

# National Sensory Impairment Partnership

## CHECKLIST FOR SERVICE ALIGNMENT WITH LEGISLATION AND GUIDANCE

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### **Aligning services for children and young people with a sensory impairment with the specific requirements of legislation and government guidance**

With immense pressure on local authority SEND budgets it is increasingly important to set out a strong business case for commissioning specialist support services for children and young people with sensory impairment.

The purpose of this document is to help sensory services and others to prepare a business case by providing a framework to align their services with key duties and requirements set out in legislation and government guidance. It should be used in conjunction with other support materials such as the analysis of needs and outcomes.

The framework in this document sets out:

- a) the duties and requirements on LAs set out in legislation and government guidance.
- b) a reference to the source of the particular duty or requirement (e.g. a section of the Children and Families Act 2014, or a paragraph in the SEND Code of Practice 2015).
- c) a blank column to enable the service to record how it contributes to the duty or requirement.
- d) a blank column to enable services who think it may be helpful to roughly apportion its overall resource to various duties and requirements. The more specific the duty or requirement the more easy it is to apportion time. It is more difficult to do this for more general duties such as the statutory duty to promote equality of opportunity under the Equality Act 2010.

Duties and Requirements	Source/Reference	Note of the Sensory Service's activities in supporting Local Authority statutory duties and/or functions	% of service time
<b>Identification</b> A Local Authority <b>must</b> identify <b>all</b> CYP with SEN or a disability. <sup>1</sup>	Children and Families Act 2014, Section 22 <sup>2</sup>		
<b>Responsibility for children and young people with SEND<sup>3</sup></b> An LA is <b>responsible</b> for a child or young person: <ul style="list-style-type: none"> <li>• identified by the LA as having SEND (or <b>may</b> have SEN)</li> <li>• brought to the LA's attention by <b>any person</b> as someone who has or <b>may</b> have SEN</li> </ul>	Children and Families Act 2014, Section 24 <sup>4</sup>		
<b>Key worker</b> LAs <b>should</b> adopt a key working approach which provides children, young people and parents with a single point of contact to ensure holistic provision and co-ordination. Can be offered where the child or YP has SEN e.g. offered SEN support in school	SEND Code of Practice. DfE 2015 Para 2.21		
All families of babies with confirmed PCHI are offered a main professional contact to: <ol style="list-style-type: none"> <li>a) provide ongoing regular support</li> <li>b) ensure a co-ordinated and coherent service</li> </ol>	NHS Newborn Hearing Screening Standards, Standard 22 <sup>5</sup>		

<sup>1</sup> See Section 22 of the Children and Families Act ('the CFA' or 'CFA') which gives a responsibility to identify all children for **all** children with SEND. It does not distinguish between those with and without Education Health and Care Plans

<sup>2</sup> See <http://www.legislation.gov.uk/ukpga/2014/6/section/22/enacted>

<sup>3</sup> Section 24 of the Children and Families Act gives a responsibility for **all** children with SEND. It does not distinguish between those with and without Education Health and Care Plans

<sup>4</sup> See <http://www.legislation.gov.uk/ukpga/2014/6/section/22/enacted>

<sup>5</sup> See <http://webarchive.nationalarchives.gov.uk/20150408175925/http://hearing.screening.nhs.uk/standardsandprotocols>

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<p><b>Local Offer – supporting its production and review</b>  LAs <b>must</b> produce a <b>Local Offer</b> setting out education provision and training. It must review it and this includes the sufficiency of provision.</p> <p>4.31 The Local Offer should cover:</p> <ul style="list-style-type: none"> <li>• support available to all children and young people with SEN or disabilities from universal services such as schools and GPs</li> <li>• targeted services for children and young people with SEN or disabilities who require additional short-term support <b>over and above that provided routinely as part of universal services</b></li> <li>• <b>specialist services</b> for children and young people with SEN or disabilities who require specialised, longer term support</li> </ul> <p>and 4.32  and information about:</p> <ul style="list-style-type: none"> <li>• approaches to teaching, adaptations to the curriculum and the learning environment for children and young people with SEN or disabilities and additional learning support for those with SEN</li> <li>• enabling available facilities to be accessed by disabled children and young people and those with SEN (this should include ancillary aids and assistive technology, including Augmentative and Alternative Communication (AAC))</li> <li>• securing expertise among teachers, lecturers or other professionals to support children and young people with SEN or disabilities – this should include professional development to secure expertise at different levels:</li> <li>• awareness (to give a basic awareness of a particular type of SEN, appropriate for all staff who will come into contact</li> </ul>	<p>CFA 2014, Section 30</p> <p>SEND CoP 2015, Paras 4.18, 4.31 and 4.32</p>		

