



Department  
for Education



Department  
of Health

# **Implementing the 0 to 25 special needs system**

**Government advice for local authorities  
and health partners**

**December 2013**

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# Summary

## About this advice

This is advice from the Department for Education and the Department of Health. This advice is non-statutory, and has been produced to help recipients understand their role in implementing reforms to the special educational needs system.

## Expiry or review date

This advice will next be reviewed before September 2014, when the new special educational needs legislative duties come into effect.

## Who is this advice for?

This advice is for:

- Local authorities (children's services, social care and adult social care) and health partners (Clinical Commissioning Groups, and Health and Wellbeing Boards).

## Key points

- This guidance sets out the vision for the special educational needs reforms and the case for change. It also contains useful information for strategic leaders:
  - key questions local strategic leaders have found useful in thinking about implementing the SEN reforms;
  - an outline timeline for implementation;
  - the new statutory duties and changes the SEN reforms (subject to parliamentary approval of the Children and Families Bill);
  - resources and support that can be accessed from a variety of organisations to support the cultural and system change these reforms require;
- Associated with this guidance are two examples of Education, Health and Care plans and a slide pack including the timeline and more detailed data from the DfE survey of local authority readiness and progress, for ease of reference.

## Vision

1. Our vision for children and young people with special needs is the same as for all children and young people – that they achieve well in their early years, at school and in college; lead happy and fulfilled lives; and have choice and control.
2. The special needs reforms will implement a new approach which seeks to join up help across education, health and care, from birth to 25. Help will be offered at the earliest possible point, with children and young people with special needs and their parents or carers fully involved in decisions about their support and what they want to achieve. This will help lead to better outcomes and more efficient ways of working.

## Case for change

3. If properly focused and effective, implementing a new approach locally should provide long-term returns both in terms of outcomes and resources.

## Numbers of children and young people

4. 1.55 million pupils in England in 2012/13 were identified as having special educational needs (SEN) (18.7%).

5. Boys are two and a half times more likely to have statements of SEN at primary school than girls, and nearly three times more likely to have statements at secondary school.

6. 71.5% of children in the school population looked after for at least a year at 31<sup>st</sup> March 2012 had special educational needs. Looked after children are three and a half times more likely to have special educational needs, and over ten times more likely to have statements of SEN.

## Children and young people with SEN do less well than their peers at school and college

7. Pupils with SEN are more likely to have higher levels of absence from school. In 2011/12, persistent absence rates for pupils with statements of SEN were 13.4%, compared to 3.8% for pupils with no SEN.

8. Pupils with SEN are more likely to be excluded from school. In 2011/12, rates of fixed rate exclusions were 8.2% of pupils with statements of SEN, compared to 1.4% for pupils with no SEN.

9. At Key Stage 2 in 2011/12, 17% of pupils with statements of SEN achieved the expected level in both English and maths, compared to 91% of pupils with no SEN.

10. At Key Stage 4 in 2011/12, 8.4% of pupils with statements of SEN achieved a level 2 qualification including English and maths, compared to 69.2% of pupils with no SEN.

## Young people with SEN are more likely to be out of education, training and employment

11. Young people with SEN are more than twice as likely not to be in education, employment or training (NEET).

12. Analysis in 2009 showed that 30% of young people who had statements at Year 11 and 27% of those who were identified as SEN without statements were NEET at age 18. This is compared to 13% for those with no special provision at Year 11. The same study also found that disabled young people are more likely to be NEET at 18 than others.

## **Supporting independence improves outcomes and deploys resources more effectively**

13. The National Audit Office estimated that the cost to the public purse of supporting a person with a moderate learning disability through adult life (16–64) is £2–3 million. Equipping a young person with the skills to live in semi-independent rather than fully supported housing could, in addition to quality-of-life improvements, reduce these lifetime support costs by around £1 million. Supporting one person with a learning disability into employment could, in addition to improving their independence and self-esteem, reduce lifetime costs to the public purse by around £170,000.

14. Adult care costs for those with learning difficulties and/or disabilities are second only to the costs of supporting the elderly (£5.19bn compared to £8.79bn, 2012-13, Provisional Release).

