

DfE Myths and facts for schools

This document addresses some common misconceptions about the activities schools are required to undertake. It seeks to tackle recurring myths and also includes some new myths on changes happening during the 2013 to 2014 academic year.

Special educational needs

Myth: The government wants to reduce the number of pupils identified as having special educational needs (SEN).

Fact: Schools have a legal duty to use their best endeavours to support pupils with SEN. There is no government target or 'right' number of pupils with SEN.

Currently, however, some pupils are identified with SEN, but no effective support is put in place to help them achieve. Ofsted has also found that in some schools pupils are identified with SEN as a result of inadequate teaching.

Schools should ensure that all pupils receive high-quality teaching. Where pupils have SEN that require additional or different support this should be put in place quickly, with a clear set of outcomes.

Myth: Children who have less serious problems but still need support will lose out under the new system.

Fact: There is no change to the definition of SEN, so we would not expect that those children with less serious problems will lose out on support or resources. The reforms to the SEN system are about making sure that every pupil with a barrier to learning has this swiftly and effectively identified and the right support, including external support put in place.

We know this is something that the best schools are already doing. Some schools involved in the Achievement for All programme have reduced the proportions of pupils incorrectly identified as having SEN while improving progress and attainment within the SEN group. They have reported that by focusing on individual pupils' needs and being clearer about whether a child has SEN, needs additional pastoral support, or is underperforming for another reason helps them to raise achievement across the board. Read more information about [Achievement for All](#).

Myth: Removing school action and school action plus categories will mean a reduction in resources for schools and pupils.

Fact: 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 to support pupils with SEN. Funding is not based on the number of pupils in school action or school action plus.

☒ **Myth:** Schools are no longer getting the funds they need for meeting the costs of supporting pupils with special educational needs (SEN).

☑ **Fact:** The government is not cutting schools' funding overall. Schools get their funds for all their pupils, including those with SEN, mainly through their local authority's funding formula. They can get extra from the local authority's high needs budget as well. The local formula uses a combination of different factors, such as prior attainment and deprivation, to allocate resources for SEN. Every school has a notional SEN budget, but schools are free to use any of their budget to support pupils. The extra funding from the local authority can help schools with a disproportionate number of pupils with SEN in certain circumstances, and also goes to schools in the form of top-up funding to support individual pupils whose additional SEN support costs more than £6,000.

☒ **Myth:** Getting rid of individual education plans will dispose of valuable protections for children and young people with SEN.

☑ **Fact:** The legal duties on schools remain the same – and the draft new SEN code of practice is much clearer on how schools should involve parents in agreeing the support for their child, in setting clear outcomes and in keeping a record of the support provided. Time should be spent with parents working out what pupils need and ensuring that they make progress, not filling out paperwork.

The current code is 12 years old. Teaching has progressed enormously in that time and schools now monitor the progress of all pupils much more effectively. The guidance in Chapter 6 of the draft SEN code of practice (early years, schools, colleges and other education and training providers) will embed provision for pupils with SEN into the culture of high expectations and teaching for all children, rather than encouraging schools to set them apart.

☒ **Myth:** With the replacement of school action and school action plus schools will no longer have to record or keep track of how pupils with SEN and without a statement or an education, health and care (EHC) plan, make progress.

☑ **Fact:** Schools will still need to be clear about which pupils need SEN support. This data will be collected through the school census and will be available and used through RaiseOnline. School action and school action plus will be replaced with a simplified SEN support category.

☒ **Myth:** The SEN reforms are reducing accountability in the system, not strengthening it.

☑ **Fact:** Quite the opposite, in fact. The education, health and care services normally available within a local area will have to be set out in the local offer. 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 in their area.

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 for Education 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 are developing final proposals in the light of this consultation.

Myth: The government is removing school action and school action plus categories, which means removing the additional support available for people with special educational needs and not on statements.

Fact: We are replacing the current special school action and school action plus with a new single early years and school-based SEN category, providing clear guidance on the appropriate identification and assessment 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 on 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 a SEN co-ordinator, to notify parents of such provision, or to publish information on how it is implementing its policy on SEN and disability.

Myth: £6,000 is now the threshold for needing a statement (or an education health and care plan (EHCP))

Fact: The legal definition of who requires a statement has not changed, nor is it proposed to change under the SEN reforms. A child will still require a statement or EHCP if the nature of their disability or learning difficulties is such that it requires the local authority to determine the child's special educational provision through a statement or an EHCP.

Separately, local authorities will work with their local schools to define what additional support for all pupils with SEN is regarded as normally available in schools from their budget. In most local authorities this is support which costs up to £6,000 per pupil per annum, and will form part of the local offer for children with SEN.

Local authorities will also work with schools on additional resources that may be needed for individual pupils with SEN, whether or not a statement or EHCP is needed.