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<p>with a child or young person with that type of SEN)</p> <ul style="list-style-type: none"> <li>enhanced (how to adapt teaching and learning to meet a particular type of SEN, for early years practitioners, class and subject teachers/lecturers and teaching assistants working directly with the child or young person on a regular basis), and</li> <li><b>specialist (in-depth training about a particular type of SEN for staff that will be advising and supporting those with enhanced-level skills and knowledge).</b></li> </ul> <p>Support services have a role in saying both what they do in contributing towards that offer and ensuring that parents can access it.</p>			
<p><b>Supporting Integration</b></p> <p>An LA <b>must</b> exercise its SEND functions with a view to ensuring the integration of healthcare and social care provision where it thinks it would:</p> <ul style="list-style-type: none"> <li>promote the welfare of CYP with SEND</li> <li>improve the quality of SEND provision</li> </ul>	CFA 2014 Section 25		
<p>Partners should consider how an integrated approach can best support:</p> <ul style="list-style-type: none"> <li>prevention to reduce the need for specialist support later on</li> <li>early identification</li> <li>better access to services</li> <li>good language</li> </ul>	SEND CoP 2015, Para 3.37		
<p>Partners should consider whether and how specialist staff can train the wider workforce so that they can better identify need and support earlier</p>	SEND CoP 2015, Para 3.41		

Duties and Requirements	Source/Reference	Note of the Sensory Service's activities in supporting Local Authority statutory duties and/or functions	% of service time
<p>Progress check at the age of 2: EY practitioners <b>must</b> review progress and provide parents with a report on their child's development The report <b>must</b> describe the activities and strategies the provider intends to adopt to address issues and concerns</p>	<p>SEND CoP 2015, Para 5.23</p>		
<p><b>Children's Hearing Services Working Group</b> Governance structures and strategic partnerships are in place to ensure the service is delivered to meet standard procedures, with clear lines of responsibility and accountability</p>	<p>NHS Newborn Hearing Screening Standards, Standard 27<sup>6</sup></p>		
<p><b>Early Years</b></p>			
<p><b>Identification:</b> In addition to the statutory duties under section 22 of the CFA 2014, LAs are required to identify children eligible for Early Years Pupil Premium and Disability Access Fund<sup>7</sup> and promote it.</p>	<p>Early education and childcare statutory guidance to LAs (March 2017) Para A1.29</p>		
<p><b>Improving outcomes and reducing inequalities in the EYs</b> LAs are required to improve outcomes for children under 5s and reduce inequalities</p>	<p>Childcare Act 2006, Sections 1 - 5<sup>8</sup></p>		

<sup>6</sup> <http://webarchive.nationalarchives.gov.uk/20150408175925/http://hearing.screening.nhs.uk/standardsandprotocols>

<sup>7</sup> This includes children in receipt of Disability Living Allowance

<sup>8</sup> [http://webarchive.nationalarchives.gov.uk/20100202103622/http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga\\_20060021\\_en.pdf](http://webarchive.nationalarchives.gov.uk/20100202103622/http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060021_en.pdf)

