress check will be undertaken in the setting where the child has spent the most time.
- 3.23 The health visiting team currently check children's health and physical development milestones between ages 2 and 3 as part of the universal Healthy Child Programme

### **Assessment at the end of the Early Years' Foundation Stage**

- 3.24 The EYFS profile provides parents/carers, practitioners and teachers with a well-rounded picture of a child's knowledge, understanding and abilities. A profile is usually completed for children in the final term of the year in which they turn 5. It is particularly helpful for children with SEN and should inform plans for future learning and identify any additional needs for support and education settings are expected to share these with appropriate specialists such as school nurse teams and professionals involved if there is a team around the Child/Family (TAC/F).

### **Identifying needs in the early years**

- 3.25 In addition to the formal checks, early years practitioners working with children should monitor and review the progress and development of all children throughout the early years.
- 3.26 Where a child appears to be behind age appropriate stages, or where a child's progress gives cause for concern, practitioners should consider all the information about the child's learning and development from within and beyond the setting: from formal checks, from practitioner observations and from any more detailed assessment of the child's needs. From within the setting, practitioners should particularly consider information on a child's

progress in communication and language, physical development and personal, social and emotional development. Where any specialist advice following a referral has been sought from beyond the setting, this should also inform decisions about whether or not a child has SEN. All the information should be collated together with the observations of parents/carers and considered with them.

- 3.27 A delay in learning and development in the early years may or may not indicate that a child has SEN, that is, that they have a learning difficulty or disability that calls for special educational provision to be made for the child. Equally, difficult or withdrawn behaviour does not necessarily mean that a child has SEN. However, where there are concerns, there should be an assessment to determine whether there are any causal factors such as an underlying learning or communication difficulty. If it is thought housing, family or other domestic circumstances may be contributing to the presenting behaviour, a multi-agency approach, supported by the use of approaches such as the Early Help Assessment, should be adopted.
- 3.28 Identifying and assessing SEN for young children whose first language is not English requires particular care. Early year's practitioners should look carefully at all aspects of a child's learning and development to establish whether any delay is related to learning English as an additional language or if it arises from SEN or disability. Challenges related solely to learning English as an additional language are not SEN.
- 3.29 Where a child has a significantly greater difficulty in learning than their peers, or a disability that prevents or hinders a child from making use of the facilities in the setting and requires special educational provision, the setting should make that provision. In all cases, early identification and intervention can significantly reduce the need for more costly interventions at a later stage.
- 3.30 Special educational provision should be matched to the child's identified SEN. Children's SEN are generally thought of in the following 4 broad areas of need and support:
- communication and interaction
  - cognition and learning
  - social, emotional and mental health
  - sensory and/or physical needs
- 3.31 These areas give an overview of the range of needs that providers should plan for. However, individual children often have needs that cut across all these areas and their needs may change over time. For instance speech, language and communication needs can also be a feature of a number of other areas of SEN, and children with an Autism Spectrum Disorder may have needs across all areas. The special educational provision made for a child should always be based on an understanding of their particular strengths and needs and should seek to address them all, using well-evidenced interventions targeted at areas of difficulty and, where necessary, specialist equipment or software. This will help to overcome barriers to learning and

participation. Support should be family centred and should consider the individual family's needs and the best ways to support them.

- 3.32 Reviewing the effectiveness of interventions in enabling children to make progress can itself be part of the assessment of need, informing the next steps to be taken as part of a graduated approach to support, as described in 'SEN support in the early years' below. It may be necessary to test out interventions as part of this process, both to judge their effectiveness for the child and to provide further information about the precise nature of their needs.
- 3.33 There is a wide range of information available on early years and early intervention and on different areas of need and the most effective interventions. (See reference section).

### **SEN support in the early years**

- 3.34 It is particularly important in the early years that there is no delay in making any necessary special educational provision. Delay at this stage can give rise to learning difficulty and subsequently to loss of self-esteem, frustration in learning and to behaviour difficulties. Early action to address identified needs is critical to the future progress and improved outcomes that are essential in helping the child to prepare for adult life and consent from parents must be sought.
- 3.35 Where a setting identifies a child as having SEN they must work in partnership with parents/carers to establish the support the child needs.
- 3.36 Where a setting makes special educational provision for a child with SEN they should inform the parents/carers and a States nursery class must inform the parents/carers. All settings should adopt a graduated approach with the 4 stages of action: assess, plan, do and review.

### **Assess**

- 3.37 In identifying a child as needing SEN support, the early years practitioner, working with the setting SENCo and the child's parents/carers, will have carried out an analysis of the child's needs. This initial assessment should be reviewed regularly to ensure that support is matched to need. Where there is little or no improvement in the child's progress, more specialist assessment may be called for from specialist teachers or from health, social services or other agencies beyond the setting. Where professionals are not already working with the setting, the SENCo should contact them, with the parents/carers consent.

### **Plan**

- 3.38 Where it is decided to provide SEN support, and having formally notified the parents/carers, (see 3.37 above), the practitioner and the SENCo if in a States nursery or Early Years Area SENCo if in a private setting should agree, in

consultation with the parent/carer, the outcomes they are seeking, the interventions and support to be put in place, the expected impact on progress, development or behaviour, and a clear date for review. Plans should take into account the views of the child. The support and intervention provided should be selected to meet the outcomes identified for the child, based on reliable evidence of effectiveness, and provided by practitioners with relevant skills and knowledge. Any related staff development needs should be identified and addressed.

- 3.39 Parents/carers should be involved in planning support and, where appropriate, in reinforcing the provision or contributing to progress at home.

## **Do**

- 3.40 The early years practitioner, usually the child's key person, remains responsible for working with the child on a daily basis. With support from the SENCo, they should oversee the implementation of the interventions or programmes agreed as part of SEN support. The SENCo should support the practitioner in assessing the child's response to the action taken, in problem solving and advising on the effective implementation of support.

## **Review**

- 3.41 The effectiveness of the support and its impact on the child's progress should be reviewed in line with the agreed date. The impact and quality of the support should be evaluated by the practitioner and the SENCo working with the child's parents/carers and taking into account the child's views. They should agree any changes to the outcomes and support for the child in light of the child's progress and development. Parents/carers should have clear information about the impact of the support provided and be involved in planning next steps.
- 3.42 This cycle of action should be revisited in increasing detail and with increasing frequency, to identify the best way of securing good progress. At each stage parents/carers and the child should be engaged with the setting, contributing their insights to assessment and planning. Intended outcomes should be shared with parents/carers and the child and reviewed with them, along with action taken by the setting, at agreed times.
- 3.43 Where a child has a RoN, the Education Department must review that plan as a minimum every 12 months. As part of the review, the Education Department can ask settings, and require States nursery classes, to convene and hold the annual review meeting on its behalf.

## **Transition**

- 3.44 SEN support should include planning and preparing for transition, before a child moves into another setting or school. This can also include a review of the SEN support being provided or a RoN. To support the transition, information should be shared by the current setting with the receiving setting

or school. The current setting should agree with parents/carers the information to be shared as part of this planning process which should include any medical and physical needs.

### **Involving specialists**

- 3.45 Where a child continues to make less than expected progress, despite evidence-based support and interventions that are matched to the child's area of need, practitioners should consider involving appropriate specialists, for example, health visitors, Paediatric nurses and school nurses, speech and language therapists, Portage workers, educational psychologists or specialist teachers, who may be able to identify effective strategies, equipment, programmes or other interventions to enable the child to make progress towards the desired learning and development outcomes. The decision to involve specialists should be taken with the child's parents/carers.

### **Requesting an Exceptional Action assessment**

- 3.46 Where, despite the setting having taken relevant and purposeful action to identify, assess and meet the special educational needs of the child, the child has not made expected progress, a maintained setting should consider requesting an Exceptional Action assessment.

### **Record keeping**

- 3.47 Practitioners should maintain a record of children under their care as required by current registration requirements and nursery class/school policy. Such records about their children should be available to parents/carers and they should include how the setting supports children with SEN and disabilities.

### **The role of the SENCo in early years provision**

- 3.48 A States nursery class should ensure that it has access to the school SENCo in order to ensure the detailed implementation of support for children with SEN.
- 3.49 The requirements for registration requires other early years providers and childminders to have arrangements in place for meeting children's SEN. Those in types of group provision such as day nurseries, pre-schools, holiday clubs, activity clubs, etc. are expected to identify a lead person for SEN. This person should have a senior role in the organisation. Childminders should take on the responsibility of oversight of SEN. Support in training and advice will be provided by the Education Department. This will include training sessions from Childhood and Early Years' Service (CEYS) and Inclusion and Early Intervention (IEI) professionals such as Jersey Childcare Trust (JCCT), Early Years Inclusion Team (EYIT) and Early Years Advisory Team (EYAT).

3.50 The role of the SENCo/lead person for SEN involves:

- ensuring all practitioners in the setting understand their responsibilities to children with SEN and the setting's approach to identifying and meeting SEN
- advising and supporting colleagues
- ensuring parents/carers are closely involved throughout and that their insights inform action taken by the setting, and;
- liaising with professionals or agencies beyond the setting

### **The role of the Area SENCo**

3.51 To fulfil their role in identifying and planning for the needs of children with SEN, the Education Department should ensure that there is sufficient expertise and experience amongst local early years providers to support children with SEN. The Education Department makes use of Early Years Area SENCos to provide advice and guidance to early years providers on the development of inclusive early learning environments. The Early Years Area SENCo will help develop the capacity of setting and school staff to manage the operational arrangements put in place. The Early Years Area SENCo helps make the links between education, health and social services to facilitate appropriate early provision for children with SEN and their transition to compulsory schooling.

3.52 Typically, the role of the Early Years Area SENCo includes:

- providing advice and practical support to early years providers about approaches to identification, assessment and intervention within the SEN Code of Practice
- building capacity of setting-based SENCos in ensuring arrangements are in place to support children with SEN
- strengthening the links between the settings, parents/carers, schools, social services and health services
- developing and disseminating good practice
- supporting the development and delivery of training both for individual settings and on a wider basis
- developing links with existing SENCo networks to support smooth transitions to school nursery and reception classes, and;
- informing parents/carers of and working with Jersey On-line Directory, to promote effective work with parents/carers of children in the early years

3.53 The Early Years Area SENCo plays an important part in planning for children with SEN to transfer between early years provision and schools.

3.54 The Early Years Area SENCo should work with early years' providers who are registered with Childcare and Early Years' Service (CEYS) under the Daycare of children (Jersey) law 2002. They should consider how they work with and provide advice to childminders in supporting children with SEN.

### **Funding for SEN support in the early years**

- 3.55 The Education Department should ensure that all states providers in receipt of additional 'banded funding' meet the needs of children with SEN and disabled children.
- 3.56 Early years providers should consider how best to use their resources to support the progress of children with SEN.

## 4. Schools

### What this chapter covers

This chapter explains the action mainstream school providers should take to fulfil their responsibilities in relation to identifying and supporting all children/young people with special educational needs (SEN), whether or not they have Record of Needs (RoN).

### Relevant Legislation

[Education \(Jersey\) Law 1999 Revised Edition \(1 January 2017\)](#)

[Special Educational Needs Part 5 Articles 28 - 32](#)

### Improving outcomes: high aspirations and expectations for children and young people with special educational needs

- 4.1 All children/young people are entitled to an appropriate education, one that is appropriate to their needs, promotes high standards and the fulfilment of potential. This should enable them to:
- achieve their best
  - become confident individuals living fulfilling lives, and;
  - make a successful transition into adulthood, whether into employment, further or higher education and/or training
- 4.2 Every school is required to identify and address the SEN of the pupils that they support, including those that are in an alternative provision. Mainstream schools, which in this chapter includes maintained schools, maintained nursery schools, Highland's College, Alternative Curriculum and d'Hautree House School **must**:
- use their best endeavours to make sure that a child/young person with SEN gets the support they need, this means doing everything they can to meet the child/young person's SEN
  - ensure that children/young people with SEN engage in the activities of the school alongside pupils who do not have SEN
  - designate a teacher to be responsible for co-ordinating SEN provision; the Special Educational Needs Co-ordinator (SENCo)
  - ensure that funds allocated to the setting are used to meet the needs of identified children/young people are monitored and evaluated
  - consult parents/carers when they are making special educational provision for a child/young person
  - prepare a SEN information report (see 'Publishing information: SEN information report', paragraph 4.78 onwards) and arrangements for the admission of children/young people with SEN, the steps being taken to prevent such children/young people from being treated less favourably than others, the facilities provided to enable access to the school for such

children/young people and their accessibility plan showing how they plan to improve access progressively over time (guidance in reference chapter).

- 4.3 School leaders should regularly review how expertise and resources used to address SEN can be used to build the quality of whole-school provision as part of their approach to school improvement.
- 4.4 The quality of teaching for pupils with SEN, and the progress made by pupils, should be a core part of the school's performance management arrangements and its approach to professional development for all teaching and support staff. School leaders and teaching staff, including the SENCo, should identify any patterns in the identification of SEN, both within the school and in comparison with Island data, and use these to reflect on and reinforce the quality of teaching. Many aspects of this whole school approach have been piloted by English initiatives (see reference section).
- 4.5 The identification of SEN should be built into the overall approach to monitoring the progress and development of all pupils and the SEN Register should be reviewed at least termly.
- 4.6 A mainstream school's arrangements for assessing and identifying pupils as having SEN should be agreed. A school should publish its arrangements as part of the information it makes available about SEN. Assessments should include a range of accredited 'tests' in addition to in-school identification as part of the graduated response to need.
- 4.7 In fulfilling these responsibilities, schools should have regard to the principles set out in Chapter 1. In particular, they should ensure that children/young people and parents/carers are actively involved in decision-making throughout the approaches set out in this chapter.

## **Equality and inclusion**

- 4.8 Schools 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. Schools should co-operate with the Education Department in reviewing the provision that is available locally. Schools 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 equality. Jersey Discrimination Law will outline these responsibilities.
- 4.9 All schools have responsibilities under the Education (Jersey) Law 1999, Revised Edition (2017) towards individual children/young people with SEN. They **must** make reasonable adjustments, including the provision of auxiliary aids, the environment and services for children/young people with disabilities, 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/young people might require and what adjustments might need to be made to prevent that disadvantage. Schools also have wider duties to

prevent discrimination, to promote equality of opportunity, diversity and to foster good relations.

### **Medical conditions**

- 4.10 Schools in Jersey are required to have regard to UK statutory guidance 'Supporting pupils at school with medical conditions' which was used as a basis for developing the section on medical needs in the Ordinarily Available document. Schools should make arrangements to support pupils with medical conditions. Individual healthcare plans will normally specify the type and level of support required to meet the medical needs of such pupils. Where children/young people also have SEN, their provision should be planned and delivered in a co-ordinated way with the healthcare plan.

### **Curriculum**

- 4.11 All pupils should have access to a broad and balanced curriculum. The Jersey Curriculum Inclusion Statement and the Jersey Review Framework outlines how 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 will be able to study the full Jersey curriculum. The document "The Entitlement of Pupils in Mainstream Schools - Ordinarily Available Provision in Jersey Schools" will support such arrangements.

### **Identifying special educational needs in schools**

- 4.12 All schools **should** have a clear approach to identifying and responding to SEN. The benefits of early identification are widely recognised, identifying need at the earliest point and then making effective provision improves long-term outcomes for the child/young person.
- 4.13 A pupil has SEN where their learning difficulty calls for special educational provision, namely provision different from or additional to that normally available to pupils of the same age. Making higher quality teaching normally available to the whole class is likely to mean that fewer pupils will require such support. Such improvements in whole-class provision tend to be more cost effective and sustainable.
- 4.14 Schools should assess each pupil's current skills and levels of attainment on entry, building on information from previous settings, parents/carers, pupils, other agencies and key stages where appropriate. At the same time, schools should consider evidence that a pupil may have a disability and if so, what reasonable adjustments may need to be made for them.
- 4.15 Class and subject teachers, supported by the senior leadership team, should make regular assessments of progress for all pupils. These should seek to

identify pupils making less than expected progress given their age and individual circumstances. This can be characterised by progress which:

- is significantly slower than that of their peers starting from the same baseline
- fails to match or better the child/young person's previous rate of progress
- fails to close the attainment gap between the child/young person and their peers
- widens the attainment gap

- 4.16 It can include progress in areas other than attainment, for instance, where a pupil needs to make additional progress with wider development or social needs in order to make a successful transition to adult life.
- 4.17 The first response to such progress should be high quality teaching targeted at their areas of weakness. Where progress continues to be significantly slower, the class or subject teacher, working with the SENCo, should assess whether the child/young person has SEN. While informally gathering evidence, including the views of the pupil and their parents/carers, schools should not delay in putting in place extra teaching or other rigorous interventions designed to secure better progress, where required. The pupil's response to such support can help identify their particular needs.
- 4.18 For some children/young people, SEN can be identified at an early age. However, for other children/young people, difficulties become evident only as they develop. All those who work with children/young people should be alert to emerging difficulties and respond early. In particular, parents/carers know their children best and it is important that all professionals listen and understand when parents/carers express concerns about their child's development. They should also listen to and address any concerns raised by children/young people themselves.
- 4.19 Persistent disruptive or withdrawn behaviours do not necessarily mean that a child/young person has SEN. Where there are concerns, there should be an assessment to determine whether there are any causal factors such as undiagnosed learning difficulties, difficulties with communication or mental health issues. If it is thought housing, family or other domestic circumstances may be contributing to the presenting behaviour, a multi-agency approach, supported by the use of approaches such as the Early Help Assessment, may be appropriate. In all cases, early identification and intervention can significantly reduce the use of more costly interventions at a later stage.
- 4.20 Professionals should also be alert to other events that can lead to learning difficulties or wider mental health difficulties, such as bullying or bereavement. Such events will not always lead to children having SEN but can have an impact on wellbeing and sometimes this can be severe. Schools should ensure they make appropriate provision for a child/young person's short-term needs in order to prevent problems escalating. Where there are long-lasting difficulties, schools should consider whether the child/young person might have SEN.