## **Employment outcomes for people with SEN and disabilities are poor**

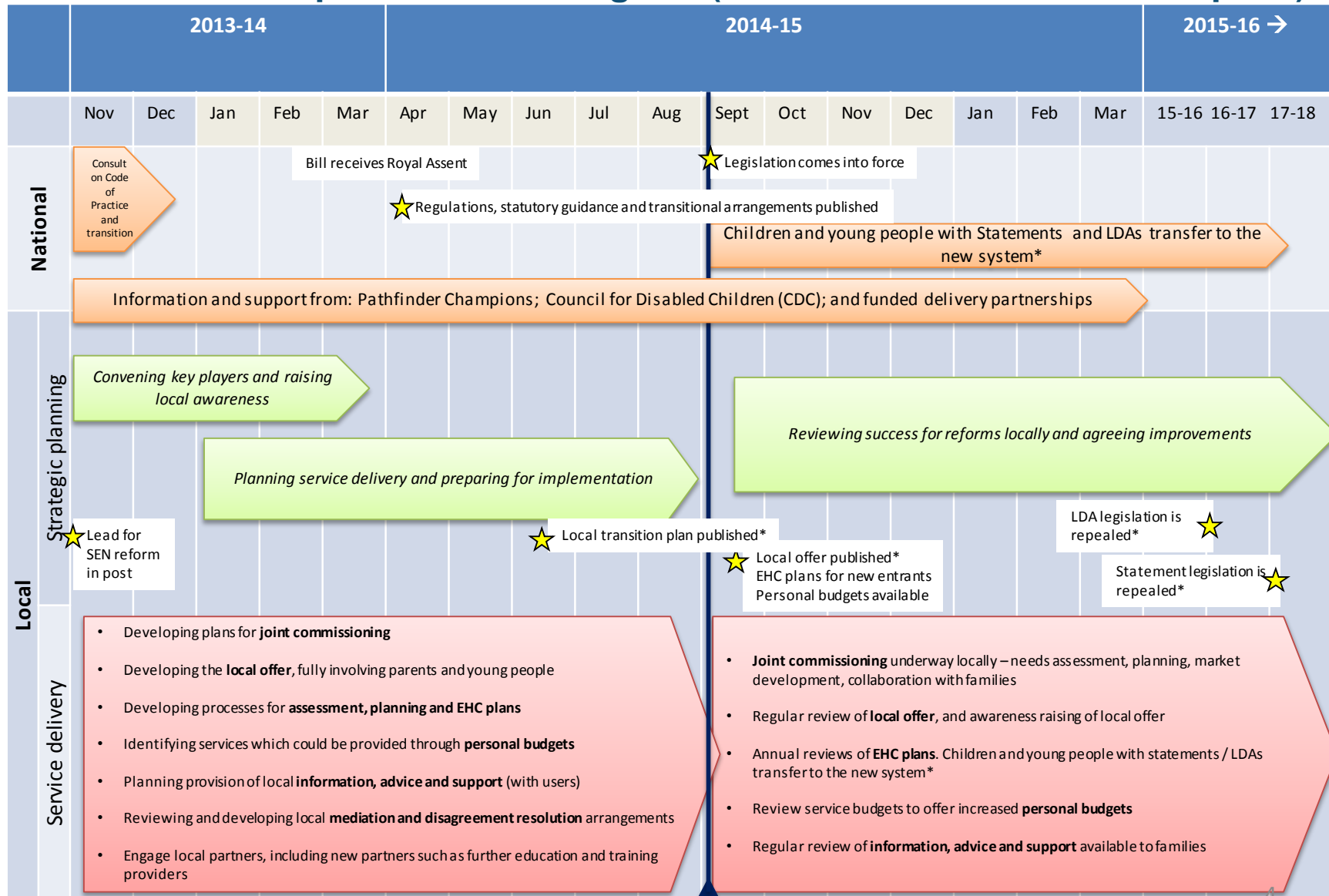
15. In 2012, 46% of disabled people were in employment, compared to 76% of non-disabled people. If 76% of disabled people were employed, this would represent over 2 million more people in employment. In addition, employment rates for those with learning difficulties are much worse, with some evidence suggesting this to be as low as 7%.