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<p><b>Support to EY providers</b></p> <p>When securing funded places LAs must promote equality of opportunity for disabled children. This should include securing relevant expertise among early years providers and working with parents to ensure that appropriate provision is in place to enable each child to flourish</p>	SEND CoP 2015, Para 4.37		
<p>LAs are required by legislation to: [...] secure information, advice and training for providers in their areas [...] on meeting the needs of children with SEND</p>	Early education and childcare statutory guidance to LAs (March 2017), Part D, Section D.1 <sup>9</sup>		
<p><b>Specialist support for under 2 year olds</b></p> <p>This support can take a number of forms, including:</p> <ul style="list-style-type: none"> <li>• specialist support from [...] specialist teachers, such as a Teacher of the Deaf or QTVI. These specialists may visit families at home to provide practical support, answering questions and clarifying needs</li> <li>• training for parents in using early learning programmes to promote play, communication and language development</li> <li>• home-based programmes [...] which offer a carefully structured system to help parents support their child's early learning and development</li> </ul>	SEND CoP 2015, Para 5.16		

<sup>9</sup> See [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/596460/early\\_education\\_and\\_childcare\\_statutory\\_guidance\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596460/early_education_and_childcare_statutory_guidance_2017.pdf)

<b>Duties and Requirements</b>	<b>Source/Reference</b>	<b>Note of the Sensory Service's activities in supporting Local Authority statutory duties and/or functions</b>	<b>% of service time</b>
For very young children, LAs should consider commissioning the provision of home-based programmes such as Portage, or peripatetic services for children with hearing or vision impairment. Parents should be fully involved in making decisions about the nature of the help and support that they would like to receive	SEND CoP 2015, Para 9.144		
Where a child continues to make less than expected progress [...] practitioners should consider involving specialist teachers, who may be able to identify effective strategies, equipment, programmes or other interventions to enable the child to make progress towards the desired learning and development outcomes	SEND CoP 2015, Para 5.48		
<p><b>Early Support</b></p> <p>It is particularly important in the early years that there is no delay in making any necessary special educational provision. Delay at this stage can give rise to learning difficulty and subsequently to loss of self-esteem, frustration in learning and to behaviour difficulties. Early action to address identified needs is critical to the future progress and improved outcomes that are essential in helping the child to prepare for adult life</p>	SEND CoP 2015, Para 5.36		

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<p><b>Newborn Hearing Screening</b> Children's Services (usually education) are notified within one working day of confirmation of PCHI Families are offered a visit within two working days of contact (year round)</p> <p>All families of babies with confirmed PCHI are provided with an explanation of the full range of support available and are given the Early Support publications: 'Helping you choose: making informed choices for you and your child' and 'Information for Parents: Deafness'</p>	NHS Newborn Hearing Screening Standards, Standard 21 <sup>10</sup>		
All families of babies with PCHI to be given information about the full range of communication approaches and supported in their choices, in accordance with the principles of Informed Choice	NHS Newborn Hearing Screening Standards, Standard 24		
<p><b>Statutory EHC Assessment and Plans</b> Sensory services have a key role in the statutory assessment, planning and review processes set out in Sections 36-62 of the CFA 2014 and chapter 9 of the SEND CoP</p>	CFA 2014, Sections 36-62 SEND CoP 2015, Chapter 9		

<sup>10</sup> <http://webarchive.nationalarchives.gov.uk/20150408175925/http://hearing.screening.nhs.uk/standardsandprotocols>

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<p><b>EHC Assessment</b></p> <p>In seeking advice and information (for an EHC assessment) the LA should consider with professionals what advice they can contribute to ensure the assessment covers all the relevant education, health and care needs of the child or young person. Advice and information <b>must</b> be sought as follows:</p> <ul style="list-style-type: none"> <li>• If the child or young person is either vision or hearing impaired, or both, the educational advice and information <b>must</b> be given after consultation with a <b>person who is qualified to teach pupils or students with these impairments</b></li> </ul>	SEND CoP 2015, Para 9.49		
<p>The CoP states that the purpose of information from the assessment is to:</p> <ul style="list-style-type: none"> <li>• establish and record the views, interests and aspirations of the parents and child or young person</li> <li>• provide a full description of the child or young person's special educational needs and any health and social care needs</li> <li>• establish outcomes across education, health and social care based on the child or young person's needs and aspirations</li> <li>• specify the provision required and how education, health and care services will work together to meet the child or young person's needs and support the achievement of the agreed outcomes</li> </ul>	SEND CoP 2015, Paragraph 9.2		
<p>Provision of evidence for the assessment as outlined in SEND CoP para 9.14</p>	SEND CoP 2015, Paragraph 9.14		