- 4.21 Slow progress and low attainment do not necessarily mean that a child/young person has SEN and should not automatically lead to a pupil being recorded as having SEN. However, they may be an indicator of a range of learning difficulties or disabilities. Equally, it should not be assumed that attainment in line with chronological age means that there is no learning difficulty or disability. Some learning difficulties and disabilities occur across the range of cognitive ability and, left unaddressed, may lead to frustration, which may manifest itself as disaffection, emotional or behavioural difficulties.
- 4.22 Identifying and assessing SEN for children/young people whose first language is not English requires particular care. Schools should look carefully at all aspects of a child/young person's performance in different areas of learning and development or subjects to establish whether lack of progress is due to limitations in their command of English or if it arises from SEN or a disability. Difficulties related solely to limitations in English as an additional language are not SEN.
- 4.23 When reviewing and managing special educational provision, the broad areas of need and support outlined from 4.28 below may be helpful, and schools should review how well equipped they are to provide support across these areas. Information on the number of children/young people registered under each of the areas of need and support is collected from schools' data by the Education Department's data team using a management information system (MIS) called SIMS which will be issued annually to respective schools as a data report, as well as to professionals within the Education Department.
- 4.24 There is a wide range of information available on appropriate interventions for pupils with different types of need, and associated training which schools can use to ensure they have the necessary knowledge and expertise to use them (see the References chapter).
- 4.25 These four broad areas give an overview of the range of needs that should be planned for. The purpose of identification is to work out what action the school needs to take, not to fit a pupil into a category. In practice, individual children/young people often have needs that cut across all these areas and their needs may change over time. For instance speech, language and communication needs can also be a feature of a number of other areas of SEN, and children/young people on the Autistic Spectrum (AS) may have needs across all areas, including particular sensory requirements. A detailed assessment of need should ensure that the full range of an individual's needs is identified, not simply the primary need. The support provided to an individual should always be based on a full understanding of their particular strengths and needs and seek to address them all using well-evidenced interventions targeted at their areas of difficulty and, where necessary, specialist equipment or software. Always look at the individual child/young person when thinking about how best to support them.

## Broad areas of need

### Communication and interaction

- 4.26 Children/young people with speech, language and communication needs (SLCN) have difficulty in communicating with others. This may be because they have difficulty saying what they want, understanding what is being said to them or they do not understand or use social rules of communication. The profile for every child/young person with SLCN is different and their needs may change over time. They may have difficulty with one, some or all of the different aspects of speech, language or social communication at different times of their lives. Children/young people with communication and interaction difficulties may or may not also have learning difficulties.
- 4.27 Children/young people on the AS are likely to have particular difficulties with social interaction. They may also experience difficulties with language, communication and imagination, which can impact on how they relate to others.

### Cognition and learning

- 4.28 Support for learning difficulties may be required when children/young people learn at a slower pace than their peers, even with appropriate planning to meet their needs. Learning difficulties cover a wide range of needs, including moderate learning difficulties (MLD), severe learning difficulties (SLD), where children/young people are likely to need support in all areas of the curriculum and associated difficulties with mobility and communication, complex learning difficulties and disabilities (CLDD) which present as a co-existence of conditions, through to profound and multiple learning difficulties (PMLD), where children/young people are likely to have severe and complex learning difficulties as well as a physical disability or sensory impairment. The term 'moderate' is somewhat misleading, and many children/young people are categorised on the school inclusion register as 'MLD' when they are low attaining. Schools will need to look carefully at factors impacting on low attainment. Pupils with moderate learning difficulties will have cognitive ability and/or attainment level significantly below age appropriate stages in all or most areas of the curriculum, despite appropriate interventions from early on in their lives. SLD usually includes diagnoses which are genetic or neurological conditions. Children/young people with PMLD are almost always taught within special schools, and as the name suggests, their needs are the most profound (see the Reference chapter for further detail on each of these areas).
- 4.29 Specific learning difficulties (SpLD), affect one or more specific aspects of learning. This encompasses a range of conditions which include: dyslexia (difficulties with reading and spelling), dyscalculia (difficulties with number and calculation), and dyspraxia (or 'developmental coordination disorder', difficulties with motor planning). Children/young people with one or more SpLDs have a 'spiky profile' of attainment, with areas of strength (sometimes

very high) and areas of need. All children/young people in this category have a form of learning difficulty.

#### Social, emotional and mental health difficulties

- 4.30 Children/young people may experience a wide range of social, emotional and mental health (SEMH) difficulties which manifest themselves in many ways. These may include becoming withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour. These behaviours may reflect underlying mental health difficulties such as anxiety or depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other children/young people may have disorders such as attention deficit disorder (ADD), attention deficit hyperactive disorder (ADHD) or attachment disorder.
- 4.31 It is crucial to look for the underlying causes of any difficulties with behaviour and/or emotional state, and aim to support these, rather than just dealing with the presenting behaviour.
- 4.32 For some children/young people with SEMH difficulties, the nature of these difficulties will mean that they have learning difficulties, either temporarily or for the long term. Schools should have clear processes to support children/young people, including how they will manage the effect of any disruptive behaviour so it does not adversely affect other pupils. The Education Department publishes guidance on managing pupils' mental health and behaviour difficulties in schools (see the References chapter for a link).

#### Sensory and/or physical needs

- 4.33 Some children/young people require special educational provision because they have a disability which prevents or hinders them from making use of the educational facilities generally provided. These difficulties can be age related and may fluctuate over time. Many children/young people with vision impairment (VI), hearing impairment (HI) or a multi-sensory impairment (MSI) will require specialist support and/or equipment to access their learning, or habilitation support. Children/young people with an MSI have a combination of vision and hearing difficulties.
- 4.34 Some children/young people with a physical disability (PD) require additional ongoing support and equipment to access all the opportunities available to their peers.

#### **Special educational provision in schools**

- 4.35 Teachers are responsible and accountable for the progress and development of the pupils in their class, including where pupils access support from teaching assistants or specialist staff.
- 4.36 High quality teaching, personalised for individual pupils, is the first step in responding to pupils who have or may have SEN. Additional intervention and

support cannot compensate for a lack of good quality teaching. Schools should regularly and carefully review the quality of teaching for all pupils, including those at risk of underachievement. This includes reviewing, monitoring and evaluating and, where necessary, improving teachers' understanding of strategies to identify and support vulnerable pupils and their knowledge of the SEN most frequently encountered. Training should take place at least annually. Class teachers should use the provision mapping process developed by their schools to use the identified strategies and approaches for each child/young people.

- 4.37 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, alongside 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.
- 4.38 This information gathering should include an early discussion with the pupil and their parents/carers. These early discussions with parents/carers should be structured in such a way that they develop a good understanding of the pupil's areas of strength and difficulty, the parents'/carers' concerns, the agreed outcomes sought for the child/young person and the next steps. A short report with agreed actions for the school and parents/carers of these early discussions should be added to the pupil's record on the school information system and a copy given to the parents/carers. Schools should also advise children/young people and their parents/carers about available information on additional school support, additional agencies and support groups.
- 4.39 Consideration of whether special educational provision is required should start with the desired outcomes, including the progress and attainment and the views and wishes of the pupil and their parents/carers. This should then help determine the support that is needed and whether it can be provided by adapting the school's core offer or whether something different from or additional to what is ordinarily available is required.
- 4.40 More detailed information on what constitutes good outcome setting is given in Chapter 7, Exceptional Action assessments (paragraphs 7.64 to 7.69). These principles should be applied to planning for all children/young people with SEN. From Year 9 onwards, the nature of the outcomes will reflect the need to ensure young people are preparing for adulthood.
- 4.41 The outcomes considered should include those needed to make successful transitions between each year group, phases of education and to prepare for adult life. Schools should make provision for class teachers to liaise and engage with secondary schools or the further education provider as necessary to help plan for these transitions. The agreed actions may also include those taken to make sure the school meets its responsibility to ensure that pupils

with SEN engage in school activities together with those who do not have SEN.

- 4.42 However support is provided, a clear date for reviewing progress should be agreed and the parent/carer, pupil and teaching staff should each be clear about how they will help the pupil reach the expected outcomes. The overriding purpose of this early 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/carers **must** be formally informed that special educational provision is being made. Arrangements for appropriate support should be made through the school's approach to SEN support.

### **Special educational need support in schools**

- 4.43 Where a pupil is identified as having SEN, schools should take action to remove barriers to learning and put effective special educational provision in place. This SEN support should take the form of a four-part cycle through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes. This is known as the **graduated approach**. It draws on more detailed approaches, more frequent reviews and more specialist expertise in successive cycles in order to match interventions to the SEN of children/young people in a more tightly structured way. There is no longer a requirement to register at School Action and School Action Plus as these will be collapsed under SEN support with appropriate information about additional support (see the Reference chapter for useful links).

### **Assess**

- 4.44 In identifying a child/young person as needing SEN support, the class or subject teacher, working with the SENCo, should carry out a clear analysis of the pupil's needs. This should draw on the teacher's assessment and experience of the pupil, their previous progress and attainment, as well as information from the school's core approach to pupil progress, attainment, and behaviour. It should also draw on other subject teachers' assessments and accredited assessments where relevant, the individual's development in comparison to their peers, island and national data, the views and experience of parents/carers, the pupil's own views and, if relevant, advice from external support services. Schools should take seriously any concerns raised by a parent/carer. These should be recorded and compared to the setting's own assessment and information on how the pupil is developing.
- 4.45 This assessment should be reviewed regularly, at least half-termly if not more frequently. This will help ensure that support and intervention are matched to need, barriers to learning are identified and overcome, and that a clear picture of the interventions put in place and their effect is developed. For some types of SEN, the way in which a pupil responds to an intervention can be the most reliable method of developing a more accurate picture of need.

- 4.46 In some cases, outside professionals from Health and Social Services may already be involved with the child/young person. These professionals should liaise with the school to help inform the assessments. Where professionals are not already working with school staff, the SENCo should contact them **if** the parents/carers agree.

## **Plan**

- 4.47 Where it is decided to provide a pupil with SEN support, the parents/carers **must** be formally notified, although parents/carers should have already been involved in forming the assessment of needs as outlined above. The teacher and the SENCo should agree in consultation with the parent/carer and the pupil the adjustments, interventions and support to be put in place, as well as the expected impact on progress, development or behaviour, along with a clear date for review.
- 4.48 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. This should also be recorded on the school's information system. Such support **must** be monitored and evaluated as to its effectiveness and value for money.
- 4.49 The support and intervention provided should be selected to meet the outcomes identified for the pupil, based on reliable evidence of effectiveness, and should be provided by staff with sufficient skills and knowledge.
- 4.50 Parents/carers should be fully aware of the planned support and interventions and, where appropriate, plans should seek parental/carer involvement to reinforce or contribute to progress at home. The information set out in chapter 6.39 should be readily available and discussed with the pupil's parents/carers.

## **Do**

- 4.51 The class or subject teacher should remain responsible for working with the child/young person on a daily basis. Where the interventions involve group or one-to-one teaching away from the main class or subject teacher, they should still retain responsibility for the pupil. They should work closely with any teaching assistants or specialist staff involved, to plan and assess the impact of support and interventions and how they can be linked to classroom teaching. The SENCo should support the class or subject teacher in the further assessment of the child/young person's particular strengths and weaknesses, in problem solving and advising on the effective implementation of support.

## **Review**

- 4.52 The effectiveness of the support and interventions and their impact on the pupil's progress should be reviewed in line with the agreed date.

- 4.53 The impact and quality of the support and interventions should be evaluated, along with the views of the pupil and their parents/carers. This should feed back into the analysis of the pupil's needs. The class or subject teacher, working with the SENCo, should revise the support in light of the pupil's progress and development, deciding on any changes to the support and outcomes in consultation with the parent/carer and the pupil.
- 4.54 Parents/carers should have clear information about the impact of the support and interventions provided, enabling them to be involved in planning next steps.
- 4.55 Where a pupil has a RoN, the Education Department **must** review that plan, as a minimum, every 12 months. Schools **must** co-operate with the Education Department in the review process and, as part of the review, the Education Department requires schools to convene and hold annual review meetings on its behalf. Further information about RoN annual reviews is given in Chapter 7.

## **Transition**

- 4.56 SEN support should include planning and preparation for the transitions between phases of education and preparation for adult life. To support transition, the school should share information within the school or with another school, college or other setting the child/young person is moving to. Schools should agree with parents/carers 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, as set out in chapter 6.32.

## **Involving specialists**

- 4.57 Where a pupil continues to make less than expected progress, despite 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.
- 4.58 Schools may involve specialists at any point to advise them on early identification of SEN and effective support and interventions. A school should always involve a specialist where a pupil continues to make little or no progress or where they continue to work at levels substantially below those expected of pupils of a similar age despite evidence-based SEN support delivered by appropriately trained staff. The pupil's parents/carers should always be involved in any decision to involve specialists. The involvement of specialists and what was discussed or agreed should be recorded and shared with the parents/carers and teaching staff supporting the child/young person in the same way as other SEN support.
- 4.59 Where assessment indicates that support from specialist services is required, it is important that children/young people receive it as quickly as possible.

Support agencies within the Education Department will usually make initial contact with cases within two weeks of a referral. The JOD will set out what support is available from different services and how it may be accessed.

- 4.60 Schools should work closely with the Education Department and other providers when making appropriate requests for specialist services. Such specialist services may include:
- Educational Psychologists
  - Child and Adolescent Mental Health Services (CAMHS)
  - Specialist teachers or support services, including specialist teachers with a mandatory qualification for working with children/young people with hearing and vision impairment, including multi-sensory impairment, and for those with a physical disability. (Teachers working in an advisory role to support such pupils should also hold the appropriate qualification)
  - Therapists (including speech and language therapists, occupational therapists and physiotherapists)
- 4.61 The SENCo and class teacher, together with the specialists, and involving the pupil's parents/carers, should consider a range of evidence-based and effective teaching approaches, appropriate equipment (which should be detailed in an accessibility plan), strategies and interventions in order to support the child/young person's progress. They should agree the outcomes to be achieved through the support, including a date by which progress will be reviewed.

### **Requesting an Exceptional Action assessment**

- 4.62 SEN support should be adapted or replaced depending on how effective it has been in achieving the agreed outcomes. Where, despite the school having taken relevant and purposeful action to identify, assess and meet the SEN of the child/young person, they have not made expected progress, the school in consultation and agreement with parents/carers should consider requesting an Exceptional Action assessment. To inform its decision, the Education Department will expect to see evidence of the action taken by the school as part of SEN support.

### **Involving parents/carers and pupils in planning and reviewing progress**

- 4.63 Schools **must** provide an annual report for parents/carers on their child's progress which will also detail support and activity around outcomes set. Most schools will want to go beyond this and provide regular reports for parents/carers on how their child is progressing.
- 4.64 Where a pupil is receiving SEN support, schools should talk to parents/carers 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/carer, the pupil and the school. Schools should meet parents/carers at least three times each year.

- 4.65 These discussions can build confidence in the actions being taken by the school, but they can also strengthen the impact of SEN support by increasing parental/carer engagement in the approaches and teaching strategies that are being used. Finally, they can provide essential information on the impact of SEN support outside school and any changes in the pupil's needs.
- 4.66 These discussions should be led by a teacher with good knowledge and understanding of the pupil and 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/carer to share their concerns and, together with the teacher, agree their aspirations for the pupil.
- 4.67 Conducting these discussions effectively involves a considerable amount of skill. As with other aspects of good teaching for pupils with SEN, schools should ensure that teaching staff are supported to manage these conversations as part of their professional development.
- 4.68 These discussions will need to allow sufficient time to explore the parents'/carers' views and to plan effectively. Meetings should, wherever possible, be aligned with the normal cycle of discussions with parents of all pupils. They will, however, be longer than most parent-teacher meetings.
- 4.69 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, or gathering their views as part of the preparation.
- 4.70 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/carers. The school's management information system should be updated as appropriate.