## Questions for local strategic leaders

16. The following questions are intended to assist local strategic leaders in thinking about implementing the new approach in their area. They are drawn from pathfinder experiences.

- What can I be doing personally to support this reform agenda and change cultures?
- Who is responsible for each of the major steps of implementation; and who has overall accountability for ensuring we are ready for implementation in September 2014?
- What does my local area's data tell me about outcomes for children and young people with SEN?
- How does SEN reform link to other reforms we're leading locally (e.g. health, education, adult social care, youth services, youth offending, housing, early intervention)? What new relationships do I need to develop (e.g. with post-16 education and training providers)?
- What are the value for money arguments for reform? If we get this right, can we secure better outcomes for children and young people by deploying resources more efficiently?
- How can we ensure a genuinely person centred approach from birth to age 25, which fully involves children, young people, parents and carers?
- How can I ensure providers across a range of services are supported to implement the reforms, particularly those who the local authority has had little involvement with in this area, such as further education providers?
- How will I know my local area is performing well to help children and young people with SEN achieve in education and employment (outcomes)?

# Timeline for implementation diagram (also in the associated slide pack)



**New 0-25 SEN system becomes available**

\* Subject to (national) consultation



## Timeline for implementation

17. This indicative timeline is based on the learning from the pathfinder areas. Strategic leaders and their teams may find it helpful in thinking through the culture and organisational change required by the SEN reforms.

18. National timeline:

- We are consulting on the code of practice until 9 December. The Children and Families Bill is expected to receive Royal Assent in early 2014. We expect to publish the SEN regulations, statutory guidance and transitional arrangements in April 2014.
- Information and support is available from: Pathfinder Champions; Council for Disabled Children (CDC); and funded delivery partnerships.
- September 2014: the legislation comes into force, introducing the new 0 to 25 SEN system.
- From September 2014: children and young people with existing statements and LDAs will begin to transfer to the new system.

19. Local strategic planning timeline:

- From now to March 2014: convening key players and raising local awareness. Lead for SEN reform in post.
- From January 2014 to August 2014: planning service delivery and preparing for implementation. Local transition plan published in June 2014 (subject to national consultation).
- September 2014: new 0 to 25 SEN system in place.
  - Local offer published (subject to national consultation)
  - all children and young people newly referred for a statutory SEN assessment will be assessed under the new arrangements and, if needed, provided with an EHC plan. Children and young people with existing statements and LDAs will begin to transfer to the new system (subject to national consultation)
  - Personal budgets available to children and young people with EHC plans.
- September 2016: legislation relating to Learning Difficulty Assessments is repealed (subject to national consultation).

- September 2017: legislation relating to statements is repealed (subject to national consultation).

20. Local service delivery timeline:

From now until September 2014 (when the new SEN system becomes available) local areas will be undertaking the following work, fully involving parents and young people:

- Developing plans for joint commissioning.
- Developing the local offer.
- Developing processes for assessment, planning and EHC plans.
- Identifying services which could be provided through personal budgets.
- Planning provision of local information, advice and support (with users).
- Reviewing and developing local mediation and disagreement resolution arrangements.
- Engage local partners, including new partners such as further education and training providers.

From September 2014 onwards:

- Joint commissioning underway locally – needs assessment, planning, market development, collaboration with families.
- Regular review of local offer, and awareness raising of local offer.
- Annual reviews of EHC plans. Transfer of children and young people with existing statements and Learning Difficulty Assessments to the new system commences.
- Review service budgets to offer increased personal budgets.
- Regular review of information, advice and support available to families.