Duties and Requirements	Source/Reference	Note of the Sensory Service's activities in supporting Local Authority statutory duties and/or functions	% of service time
<p><b>Department of Health guidance Care and Support for Deafblind Children and Adults.</b></p> <p>Three main duties imposed on LAs:</p> <ul style="list-style-type: none"> <li>• Ensuring that when an assessment of needs for care and support is carried out, this is done by a person or team that has specific training and expertise relating to deafblind persons - in particular to assess the need for communication, one-to-one human contact, social interaction and emotional wellbeing, support with mobility assistive technology and habilitation/rehabilitation</li> <li>• Ensuring that services provided to deafblind people are appropriate, recognising that they may not necessarily be able to benefit from mainstream services or those services aimed primarily at blind people or deaf people who are able to rely on their other senses</li> <li>• Ensuring that deafblind people are able to access specifically trained one-to-one support workers if they are assessed as requiring one.</li> </ul>	<p>Care and Support for Deafblind Adults and Children 2014, Dept of Health</p>		
<p><b>Support for Education Establishments</b></p> <p>Supporting the best endeavours of education establishments and supporting LA responsibility for all children and young people under the CFA 2014.</p>	<p>CFA 2014, Sections 22, 24 and 66<sup>11</sup></p>		
<p>Early years – involving specialists (see EY section above)</p>	<p>SEND CoP 2015, Para 5.48</p>		

<sup>11</sup> See <http://www.legislation.gov.uk/ukpga/2014/6/section/66/enacted>

Duties and Requirements	Source/Reference	Note of the Sensory Service's activities in supporting Local Authority statutory duties and/or functions	% of service time
<b>Primary and secondary schools</b>	SEND CoP 2015, Paras 6.58 to 6.62		
<p>Schools may involve specialists at any point to advise them on early identification of SEN and effective support and interventions. A school should always involve a specialist where a pupil continues to make little or no progress or where they continue to work at levels substantially below those expected of pupils of a similar age despite evidence-based SEN support delivered by appropriately trained staff. The pupil's parents should always be involved in any decision to involve specialists.</p> <p>The involvement of specialists and what was discussed or agreed should be recorded and shared with the parents and teaching staff supporting the child in the same way as other SEN support.</p> <p>Where assessment indicates that support from specialist services is required, it is important that children and young people receive it as quickly as possible. Joint commissioning arrangements should seek to ensure that there are sufficient services to meet the likely need in an area. The Local Offer should set out clearly what support is available from different services and how it may be accessed.</p>	SEND CoP 2015, Paras 6.61 and 6.62		

Duties and Requirements	Source/Reference	Note of the Sensory Service's activities in supporting Local Authority statutory duties and/or functions	% of service time
<p>The SEND CoP (2015) Para 6.61 states:  'Schools should work closely with the local authority and other providers to agree the range of local services and clear arrangements for making appropriate requests. This might include schools commissioning specialist services directly. Such specialist services include, but are not limited to:  [...]</p> <ul style="list-style-type: none"> <li>specialist teachers or support services, <b>including specialist teachers with a mandatory qualification</b> for children with hearing and vision impairment, including multi-sensory impairment, and for those with a physical disability. (Those teaching classes of children with sensory impairment <b>must</b> hold an appropriate qualification approved by the Secretary of State. Teachers working in an advisory role to support such pupils should also hold the appropriate qualification.) '</li> </ul> <p>The SEND CoP (2015) Para 6.62 states:  'The SENCO and class teacher, <b>together with the specialists</b>, and involving the pupil's parents, should consider a range of evidence-based and effective teaching approaches, appropriate equipment, strategies and interventions in order to support the child's progress. They should agree the outcomes to be achieved through the support, including a date by which progress will be reviewed. '</p>			

