Fact Sheet - Changes to School Action and School Action Plus

What is the Government proposing?
We propose to replace the current special educational needs (SEN) Code of Practice categories of School Action and School Action Plus with a new single early years and school-based SEN category, providing clear guidance to settings and schools on the appropriate identification of pupils with SEN.

These changes will be set out in the new SEN Code of Practice to be published in 2014 and will include a clear process for identification and assessment of pupils, setting objectives for pupils, reviewing progress and securing further support.

This does not change the legislative duties on schools to use best endeavours to secure special educational provision, to have an SEN co-ordinator, to notify parents of such provision or to publish information on how it is implementing its policy on SEN and Disability. These are all set out in primary legislation in the Children and Families Bill.

Why are you making these changes?
The current system in the code of practice is not working well. It emphasises labelling children’s need according to how appropriate support is to be provided, rather than the outcomes sought for the child and how to reach them.

The current categories can also lead to children being unnecessarily labelled as having SEN, with little or inappropriate action taken to support them.

The Lamb Inquiry (2009) reported that SEN can sometimes be ‘unhelpfully collated’ with falling behind, and this may have contributed to the growing number of pupils at School Action and Action Plus. At the end of Key Stage 2, August-born pupils are 60 per cent more likely to be identified as having SEN than September-born pupils. This relationship is strongest for those in the current School Action category.

It also found that 'there is a risk that the use of the SEN label itself leads to lower expectations or less vigorous intervention.

The Ofsted review of SEN (2010) found that for children identified at School Action level the additional provision was often an inappropriate response to inadequacies in whole-class teaching or pastoral support.

Nearly one fifth of the schools visited by Ofsted suggested that they provided additional SEN support when, in other schools, such provision was regarded as the norm. Frequently, this provision then became the justification for defining a pupil as having SEN. Further, identifying SEN was sometimes viewed as the only legitimate route to gaining additional provision.

How might a single category improve things?

1 www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-01143-2009
A simplified, rigorous approach will focus the system on the impact of the support provided to that individual child, rather than how children access support according to the category they fit into. It will also challenge schools to improve the quality of teaching and learning for all pupils, rather than inappropriately and inaccurately labelling some pupils as having SEN.

**Does the Government want to reduce the number of pupils identified as having SEN?**
No - we want to ensure that pupils are identified as having SEN only where it is appropriate and action to meet the full range of their needs goes beyond what can be achieved by adapting mainstream teaching.

**Will the single category mean a reduction in resources for schools and individuals?**
No. Our plans to move to the new system will not reduce the funds for schools to support children with SEN. Education settings will remain under clear duties in relation to SEN. Funding is not based on the number of pupils within current categories and identification as being in school action or school action plus does not currently provide access to additional funding for an individual.

Currently, local authorities use a range of indices in their funding formula to distribute delegated SEN resources. Most rely on a combination of factors such as number on school roll, free school meals and prior attainment. Most do not use School Action or School Action Plus as indicators in their formula.

**How will the single category be established and how will proposals be scrutinised?**
The new category will form part of a new SEN Code of Practice. The new Code will be significantly shorter, clearer and more concise. As well as the new category, it will include information on the legislative parts of the reforms such as the Local Offer, Personal Budgets, Joint Commissioning, Assessments and Education Health and Care Plans.

We are already engaging with a range of professionals from within the education sector on how to reflect the aims in a new category. There will be a number of formal and informal opportunities to influence the content of the Code over the next 18 months before it is finalised. Key stages are:

- The Department will provide an indicative draft of the new Code of Practice to support parliamentary scrutiny during committee stage of the Children and Families Bill.
- We will then go through a process of redrafting based on continued engagement with sector bodies, reflecting any changes to the Bill during its Parliamentary progress. We will also want to reflect the ongoing work of the pathfinder local authorities in the Code of Practice.
- The formal process of adopting a new Code will begin after the legislation is enacted, with a new draft being consulted on publicly before it is signed off by Ministers, with the current intention being to publish in spring 2014.
- The Code itself will, as currently proposed in the Bill, be subject to parliamentary scrutiny in the form of a negative resolution.
How will schools and education settings be held to account for meeting the needs of pupils with SEN?
The education, health and care services normally available within a local area will have to be set out in the local offer. Local authorities, schools and education providers will have to work with local authorities to publish the local offer so that families are clear about the support that is available.

Ofsted will also have a central role in holding schools to account for the support that is provided. The new inspection frameworks, introduced in September 2012 place a clear emphasis on meeting the needs of disabled pupils and pupils with SEN and considering the quality of teaching and the progress made by those pupils.

The Department launched a consultation on secondary school performance measures and accountability in February 2013. In order to ensure that the accountability system covers all pupils, this includes proposals for a new measure for assessing progress within the floor standard, as well as consideration of what additional action might be taken to judge the progress of the lowest attainers. We will develop final proposals in the light of this consultation.

How will these changes be implemented in practice? What support will be available to local areas?
We will be extending the pathfinder programme by a further 18 months, as well as rolling out a programme of pathfinder champions to help spread learning, including on the development of the local offer.

We have also announced that we will be letting specific national contracts to provide support, information and advice to schools, local authorities and parents on specific impairment, including dyslexia, autism, sensory impairments and speech, language and communication needs. These contracts will include work to support the development of an effective local offer to meet these needs and work to support the implementation of the single category.

Ofsted found that: "as many as half of all pupils identified for School Action would not be identified as having special educational needs if schools focused on Improving teaching and learning for all, with individual goals for improvement."

And the Achievement for All programme has already seen schools reducing the number of children previously identified at School Action, because with a culture of high expectations and provision of personalised school-based support the label itself is no longer necessary.

3 www.education.gov.uk/aboutdfe/departmentalinformation/consultations/a00221259/secondary-accountability
The focus, which will be set out in the Code of Practice will be on raising aspirations for pupils, good-quality teaching, effective early identification, clear outcomes for the child and rigorous monitoring against those outcomes.

**Further Contact Details at the Department**
Dominic Siwoku - dominic.siwoku@education.gsi.gov.uk
David Chater - david.chater@education.gsi.gov.uk