# System changes to deliver the new approach

## Children and Families Bill

21. Subject to Parliamentary approval, from September 2014 the Children and Families Bill<sup>1</sup> will place new statutory responsibilities on, and give new powers to, local authorities. Most importantly, local authorities will have to:

- Work with health and social care colleagues jointly to commission services to deliver integrated support for children and young people with SEN aged 0-25.
- Consult children, young people and their parents, and cooperate with a range of local providers across education, health, social care and voluntary sector partners to deliver the new system, including post-16 education providers such as further education colleges and training providers.
- Work with local partners, parents and young people to co-produce and publish a local offer of SEN services and provision to assist young people in finding employment, obtaining accommodation and participating in society.
- Provide a coordinated education, health and care assessment for children and young people aged 0-25, and new Education, Health and Care (EHC) plans that will replace the two existing systems of SEN statements (in schools) and Learning Difficulty Assessments (in further education and training).
- Offer those with EHC plans the option of a personal budget.
- Consider the transition from children's to adult services and whether to use a new power to provide children's services to young people over 18 to smooth their transition.

22. By putting parents, children and young people at the heart of the new system we want to avoid the need for them to fight for the services they need and to reduce conflicts and disputes. While parents and young people will have the right to appeal to the First-tier tribunal over disagreements with the local authority, resolution through mediation must be explored initially.

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<sup>1</sup> The Children and Families Bill takes forward the Coalition Government's commitments to improve services for vulnerable children and support strong families. The Bill will reform the systems for adoption, looked after children, family justice and special educational needs. It will encourage growth in the childcare sector, introduce a new system of shared parental leave and ensure children in England have a strong advocate for their rights.

## Code of Practice

23. The Department for Education and the Department of Health are currently consulting on a new 0-25 SEN Code of Practice, which will act as statutory guidance for the duties introduced by the Bill. A final Code of Practice will be published in spring 2014. The consultation closed on 9 December, [details of the consultation are available](#).

## NHS Mandate and the role of the health partners

24. The Mandate to the NHS Commissioning Board sets out the objectives for the NHS and highlights the areas of health and care where the Government expects to see improvements. The Mandate says that “One area where there is a particular need for improvement, working in partnership across different services, is in supporting children and young people with special educational needs or disabilities. NHS England’s objective is to ensure that they have access to the services identified in their agreed care plan, and that parents of children who could benefit have the option of a personal budget based on a single (coordinated) assessment across health, social care and education.” [Details about the NHS Mandate](#) are available.

25. The Children and Families Bill includes the health commissioning duty: “where there is provision which has been agreed in the health element of the EHC plan, health commissioners must have arrangements in place to secure that provision. All provision reasonably required by a child or young person’s special needs must be included in the EHC plan.”

26. The draft Code of Practice describes the role of health bodies, clinicians and providers, including:

- Health bodies must co-operate with the local authority in commissioning integrated, personalised services and designing the local offer (including ensuring relevant contracts with providers reflect the needs of the local population).
- Clinicians and providers will:
  - support the identification of children and young people with SEN, particularly at key points such as in the early years through the progress check at age 2, the integrated health check and through the healthy child programme;
  - respond to requests for advice for an EHC plan within required time limits;
  - make available health care provision specified in the EHC plan as per their commissioned role;
  - contribute to regular reviews of children and young people with EHC plans where requested/relevant.

- The local offer must include information about health care provision for children and young people with SEN.

27. The draft Code of Practice also places an expectation on CCGs that a Designated Health Officer (DHO) should be identified, whose role is to ensure that the CCG is meeting its statutory responsibilities for SEN.

## High Needs Funding Reform

28. In 2013 the Government introduced changes to school and post-16 funding, including the system for funding pupils and students with high needs. In line with the reforms to be introduced through the Bill, we are integrating pre- and post-16 arrangements into a single 0-25 funding system.

- The new high needs funding system provides a consistent approach across a range of different types of institution and age groups.
- Schools, academies, FE colleges and other providers will share a similar funding system, helping to ease the transition of pupils and students to the next phase of their education.
- As commissioners of services for the most vulnerable pupils and students, local authorities can use funding effectively to provide the right support by joining up education, health and social care, in the right place at the right time.
- Costs will become more transparent, and commissioning decisions will focus on what provision will best secure the desired outcomes for individual children.

29. The funding reforms will support both the work local authorities are leading to identify and publish a local offer, and the development of personal budgets that parents or students will be able to hold, as well as their right to express a preference for provision that best meets their or their children's needs.

