



**WOKINGHAM
BOROUGH COUNCIL**

Meeting the needs of children and young people with Special Educational Needs and Disability in Wokingham

Naming a school, college or learning placement in an Education, Health and Care Plan

Contents

Purpose	3
Introduction	3
Agreeing the provision: the statutory requirements	3
Requesting a particular school	4
If no request is made	4
How Wokingham local authority approaches placement provision	5
Residential Placements	6
Appendices	
Appendix A Glossary and technical terms	7
Appendix B Reasonable steps examples guidance	8

Purpose

The purpose of this document is to set out the policy and practice in Wokingham for securing learning provision for children and young people who have SEND.

Introduction

The underlying principle of this policy is that, wherever possible, children and young people should remain within their community supported within their families and attending local learning provision.

Some children and young people will require a school placement which has additional specialist resources (a resourced school) and some children and young people will have needs at a level or complexity which requires a more specialist environment (special school). Where this is the case the provision should be as close to the child/young person's local community as possible, as this:

- Allows the child/young person to remain as a member of their home community
- Supports links with the universal services which they will access
- Allows the most 'ordinary' daily structure
- Most easily maintains the child/young person within their family
- Builds capacity within the local community of schools.

If there is no appropriate placement available, the local authority will seek a placement within another maintained special school or within a non-maintained/independent special school. For some children and families, a special school maintained by a neighbouring local authority may be closer to their community than the equivalent Wokingham school.

Agreeing the provision: the statutory requirements

The Code of Practice sections 9.78 to 9.90 set out the statutory requirements for agreeing a school, college or other provider. Once the draft EHC plan has been sent to parents;

- they have a right to request a particular school, college or other provider to be named within their EHC plan.
In most cases the level of joint working and consultation which has taken place during the EHC process means that discussions about the type of placement, will already have been discussed
- the local authority must advise parents where they can find information about the schools and colleges that are available, for example through the Local Offer.

Requesting a particular school

Most children and young people who have SEN will continue to attend their local mainstream school. Parents/young person can request continuation of their current provision or

Parents/young person can request any	The local authority must
<ul style="list-style-type: none"> ✓ maintained nursery ✓ maintained school ✓ any form of academy or free school ✓ non maintained special school ✓ FE or sixth form college ✓ Independent schools/independent specialist colleges which has Secretary of State approval and is on the list 	<ul style="list-style-type: none"> ✓ consult with the governing body, principal or proprietor and consider their comments carefully ✓ consult the local authority that maintains the school ✓ seek agreement if any provision is to be made through a direct payment and issue a formal notice
The governing body, principal, proprietor, or other local authority must	
<ul style="list-style-type: none"> ✓ Respond within 15 calendar days 	
The local authority must then	
<ul style="list-style-type: none"> ✓ name the school unless <ul style="list-style-type: none"> • it would be unsuitable for the age, ability, aptitude or SEN of the child • the attendance would be incompatible with the efficient education of others or the efficient use of resources 	
The school or college named in the EHC plan must	
<ul style="list-style-type: none"> ✓ admit the child or young person 	

In addition:

Parents/young people can request	The local authority must
<ul style="list-style-type: none"> ✓ non maintained early years provision ✓ an independent school, college or post 16 provider which is not on the list 	<ul style="list-style-type: none"> ✓ consider the request ✓ be satisfied that the provider would admit since they would not be under a statutory duty to do so
In making a decision the local authority must	
<ul style="list-style-type: none"> ✓ have regard to the general principle of section 9 of The Education Act 1996 with regard to educating according to parental wishes so long as it is compatible with efficient instruction/training and does not mean unreasonable public expenditure 	

If no request is made

Where a parent/young person does not request a particular school, the local authority **has a duty** to specify a mainstream school unless it would be:

- against the wishes of the parents, or
- incompatible with the efficient education of others

If the local authority believes that mainstream education is incompatible, it must be able to demonstrate that there are no reasonable steps that it or the providers could take to prevent the incompatibility. In considering whether reasonable steps could be taken some of the factors which could be considered are:

- whether taking the steps would be effective in removing the incompatibility
- how practical it would be to take the steps
- how effective steps already taken have been
- the financial and other resource costs of taking the steps
- the extent of any disruption that taking the steps would cause

Examples of reasonable steps in relation to different areas of SEN need are contained in Appendix B of this document. The Code of Practice 9.90 makes clear that decisions not to name mainstream provision against parental wishes must never be taken lightly.

How Wokingham local authority approaches placement provision

The needs which have been identified through an EHC needs assessment form the starting point for identifying the type of placement which the local authority believes is appropriate.

Wherever possible, the local authority would wish to see children/young people with SEN in their local mainstream school or college as this offers the greatest opportunity for them to be a full and active member of their local community. For some pupils with more complex needs a resourced mainstream school allows the pupil to access specialist resources whilst benefitting from a mainstream environment.

If the needs assessment indicates that a special school/college is required, and this is in line with parental/young person's wishes, taking into account the legislative requirements above, a special school/college will be identified taking into account:

- the identified needs of the child or young person
- the efficient education of other children/young people at the school/college
- the efficient use of public money

Wokingham will always consider schools in an order of priority which takes account of the distance to be travelled as well as the overall cost of the placement. Placements which are a significant distance, in mileage or time, can have an impact on the child/young person in terms of their ability to access the curriculum as well as making it more difficult to access universal or specialist resources in their home community. Wokingham will consider, in order of priority:

- schools maintained by Wokingham or another local authority, and Free schools and Academies
- non-maintained schools – funded by charities and not-for-profit organisations
- independent sector schools and colleges

Children and young people with SEN require good quality provision and, therefore, where the local authority needs to seek a place in a non-maintained/independent school, the school must have achieved an Ofsted rating of 'Good' or 'Outstanding'. If, once a child/young person is placed the school is judged less than 'Good' we will work with the school and the family to ensure that the child or young person continues to receive an appropriate curriculum whilst avoiding undue disruption.

