



Department
for Education

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Ref: Department for Education

Revision to the SEN and Disability Code of Practice: 0-25 years

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To Local authorities and their representative bodies, parents and carers, voluntary sector organisations, young people, health and social care professionals, early years, schools and further education professionals and any other interested parties.

Issued 16 April 2014

Enquiries To If your enquiry is related to the policy content of the consultation you can contact the department on 0370 000 2288

1 Introduction

1.1 The department launched a public consultation on a new Code of Practice last autumn. This closed on 9 December and over 700 responses were received. Since then the responses have been analysed and further discussions have been held with representatives of those who have to have regard to the Code, to ensure that revision secures maximum clarity for those who will be using it.

2 Revision since 2013 public consultation

2.1 The legal duties set out in the Code of Practice have been further clarified to reflect concerns about an overall lack of distinction between statutory and non-statutory duties. This includes greater clarity on the duties on schools, on joint commissioning and on local authorities to support young people over 18.

2.2 The text on accountability has been strengthened to take account of the concerns raised by respondents in the previous consultation. In particular there were calls to strengthen the accountability on schools in relation to supporting pupils without Education Health and Care (EHC) plans and on local authorities in relation to the

local offer. We have provided more information on responsibilities of different service providers and where to complain and seek redress and have emphasised the duty on local authorities to publish details of the action they intend to take in response to comments from children, young people and parents about their local offer.

- 2.3** The Code now addresses concerns that there was insufficient focus on disabled children and on post-16 arrangements, particularly the transition to adulthood. There were also calls for more explicit involvement of children and young people and their parents in the design of services, in particular the local offer, which have been reflected in the Code.
- 2.4** Following detailed feedback on the structure and format of the draft Code, the revised Code has also been restructured to make it easier to navigate. New chapters have been added to separate out information for early years, schools and post-16 practitioners and on preparation for adulthood.

3 Changes to the Children and Families Bill

- 3.1** The Children and Families Act 2014 received Royal Assent on 13 March. The revised draft also reflects the legislative changes made during the passage of the Children and Families Bill, which occurred after the consultation draft of the Code was published.

4 Final consultation on a revised Code of Practice

- 4.1** The Secretary of State wishes to ensure that the Code serves to underpin successful implementation of the legislation. Since the revised Code now includes guidance on duties not reflected in the earlier public consultation draft, the department is seeking views from interested parties on this.
- 4.2** The department is undertaking a further and final stage in the process of consultation, consulting specifically on i) changes made to the consultation draft of the Code to take account of subsequent amendments to the Children and Families Bill and ii) clarity, layout and accessibility of the Code.
- 4.3** In view of the extensive consultation the department has already undertaken on all other aspects of the Code, respondents are asked to confine their comments to the two areas set out above, on which the Department will be focusing.

5 Opportunity to comment

- 5.1** The Department has written to and is, in particular, seeking views from the key organisations below that have to have regard to the Code or that work with or represent families who are affected by the Code:

The Local Government Association

The Association of Directors of Children's Services

The Association of Directors of Adult Social Services

The Special Educational Consortium

The Council for Disabled Children

EPIC

The Association of Educational Psychologists

The Association of Colleges

Natspec

Nasen

The National Network of Parent Carer Forums

The National Parent Partnership Network

NHS England

NHS Confederation / NHS Clinical Commissioners

The Royal Colleges

Association of School and College Lecturers

Association of Teachers and Lecturers

National Association of Head Teachers

National Association of Schoolmasters and Union of Women Teachers

National Union of Teachers

Standing Committee for Youth Justice

6 How To Respond

- 6.1** Consultation responses can be completed online at: www.education.gov.uk/consultations

7 Additional Copies

- 7.1** Additional copies are available electronically and can be downloaded from the Department for Education e-consultation website at: www.education.gov.uk/consultations

8 Plans for making results public

- 8.1** The results of the consultation and the Department's response will be published on the DfE website in summer 2014.

9 Publication of Code of Practice

- 9.1** Once responses have been reviewed, the Secretary of State will publish the Code and lay it before Parliament for approval.