## What will improve for a child or young person

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This is an example of a child or young person's experience of the new SEN approach, which is about changing cultures as much it is changing processes.

"Sally" and her parents feel she may need additional support in her day-to-day life – help at school, with her health and with her care.

These are the stages that she and her parents will go through under the new approach:

### There is an early identification of need

- Sally has been experiencing some learning difficulties at school. Sally's class teacher works with the SENCO to put in place a graduated response.
- First, Sally and her parents are invited to meet and agree what outcomes Sally can achieve, what changes and additions to core teaching can be made and whether any external support is needed.
- Sally and her parents are involved in regular reviews of how successful this approach has been and what further changes should be made.

### Parents participate in planning support

- Sally's teachers feel that, while they have put strategies and support in place, she is not making progress.
- Sally and her parents have been involved in meetings with the SENCO and her tutor, and have been given **information** about what will happen next, **advice** about services they may be able to access and the support available to them.

## Professionals work together, and Sally has control over the support she receives

- Sally's family, her school, health and social care professionals have worked together to assess Sally's needs. They agree that Sally needs support beyond what her school can provide. Working with Sally and her family, an EHC plan is developed, and the professionals have explained that Sally's support will be provided to achieve the outcomes in the plan and will be **jointly commissioned**.
- Sally and her parents are offered a **personal budget** (as part of her EHC plan). Support and information helps Sally's family manage the personal budget.

## There is early resolution of disagreements

- If Sally and her parents disagree with what is in the EHC plan or with any of the information or assessment provided by a professional, they can try to resolve disagreements through **mediation**.
- If mediation does not work, Sally's parents have an option to appeal to a **Tribunal** about her education support.

## *Better outcomes for Sally*

- *As a result, Sally achieves well in her school and college; leads a happy and fulfilled life and grows up to live independently.*

## Resources and Support Materials

30. This section sets out the range of free resources and support that are currently available to local areas, as they plan for a new approach as a whole, and on specific elements of change. They include pathfinder areas which are already implementing the new system, and from the range of voluntary and community sector organisations funded by the Department for Education to support implementation of the reforms.

31. The offer of resource and support materials will continue to develop in the coming months, in response to local need. For example, support is being developed for the implementation of personal health budgets for children and young people, and a communications strategy will ensure the health system is fully aware of the implications of the reforms.

## Pathfinders and Pathfinder Champions

32. 20 pathfinder areas, covering 31 local authorities, have already begun to implement the new 0-25 SEN system. Supported by the Mott MacDonald pathfinder support team, they have contributed to a suite of information packs, setting out how they have gone about it. There are practical steps and lessons learned, which explicitly seek to support non-pathfinder areas. Further information on pathfinders is available at: [www.sendpathfinder.co.uk](http://www.sendpathfinder.co.uk). There are information packs on:

- [0-25 coordinated assessment process and EHC plan](#)
- [Personal budgets](#)
- [Local offer](#)
- [Joint commissioning](#)
- [Engagement and participation of children, young people, parents and carers](#)
- [Preparing for adulthood](#)

33. Each local area is able to access support on implementing the reforms from a pathfinder in their region. These “pathfinder champions” have been selected from the existing group of pathfinders, on the basis that they have already made strong progress in implementing the reforms and have the experience and capacity to advise and support non-pathfinder areas. The champions are providing a mixture of information, advice and support, through online support, regional seminars and events, and 1-1 support. Champions have already been in touch with each local authority. For more information contact your local authority SEN team in the first instance to find out how the pathfinder champion offer is being taken up in your area.



## Council for Disabled Children (CDC)

34. The Council for Disabled Children, as the Department for Education's strategic reform partner for SEN, has developed resources on SEN and disability policy as part of their work to prepare people for implementation of the reforms. This includes a number of practical resources on the reform process and a tool to search for support by region, audience and reform area. CDC are bringing together the work of voluntary organisations who offer information and/or support to local areas, including work by:

- Early Support
- Preparing for Adulthood
- National Network of Parent Carer Forums
- Contact a Family
- National Parent Partnership Network

35. Further information about the [Council for Disabled Children's work](#) is available.

## Preparing for Adulthood (PfA)

36. Preparing for Adulthood (PfA) is a partnership between the National Development Team for Inclusion (NDTI) and CDC, specifically focusing on the SEN reforms as they apply to the 14-25 age group. 13 pathfinders have included young people in their work as well as colleges, employment agencies and adult health and social care services. The learning from this work is now informing the work of the pathfinder champions.