### **Use of data and record keeping**

- 4.71 It is for schools to determine their own approach to record keeping in line with the requirements of the Data Protection (Jersey) Law 2005. The provision made for pupils with SEN should be recorded accurately and kept up to date. As part of any review, a team will expect to see evidence of pupil progress, a focus on outcomes and a rigorous approach to the monitoring and evaluation of any SEN support provided. The Education Department publish more detail about these expectations in the Peer Review Framework guidelines.
- 4.72 Schools should particularly record details of additional or different provision made under SEN support. This should form part of regular discussions with parents/carers about the child/young person's progress, expected outcomes from the support and planned next steps. They should ensure that they have accurate information to evidence the SEN support that has been provided over the pupil's time in the school, as well as its impact. When the Education Department is considering or is carrying out an assessment of the pupil's needs, it will wish to review such information.

- 4.73 Schools use information systems to monitor the progress and development of all pupils. Details of SEN, outcomes, teaching strategies and the involvement of specialists should be recorded as part of this overall approach.
- 4.74 As outlined in ‘Involving parents/carers and pupils in planning and reviewing progress’ from paragraph 4.64 above, the school should readily share this information with parents/carers. It should be provided in a format that is accessible (for example, a note setting out the areas of discussion following a regular SEN support meeting or tracking data showing the pupil’s progress together with highlighted sections of a provision map that enables parents/carers to see the support that has been provided).
- 4.75 Provision maps are an efficient way of showing all the provision that the school makes which is additional to, and different from, that which is offered through the school’s curriculum. The use of provision maps can help the SENCo to maintain an overview of the programmes and interventions used with different groups of pupils and provide a basis for monitoring the levels of intervention.
- 4.76 Provision management can be used strategically to develop special educational provision to match the assessed needs of pupils across the school, and to evaluate the impact of that provision on pupil progress. Used in this way, provision management can also contribute to school improvement by identifying particular patterns of need and potential areas of development for teaching staff. It can help the school to develop the use of interventions that are effective and to remove those that are less so. It can support schools to improve their core offer for all pupils as the most effective approaches are adopted more widely across the school.
- 4.77 The Education Department has a resource bank of helpful information and resources about provision mapping (see the Reference section).

### **Publishing information: Special Educational Needs Information Report**

- 4.78 States schools should make information available about the implementation of their policy for pupils with SEN. The information published should be updated annually and any changes to the information occurring during the year should be updated as soon as possible (see the References chapter). Information should include:
- profile data including achievement and progress of different groups
  - the types of need that are provided for
  - policies for identifying children/young people with SEN and assessing their needs, including the name and contact details of the SENCo (mainstream schools)
  - arrangements for consulting parents/carers of children/young people with SEN and involving them in their child’s education
  - arrangements for consulting children/young people with SEN and involving them in their education

- arrangements for assessing and reviewing children/young people's progress towards outcomes. This should include the opportunities available to work with parents/carers and children/young people as part of this assessment and review
- arrangements for supporting children/young people in moving between phases of education and in preparing for adulthood. As young people prepare for adulthood, outcomes should reflect their ambitions, which could include higher education, employment, independent living and participation in society
- the approach to teaching children/young people with SEN
- how adaptations are made to the curriculum and the learning environment of children/young people with SEN
- the expertise and training of staff to support children/young people with SEN, including how specialist expertise will be secured
- evaluating the effectiveness of the provision made for children/young people with SEN
- how children/young people with SEN are enabled to engage in activities available to children/young people in the school who do not have SEN
- support for improving emotional and social development. This should include extra pastoral support arrangements for listening to the views of children/young people with SEN and measures to prevent bullying
- how the school involves other bodies, including health and social care bodies, local support services and voluntary sector organisations, in meeting children/young people's SEN and supporting their families
- arrangements for handling complaints from parents/carers of children/young people with SEN about the provision made at the school

4.79 The above should include arrangements for supporting children/young people who are looked after (LAC) by the States of Jersey and have SEN.

4.80 Schools should ensure that the information is easily accessible to children/young people and their parents/carers and is set out in clear, straightforward language. It should include information on the school's SEN policy and named contacts within the school for situations where children/young people or parents/carers have concerns. It should also include information on where the [Jersey Online Directory](#) is published.

4.81 In setting out details of the broad and balanced curriculum provided in each year, schools should include details of how the curriculum is adapted or made accessible for pupils with SEN.

4.82 Schools should also make data available on the levels and types of need within the school, to the Education Department. This data will be required to inform local strategic planning of SEN support, and to enable the Education Department to identify pupils who have or may have SEN. Such data, collected through the school census, is also required to produce the SEN information report.

## The role of the SENCo in schools

- 4.83 Mainstream schools **must** ensure that there is a qualified teacher designated as SENCo for the school.
- 4.84 The SENCo **must** be a qualified teacher working at 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 it is recommended, they should seek to achieve a National Award in Special Educational Needs Co-ordination.
- 4.85 The SENCo has an important role to play with the head teacher 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's leadership team.
- 4.86 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 a RoN.
- 4.87 The SENCo provides professional guidance to colleagues and will work closely with staff, parents/carers and other agencies. The SENCo should be aware of the provision in the JOD and be able to work with professionals providing a support role to families to ensure that pupils with SEN receive appropriate support and high quality teaching.
- 4.88 The key responsibilities of the SENCo may include:
- overseeing the day-to-day operation of the school's SEN policy
  - co-ordinating provision for children/young people 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/carers of pupils with SEN
  - liaising with early years providers, other schools, colleges, educational psychologists, health and social services professionals, and independent or voluntary bodies
  - being a key point of contact with external agencies, especially the Education Department and its support services
  - liaising with potential next providers of education to ensure a pupil and their parents/carers are informed about options and a smooth transition is planned
  - working with the head teacher, and where relevant, school governors, to ensure that the school pays due regard/meets its responsibilities under the Jersey Discrimination Law with regard to reasonable adjustments and access arrangements

- ensuring that the school keeps the records of all pupils with SEN up to date

4.89 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.

### **Funding for SEN support**

4.90 All mainstream schools are provided with a delegated SEN budget to support pupils with SEN. These resources are determined by a funding formula which should be reviewed on a regular basis by officers at the Education Department, at least annually, to ensure it is current.

4.91 It is for schools, as part of their normal budget planning, to determine their approach to using their resources to support the progress of pupils with SEN. The SENCo, head teacher and where relevant, governing body, should establish a clear picture of the resources that are available to the school. They should consider their strategic approach to meeting SEN in the context of the total resources available, including any resources targeted at particular groups, such as Jersey Premium.

4.92 This will enable schools to provide a clear description of the types of special educational provision they normally provide and will help parents/carers and others to understand what they can normally expect the school to provide for pupils with SEN.

4.93 Schools are not expected to meet the full costs of children/young people in receipt of a RoN. In these cases the RoN will provide additional funding when the cost of the support exceeds ordinarily available arrangements.

## 5. Further education

### What this chapter covers

This chapter explains and provides guidance on the expectations on post-16 education settings.

### Relevant Legislation

[Education \(Jersey\) Law 1999 Revised Edition \(1 January 2017\)](#)

[Special Educational Needs Part 5 Articles 28 - 32](#)

### Introduction

- 5.1 The range of available study programmes at post-16 education is broad and includes AS/A-levels; technical and vocational qualifications at all levels; apprenticeships; traineeships; supported internships and bespoke packages of learning. School provision is covered in Chapter 4.
- 5.2 In Jersey, mainstream providers include school sixth forms, a general Further Education college and Skills Jersey, incorporating apprenticeships and a full time foundation apprenticeship provision. Colleges are usually very much larger than schools, and offer an extensive breadth of courses to young people and adults of all ages.

### Statutory duties on post-16 settings

- 5.3 Settings have the following specific statutory duties:
  - The duty to co-operate with the Education Department on arrangements for young people with SEN. This is a reciprocal duty. It means that the Education Department **must** co-operate with the named bodies who, in turn, **must** co-operate with the Education Department
  - The duty to admit a young person if the setting is named on the RoN. Young people have the right to request that a setting is named during the transition process, and the Education Department have a duty to name that setting in the RoN unless, following consultation with the setting, the Education Department determines that it is unsuitable for the young person's age, ability, aptitude or SEN, or that to place the young person there would be incompatible with the efficient use of resources or the efficient education of others
  - The duty to have regard to this Code of Practice
  - The duty to use their best endeavours to secure the special educational provision that the young person needs within the college curriculum offer
- 5.4 A young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for them. Special educational provision is support which is additional or different to support

usually available to young people of the same age in mainstream colleges. For more detailed information on the definition of SEN (see the Introduction Chapter 1). Colleges should offer an inclusive approach to learning and teaching, with high quality teaching which is personalised for individuals. This approach should be embedded in their provision in all subject areas and at all levels, and support the teaching of all students, including those with SEN.

- 5.5 Colleges should be ambitious for young people with SEN, whatever their needs and whatever their level of study. They should focus on supporting young people so they can progress and reach positive destinations in adult life. These destinations include higher education or further training or employment, independent living (which means having choice and control over the support received), good health and participating in the community. Further information on support for young people in preparing for adult life is set out in Chapter 6.
- 5.6 All students aged 16-19 should follow a coherent study programme which provides stretch and progression and enables them to achieve the best possible outcomes in adult life. Further detail on study programmes and pathways to employment is given in Chapter 6, paragraphs 6.32 to 6.40.

### **Jersey Discrimination Law**

- 5.7 Post-16 settings will have duties under Jersey Discrimination Law from 2018. The Disability Strategy for Jersey commissioned by the Council of Ministers, is being developed to work within the Government's wider strategic vision as part of the 2015-2018 Strategic Plan. The strategy will inform and shape the changes to the law. Schools and colleges in particular, **must** not discriminate against, harass or victimise disabled children or young people and they **must** make reasonable adjustments to prevent them being placed at a substantial disadvantage. This duty is anticipatory, it requires thought to be given in advance to what disabled children/young people might require and what adjustments might need to be made to prevent that disadvantage. Settings, the Education Department and Property Holdings **must** work together to ensure these reasonable adjustments are made.
- 5.8 Providers have wider duties to prevent discrimination, to promote equality of opportunity, diversity and to foster good relations. The guidance in this chapter should be read in the light of the principles in Chapter 1 which focus on inclusive practice and removing barriers to learning.

### **Identifying Special Educational Needs**

- 5.9 Colleges should be involved in transition planning between school and college so that they can prepare to meet the student's needs and ensure a successful transition into college life. Chapter 6, paragraphs 6.22 to 6.28, give guidance to schools and colleges on how they should work together to smooth that transition. Colleges should give all applicants an opportunity before or at entry and at subsequent points, to declare whether they have a learning need, a disability or a medical condition which will affect their learning. If a student

makes a declaration, the college should discuss with the student how they will provide support. Any screenings and assessments should be personalised and proportionate to the likely level of SEN.

- 5.10 Some needs may emerge after a student has begun a programme. Teaching staff should work with specialist support staff to identify where a student may be having difficulty which may be because of SEN.
- 5.11 Students who fell behind at school, or who are studying below level 2, should have their needs identified and appropriate support should be provided. It should not be assumed that they have SEN just because they have lower attainment levels than the majority of their peers. They may do, but this should be identified specifically and supported. Equally it should not be assumed that students working on higher level courses do not have any learning difficulty or disability that may need special educational provision.

### **Special Educational Needs support in college**

- 5.12 Where a student has a learning difficulty or disability that calls for special educational provision, the college **must** use its best endeavours to put appropriate support in place. Young people should be supported to participate in discussions about their aspirations, their needs, and the support that they think will help them best. Support should be aimed at promoting student independence and enabling the young person to make good progress towards employment and/or higher education, independent living, good health and participating in the community. Chapter 6 provides guidance on preparing young people for adult life.
- 5.13 Support should be evidence based. This means that colleges should be aware of effective practice in the sector and elsewhere, and personalise it for the individual. They should keep the needs of students with SEN under regular review. Colleges should use a graduated approach which takes a cyclical approach to assessing need, planning and providing support, and reviewing and evaluating that support so that it can be adjusted where necessary. They should involve the student and, particularly for those aged 16 to 19, their parents/carers, closely at all stages of the cycle and planning around the individual, and they should ensure that staff have the skills to do this effectively (more information on the graduated approach can be found in Chapter 4 on schools 4.44 to 4.62).

### **Assessing what support is needed**

- 5.14 Where a student is identified as having SEN and needing SEN support, colleges should bring together all the relevant information from the school, from the student, from those working with the student and from any screening tests or assessments the college has carried out. This information should be discussed with the student. The student should be offered support at this meeting and might be accompanied by a parent/carer, advocate or other supporter. This discussion may identify the need for a more specialist assessment from within the college or beyond.

## Planning the right support

- 5.15 Where the college decides a student needs SEN support, the college should discuss with the student their ambitions, the nature of the support to be put in place, the expected impact on progress and a date for reviewing the support. Plans should be developed with the student. The support and intervention provided should be selected to meet the student's aspirations, and should be based on reliable evidence of effectiveness and provided by practitioners with the relevant skills and knowledge.
- 5.16 Special educational support might include, for example:
- assistive technology
  - personal care (or access to it)
  - specialist tuition
  - note takers
  - interpreters
  - one-to-one and small group learning support
  - habilitation/independent living training
  - accessible information such as symbol based materials
  - access to therapies (for example, speech and language therapy)

## Putting the provision in place

- 5.17 Colleges should ensure that the agreed support is put in place, and that appropriately qualified staff provide the support needed. The college should, in discussion with the student, assess the impact and success of the intervention.

## Keeping support under review

- 5.18 The effectiveness of the support and its impact on the student's progress should be reviewed regularly, taking into account the student's progress and any changes to the student's own ambitions and aspirations, which may lead to changes in the type and level of their support. The college and the student together should plan any changes in support. Colleges should revisit this cycle of action, refining and revising their decisions about support as they gain a richer understanding of the student, and what is most effective in helping them secure good outcomes. Support for all students with SEN should be kept under review, whether or not a student has a RoN.
- 5.19 Where a student has a RoN, the Education Department **must** review the RoN as a minimum every 12 months, including a review of the student's support. The college **must** co-operate with the Education Department in the review process. As part of the review, the Education Department will ask the college to convene and hold the annual review meeting on its behalf. From Year 9 onwards, annual reviews focus on preparing for adulthood. Further information on pathways to employment and on support for young people in preparing for adult life is set out in Chapter 8.

- 5.20 Colleges should also keep under review the reasonable adjustments they make in line with the Jersey Discrimination Law 2013 to ensure they have removed all the barriers to learning that they reasonably can. Colleges should also ensure that students with SEN know who to go to for support.

### **Expertise within and beyond the college**

- 5.21 The governing bodies of colleges should ensure that all staff interact appropriately and inclusively with students who have SEN or a disability and should ensure that they have appropriate expertise within their workforce. They should also ensure that curriculum staff are able to develop their skills, are aware of effective practice and keep their knowledge up to date. Colleges should make sure they have access to specialist skills and expertise to support the learning of students with SEN. This can be through partnerships with other agencies such as adult social care or health and social services, or specialist organisations. They should ensure that there is a named person in the college with oversight of SEN provision to ensure co-ordination of support, similar to the role of the SENCo in schools. This person should contribute to the strategic and operational management of the college. Curriculum and support staff in a college should know who to go to if they need help in identifying a student's SEN, are concerned about their progress or need further advice. In reviewing and managing support for students with SEN, the college may find the broad areas of need and support outlined in Chapter 4 helpful (paragraph 4.28 onwards).
- 5.22 Colleges should, where they can, ensure they have access to external specialist services and expertise. These can include, for example, Educational Psychologists, Child and Adolescent Mental Health Services (CAMHS), specialist teachers and support services, supported employment services and therapists. They can be involved at any point for help or advice on the best way to support a student with SEN or a disability. Specialist help should be involved where the student's needs are not being met by the strong, evidence-based support provided by the college. Where, despite the college having taken relevant and purposeful action to identify, assess and meet the needs of the student, the student is still not making the expected progress, the college or young person should consider requesting a RoN.

### **Record keeping**

- 5.23 Colleges should keep a student's profile and record of support up to date to inform discussions with the student about their progress and support. This should include accurate information to evidence the SEN support that has been provided over a student's time in college and its effectiveness. They should record details of what additional or different provision they make to meet a student's SEN and their progress towards specified outcomes. This should include information about the student's SEN, interventions and the support of specialists. The information should be used as part of regular discussions with the student and, where appropriate, their family, about the student's progress, the expected outcomes and planned next steps.

- 5.24 As with schools, colleges will determine their own approach to record keeping but should ensure that data is recorded accurately and in a timely manner in line with funding rules. Where students have RoNs, colleges should provide the Education Department with regular information about the progress that students are making towards the agreed outcomes set out in their RoN.
- 5.25 Further information on support to help children and young people prepare for adulthood, including pathways to employment and the transition to adult services, is in Chapter 6. Information about seeking needs assessments and about RoNs can be found in Chapter 7.