Duties and Requirements	Source/Reference	Note of the Sensory Service's activities in supporting Local Authority statutory duties and/or functions	% of service time
<p>The SEND regulations set out what information schools should be providing. It includes</p> <ul style="list-style-type: none"> <li>• information about the expertise and training of staff in relation to children and young people with special educational needs and about how specialist expertise will be secured</li> <li>• information about how equipment and facilities to support children and young people with special educational needs will be secured</li> <li>• how the governing body involves other bodies, including health and social services bodies, local authority support services and voluntary organisations, in meeting the needs of pupils with special educational needs and in supporting the families of such pupils</li> </ul>	<p>SEND Regulations 2014, Schedule 1<sup>12</sup></p>		

<sup>12</sup> See <http://www.legislation.gov.uk/ukxi/2014/1530/schedule/1/made>

Duties and Requirements	Source/Reference	Note of the Sensory Service's activities in supporting Local Authority statutory duties and/or functions	% of service time
<p><b>Equality Act 2010</b></p> <p>The Equality Act places a duty on LAs and other public bodies to promote equality of opportunity and make reasonable adjustments so that disabled children and young people are not placed at a substantial disadvantage in their education compared with non-disabled young people.</p> <p>Schedule 10 of the Act also includes the duty on LAs to produce Accessibility Strategies, which was originally introduced by the SEN and Disability Act 2001.</p> <p>Details of these duties are set out in the NatSIP briefing note 'Provision of Equipment and Technology for Children and Young People with a Sensory Impairment'.<sup>13</sup></p> <p>Although this briefing note refers to equipment, the same principles and requirements apply to other aspects of service provision.</p>			
<p><b>Public Sector Equality Duty</b></p> <p>LAs are covered by the public sector equality duty and, when carrying out their functions, <b>must</b> have regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between disabled and non-disabled children and young people.</p> <p>Public bodies also have specific duties under the public sector equality duty and <b>must</b> publish information to demonstrate their compliance with this general duty and <b>must</b> prepare and publish objectives to achieve the core aims of the general duty. Objectives <b>must</b> be specific and measurable.</p> <p><b>Note:</b></p> <p>The Court of Appeal has made it clear that the general equality duty not only applies to general formulation of policy but also applies to decisions made in applying policy in individual cases (e.g. the day to day decisions over providing equipment or services for a child or young person with sensory impairment).</p>	<p>SEND CoP 2015, Para xix</p>		<p>General duty NA</p>

<sup>13</sup> See <https://www.natsip.org.uk/natsip-documents/natsip-briefing-documents-and-papers/provision-of-equipment-and-technology-briefings/1226-provision-of-equipment-and-technology-for-cyp-with-si>

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<p><b>Reasonable Adjustment Duty</b></p> <p>The Equality Act 2010 sets out the legal obligations that local authorities and others have towards disabled children and young people:</p> <ul style="list-style-type: none"> <li>• They <b>must</b> make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory - it requires thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage</li> </ul>	<p>SEND CoP 2015, Para xix</p>		
<p><b>Supporting the production, implementation and review of accessibility strategies</b></p> <p>An LA must, in relation to the schools it is responsible for, prepare an accessibility strategy to:</p> <ul style="list-style-type: none"> <li>- increase the extent to which disabled pupils can participate in the curriculum</li> <li>- improve the physical environment of schools to increase the extent to which disabled pupils can take advantage of the education, benefits, facilities and services offered by school</li> <li>- improve the delivery to disabled pupils information that is readily accessible to pupils not disabled.</li> </ul> <p>In preparing a strategy LAs must have regard to the need to allocate adequate resources to implement the strategy.</p>	<p>Equality Act 2010. Schedule 10 para 1<sup>14</sup></p>		

<sup>14</sup> See <http://www.legislation.gov.uk/ukpga/2010/15/schedule/10>