37. Further information is available at: [www.preparingforadulthood.org.uk](http://www.preparingforadulthood.org.uk)

## Personal Budgets

38. With the support of the Department for Education and pathfinder local authorities, In Control and SQW have published an implementation framework for personal budgets for children and young people. SQW are contracted to evaluate the SEN pathfinder programme. The implementation framework draws on the draft Code of Practice and regulations, as well as the respective expertise and experience of those involved. It uses SQW's Common Delivery Model to provide a: "clear vision for how personal budgets will be delivered and experienced by children, young people and their families, and also provides guidance and examples of how to go about the implementation and delivery of personal budgets at a local community level".

39. [Further information is available here.](#)
40. There are a number of organisations funded by the Department for Education who are working on aspects of personalisation. Contact details are available on the [Council for Disabled Children \(CDC\) website](#).
41. For example, KIDS has produced “Making it Personal” guidance on commissioning: [www.kids.org.uk/publications](http://www.kids.org.uk/publications)

## **Involving children, young people and parents**

42. There is a strong emphasis in the new draft legislation and the draft Code on engaging children, young people and parents. The Council for Disabled Children supports a national group of disabled young people called EPIC, who are advising the Department for Education on the reforms. [www.councilfordisabledchildren.org.uk/epic](http://www.councilfordisabledchildren.org.uk/epic)
43. Local Parent Carer Forums exist in each area and, along with young people groups in the local area, should be engaged fully in developing local plans. Further information is available at:
- Contact a Family for children with disabled children [www.cafamily.org.uk](http://www.cafamily.org.uk)
  - National Network of Parent Carer Forums [www.nnpccf.org.uk/home](http://www.nnpccf.org.uk/home)

## **Education settings**

44. Nasen have been funded by the Department for Education to develop the “SEN Gateway”, enabling all schools and education settings to access high quality information, resources and training in relation to the reforms. The Gateway will be launched in spring 2014. Nasen will also be running regional implementation events in June / July 2014, providing a pack of information to 0-25 education providers on best practice approaches to implementing aspects of the reforms. Further information is available at: [www.nasen.org.uk](http://www.nasen.org.uk)
45. The SEN support process in the Code of Practice draw on learning from the Achievement for All pilots. The charity Achievement for All 3As has developed this into a more extensive whole school approach to engaging parents effectively to improve progress and outcomes for pupils with SEN and other disadvantaged groups. This can support early years and post-16 settings too. They also provide support to local authorities on the development and delivery of the local offer, in partnership with settings, teachers and families.
46. They offer some materials free of charge, including self-audit tools and online training. 1900 schools have already signed up for a more extensive paid-for programme of support from trained coaches on how to build structured conversations with parents

into a fully-evidenced programme to improve outcomes. This is augmented by advice and access to a range of evidenced interventions suitable for a school's particular cohort. Further information is available at: [www.afa3as.org.uk/areweready](http://www.afa3as.org.uk/areweready)

47. To help the further education sector to develop their capacity to realise our ambitions for young people with SEN, the government are funding: bursaries to support high calibre graduates to train to be specialist teachers of students with SEN in further education; and grants for the existing FE workforce to undertake specialist continuing professional development (the Diploma in Teaching Disabled Learners). Further information on these opportunities can be found at [www.gov.uk](http://www.gov.uk) and [www.Acett.org.uk](http://www.Acett.org.uk)

## Local examples

Information about how pathfinder areas have been trialling implementation is available at [www.sendpathfinder.co.uk](http://www.sendpathfinder.co.uk). The examples below are from non-pathfinder areas.