### **Funding for special educational needs support**

- 5.26 All schools and colleges are provided with resources to support students with SEN.
- 5.27 It is for post-16 settings 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.
- 5.28 This will enable colleges to provide a clear description of the types of special educational provision they normally provide. This will help parents/carers and others understand what they can normally expect the college to provide for young people with SEN.
- 5.29 Post-16 settings are not expected to meet the full costs of young people in receipt of a RoN. In these cases, the RoN will provide additional funding when the cost of the support exceeds ordinarily available arrangements.

## 6. Preparing for adulthood from the earliest years

### What this chapter covers

This chapter is relevant for everyone working with children/young people with SEN and is particularly relevant for those working with children/young people aged 14 and over. It sets out how professionals across education (including early years providers, schools and colleges) and health and social services should support children/young people with special educational needs (SEN) to prepare for adult life, and help them go on to achieve the best outcomes in employment, independent living, health and community participation.

The principles set out in this chapter apply to all children/young people with SEN, except where it states they are for those with a RoN only. The term 'colleges' in this chapter includes all post-16 settings.

### Relevant Legislation

[Education \(Jersey\) Law 1999 Revised Edition \(1 January 2017\)](#)

[Special Educational Needs Part 5 Articles 28 - 32](#)

6.1 High aspirations are crucial to success. Discussions about longer term goals should start early and ideally well before Year 9 (age 13-14) at school. They should focus on the child or young person's strengths and capabilities and the outcomes they want to achieve. This chapter includes both the transition into post-16 education, and the transition from post-16 education into adult life. It covers:

- how the Education Department and health and social services should plan strategically for the support children/young people will need to prepare for adult life
- how early years providers, schools and colleges should enable children/young people to have the information and skills they need to help them gain independence and prepare for adult life
- support from Year 9, including the content of preparing for adulthood reviews for children/young people with RoNs
- planning the transition into post-16 education
- how post-16 institutions can design study programmes and create pathways to employment
- how young people should be supported to make decisions for themselves
- transition to higher education
- transition to adult health services
- transition to adult social care
- leaving education and training and progressing into employment

6.2 Being supported towards greater independence and employability can be life-transforming for young people with SEN. This support needs to start early, and should centre on the child/young person's own aspirations, interests and

needs. All professionals working with them should share high aspirations and have a good understanding of what support is effective in enabling children/young people to achieve their ambitions.

Preparing for adulthood means preparing for:

- higher education and/or employment. This includes exploring different employment options, such as support for becoming self-employed and help from supported employment agencies
- independent living. This means young people having choice, control and freedom over their lives and the support they have, their accommodation and living arrangements, including supported living
- participating in society, including having friends and supportive relationships, and participating in, and contributing to, the local community
- being as healthy as possible in adult life

### **Strategic planning for the best outcomes in adult life**

6.3 The Education Department should place children/young people and families at the centre of their planning, and work with them to develop co-ordinated approaches to securing better outcomes, as should health and social services. They should develop a shared vision and strategy which focuses on aspirations and outcomes, using information from RoNs and other planning to anticipate the needs of children/young people with SEN and ensure there are pathways into employment, independent living, participation in society and good health. Where pathways need further development, all agencies should set out clear responsibilities, timescales and funding arrangements for that work.

### **Responsibilities of the Education Department**

6.4 The Education Department has a range of responsibilities which are particularly relevant to this chapter. They are:

- when carrying out their functions, to support and involve the child/young person and their parents/carers and to have regard to their views, wishes and feelings (see Chapter 1, Principles). This includes their aspirations for adult life
- to offer advice and information directly to children/young people. This includes information and advice which supports children/young people to prepare for adult life
- to liaise with health and social services, to consider arrangements about the education, health and care provision of children/young people to secure positive adult outcomes for young people with a RoN.
- to keep education and care provision under review including the duty to consult young people directly, and to consult schools, colleges and other post-16 providers
- to co-operate with post-16 settings

- to include information on services available in the JOD which will help children/young people prepare for adulthood and independent living.
- to consider the need for RoN assessments, prepare RoNs where needed, and maintain and review them, including the duty to ensure that all reviews of RoNs from Year 9 (age 13-14) onwards include a focus on preparing for adulthood (the initial phase will focus on young people with multiple and complex needs at Mont a L'Abbe school)
- to make young people aware of the kind of support available to them in further education through the JOD and, where a further education place has been confirmed for a young person with a RoN, to pass a copy of the RoN to the relevant setting

## **Starting early**

- 6.5 When a child is very young, or SEN is first identified, families need to know that the great majority of children/young people with SEN, with the right support, can find work, be supported to live independently, and participate in their community. Health workers, social workers, early years providers, schools and colleges should encourage these ambitions right from the start. They should seek to understand the interests, strengths and motivations of children/young people and use this as a basis for planning support around them.
- 6.6 Early years providers and schools should support children/young people so that they are included in social groups and develop friendships. This is particularly important when children/young people are transferring from one phase of education to another (for example, from nursery to primary school). Maintained nurseries and schools **must** ensure that, subject to certain conditions, pupils with SEN engage in the activities of the nursery or school together with those who do not have SEN, and are encouraged to participate fully in the life of the nursery or school and in any wider community activity.

## **Support from Year 9 onwards (age 13-14)**

- 6.7 High aspirations about employment, independent living and community participation should be developed through the curriculum and extra-curricular provision. Schools should seek partnerships with employment services, businesses, housing agencies, disability organisations and arts and sports groups, to help children understand what is available to them as they get older, and what it is possible for them to achieve. It can be particularly powerful to meet disabled adults who are successful in their work or who have made a significant contribution to their community.
- 6.8 For teenagers, preparation for adult life needs to be a more explicit element of their planning and support. Discussions about their future should focus on what they want to achieve and the best way to support them to achieve. Considering the right post-16 option is part of this planning. Chapter 7 includes more detail about the process of developing a RoN. Children/young people's aspirations and needs will not only vary according to individual

circumstances, but will change over time as they get older and approach adult life.

### **Children and young people with RoNs: preparing for adulthood reviews**

6.9 The Education Department should ensure that the RoN annual review at Year 9, and every review thereafter, includes a focus on preparing for adulthood. It can be helpful for annual reviews before Year 9 to have this focus too. Planning should be centred on the individual and explore the child/young person's aspirations and abilities, what they want to be able to do when they leave post-16 education or training and the support they need to achieve their ambition. All States of Jersey departments involved should ensure that children/young people have the support they need to participate fully in this planning and make decisions. Transition planning must be built into the revised RoN and should result in clear outcomes being agreed that are ambitious and stretching and which will prepare young people for adulthood.

6.10 Preparing for adulthood, planning during the review of the RoN should include:

- support to prepare for higher education and/or employment. This should include identifying appropriate post-16 pathways that will lead to these outcomes. Training options such as supported internships, apprenticeships and traineeships should be discussed. The review should also cover support in finding a job, and learning how to do a job (for example, through work experience opportunities or the use of job coaches) and help in understanding any welfare benefits that might be available when in work
- support to prepare for independent living, including exploring what decisions young people want to take for themselves and planning their role in decision making as they become older. This should also include discussing where the young person wants to live in the future, who they want to live with and what support they will need. Local housing options, support in finding accommodation, housing benefits and social care support should be explained
- support in maintaining good health in adult life, including effective planning with health services of the transition from specialist paediatric services to adult health care. Helping young people understand which health professionals will work with them as adults, ensuring those professionals understand the young person's learning difficulties or disabilities and planning well-supported transitions is vital to ensure young people are as healthy as possible in adult life
- support in participating in society, including understanding mobility and transport support, and how to find out about social and community activities, and opportunities for engagement in local decision-making. This also includes support in developing and maintaining friendships and relationships

6.11 The review should identify the support the young person needs to achieve these aspirations and should also identify the components that should be

included in their study programme to best prepare them for adult life. It should identify how the young person wants that support to be available and what action should be taken by whom to provide it. It should also identify the support a young person may need as they prepare to make more decisions for themselves.

### **Young people preparing to make their own decisions**

- 6.12 As young people develop, and increasingly form their own views, they should be involved more and more closely in decisions about their own future. Parents/carers, or other family members, can continue to support young people in making decisions, or act on their behalf, provided that the young person is happy for them to do so, and it is likely that parents/carers will remain closely involved in the great majority of cases.
- 6.13 The Education Department, schools, colleges, health and social services and other agencies should continue to involve parents/carers in discussions about the young person's future. In focusing discussions around the individual young person, they should support that young person to communicate their needs and aspirations and to make decisions which are most likely to lead to good outcomes for them, involving the family in most cases. A decision by a young person in respect of a RoN will typically involve discussion with their family and others, but the final decision rests with the young person.
- 6.14 A young person can ask a family member or friend to support them in any way they wish, including, for example, receiving correspondence on their behalf, filling in forms, attending meetings, making telephone calls and helping them to make decisions. The Education Department and other agencies working with young people should work flexibly to accommodate these arrangements. They should also be flexible about accommodating any changes in those arrangements over time, since the nature of the family's involvement may alter as the young person becomes older and more independent.

### **16 to 17 year-olds**

- 6.15 Where a young person is under 18, the involvement of parents/carers is particularly important and the Education Department should continue to involve them in the vast majority of decisions. Schools and colleges normally involve the parents/carers or family members of students under 18 where they have concerns about a young person's attendance, behaviour or welfare and they should continue to do so. They should also continue to involve parents/carers or family members in discussions about the young person's studies where that is their usual policy. Child safeguarding law applies to children and young people up to the age of 19.

### **Support for young people**

- 6.16 Some young people will need support from an independent skilled supporter to ensure that their views are acknowledged and valued. They may need support in expressing views about their education, the future they want in

adult life, and how they prepare for it, including their health, where they live, their relationships, control of their finances, how they will participate in the community and how they will achieve greater autonomy and independence. The Education Department should ensure young people who need it have access to this support.

### **Draft Capacity and Self-Determination (Jersey) Law 2016**

- 6.17 The right of young people to make a decision is subject to their capacity to do so as is set out in the Draft Capacity and Self-Determination (Jersey) Law 2016 which has been approved by the States of Jersey and is expected to come into force in April 2018. The new law is based on the Mental Capacity Act 2005 in the UK. The underlying principles of the new law is to ensure that those who lack capacity are empowered to make as many decisions for themselves as possible and that any decision made or action taken on their behalf is done so in their best interests. Decisions about mental capacity are made on an individual basis, and may vary according to the nature of the decision. Someone who may lack capacity to make a decision in one area of their life may be able to do so in another (further guidance on this and how it applies can be found in the Reference chapter).

### **Planning the transition into post-16 education and training**

- 6.18 Young people entering post-16 education and training **should** be accessing provision which supports them to build on their achievements at school and which helps them progress towards adulthood. Young people with RoNs are likely to need more tailored post-16 pathways.
- 6.19 As children/young people approach the transition point, schools and colleges should help children/young people and their families with more detailed planning. For example, in Year 9, they should aim to help explore their aspirations and how different post-16 education options can help them meet them. In Year 10 they should aim to support the young person and their family to explore more specific courses or places to study (for example, through taster days and visits) so they can draw up provisional plans. In Year 11 they should aim to support the young person and their family to firm up their plans for their post-16 options and familiarise themselves with the expected new setting. This should include contingency planning and the young person and their family should know what to do if plans change (because of exam results for example).
- 6.20 It is important that information about previous SEN provision is shared with the further education or training provider. Schools should share information before the young person takes up their place, preferably in the spring term prior to the new course, so that the provider can develop a suitable study programme and prepare appropriate support. Where a change in education setting is planned, in the period leading up to that transition, schools should work with young people, families and the college, to ensure that their new setting has a good understanding of what the young person's aspirations are and how they would like to be supported. This will enable the new setting to

plan support around the individual. Some young people will want a fresh start when leaving school to attend college and any sharing of information about their SEN should be sensitive to their concerns and done with their agreement. It is up to schools and colleges how they establish protocols around this in line with policies for sharing information.

- 6.21 Schools and colleges should work in partnership to provide opportunities such as taster courses, link programmes and mentoring which enable young people with SEN to familiarise themselves with the college environment and gain some experience of college life and study. This can include, for example, visits and taster days so that young people can become familiar with the size of the college, and how their studies will be structured, including how many days a week their programme covers. These will enable them to make more informed choices, and help them make a good transition into college life. Schools and colleges should agree a 'tell us once' approach so that families and young people do not have to repeat the same information unnecessarily.
- 6.22 For young people with RoNs, discussions about post-16 options will be part of the preparing for adulthood focus of RoN annual reviews, which should be included as part of the review from Year 9 (age 13-14). The Education Department alongside schools and colleges **must** ensure these reviews take place.
- 6.23 Where SEN has been identified at school, the college should use any information they have from the school about the young person. In some cases, SEN may have been identified at school, and information passed to the college in advance and colleges should use this information, and seek clarification and further advice when needed from the school (or other agencies where relevant), to ensure they are ready to meet the needs of the student and that the student is ready for the move to college.

### **Careers advice for children/young people**

- 6.24 Schools and colleges should raise the career aspirations of their SEN students and broaden their employment horizons. They should use a wide range of imaginative approaches, such as taster opportunities, work experience, mentoring, exploring entrepreneurial options, role models and inspiring speakers.

### **High quality study programmes for students with SEN**

- 6.25 All students aged 16 to 19 should follow a coherent study programme which provides stretch and progression and enables them to achieve the best possible outcomes in adult life. Schools and colleges are expected to design study programmes which enable students to progress to a higher level of study than their prior attainment, take rigorous, substantial qualifications, study English and Maths, participate in meaningful work experience and non-qualification activity. They should not be repeating learning they have already completed successfully. For students who are not taking qualifications, their study programme should focus on high quality work experience, and on non-

qualification activity which prepares them well for employment, independent living, being healthy adults and participating in society.

- 6.26 All young people should be helped to develop the skills and experience, and achieve the qualifications they need, to succeed in their chosen careers. The vast majority of young people with SEN are capable of sustainable paid employment with the right preparation and support. All professionals working with them should share that presumption. Colleges that offer courses which are designed to provide pathways to employment should have a clear focus on preparing students with SEN for work. This includes identifying the skills that employer's value, and helping young people to develop them.
- 6.27 One of the most effective ways to prepare young people with SEN for employment is to arrange work-based learning that enables them to have first-hand experience of work. More information on this will follow from Trackers and Pathways to Employment plan from Rapid Pathway Development Workshop (RPDW) outcomes and consultation which developed a model with all agencies who can support young people post-16.

## 7. Exceptional Action assessments and Records of Needs

### What the chapter covers

This chapter covers all the key stages in Exceptional Action (EA) assessments and planning and preparing the Record of Needs (RoN).

It includes:

- when a school or setting may request an Exceptional Action assessment
- who should be consulted and provide advice
- the steps required by the process of the Exceptional Action assessment and Records of Needs development, including timescales
- key features of a Record of Needs
- reassessment of a Record of Needs
- the appeals procedure

### Relevant Legislation

[Education \(Jersey\) Law 1999 Revised Edition \(1 January 2017\)](#)

[Special Educational Needs Part 5 Articles 28 - 32](#)

### Introduction

- 7.1 The majority of children/young people with special educational needs (SEN) will have their needs met within local mainstream early years settings, schools or colleges. Some children/young people may require an EA assessment in order for the Education Department to decide whether it is necessary for it to make provision in accordance with a RoN.
- 7.2 The purpose of a RoN is to make special educational provision to meet the SEN of the child/young person, to secure the best possible outcomes for them across education, and, as they get older, prepare them for adulthood.
- 7.3 The Education Department will conduct an EA assessment when it considers that it may be necessary for special educational provision to be made for the child/young person in accordance with a RoN. The EA assessment should not normally be the first step in the process, rather it should follow on from planning already undertaken with parents/carers and young people in conjunction with an early years provider, school, post-16 setting or other provider. To achieve this, the Education Department uses the information from the assessment to:
  - establish and record the views, interests and aspirations of the parents/carers and the child/young person
  - provide a full description of the child/young person's special educational needs and any health and social care needs

- establish outcomes across education, based on the child/young person's needs and aspirations
  - specify the provision required
- 7.4 RoNs should be forward-looking documents that help raise aspirations and outline the provision required to meet assessed needs to support the child/young person in achieving their ambitions. RoNs should explain how best to achieve the outcomes for the child/young person.
- 7.5 An EA assessment will not always lead to a RoN. The information gathered during an Exceptional Action assessment may indicate ways in which the school, college or other provider can meet the child/young person's needs without a RoN.
- 7.6 The processes and timescales **must** be followed by the Education Department to conduct assessments and prepare and maintain RoNs in the most efficient way possible, working collaboratively with children/young people and their parents/carers.
- 7.7 It is vital that a timely process is supported by high quality engagement with the child/young person and their parents/carers throughout the assessment, planning and review process.

