



## Changes in Legislation: Since the production of the original pack

### Code of Practice 2001

Dyslexia is to be found in para 7:58 in an area of need headed *Cognition and Learning*. If a dyslexic child has needs that cannot adequately be met, there may be a requirement for the protection of a Statement of Educational Need. *Their procedures are a matter of law*. The statement should specify clearly the provision necessary to meet each identified need (para 8:36/7). Provision should normally be quantified (e.g. in terms of hours of provision, staffing arrangements) although there will be cases where some flexibility should be retained in order to meet the changing needs of the child concerned. It is now officially recognised that pupils should be deeply involved in any plans made for them, whether or not these are set in I.E.P.s.

The difference in approach between the new and old Codes emerges in the sections describing desirable practice in early years, primary and secondary provision. The old five stages of assessment have been transformed into three action steps within a graduated approach: School Action, School Action Plus and the Statement. Stage 1 and Stage 4 of the 1994 Code of Practice have no equivalent in this new Code. The disappearance of Stage 1 is highly significant. This was the initial assessment stage in which an individual was logged as a cause of concern. The change symbolises an emphasis on the need for 'normal' teaching to cater for a wide range of learners. The highlight has shifted from 'difference' in the classroom to the 'ordinary'; difference is something that all teachers must value and with which they are required to work. This implies that schools promote an understanding of and responsibility for inclusion amongst all its staff.

In another new development, the Code is explicit about the strands of 'differentiation', matching provision to needs. It expects teachers to consider in their classrooms:

- Assessment, planning and review
- Grouping for teaching purposes
- Additional human resources
- Curriculum and teaching methods

We can see these in terms of the balance sought by two sections of the Inclusion Statement of the National Curriculum:

### National Curriculum Inclusion Statement

#### B Responding to pupils' diverse learning needs

Teachers should take action to respond to pupils' diverse needs by:

- a. creating effective learning environments
- b. securing their motivation and concentration
- c. providing equality of opportunity through teaching approaches
- d. using appropriate assessment approaches
- e. setting targets for learning



**I dont like to be told that I am silley or stupid.**

Alistair, age 9



### C Overcoming potential barriers to learning and assessment

Teachers must... make provision, where necessary, to support individuals or groups of pupils to enable them to participate effectively in the curriculum and assessment activities. During end of key stage assessments, teachers should bear in mind that special arrangements are available to support individual pupils. As a result, OFSTED teams will now be looking at the whole of a school's planning system when inspecting for inclusion in relation to SEN; they will not just check I.E.P.s.

Annex A at the back of the Code contains Statutory Instrument 2218. This tells LEAs that they must make clear, in relation to those with SEN without a statement, what they expect the school to provide and what they expect to provide themselves. This is an important development and should result in much clearer expectations for schools, LEAs and users of the system.

#### The Special Educational Needs and Disability Act 2001

Whilst strengthening the inclusion agenda, the Act attempts to:

1. improve the procedures for assessing and meeting a child's needs,
2. give greater powers to the Special Educational Needs Tribunal,
3. place a duty upon the LEAs to provide and advertise both a parent partnership scheme and conciliation arrangements, and
4. inform parents when any SEN provision is made for their child.

It is now unlawful for state and private schools to treat disabled children less favourably because of their disabilities. The Special Educational Needs Tribunal has now extended powers to hear appeals relating to disability and is known as the Special Educational Needs and Disability Tribunal. Ofsted/Estyn will also be monitoring schools to ensure that they are meeting the requirements of the Act.

#### Parent Partnership Service

LEAs are now required to set them up on a statutory basis. There is no national standard of a PPS. The aim is to provide a range of services for parents whose children have SEN, in order to empower them play an active and informed role in their child's education. This includes access to an Independent Parental Supporter for those parents who want one.

#### References

1. DfES (2001) *Special Educational Needs Code of Practice* DfES Publications.
2. DfE (1994) *Code of Practice on the identification and Assessment of Special Educational Needs* Department for Education.
3. QCA/DfEE (1999) *The National Curriculum Handbook for primary/secondary teachers in England: The Inclusion Statement* London: HMSO.
4. QCA/DfEE (2001) *Planning, Teaching and Assessing the Curriculum for pupils with learning difficulties*. London: QCA



I always seem to miss out on things like Cubs and swimming badges because something I could do or remember the week before didn't stay in my mind when I needed it for the proper test.

Alistair