### Buckinghamshire

48. Three groups are planning for the changes. Firstly a group leading on personal budgets – led by the commissioner for short breaks. Secondly a group leading on the local offer – led by the commissioner for family information services. Finally a group leading on the Assessment and EHC plan – led by the SEN Manager. This is overseen by a SEN Board, which includes members and heads of services.

49. The Parent Carer Forum (locally known as Families and Carers Together (FACT Bucks)) is strongly involved in all three. The Chair of FACT is on the EHC plan group. There are plans to involve colleges shortly.

### Lambeth

50. The SEN reforms are one of the council's top five priorities, and members are protecting budgets in this area. Good progress is being made with the local offer – with the aim of publishing before September 2014. Parents are widely involved in many other areas of development, and the Parent Carer Forum is particularly strong. The local college is also strongly involved in planning.

51. A particular priority has been to develop a draft Integrated Assessment Tool and to determine how it might relate to the existing Lambeth Common Assessment Framework system. A working group includes senior representatives from education, social care, Parent Partnership Services, Parent Carers Forum, Educational Psychology Service, Clinical Commissioning Group Lead, 5 head teachers, early years leader, Child and Adolescent Mental Health Services, and the Speech and Language Therapy manager.

### Slough

52. Elected Members have been fully briefed, as has been the local Children and Young People's Board and the Health and Well-Being Board; SEN reforms are one of the council's five top priorities and there is regular reporting to members. Project and communication plans are in place, monitored by the SEND Steering Group. The SEND Strategy Group oversee all the reform work and feed back to the Children and Young People's Partnership Board. Families are involved in all areas of development, including the three key working group areas: Assessment and Plans; local offer; Joint commissioning and personal budgets. FE is also involved. Pilots of the EHC plan process will start shortly, with approximately 15 families.

## Torbay

53. In September, the local authority drew together around 100 representatives from across all local agencies for an implementation briefing and planning session, supported by Southampton (a pathfinder champion) and the Department for Education. The day led to commitments from many to work on key areas of development.

54. The following work streams are in place: Education, Health and Care plan implementation; local offer; and Preparing for Adulthood. Each includes representation from local parent groups. The Director for Children's Services is chairing an implementation steering group. There are plans to pilot an EHC plan.

## Wolverhampton

55. Wolverhampton has been developing its local offer and approaches to integrated assessment and is aligning pre- and post-16 funding and the local offer, so the provision matrix is universal from 0 to 25 years. It has issued a number of EHC plans, both conversions of existing statements and new assessments, embedding approaches based on the Early Support model. Parents are fully involved with developments. Wolverhampton introduced a second phase looking at EHC plans for young people at the transition stage, including personal budgets. This includes work on transition such as developing local provision, in particular at the local College, so that young people with complex needs can have their needs met within the city. It is delivering a city wide SEN mainstream training programme about the reforms.

## Annex – Summary of responses to the October 2013 local authority readiness survey

In September, the Department for Education wrote to Directors of Children’s Services asking them to complete a short survey assessing their readiness to implement the whole spectrum of the SEN reforms from September 2014. We are grateful to the 120 local authorities which responded. We intend to repeat this survey on a termly basis.

The survey showed a strong degree of engagement with the reforms. Local authorities were asked to report their readiness in 17 areas of the reforms. The most common response (the mode) from local authorities was that they were in the early stages (63%) or that good progress was being made (35%) in the areas of the reforms we asked about.

Performance against these indicators is as we would expect nearly a year before the reforms come into effect. Local authorities reported good progress in securing senior-level engagement, including appointing a senior responsible officer, engaging parent carer forums and partners in education and social care.

The survey identified several areas where many local authorities asked for further information and exemplars of good practice:

- Co-ordinated assessment process and EHC Plans
- Joint commissioning
- Personal budgets
- Engaging with partners – particularly with health

The resources outlined in this pack will be of considerable value. In particular, local authorities will want to read the information packs developed by the Pathfinder programme ([www.sendpathfinder.co.uk](http://www.sendpathfinder.co.uk)) which provide a wide range of case-studies and examples of effective implementation.

More detailed data about the responses is available in the slide pack available [from this website](#).



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