### **Requesting an Exceptional Action assessment**

- 7.8 Where a school believes there is evidence that a pupil requires a level of support and breadth of intervention that is not ordinarily available, the Education Department may decide that an Exceptional Action assessment is necessary. This would occur in a very small number of cases and the decision to initiate such an assessment would be based on the quality of evidence provided by a school.
- 7.9 The descriptors within the Ordinarily Available (OA) document will support schools in making a professional judgement about if/when to initiate an Exceptional Action request. Schools will need to demonstrate that the pupils they are putting forward for Exceptional Action have needs that require SEN arrangements significantly outside and beyond the descriptors for ordinarily available provision. This means that RoNs will not be issued for pupils who need provision that is ordinarily available within mainstream schools' delegated budget share.

### **Initiating Exceptional Action**

- 7.10 A pupil will be brought for the attention of the Special Educational Needs Panel as possibly requiring Exceptional Action through:
- A request for an assessment by the pupil's school. This would follow involvement from an Educational Psychologist over a minimum period of two full terms. This would allow sufficient time for a school to implement and review interventions identified as suitable at SEN support level

- A direct request from a parent/carer
- A request brought to the attention of the Education Department following the involvement of agencies and services via the Pre School Forum

### **Evidence to be provided to the Special Educational Needs Panel**

7.11 In all cases (and including parental/carer requests) early years settings and schools will be required to submit a 'Request for Exceptional Action' form which requires the following information:

- General details
- Background information
- Levels of attainment
- Pupil's strengths
- The views of the pupil as appropriate
- The views of the parents/carers
- Criteria for initiating Exceptional Action assessment
- School chronology - copies of Individual Learning Plans/provision maps at SEN Support level, including records of regular reviews
- Involvement of external agencies including members of Inclusion and Early Intervention
- Views about the way forward

7.12 Early years settings and schools **must** make an Exceptional Action request using the appropriate form. There are two forms: one form for requesting an Exceptional Action assessment for Nursery & Reception aged children and one for requesting an Exceptional Action assessment for Year 1 aged children and above.

7.13 Early year settings and school should synthesise and analyse the information required in 7.11.

### **Considering an Exceptional Action Request**

7.14 The Special Educational Needs Panel will meet once every half term and will determine whether to instigate an EA assessment based on the information provided.

7.15 The SEN Panel is a decision making forum. It **must** have clear terms of reference that can effectively ensure that all EA requests received are considered in accordance with appropriate evidence, Jersey Code of Practice 2017 and relevant legislation

7.16 SEN Panel members have a delegated responsibility on behalf of the Education Department to consider and make recommendations about the educational needs of each pupil - taking into account all advice received and their professional expertise. They will work to the following principles:

- All decision making is consistent

- The most inclusive option appropriate for an individual pupil is made - Jersey is committed to inclusive education and where possible pupils will be placed within their mainstream catchment school
- There is efficient and effective use of resources
- There is an emphasis and commitment to partnership working

7.17 To inform their decision, the SEN Panel will need to take into account a wide range of evidence proving that the nature and the complexity of the child/young person's needs and arrangements sit above those detailed in the 'Ordinarily Available' document. Typically, this would include those pupils that represent 1 to 2 per cent of the population, e.g. assessed 1<sup>st</sup> and 2<sup>nd</sup> percentile (clearly social, emotional and mental health needs cannot be standardised, however, the intensity and frequency of these needs should be evident.)

7.18 The SEN Panel **must** pay particular attention to:

- evidence of the child/young person's academic attainment (or developmental milestones in younger children) and rate of progress
- information about the nature, extent and context of the child/young person's SEN
- evidence of the action already being taken by the early years provider, school or post-16 setting to meet the child/young person's SEN
- evidence that, where progress has been made, it has only been as the result of much additional intervention and support over and above that which is usually provided
- evidence of the child/young person's physical, emotional and social development and health needs, drawing on relevant evidence from clinicians and other health professionals and what has been done to meet these by other agencies
- evidence of the involvement, over time, of appropriate education support services according to the need described
- evidence that the Individual Learning Plan and Provision Map demonstrates the interventions and recommendations advised by professionals and education support services

### **Decision whether to proceed with an Exceptional Action assessment**

7.19 The SEN Panel **must** decide whether or not to proceed with an Exceptional Action assessment, and should inform the school and parents of their decision within **5 term time working days**.

7.20 If the Education Department decides not to conduct an EA assessment it **must** provide feedback collected during the process of considering whether an exceptional needs assessment is necessary to the referrer and parents.

## Principles underpinning coordinated assessment and planning

- 7.21 Children/young people and their families **must** experience well-coordinated assessment and planning leading to timely, well informed decisions. The following general principles underpin effective assessment and planning processes.
- 7.22 Involving children/young people and parents/carers in decision-making - the Education Department **must** consult the child/young person's parents/carers throughout the process of assessment and production of a RoN. They should also involve the child/young person as far as possible in this process. The needs of the individual child/young person should sit at the heart of the assessment and planning process. Planning should start with the individual and the Education Department should have regard to the views, wishes and feelings of the child/young person and their parents/carers, their aspirations, the outcomes they wish to seek and the support they need to achieve them.
- 7.23 The assessment and planning process **must**:
- focus on the child/young person as an individual
  - enable children/young people and their parents/carers to express their views, wishes and feelings
  - enable children/ young people and their parents/carers to be part of the decision-making process
  - be easy for children/young people and their parents/carers to understand, and use clear, ordinary language and images rather than professional jargon
  - highlight the child/young person's strengths and capabilities
  - enable the child/young person, and those that know them best, to say what they have done, what they are interested in and what outcomes they are seeking in the future
  - tailor support to the needs of the individual
  - organise assessments to minimise demands on families
  - bring together relevant professionals to discuss and agree together the overall approach, and;
  - deliver an outcome-focused and coordinated plan for the child/young person and their parents/carers
- 7.24 This approach is often referred to as a person-centered approach. By using this approach within a family context, professionals and the Education Department can ensure that children/young people and parents/carers are involved in all aspects of planning and decision-making.
- 7.25 The Education Department **must** support and encourage the involvement of children/young people and parents/carers by:
- providing them with access to the relevant information in accessible formats
  - giving them time to prepare for discussions and meetings, and

- dedicating time in discussions and meetings to hear their views

## Coordination

7.26 The Education Department is responsible for ensuring that there is effective coordination of the assessment and development process for a RoN. The coordination **must** include:

- planning the process to meet the needs of children/young people and parents/carers
- timing meetings to minimise family disruption
- keeping the child/young person's parents/carers informed through a single point of contact wherever possible and;
- ensuring relevant professionals have sufficient notice to be able to contribute to the process

## Timescales for Exceptional Action assessment and preparation of a Record of Needs

7.27 The process of an EA assessment and development of a RoN **must** be carried out in a timely manner. The time limits set out below are the maximum time allowed. The whole process of an EA assessment and RoN development, from the point when an EA assessment has been agreed by the SEN Panel until the final RoN is issued, **must** take no more than 14 term time weeks (subject to exemptions as set in 7.29 below).

7.28 The following specific requirements apply:

- The Education Department should give their decision in response to any request for an EA assessment within 5 term time working days from when the request was considered at the SEN Panel
- When the Education Department requests advice as part of the EA assessment process, those supplying the information are requested to respond in a timely manner and within a maximum of 6 term time weeks from the date of the request
- When all the information has been collated, the Education Department has 2 term time weeks to consider whether to issue a RoN and communicate the outcome to parents and school.
- The draft RoN should be compiled 2 term time weeks from the communication of outcome
- The child/young person's parents/carers should be given 2 term time weeks to consider and provide their views on a draft RoN. An Educational representative is available to discuss the outcome with the parents at this stage.

7.29 Where there are exceptional circumstances it may not be reasonable to expect the Education Department and other partners to comply with the time limits above. Exemptions may include:

- appointments with people from whom the Education Department has requested information are missed by the child/young person
  - the child/young person is absent from the area for a period of at least 4 term time weeks
  - exceptional personal circumstances affecting the child/young person or their parents/carers
- 7.30 The child/young person or their parents/carers **must** be informed if exemptions apply so they are aware of and understand the reason for any delays.
- 7.31 The diagram in appendix 1 sets out the timescales and decision points for the process of EA assessment and RoN development that the Education Department will adhere to.
- 7.32 Statutory timescales for EA assessment and RoN development:

### **Advice and information for Exceptional Action assessments**

- 7.33 When carrying out an EA assessment the Education Department **must** seek views and information from the child/young person using appropriate methods, which might include observation for a very young child, or the use of different methods of communication such as the Picture Exchange Communication System.
- 7.34 The Education Department **must** gather advice from relevant professionals about the child/young person's education, health and care needs, desired outcomes and special educational, health and care provision that may be required to meet identified needs and achieve desired outcomes.
- 7.35 Decisions about the level of engagement and advice needed from different parties will be informed by knowledge of the child/young person held by the early years provider, school or post-16 setting they attend. This may include:
- Educational advice and information from the manager, head teacher or principal of the early years setting, school or post-16 setting attended by the child/young person
  - If the child/young person is either vision or hearing impaired, or both, the educational advice and information should be given after consultation with a person who is qualified to teach pupils or students with these impairments
  - Medical advice and information from health professionals with a role in relation to the child/young person's health
  - Psychological advice and information from an Educational Psychologist who should normally be employed by the Education Department
  - Social care advice and information from or on behalf of the Education Department, including, if appropriate, Child in Need or Child Protection assessments, information from a looked after child's care plan, or adult social care assessments for young people over 18

- From Year 9 onwards, advice and information related to provision to assist the child/young person in preparation for adulthood and independent living
- Advice and information from any person requested by the child/young person's parents/carers, where the Education Department considers it reasonable to do so. For example, they may suggest consulting a GP or other health professional
- Any other advice and information which the Education Department considers appropriate for a satisfactory assessment

- 7.36 The evidence and advice submitted by those providing it **must** be clear, accessible and specific. They should provide advice about the child/young person's needs, provision required, outcomes relevant for the child/young person's age and phase of education and strategies for their achievement. The Education Department may provide guidance about the structure and format of advice and information to be provided. Professionals should limit their advice to areas in which they have expertise. They may comment on the arrangements they consider a child/young person requires.
- 7.37 Advice and information requested by the Education Department **must** be provided within six term-time weeks of the request, and should be provided more quickly wherever possible, to enable a timely process.

### **Deciding whether to issue a Record of Needs**

- 7.38 When all the advice has been received, the Education Department will determine if a RoN is applicable.
- 7.39 Following the completion of an EA assessment, if the Education Department decides that a RoN is not necessary, it **must** notify parents, the early years provider, school or post-16 setting currently attended, and give the reasons for its decision.
- 7.40 The Education Department **must** provide written feedback collected during the EA assessment process, which the child/young person's parents/carers, early years provider, school or post-16 setting can understand and may find useful, including evidence and reports from professionals. This information can then inform how the outcomes sought for the child/young person can be achieved through special educational provision made by the early years provider, school or post-16 setting and coordinated support from other agencies. This feedback is called a 'note in lieu'.

### **Writing the Record of Needs**

- 7.41 The following principles and requirements should apply to the preparation of the RoN:
- RoNs should describe positively what the child/young person can do and has achieved

- RoNs should be clear, concise, understandable and accessible to parents/carers, children, young people, providers and practitioners.
- In preparing the RoN, the Education Department should consider how best to achieve the outcomes sought for the child/young person
- RoNs should specify the outcomes sought for the child/young person
- RoNs should show how education, health and care provision will be coordinated wherever possible to support the child/young person to achieve their outcomes
- RoNs should be forward looking, for example, anticipating, planning and commissioning for important transition points in a child/young person's life, including planning and preparing for their transition to adult life
- RoNs should have a review date

7.42 RoNs **must** include the following areas:

- The views, interests and aspirations of the child/young person and their parents/carers
- The child/young person's special educational needs
- The child/young person's health needs which are related to their SEN
- The child/young person's social care needs which are related to their SEN or to a disability
- The outcomes sought for the child/young person. This should include outcomes for adult life. The RoN should also identify the arrangements for the setting of shorter term targets by the early years provider, school or post-16 setting
- The special educational provision required by the child/young person
- Any health provision reasonably required by the learning difficulties or disabilities which result in the child/young person having SEN. Where an Individual Health Care Plan is made for them, that plan should be included
- Any additional social care provision required by the SEN
- The name of the school, States nursery class, post-16 setting or other setting to be attended by the child/young person

7.43 The advice and information gathered during the Exceptional Action assessment **must** be attached (in appendices). There should be a list of this advice and information.

## Outcomes

7.44 RoNs should specify the outcomes sought for the child/young person. RoNs should be focused on educational outcomes that will enable children/young people to progress in their learning and, as they get older, to be well prepared for adulthood. RoNs can also include wider outcomes such as positive social relationships and emotional resilience and stability. Outcomes should always enable children/young people to move towards the long-term aspirations of employment or higher education, independent living and community participation.

- 7.45 An outcome can be defined as the benefit or difference made to an individual as a result of an intervention. It should be personal and not expressed from a service perspective; it should be something that those involved have control and influence over, and while it does not always have to be formal or accredited, it should be specific, measurable, achievable, realistic and time bound (SMART). When an outcome is focused on education or training, it will describe what the expected benefit will be to the individual as a result of the educational or training intervention provided. Outcomes are not a description of the service being provided. For example, the provision of 3 hours of speech and language therapy is not an outcome. In this case, the outcome is what it is intended that the speech and language therapy will help the individual to do that they cannot do now and by when this will be achieved.
- 7.46 When agreeing outcomes, it is important to consider both what is important to the child/young person, what they themselves want to be able to achieve, and what is important for them as judged by others with the child/young person's best interests at heart. In the case of speech and language needs, what is important to the child/young person may be that they want to be able to talk to their friends and join in their games at playtime. What is important for them is that their behaviour improves because they no longer get frustrated at not being understood.
- 7.47 Outcomes underpin and inform the detail of RoNs. Outcomes will usually set out what needs to be achieved by the end of a phase or stage of education in order to enable the child/young person to progress successfully to the next phase or stage. An outcome for a young person of secondary school age might be, for example, to make sufficient progress or achieve a qualification to enable them to attend a specific course at college. Other outcomes in the RoN may then describe what needs to be achieved by the end of each intervening year to enable them to achieve the college place. From Year 9 onwards, the nature of the outcomes will reflect the need to ensure young people are preparing for adulthood. In all cases, RoNs should specify the special educational provision required to meet each of the child/young person's special educational needs. The provision should enable the outcomes to be achieved.
- 7.48 The RoN should also specify the arrangements for setting shorter term targets at the level of the school or other setting where the child/young person is placed. Professionals working with children/young people during the EA assessment and RoN development process may agree shorter term targets that are not part of the RoN. These can be reviewed and, if necessary, amended regularly to ensure that the individual remains on track to achieve the outcomes specified in their RoN. Professionals should, wherever possible, append these shorter term plans and targets to the RoN so that regular progress monitoring is always considered in the light of the longer term outcomes and aspirations that the child/young person wants to achieve. In some exceptional cases, progress against these targets may well lead to an individual outcome within the RoN being amended at times other than following the annual review.

## The draft Record of Needs

- 7.49 The Education Department **must** send the draft RoN (including the appendices containing the advice and information gathered during the EA assessment) to the child/young person's parents/carers and give them at least 10 term time working days to give their views and make representations on the content. During this period, the Education Department **must** make its officers available for a meeting with the child/young person's parents/carers or the young person themselves if on request they wish to discuss the content of the draft RoN.

## Law and placement

- 7.50 A decision not to educate a child/young person in a mainstream setting against the wishes of the child/young person's parents/carers should not be taken lightly. It is important that all decisions are taken on the basis of the circumstances of each case and in consultation with the parents/carers, taking into account the views of the child/young person.

## Finalising and maintaining the Record of Needs

- 7.51 When changes are suggested to the draft RoN by the parents/carers or the young person themselves, and agreed by the Education Department, the draft RoN **must** be amended and issued as the final RoN in a timely manner. The final RoN should be signed and dated by the Education Department officer responsible for signing off the final document.
- 7.52 Where changes suggested by the child/young person's parents/carers are not agreed, the Education Department may still proceed to issue the final RoN. In either case, the Education Department **must** notify the child/young person's parents/carers of their right to appeal and the time limit for doing so.
- 7.53 As well as the child/young person's parents/carers, the final RoN **must** also be issued to the head teacher/manager/principal of any nursery class, school, post-16 setting or other setting to be attended by the child/young person named in the RoN.
- 7.54 Where a nursery class, school, post-16 setting or other setting to be attended by the child/young person is named in the RoN, the head teacher/manager/principal of the school, college or other setting named in the RoN **must** ensure that those teaching or working with the child/young person are aware of their needs and have arrangements in place to meet them. Settings should also ensure that those teaching or working with the child/young person monitor and review their progress during the course of a year.