Residential Placements

Research tells us that children are best cared for within their own homes and within their own communities. A decision to seek a residential placement will never be taken lightly since, by their nature, they remove a child/young person from their family for significant periods of the week and make accessing local community resources difficult. This can make any transition back home to the local community more difficult once the placement has concluded.

There are a very small number of children/young people who require residential education because they are judged to require a 'waking day curriculum'. The capacity of children and young people to benefit from a residential placement is dependent on a number of factors including level of need and age. In line with colleagues in social care, the SEN team would not look to place any child in a residential setting who is below the age of eight.

Most children placed in residential schools will be placed because the travelling distance between home and school makes it impossible to undertake the journey on a daily basis. For these placements the local authority will seek the residential option which maximises the opportunities for maintaining family contact.

There are some children/young people who, for a variety of reasons, are unable to live with their family. Where this happens, the SEN team will work with social care colleagues to look at a range of options which may include residential school but will also make use of specialist foster carers and shared care arrangements. Residential placements will always be on the basis of assessed needs and, where that need can later be met within the home community; there would be an expectation that provision would be sought locally. The guiding principle in decision making will be that, wherever possible children and young people spend their lives within their birth or a substitute family. When a child or young person attends a residential school and has more than seventy five nights at the school in any year, they **may** be covered by the Looked After regulations. This will always be discussed on an individual basis.

Appendix A Glossary and technical terms

Within the Code of Practice these terms have a specific meaning:

'efficient education'	Providing for each child or young person a suitable, appropriate education in terms of their age, ability, aptitude and any special educational needs they may have
'others'	The children and young people with whom the child or young person with an EHC plan will directly come into contact on a regular day to day basis
'reasonable steps'	Examples of the kinds of actions which could be defined as reasonable are in appendix B
'formal notice' with regard to a direct payment provision	The requirements are in the COP para 9.79. The proposal must specify <ul style="list-style-type: none">• the name• the qualifying goods and services to be secured• the proposed amount of the payment• any conditions on how the money can be spent• the date for payments into a bank account approved by the LA• details of conditions of receipt before payments can be made

Appendix B Reasonable steps examples guidance

Reasonable steps to ensure that the inclusion of a child with challenging behaviour in a mainstream primary school setting is not incompatible with the efficient education of others may include:

- addressing factors within the class that may exacerbate the problem, for example using circle time to discuss difficult relationships and identify constructive responses
- teaching the child alternative behaviour, for example by taking quiet time in a specially designated area at times of stress
- providing the child with a channel of communication, for example use of peer support
- using a carefully designed system of behaviour targets drawn up with the child and linked to a reward system which, wherever possible, involves parents or carers
- ensuring that all staff coming into contact with the child are briefed on potential triggers for outbursts and effective ways of heading off trouble at an early stage
- drawing up a contingency plan if there is an outburst in class, for example, identifying with the child a key helper who can be called to remove the child from the situation, and
- ensuring that if there is any possibility that positive handling may need to be used to prevent injury to the child, young person or others or damage to property, relevant staff have had training in appropriate techniques, that these have been carefully explained to the child and that the circumstances in which they will be used are recorded in a written plan agreed with and signed by the child and their parents or carers

Reasonable steps taken to ensure that the inclusion of a child with autistic spectrum disorder who is distracting and constantly moves around in a mainstream secondary school is not incompatible with the efficient education of others may include

- ensuring all possible steps are taken to provide structure and predictability to the child's day, for example by the use of visual timetables, careful prior explanation of changes to routines and clear instructions for tasks
- ensuring that the child is taught a means of communicating wants and needs using sign, symbol or spoken language

- working with a member of staff on a structured programme of activities designed to prepare him or her for joining in class or group activities, for example by using 'social scripts' to rehearse appropriate behaviour
- having an individual workstation within a teaching space where distractions can be kept to a minimum and everything needed for the work to be done can be organised in sequence, and
- ensuring that all staff are briefed on the warning signs which may indicate potential behaviour challenge and on a range of activities which provide effective distraction if used sufficiently early

Reasonable steps taken to ensure that the inclusion of a young person with a learning disability who does not use verbal communication in a mainstream course at a further education college is not incompatible with the efficient education of others may include:

- the involvement of staff from the college's learning support team in the school-based transition reviews
- an orientation period during the summer holidays, to enable the student to find his or her way around the college campus and meet the learning support staff
- opportunities to practise travelling to and from college
- the development of an individual learning programme outlining longer term outcomes covering all aspects of learning and development, with shorter term targets to meet the outcomes
- supported access to taster sessions over a first year in college
- a more detailed assessment of the young person's needs and wishes provided by learning support tutors during a 'taster' year
- staff development to ensure an understanding of the student's particular method of communication
- use of expertise in access technology to identify appropriate switches or communication boards to facilitate the student's involvement in an entry-level course, and
- courses normally covered in one year planned over two years to meet the young person's learning needs

There may be a range of reasons why it may not always be possible to take reasonable steps to prevent a mainstream place from being incompatible with the efficient education of others – for example, where the child or young person's behaviour systematically, persistently or significantly threatens the safety and/or impedes the learning of others.

Code of Practice 2014: 9.93