## Pupils attending private schools

- 7.55 Those pupils who meet the criteria for a RoN and attend private schools will have the pupil's needs specified and the arrangements determined by the

Education Department. However, in terms of resources it will state that 'Parents/carers have elected to make arrangements to meet their own child's needs at name of school.'

## Reviewing a Record of Needs

- 7.56 Formal reviews of the RoN **must** take place at least annually. However, if a child/young person's SEN change, the Education Department should hold a review as soon as possible to ensure that provision specified in the RoN is appropriate.
- 7.57 RoNs should be used to actively monitor children/young people's progress towards their outcomes and longer term aspirations. They must be reviewed by the Education Department as a minimum every 12 months. Reviews should focus on the child/young person's progress towards achieving the outcomes specified in the RoN. The review should also consider whether these outcomes and supporting targets remain appropriate.
- 7.58 Reviews **must** also:
- gather and assess information so that it can be used by early years settings, schools, post-16 setting or other setting to support the child/young person's progress and their access to teaching and learning
  - review the special educational provision made for the child/young person to ensure it is being effective in ensuring access to teaching and learning and good progress
  - consider the health and social care aspects of the provision made for the child/young person and its effectiveness in ensuring good progress towards outcomes
  - consider the continuing appropriateness of the RoN in the light of the child/young person's progress during the previous year or changed circumstances and whether changes are required including any changes to outcomes, enhanced provision, change of educational establishment or whether the RoN should be discontinued
  - set new interim targets for the coming year and where appropriate, agree new outcomes
  - review any interim targets set by the early years setting, school, post-16 setting or other setting supporting the child/young person
- 7.59 Reviews must be undertaken in partnership with the child/young person and their parents/carers, and should take account of their views, wishes and feelings.
- 7.60 The first review **must** be held within 12 months of the date when the RoN was issued, and then within 12 months of any previous review, and the Education Department's decision following the review meeting should be notified to the child/young person's parents/carers within 4 term time weeks of the review meeting.

- 7.61 Dates of all Annual Reviews **must** be arranged by the school and forwarded to the RoN Officer at the beginning of each academic year. Year 6 and Year 11 reviews will always be organised during the autumn term to ensure transition planning can take place. Where it has been mutually agreed that an Educational Psychologist will attend the review, the school will contact the Educational Psychologist to agree a mutually convenient date and time before they are forwarded to the Education Department. All pupils with a RoN will have full access to, and participate in, the school's normal consultation procedures.
- 7.62 In most cases, reviews should normally be held at the educational setting attended by the child/young person. Reviews are generally most effective when led by the educational setting. They know the child/young person best, will have the closest contact with them and their family and will have the clearest information about progress and next steps. Reviews led by the educational setting will engender the greatest confidence amongst the child/young person and their family. There may be exceptional circumstances where it will be appropriate for the review meeting to be held by the Education Department in a different location, for example where a young person attends programmes of study at more than one setting.
- 7.63 It is the Head teacher's responsibility (or their delegated senior member of staff) to initiate and implement the annual review. Invitations to attend the review should be sent out at least 4 term time weeks prior to the review. Those invited to attend **must** include:

- the child/young person's parents/carers, or, if the pupil is a 'Looked After Child' (LAC), a representative of Social Services
- the child/young person should be included in review meetings wherever possible. For some, it may be appropriate to attend part of the meeting
- the appropriate teacher e.g. class/subject teacher or Special Educational Needs Co-ordinator, or the teacher responsible for the provision of education for the pupil, the choice resting with the Head teacher.
- post 16 providers for transitional reviews

Others invited to attend **may** include:

- other professionals involved as appropriate, e.g. Physiotherapist, Occupational Therapist, Speech Therapist, Inclusion and Early Intervention
- when identified as a priority, an annual review would typically be attended by the school's contact Educational Psychologist (EP). The EP's attendance at annual reviews sits within a school's overall allocation of time from the Educational Psychology Service (EPS) and should be raised and discussed as part of a school's Planning and Review Meeting (PARM). EP attendance at the following would be seen as reflecting the Education Department priorities for SEN in the following circumstances:
  - where an annual review for a pupil in a mainstream school may consider or is likely to recommend future placement in a provision or special school. This would typically involve phase transfer reviews

- where an annual review is being held close to a change of placement (for example: transition from Year 6 to Year 7) and the pupil has presented with challenging behaviour and is at risk of periods of fixed term exclusion in advance of or following the move
- where an annual review is likely to recommend significant changes to a RoN in respect of provision/arrangements and the view of an EP or Education Department representative is likely to be required.
- a representative of the Education Department would normally only be invited at Year 5/Year 6 transition reviews if the normal transfer route is likely to be disputed. The initial discussion would take place with the school's link EP to try and resolve the issue prior to the review. If it is not resolved, the Head of SEN (or their delegated representative) should be invited to the review

7.64 In preparing for the Annual Review meeting, the Head teacher **must**:

- offer the child/young person's parents/carers the option of making a written contribution to the review
- request written advice from all those currently involved with the child/young person and anyone else the Head teacher considers appropriate
- identify if progress against the targets has been made as expected, less than expected or more than expected

7.65 The school will record the outcome of the review on the RoN. The completed documents should be forwarded to the RoN Officer within 2 term time weeks of the review.

7.66 When a child/young person with special educational needs or their family does not have English as a first language, the timescale for planning an Annual Review should take into account the need to:

- translate any relevant documentation into the family's first language, where appropriate
- ensure that where appropriate, interpreters are available to the child/young person and their and family both in the preparatory stages to the review meeting and at the review meeting itself,
- ensure that any professionals from the child/young person's community have similar interpretation and translation facilities in order that they may contribute as fully as possible to the review process

### **Reviews where a child/young person attends a school or other setting off-island**

7.67 The Education Department **must** send a representative to attend annual reviews of all Looked After Children placed off-island who have a RoN to confirm that the provision outlined in a RoN is being delivered and that the pupil is making satisfactory progress. Wherever possible, annual reviews will be arranged to take place at the same time as other meetings (e.g. PEP reviews).

## Transfer between phases of education

- 7.68 A RoN **must** be reviewed and amended in sufficient time prior to a child/young person moving between key phases of their education to allow for planning and, where necessary, commissioning of support and provision at the new setting.
- 7.69 The review and any amendments must be completed by February half term in the calendar year of the transfer at the latest, for transfers into or between schools. The key transfers are:
- early years provider to school
  - primary school to secondary school, and;
  - secondary school to post-16 setting
- 7.70 For young people moving from secondary school to a post-16 setting or apprenticeship, the review and any amendments to the RoN, including specifying the post-16 provision and naming the setting, must be completed by the 31 March in the calendar year of the transfer.
- 7.71 For young people moving between post-16 settings, the review process should normally be completed by 31 March where a young person is expected to transfer to a new setting in the new academic year. However, transfers between post-16 settings 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 setting and another within the following 12 months, the Education Department **must** review and amend, where necessary, the young person's RoN at least 5 months before the transfer takes place.
- 7.72 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 5 month deadline. Where this is the case, the Education Department should review the RoN 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.
- 7.73 Note: For those moving from secondary school to a post-16 setting or apprenticeship starting in September, any amendments to the RoN, including specifying the post-16 provision and naming the setting, **must** be completed by 31 May. For those moving between post-16 settings at other times of year prior to March, these amendments should be made 3 months before the transfer takes place. Thereafter, the deadlines set out above should be adhered to in all cases.

## Preparing for adulthood in reviews

- 7.74 All reviews taking place from Year 9 at the latest and onwards **must** include a

focus on preparing for adulthood, including employment, independent living and participation in society. This transition planning should be built into the RoN and, where relevant, should include effective planning for young people moving from children's social services to adult social services. It is particularly important in these reviews to seek and to record the views, wishes and feelings of the young person. The review meeting organiser should invite representatives of post-16 settings to these review meetings, particularly where the young person has expressed a desire to attend a particular setting. Review meetings taking place in Year 9 should have a particular focus on considering options and choices for the next phase of education.

- 7.75 As the young person is nearing the end of their time in formal education and the RoN is likely to be ceased within the next 12 months, the annual review should consider good exit planning from education. Support, provision and outcomes should be agreed that will ensure the young person is supported to make a smooth transition to whatever they will be doing next, for example, moving on to higher education, employment, independent living or adult care.

### **Re-assessments of Record of Needs**

- 7.76 The review process will enable changes to be made to a RoN so it remains relevant to the needs of the child/young person and the desired outcomes. There may be occasions when a re-assessment becomes appropriate, particularly when a child/young person's needs change significantly.

### **Requesting a re-assessment**

- 7.77 The Education Department **must** conduct a re-assessment of a child/young person's RoN if a request is made by the child/young person's parents/carers, or the governing body, manager or principal of the educational setting attended by the child/young person. An Education Department may also decide to initiate a re-assessment without a request if it thinks one is necessary.
- 7.78 The Education Department can refuse a request for a re-assessment from the child/young person's parents/carers or educational setting attended, if less than 6 months have passed since the last EA assessment was conducted. However, the Education Department can re-assess sooner than this if they think it is necessary. The Education Department may also decide to refuse a request for re-assessment from the child/young person's parents/carers or educational setting attended, if it thinks that a further EA assessment is not necessary, for example, because it considers the child/young person's needs have not changed significantly.

Reassessment can be requested by:

- Parents/carers, they have the right to request reassessment providing no such assessment has been made within the previous 12 months
- The school supported by Inclusion and Early Intervention if they conclude that it is necessary

Requests should be considered where:

- there have been changes that have impacted significantly on the child/young person's special educational needs
- transfers may need to be considered to a specialist placement or returning to mainstream
- where a placement is in dispute

7.79 The Education Department must notify the child/young person's parents/carers of its decision as to whether or not it will undertake a re-assessment within 15 calendar days of receiving the request to re-assess. If the Education Department decides not to re-assess, it **must** notify the child/young person's parents/carers of their right to appeal that decision and the time limit for doing so.

### **The re-assessment process**

7.80 The process for re-assessment will be the same as the process for a first assessment (once the decision to carry out an assessment has been taken). Re-assessments **must** follow the same process as for the first EA and drawing up of the RoN, set out earlier in this chapter, with the same timescales and rights of appeal for the child/young person's parents/carers.

7.81 The overall maximum timescale for a re-assessment is 14 term time weeks from the decision to re-assess to the issuing of the final RoN, subject to the exemptions set out. However, the Education Department **must** aim to complete the process as soon as practicable. Following a re-assessment, the RoN **must** be reviewed within 12 months of the date that the finalised RoN is sent to the child/young person's parents/carers and subsequently reviewed every 12 months from the date the RoN was last reviewed.

### **Amending an existing RoN**

7.82 This section applies to amendments to an existing RoN following a review, or at any other time the Education Department proposes to amend a RoN other than as part of a re-assessment. RoNs are not expected to be amended on a very frequent basis. However, a RoN may need to be amended at other times where, for example, there are changes in health or social care provision resulting from minor or specific changes in the child/young person's circumstances, but where a full review or re-assessment is not necessary. Where the Education Department proposes to amend a RoN, it **must** send the child/young person's parents/carers a copy of the existing (non-amended) RoN and an accompanying notice providing details of the proposed amendments, including copies of any evidence to support the proposed changes. The child/young person's parents/carers should be informed that they may request a meeting with the Education Department to discuss the proposed changes.

- 7.83 The parents/carers **must** be given at least 10 term time working days to comment and make representations on the proposed changes.
- 7.84 When the RoN is amended, the new RoN should state that it is an amended version and the date on which it was amended, as well as the date of the original RoN. Additional advice and information, such as the minutes of a review meeting and accompanying reports which contributed to the decision to amend the RoN, should be appended in the same way as advice received during the original EA. The amended RoN should make clear which parts have been amended. Where a RoN is amended, the following review **must** be held within 12 months of the date of issue of the original RoN or previous review (not 12 months from the date the amended RoN is issued).
- 7.85 When sending the final amended RoN, the Education Department **must** notify the child/young person's parents/carers of their right to appeal and the time limit for doing so.

### **Ceasing a Record of Needs**

- 7.86 The Education Department may cease to maintain a RoN only if it determines that it is no longer necessary for it to be maintained, or if it is no longer responsible for the child/young person.
- 7.87 The circumstances where the Education Department may determine that it is no longer necessary for the RoN to be maintained include where the child/young person no longer requires the special educational provision specified in the RoN. When deciding whether a young person aged 19 no longer needs the special educational provision specified in the RoN, the Education Department should take account of whether the education or training outcomes specified in the RoN have been achieved.
- 7.88 Where a young person aged 19 leaves education or training before the end of their course, the Education Department **must not** cease to maintain the RoN unless it has reviewed the young person's RoN to determine whether the young person wishes to return to education or training, either at the educational setting specified in the RoN or somewhere else. If the young person does wish to return to education or training, and the Education Department thinks it is appropriate, then the Education Department **must** amend the RoN as necessary and maintain it. The Education Department should seek to re-engage the young person in education or training as soon as possible.
- 7.89 Where the Education Department is considering ceasing to maintain a child/young person's RoN it **must**:
- inform the child/young person's parents/carers that it is considering this
  - consult the child/young person's parents/carers
  - consult the early years provide, school or other setting that is named in the RoN

- 7.90 Where, following the consultation, the Education Department decides to cease to maintain the child/young person's RoN, it **must** notify the child/young person's parents/carers and the setting named in the child/young person's RoN. The Education Department **must** also notify the child/young person's parents/carers of their right to appeal that decision and the time limit for doing so.
- 7.91 Support should generally cease at the end of the academic year, to allow young people to complete their programme of study. In the case of a young person who reaches their 19<sup>th</sup> birthday before their course has ended, the RoN can be maintained until the end of the academic year in which they turn 19 (or the day the apprenticeship or course ends, or the day before their 19<sup>th</sup> birthday if later). It is important that a cessation of a child/young person's RoN is planned carefully to support smooth transitions and effective preparation for adulthood.
- 7.92 Where a young person aged 18 or over is in receipt of adult social services, the Education Department should ensure that adult social services are involved in and made aware of the decision to cease the young person's RoN.
- 7.93 Where the child/young person's parents/carers disagrees with the Education Department's decision to cease their RoN, they may appeal. The Education Department must continue to maintain the RoN until the time has passed for bringing an appeal or, when an appeal has been registered or until it has been concluded.

### **Disclosure of a Record of Needs**

- 7.94 A child/young person's RoN must be kept securely so that unauthorised persons do not have access to it (this includes any representations, evidence, advice or information related to the RoN). A RoN must not be disclosed without the consent of the child/young person. If a child/young person does not have sufficient age or understanding to allow them to consent to such disclosure, the child/young person's parents/carers may give consent on the child/young person's behalf.

### **Transport for children/young people with Records of Needs**

- 7.95 The Education Department have clear guidelines with regards to the transportation of children/young people with RoNs. Please refer to Chapter 2.14 of this document for further information.

### **Appeals Procedure**

- 7.96 Parents/carers have the right of appeal under the Education Jersey Law (1999). This differs from school admissions that are non-statutory.

The relevant extract from the law is below:

'Article 31: Parental rights in relation to special educational needs section

The parents/carers of a child/young person in relation to whom it is proposed to make an assessment of special educational needs and special educational provision shall have the right to appeal against any part of the results of the assessment'

- 7.97 An appeal under paragraph (2)(g) shall be made to the Education Minister no later than 15 term time days after the parents/carers are notified of the results of the assessment and shall be determined by the Education Minister.
- 7.98 The Education Minister may, by written direction, delegate the power to receive and determine any appeal under paragraph (2)(g) to the Chief Officer of Education or to a panel of persons appointed by the Education Minister for the purpose, subject to the conditions, exceptions or qualifications that the Education Minister may specify in the direction.
- 7.99 If a parent/carer wishes to appeal regarding the content of the assessment or the educational arrangements offered, they have 15 term time days in which to make a written appeal.

The appeals panel will be made up of:

- either the Head of Inclusion & Family Support or the Principal Educational Psychologist
- either the Education Minister or the Assistant Education Minister
- an independent member of high standing in the community

Appeals will follow the principles set out in the School Admissions Appeal Policy.

## 8. Children and young people in specific circumstances

### What this chapter covers

This chapter highlights particular groups of children and young people whose specific circumstances require additional consideration by those who work with them and support their special educational needs (SEN). It sets out information about managing their circumstances in order to achieve an effective joined-up service provision that can help achieve good outcomes for them.

These groups include:

- looked after children (LAC)
- children and young people with SEN and social care needs, including children in need
- children and young people educated off-island
- children and young people with SEN who are educated other than at school
- children and young people in an alternative provision
- children and young people with chronic illness, long term illness or serious injury
- children and young people in youth custody

### Relevant Legislation

[Education \(Jersey\) Law 1999 Revised Edition \(1 January 2017\)](#)

[Part 4 Children of Compulsory School Age Article 13](#)

### Looked After Children

- 8.1 Children/young people who are being accommodated, or who have been taken into care by the Jersey Children's Service are legally defined as being 'looked after'.
- 8.2 The Education Department will have particular responsibilities for these children/young people.
- 8.3 All maintained schools should appoint a Designated Teacher for Looked After Children (LAC). Where that role is carried out by a person other than the Special Educational Needs Co-ordinator (SENCo), Designated Teachers should work closely with the SENCo to ensure that the implications of a child/young person being both looked after, and having SEN, are fully understood by relevant school staff.
- 8.4 The Education Department should promote the educational achievement of the children/young people they look after, regardless of where they are placed. The Education Department should appoint an officer to discharge that duty. This officer, known as the Virtual School Head (VSH), will lead a Virtual School Team which tracks the progress of LAC as if they attended a single school.

- 8.5 The VSH for LAC (aged 5-19) is a partner to all schools in Jersey and will aim to be the most ambitious and aspirational corporate parent it can be. The VSH will ensure that schools, parents/carers and other professionals understand their mandatory responsibilities and are aware of best practice. The VSH will also become a conduit between the Education Department and Social Services in terms of managing and supporting educational needs. The job is not to solve all the problems that arise, but like all good parents/carers, the VSH will ensure that communication about children/young people is regular, constructive and coordinated.
- 8.6 The VSH will work to overcome barriers to success by ensuring:
- pupils are in the correct educational provision
  - challenges resulting from changes of care placement or school are reduced
  - barriers to engagement and good attendance are removed
  - school staff, social workers and carers have access to high quality training so they can help learners make progress
  - planning for success now and in the future is effective, based on a secure understanding of the pupil's needs. This is achieved through termly discussions with all schools about the current needs and concerns of each LAC on roll
  - pupils have one-to-one support for their learning where this is appropriate
  - there is access to an inspiring range of extended learning opportunities
  - the Pupil Premium and other resources are used effectively and impact on progress
  - their Personal Education Plans (PEPs) are timely and of good quality
  - all children/young people in care and care leavers receive early, appropriate, and effective advice, information, and guidance
  - care leavers aged 16 -18 years are in employment, education, and/or training, and make good progress
- 8.7 A considerable amount of planning will be done around the care, health and education needs of a LAC. They will have a Care Plan, which sets out how the Education Department will meet the care needs of the looked after child/young person, addressing all important dimensions of a child/young person's developmental needs. These include health, education, social, emotional and mental health, 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 which will particularly assess and set out the child/young person's education and health needs. It may be through making these assessments that a child/young person's SEN may be identified.
- 8.8 Where a LAC is being assessed for SEN, it is vital to take into account the information set out in the Care Plan. SEN professionals should work closely with other relevant professionals involved in the child/young person's life as a consequence of them being looked after. These include the social worker, the designated Doctor or Nurse, the Independent Reviewing Officer (IRO), the

VSH and the Designated Teacher in school. This will ensure that the child/young person's RoN works in harmony with their 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/young person, 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/young person's SEN should be included in the RoN. If in any doubt, SEN professionals should discuss this with the social worker and, where appropriate, the child/young person and their carers.

- 8.9 Some LAC live with foster carers or in a children's home and attend school off-island. If a LAC is placed off-island, the SEN Team need to be aware of that authority's Local Offer if the child/young person has a SEN.
- 8.10 Where the child/young person lives (i.e. is ordinarily resident), will therefore not be the same as the authority that looks after the child/young person. If a disagreement arises, the authority that looks after the child/young person, will act as the 'corporate parent' in any disagreement resolution.
- 8.11 It is the LAC's social worker (in close consultation with the VSH in the authority that looks after the child/ young person) that will ultimately make any educational decision on the child/young person's behalf. However, the day-to-day responsibility for taking these decisions should be delegated to the carer who will advocate for the LAC.
- 8.12 The Care Planning Regulations specify the frequency with which Care Plans are reviewed. It is important to ensure the annual review of the RoN coincides with one of the child/young person's Care Plan Reviews. This could be done as part of the review of a child/young person'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.

### **Children and young people educated off-island**

- 8.13 Where a child/young person is being educated off-island and has a RoN, the Education Department **must** ensure that the special educational provision set out in the RoN is being made. They **must** review the RoN annually.
- 8.14 The VSH **must** monitor off-island placements and allocate a named Educational Officer to the case and ensure that all LAC placed off-island have a named Educational Officer who will provide contact, where needed, for the placement and visit once a year (minimum) for monitoring and review. This includes attendance at Annual Reviews if the LAC is in receipt of a RoN.

### **Children and young people who are Educated Other Than at School**

- 8.15 Under Article 13 of the Jersey Education Law, parents/carers have the right to educate children/young people, including those with SEN, at home. In the event that parents/carers choose to educate their child other than at school,

parents/carers should be aware that their child should receive an education that is efficient and suitable to the child/young person's age, ability and aptitude, and which meets any SEN they may have.

- 8.16 In cases where the parents/carers decide to educate their child other than at school and their child would be otherwise in receipt of a RoN in a school setting, the Education Department is not under a duty to make the special educational provision set out in the RoN provided it is satisfied that the arrangements made by the parents/carers are suitable.
- 8.17 The Education Department **must** review the arrangements to meet the SEN needs annually to assure itself that the provision set out continue to be appropriate and that the child/young person's SEN continue to be met:
- Approval of arrangements for the education of a child/young person other than at school will normally be given for a period of one academic year
  - Each year, before 15<sup>th</sup> June, an Annual Planning and Assessment Form shall be submitted to the Education Department by the parents/carers of a child/young person educated other than at school
  - The Annual Planning and Assessment Form shall include a review by the parents/carers of the previous academic year's educational programme. The educational programme for the academic year ahead shall take account of areas in which the child/young person has, in the mind of the parents/carers, made progress and those which may require further attention
  - The Inclusion and Early Intervention Panel shall review the arrangements for the education of the child/young person other than at school for the academic year ahead, and shall communicate its decision to the parents/carers regarding the approval of arrangements made for the education of the child/young person. This decision shall be communicated to parents/carers before the end of the summer school term
  - In general, the Education Department shall conduct an Educational Assessment visit each year, in the autumn school term. The Educational Assessment shall be conducted by the Educational Assessment Officer, and a report will be completed. Some parents/carers may request more frequent contact. In this case they will be supported by the Inclusion and Early Intervention to facilitate this. The Education Department will work together with the family of the child/young person to conduct the Educational Assessment visit in the most appropriate and effective way possible
  - In conducting an Educational Assessment, the Education Department shall take into account the existing level of educational attainment of a child/young person at the point at which EOTAS is commenced. The Education Department fully recognises that EOTAS enables different children/young people to make progress in educational attainment at different rates and to cover subjects at different times to when they may be covered in a school environment. Whilst this is understood by the Education Department, it is to be noted by parents/carers that the Education Department expects children/young people, under normal

circumstances, to make progress in educational attainment in line with each child/young person's ability

### **Children and young people with special educational needs who are in an alternative provision**

- 8.18 The Education Department **must** make arrangements where, for any reason, a child/young person of statutory school age would not otherwise receive suitable education. Suitable education means efficient education suitable to a child/young person's age, ability and aptitude and to any SEN they may have. This education **must** be full time, unless the Education Department determines that, for reasons relating to the physical or mental health of the child/young person, a reduced level of education would be in their best interests.
- 8.19 Where this education is arranged elsewhere other than at a school, it is commonly referred to as an alternative provision. The Education Department **must** have regard to guidance on alternative provision and on the education of children/young people unable to attend school because of health needs. This guidance specifies that the education provided should be on a par with mainstream schools
- 8.20 Alternative provision **must** be arranged in line with a child/young person's RoN. They should also consider whether the RoN needs to be reviewed to ensure that the child/young person's SEN will be appropriately supported.
- 8.21 Where a child/young person in an alternative provision has SEN that are not specified in a RoN then the alternative provider should employ a graduated response to these needs.

### **Children and young people with chronic illness, long term illness or serious injury**

- 8.22 Children and young people unable to attend school because of chronic illness, long term illness or serious injury should be able to access suitable and flexible education appropriate to their needs. The nature of the provision **must** be responsive to their capacity during this period. The school should devise a plan in liaison with parents/carers to support their learning throughout the period of illness/injury where appropriate.
- 8.23 Where children/young people with chronic illness, long term illness or serious injury are returning to mainstream education, the school should work with them, their family, and the new school or post-16 provider to produce a reintegration plan. Where relevant, a reintegration plan should be linked to a child/young person's RoN or individual care plan.

### **Children and young people in Youth Custody**

- 8.24 The Education Department **must** promote the fulfilment of the detained

person's learning potential while they are in custody and on their release, whether they have a RoN or not.

8.25 Special educational provision should be put in place as soon as possible. Providers in relevant youth accommodation should:

- meet the educational needs of all detained persons, including those with SEN, whether they have RoN or not
- ensure SEN provision, identification and support of SEN follows the model (for schools and colleges) set out in Chapters 6 and 7 of this code
- have staff who are suitably qualified to support this, and make referrals to other specialist support where this is appropriate
- liaise and co-operate with the Education Department where a detained person has a RoN

8.26 The statutory requirements relating to children/young people detained in Youth Custody are as follows:

'The Education Department **must not** cease a Record of Need when a child/young person enters custody. They **must** keep it while the detained person is detained and **must** maintain and review it when the detained person is released'

8.27 If a detained person has a RoN before being detained, the Education Department **must** arrange appropriate special educational provision for the detained person while they are in custody. They should work closely with the person in charge of the relevant youth accommodation who **must** co-operate with the Education Department to enable them to fulfil this duty.

8.28 For a detained child/young person with a RoN, appropriate special education is the provision specified in the document. If it is not practicable to arrange the provision specified in the RoN, special educational provision corresponding as closely as possible to that in the RoN **must** be arranged. If it appears to the Education Department that the special educational provision in the RoN is no longer appropriate, the Education Department **must** arrange provision it considers to be appropriate.

8.29 Custodial sentences for detained persons are often short. It is therefore important for decisions to be made as soon as possible to enable the provision to be put in place without delay. The Education Department and the person in charge of the relevant youth accommodation should also ensure that the process for making decisions is clear, robust and transparent. The Education Department should keep records of the decisions they have made and the reasons for those decisions and make those records available to the appropriate person and the education setting or training the detained person will be attending upon release.

## Glossary of terms

**Additionally Resourced Centre (ARC):** a specialist facility within a named school for pupils with a RoN who require highly targeted provision and resources to meet their identified need. Placement within such centres are the responsibility of the Education Department.

**Annual review:** the review of a Record of Needs which schools and settings must make as a minimum every 12 months.

**Area Special Educational Needs Co-ordinator (Area SENCo):** Area SENCos provide advice, training and guidance to early years providers on the development of inclusive early learning environments and will help develop the capacity of setting and school staff to manage the operational arrangements put in place for children identified with SEN.

**Assessment Placement:** a time bonded placement within a specialist school or an ARC to identify need and arrangements required for future educational requirements. Assessment placements are the responsibility of the Education Department.

**Care Plan:** A record of the health and/or social care services that are being provided to a child/young person to help them manage a disability or health condition. The Plan will be agreed with the child/young person's parent/carers and may be contained within a patient's medical record or maintained as a separate document. Care Plans are also maintained by the States of Jersey for looked after children – in this instance the Care Plan will contain a Personal Education Plan in addition to the health and social care elements.

**Childcare and Early Years Service (CEYS):** The teams that support regulation and development for all registered provision under the Daycare of Children (Jersey) Law 2002 for children birth to twelve and also the Early Years Foundation Stage within the States sector of schools. This is managed by the Head of Early Years at the Education Department.

**Child Development and Therapy Centre:** Professionals and agencies who are either part of or affiliated with the Early Years Pathway such as therapists, parent partnership workers are located here.

**Child and Adolescent Mental Health Services (CAMHS):** These services assess and treat children and young people with emotional, behavioural and/or mental health difficulties. They range from basic pastoral care, such as identifying mental health problems, to specialist 'Tier 4' CAMHS, which provide in-patient care for those who are severely mentally ill.

**Child Protection Register/ Child in Need (CP/CIN):** A child who is placed on the Child Protection Register or comes under the category of 'Child in Need' by Health and Social Services.

**Compulsory school age (CSA):** A child is of compulsory school age from the beginning of the term following their 5th birthday until the last Friday of June in the year in which they become 16, provided that their 16th birthday falls before the start of the next school year. The Education (Jersey) Law states a “child means a person who has not attained the age of 19 years”. Part 5 (re SEN) “does not include any young person who is not in full or part time education”. Section 29(3) refers to the “child who has attained the age of 16 years” being able to make a “wish” regarding choice of school.

**Disabled Students Allowance (DSA):** An allowance for undergraduate or post-graduate students who have a disability or long-term health condition, mental health condition or specific learning difficulty such as dyslexia or dyspraxia which affects their ability to study. It can be used to pay for things such as special equipment, a note-taker or transport costs.

**Early Help Assessment:** A social care assessment of a child/young person and their family, designed to identify needs at an early stage and enable suitable interventions to be put in place to support the family.

**Early Years Foundation Stage (EYFS):** The foundation stage begins when children reach the age of 3. Many children attend an early education setting soon after their third birthday. The foundation stage continues until the end of the reception year and is consistent with the Jersey Curriculum. It prepares children for learning in Year 1, when programmes of study for Key Stage 1 are taught.

**Early Years Advisory Team (EYAT):** A small team of experienced early years teachers who work directly with the Early Years Advisory Teacher and the Education Department. Through advisory visits and training, EYAT support best practice across the early years sector in all settings and schools. The team are available on request and are seconded from their schools in order to facilitate the role.

**Early Years Inclusion Team (EYIT):** EYIT consists of two Early Years Special Needs Co-ordinators (EYAS) and two Portage Home Visitors (PHVs). The team runs as an outreach service for both States of Jersey maintained schools and private pre-school settings.

**Early Years Pathway:** An integrated Pathway from pre-birth to five for children with complex neurodevelopmental needs or complex enduring health conditions that require multi-disciplinary support, providing co-ordinated “team around the child and family” multi-agency assessment, diagnosis and support.

**Early Years Provider:** A provider of early education places for children under 5 years of age. This can include state-funded and private nurseries as well as child minders.

**Education Department:** The Education Department provides advice, support and guidance to all educational settings where learning opportunities that begin at nursery and continue through statutory, further and higher education to adulthood. This supports our commitment to encourage lifelong learning that enables everyone to realise their potential.

**Education Other than at School (EOTAS):** The Education Law in Jersey allows for the education of children other than at school

**Educational Psychology team (EPT):** The EPT provide psychological services and support to all education settings and schools in Jersey to help children and young people (0-19 years) with a range of special educational needs (SEN).

**Education Law:** Provision for the education of children and for special educational needs in Jersey is determined by laws enacted by the States.

**Exceptional Action (Multi-agency Assessment):** An assessment which will normally arise out of extended interventions to implement Inclusion and Early Intervention (and other appropriate agencies) advice at SEN Support. It is initiated where the Department (rather than the school) needs to identify a pupil's special educational needs and arrangements to address these. The outcome will be to issue either a 'Record of Need' or a 'Note in Lieu' of a Record of Need.

**Family Nursing and Home Care (FNHC):** The Family Nursing & Home Care Community Children's Nurses support children with nursing and health care needs and their families, at home and in the community. They provide nursing care and support in children's homes or other community settings, such as nurseries or schools

**Further Education (FE) college:** A college offering continuing education to young people over the compulsory school age of 16. This includes general further education colleges, sixth form colleges, specialist colleges and adult education institutes.

**Graduated Approach:** A model of action and intervention in early education settings, schools and colleges to help children/young people who have special educational needs. The approach recognises that there is a continuum of special educational needs and that, where necessary, increasing specialist expertise should be brought to bear on the difficulties that a child/young person may be experiencing.

**Healthy Child Programme:** The Healthy Child Programme covers pregnancy and the first 5 years of a child's life, focusing on a universal preventative service that provides families with a programme of screening, immunisation, health and development reviews, supplemented by advice around health, wellbeing and parenting.

**Health and Social Services:** The Health and Social Services Department aims to enable Islanders to live longer, healthier and productive lives by ensuring the provision of safe, sustainable, affordable and integrated health and social care services that are delivered in partnership with others. Responsibilities include the provision of a wide array of hospital services and health and social care support in the community.

**Health Visiting Team:** The Health Visiting Team comprises health visitors (Specialist Community Public Health Nurses) and Community Nursery Nurses who

work with children and their families delivering four levels of services based upon the Healthy Child Programme (Dept of Health 2009).

**High Quality Teaching (HQT):** Provision that is based on clear objectives that are shared with the children and returned to at the end of the lesson; carefully explain new vocabulary; use lively, interactive teaching styles and make maximum use of visual and kinaesthetic as well as auditory/verbal learning. Approaches like these are the best way to reduce, from the start, the number of children who need extra help with their learning or behaviour.

**Inclusion and Early Intervention (IEI):** specialist teams within the Education Department who support schools in overcoming barriers for vulnerable pupils.

**Independent Reviewing Officer (IRO):** IROs make an important contribution to the goal of significantly improving outcomes for looked after children. Their primary focus is to quality assure the care planning process for each child/young person, and to ensure that his or her current wishes and feelings are given full consideration.

**Individual Learning Plan (ILP):** This is a plan or programme designed for children with SEN to help them to get the most out of their education. An ILP builds or modifies the curriculum that a child with learning difficulties is following and sets out the strategies being used to meet that child's specific needs.

**Jersey Curriculum:** This sets out a clear, full and statutory entitlement to learning for all pupils, determining what should be taught and setting attainment targets for learning. It also determines how performance will be assessed and reported.

**Jersey Child Care Trust (JCCT):** A charitable organisation that is helping families access the nurture, care and learning they need so each child can reach their full potential. The charity provides direct services to children and their families including support for children with SEND in their private nurseries.

**Jersey Online Directory (JOD):** An online directory of useful information and details on how to access support groups, services, organisations and activities for the community of Jersey.

**Jersey School Review Framework:** The Jersey Schools Review Framework builds on previous approaches to school self-evaluation and validation to further the ambitions of the Education Business Plan to ensure high outcomes for all schools and their pupils. The Framework is underpinned by strong principles of school development and based on a 'Supported Peer Review' model. It has been created in partnership between the Education Department and school leaders from the primary, special and secondary phases, supported by expert practitioners from the UK.

Whilst drawing on well-established review frameworks from other educational systems, our Framework is tailored to the Jersey context and is distinct from other jurisdictions' approaches to school review. Children's development and achievement are at the heart of the Education Business Plan, and at the core of this Framework. The work of school review is a key pillar to the drive for high standards of

achievement, inclusion and participation for all in the Jersey education system. This is being achieved through the training and engagement of school leaders and teachers in the Framework, their participation in peer review and the development of school-to-school partnerships for sustained school improvement. The specific methodology and evaluation criteria are set out in the Framework Handbook.

**Looked After Children (LAC):** Children and young people become 'Looked After' either if they have been taken into Care by the States of Jersey, have been accommodated by the States of Jersey through a voluntary care arrangement, or there is shared parental responsibility with the States of Jersey. Most LAC will be living in foster homes or in a children's home, living with a relative or may be placed back at home with their natural parent(s). They will have a Social Worker, who arranges for the pupil's care plan.

**Note in Lieu:** Information gathered during an exceptional action assessment which indicates ways in which the school, guided as appropriate by expert help or advice, can meet the pupil's needs without the need for a Record of Need.

**Occupational Therapy:** Occupational therapy is a health care profession, the role and aim of which is to enable children, young people and adults with physical difficulties, learning difficulties and developmental coordination disorder reach their maximum potential and achieve independence in the ability to perform activities of daily living in all aspects of life.

**Ordinarily Available Provision:** Indicative arrangements that should be ordinarily available for pupils with SEN, from within schools' delegated budget shares. A guidance document developed by the Education Department is available for schools.

**Parent:** Under Education (Jersey) Law 1999, the term 'parent', in relation to a child, includes any person who is not the child's parent but who has parental responsibility for the child (within the meaning of the Children (Jersey) Law 2002) or care of the child.

**Parental Responsibility:** Under Children (Jersey) Law 2002, parental responsibility is defined as:

- (1) Where a child's father and mother were married to each other at the time of the child's birth, they shall each have parental responsibility for the child.
- (2) Where a child's father and mother were not married to each other at the time of the child's birth –
  - (a) the mother shall have parental responsibility for the child; and
  - (b) the father shall not have responsibility for the child, unless he acquires it in accordance with the provisions of this Law.
- (3) The rules of law that –

- (a) where a child is legitimate, the child's father has sole custody of the child; and
  - (b) where a child is illegitimate and the child's mother marries, her husband (whether or not he is the father) has sole custody of the child
- (4) More than one person may have parental responsibility of the same child at the same time.
  - (5) A person who has parental responsibility for a child at any time shall not cease to have that responsibility solely because some other person subsequently acquires parental responsibility for that child.
  - (6) Where more than one person has parental responsibility for a child, each of them may act alone and without the other (or others) in meeting that responsibility; but nothing in this Part shall be taken to affect the operation of any enactment which requires the consent of more than one person in a matter affecting the child.
  - (7) The fact that a person has parental responsibility for a child shall not entitle the person to act in any way which would be incompatible with any order made with respect to the child under this Law.
  - (8) A person who has parental responsibility for a child may not surrender or transfer any part of that responsibility to another but may arrange for some or all of it to be met by one or more persons acting on his or her behalf.
  - (9) The person with whom any such arrangement is made may be a person who already has responsibility for the child concerned.
  - (10) The making of any such arrangement shall not affect any liability of the person making it which may arise from any failure to meet any part of his or her parental responsibility for the child concerned.

**Parent Forum Jersey:** The Parent Forum Jersey is a group of parents and carers of disabled children who work with local authorities, education, health and other providers to make sure the services they plan and deliver meet the needs of disabled children and families.

**Person Centred Approach:** Person centred approaches are part of a broader approach originating from work in North America in the 1960s with disabled adults which promoted individualization or personalization known as Person Centred Planning (PCP). PCP is a methodology which is focused on self-determination in terms of what is important to a person from their own perspective and which contributes to their full inclusion in society. Person centred thinking tools are essentially methodical ways to ensure that education is meeting the needs of each child and young person, recognising that each has a unique style of learning, communicating, building relationships and making decisions.

**Planning and Review meetings (PARM):** PARMs are typically scheduled three times per academic year. They represent an opportunity for professionals from the teams within Inclusion and Early Intervention to meet with the school's SENCo and other relevant staff to review work undertaken the previous term and to discuss/agree priorities for the term ahead.

**Personal Education Plan:** An element of a Care Plan in respect of a looked after child, which sets out the education needs of the child. If a looked after child has a RoN, the regular reviews should, where possible, coincide with reviews of the Personal Education Plan.

**Physiotherapy:** Physiotherapy a health care profession, the role and aim of which is to enable children, young people and adults with treatment which can help to rehabilitate them so that they build up or regain the ability to perform movement resulting from accident, conditions or illnesses. They provide advice to improve the impairment itself by increasing mobility, aligning bones and joints, or lessening pain.

**Portage:** Planned, home-based educational support for pre-school children with special educational needs. The Portage service is named after the town of Portage, Wisconsin, USA. There is an active and extensive network of Portage services in the UK, developed by the National Portage Association, which provides a Code of Practice and accredited training.

**Pre School Forum:** A forum to support the coordination and involvement of key local professionals and agencies with pre-school children who may require close monitoring.

**Provision Mapping:** Provision mapping takes into account the full scope of provision, including high quality whole class teaching, guided and group work and individual interventions in order to identify and overcome potential barriers to learning and meet the needs of all pupils within and beyond the school setting. A provision map is a management tool providing an 'at a glance' way of documenting and showing the range of provision, additional staffing and support that a school makes available to its pupils

**Record of Need:** A document drawn up where Exceptional Action assessment indicates that the Department (rather than the school) needs to specify a child's special educational needs and arrangements to address these. A Record of Need is subject to Annual Review.

**Safeguarding Partnership Board (SPB):** to co-ordinate work locally which will safeguard children and adults and to monitor and challenge the effectiveness of Jersey's safeguarding arrangements.

**School Information Report (SIR):** an annually updated report detailing the types of need, policies and arrangements in place for children and young people with SEN.

**Skills Jersey:** Skills Jersey is a centre of excellence that links Education and Industry, through 3 business streams, to provide an all age, independent service on

Jersey. It incorporates the previous teams of Careers Jersey, Trackers, Trident and Student Finance.

**Social Services:** Social services is made up of 3 specialist services; the children's service, the adult social work team and the special needs service. These services work together to provide social care and support in the community

**Special Educational Needs (SEN):** A child/young person has SEN 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 a significantly greater difficulty in learning than the majority of others of the same age, or has 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.

**Special Educational Needs Co-ordinator (SENCo):** A qualified teacher in a school or maintained nursery school who has responsibility for co-ordinating SEN provision. In a small school, the head teacher or deputy may take on this role. In larger schools there may be a team of SENCos. Other early years settings in group provision arrangements are expected to identify an individual to perform the role of SENCo and childminders are encouraged to do so, possibly sharing the role between them where they are registered with an agency.

**Special Educational Needs Delegated Funding:** Funds allocated to schools to ensure they provide arrangements to meet the needs of pupils with SEN. There is an expectation that this funding is used exclusively to address SEN needs and that schools are able to provide evidence.

**Special Educational Needs Panel:** A decision making forum that can:

- effectively ensure that all exceptional action requests received are considered in accordance with appropriate evidence, Jersey Code of Practice and relevant legislation
- consider recommendations from annual reviews where there is a proposal for changes of arrangements with budgetary implications beyond the schools' delegated resources, the deployment of centrally maintained staff/resources or consideration for more specialist provision
- consider recommendations from annual reviews where there is a proposal to 'cease to maintain' a Record of Need.

**Special Educational Provision:** Special educational provision is provision that is different from or additional to that normally available to pupils or students of the same age, which is designed to help children/young people with SEN to access the National Curriculum at school or to study at college.

**Special school:** A school which is specifically organised to make special educational provision for pupils with SEN.

**Speech and language therapy:** Speech and language therapy is a health care profession, the role and aim of which is to enable children, young people and adults

with speech, language and communication difficulties (and associated difficulties with eating and swallowing) to reach their maximum communication potential and achieve independence in all aspects of life.

**Standards and Achievement (S&A):** This is a key team within the Education Department which comprises of experienced educational professionals who work with early years providers, schools and colleges across the Island to ensure the highest outcomes of education and care for children. The team achieves this through a focus on achievement, teaching and learning, leadership, training and development, and standards.

**Team around a child/family (TAC/F):** An individualised and evolving team of the few practitioners who see the child and family on a regular basis to provide practical, co-ordinated support in education, therapy and treatment. Its purpose is to provide a more co-ordinated, thorough and consistent approach to supporting a child and their family.

**Transition Panel:** the Transition Panel is convened by the Education Department and is an information sharing forum which coordinates the involvement of key local professionals and agencies and highlights who may require close monitoring and/or specialist services during and following transition.

**Transition Pathway:** A multi-agency approach to support young people with special needs and disabilities who require multi-agency support in preparing for adulthood. The purpose of the pathway is to raise aspirations and ensure the young person's goals and dreams for education and employment, health and wellbeing, community participation and independent living inform transition planning from the start.

**Virtual School Head (VSH):** The Virtual School Head (VSH) is an officer of a local authority who leads a virtual school team that tracks the progress of children looked after by the authority as if they attended a single school.

**Young person:** Under Education (Jersey) Law 1999, a 'young person' means a child who is over compulsory school age.

## References

### Introduction

[Children Act 1989 Guidance and Regulations Volume 2 \(Care Planning, Placement and Case Review\)](#)

[Children Act 1989 Guidance and Regulations Volume 3 \(Planning Transition to Adulthood for Care Leavers\)](#)

[Equality Act 2010: Advice for Schools](#)

[Mental Capacity Act Code of Practice: Protecting the Vulnerable 2007](#) [Reasonable adjustments for disabled pupils 2012:](#)

[Supporting pupils at school with medical conditions](#)

[Transition to the new 0-25 special educational needs and disability system](#) (DfE guidance)

[Working Together to Safeguard Children 2013](#)

### Chapter 1: Principles

[Contact a Family](#)

[National Network of Parent Carer Forums](#) [School](#)

[Admissions Code of Practice](#)

[United Nations Convention on the Rights of Persons with Disabilities](#)

[United Nations Convention on the Rights of the Child](#)

### Chapter 2: Sharing information

[Education Department](#)

[Jersey Online Directory](#)

[Parent Forum Jersey](#)

[Inclusion and Early Intervention training Offer to Schools](#)

[Inclusion and Early Intervention service offer to Schools](#)

[Transport Guidelines](#)

### Chapter 3: Early Years Providers

[Statutory Framework for the Early Years Foundation Stage](#)

[Early years outcomes guide](#)

[Early years Pathway document](#)

[Daycare law](#)

[Healthy Child Programme](#)

[National Children's Bureau](#)

### Chapter 4: Schools

[Achievement for All](#)

[Autism Education Trust](#)

[Bullying guidance](#)

[Communication Trust](#)

[EEF - Education Endowment Foundation | EEF](#)

[Data Protection Act 1998](#)  
[Dyslexia SpLD Trust](#)  
[I CAN – the children’s communications charity](#)  
[Mental Health and Behaviour Guidance \(DfE\)](#)  
[MindEd](#)  
[National Award for SENCo Co-ordination: learning outcomes](#)  
[National Sensory Impairment Partnership](#)  
[Provision mapping resources](#)  
[Social Care for Deafblind Children and Adults guidance 2009 \(DoH\)](#)  
[Supporting pupils at school with medical conditions](#)  
[Link to Jersey review framework](#)

## **Chapter 5: Further Education**

[16 to 19 funding guidance \(DfE\)](#)  
[Disabled Students Allowance \(DSA\)](#)  
[Education Funding Agency \(EFA\)](#)  
[Higher Education Funding Council for England \(HEFCE\)](#)  
[Skills Funding Agency \(SFA\)](#)

## **Chapter 6: Preparing for adulthood from the earliest years**

[16 to 19 study programmes: advice for further education colleges](#)  
[Access to Work \(DWP\)](#)  
[Autism Strategy 2014](#)  
[Care Act 2014 – Personal Budget Guidance \(draft\)](#)  
[Care Act 2014 – Transition Guidance \(draft\)](#)  
[Mental Capacity Act 2005](#)  
[Mental Health Action Plan – Closing the Gap 2014](#)  
[Ordinary Residence Guidance 2013 \(DoH\)](#)  
[Participation of young people in education, employment and training \(DfE guidance\)](#)  
[Preparing for Adulthood](#)  
[Supported internships – DfE advice \(2014\)](#)

## **Chapter 7: Exceptional Action assessments and Records of Needs** *(Internal documents)*

Ordinarily Available  
Special Educational needs Panel terms of reference  
Record of Need Template  
Annual Review Templates  
Request for Exceptional Action for Nursery and reception aged children  
Request for Exceptional Action for Year 1 aged children and above.  
Appeal process

## **Chapter 8: Children and young people in specific circumstances**

[Alternative provision guidance \(DfE\)](#)

[Apprenticeships, Skills and Learning Act 2009](#)

[Children and Young Persons Act 2008](#)

[Designated Teacher \(Looked After Pupils etc\) Regulations 2009](#)

[Preparing for Adulthood Factsheet – ‘Links Between the Children and Families Act 2014 and the Care Act’](#)

[Preparing for Adulthood](#)

[Raising the Participation Age – useful information](#)

[Picture Exchange Communication System](#)

# Statutory timescales for Exceptional Action (EA) Assessments and Record of Need (RoN) Process

**START:** SENCo - Evidence gathered over two full terms prior to request submission. From; 1) School with EP summary report 2) Parent or 3) Other agency via Pre-School Forum. This must include formal notification of services required and evidence of how delegated SEN funding has been used.

Referral to IEL Team requesting EA Assessment

\*Decision Update (1)

**SEN Panel Meeting (Occurs every half term)**

## 1) Request of assessment for RoN considered

Decision Outcome of Panel Meeting (conveyed within 5 working term time days)

\*Decision Update (2)

**Prepare and distribute Letters**

Panel Actions

Information gathering and report collation of views from EPs, professionals and parents/young person sought



\*Decision Gateways

Parent /young person & school notified & advised of appeal process.

- 1) **YES**-Proceed to Panel. **NO**-Applications are not for panel consideration (below threshold for EA).
- 2) **YES**-Proceed to full statutory assessment. **NO**-EA assessment is deemed inappropriate, the school will be advised and supported on how to utilise 'ordinarily available' resources in developing a targeted approach.
- 3) **Yes**-A RoN is issued because there is a need for a change of placement to an ARC provision or Special school or where banded funding (additional hours of support) is required. **No**-a Note in Lieu is issued. Parents/Young person must be provided with all the relevant information pertaining to the final decision.

Appeals can be made to the Minister up to 15 days after a decision is communicated.

## 2) Report submitted and EA outcome considered

Communication of outcome of EA assessments by Head of SEN via email

\*Decision Update (3)

**Draft RoN prepared by RoN Officer**

SEN Service confirmation

EP confirmation

SEN Service consultation: Final draft

Record of Need Actions



## 3) Outcomes and communication

Final RoN sent to school and parent(s)/young person by RoN Officer by post

Opportunity for RoN to be considered with feedback from Parent/Young person

**Banded funding and any special educational provision implemented**

**Ongoing support and monitoring**

Communication actions



The child and their parent(s) and/or young person is involved fully and their views and wishes taken into account

**FINISH:** All RoNs are reviewed annually. Consideration is made where a change of placement eg. ARC provision or Special School is req'd. or where the banded funding (hours of support) need amending.

States   
of Jersey