



Department  
for Education

# **Special educational needs survey 2021**

**Guide to the completion of the SEN2  
aggregated return, version 1.0**

**September 2019**

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## Version History

This gives details of any changes made to the content of this document.

<b>Version</b>	<b>Comments</b>	<b>Date</b>
1.0	First published version for 2021 collection <ul style="list-style-type: none"><li>Dates rolled forward from 2020</li></ul>	DISD, September 2019

# 1. SEN2 return

The information collected via the annual SEN2 survey form provides the major source of data collected on children and young people with Education, Health and Care (EHC) plans (formerly statements of SEN). It is the only source of data on the totality of EHC plans maintained by individual local authorities.

Without this information it would be very difficult for Ministers, Parliament, central and local government, external organisations and the public at large to monitor government policies and their effectiveness, and to see how many children and young people with EHC plans there are in individual local authorities.

SEN2 collects data about children for whom the local authority has responsibility for the management of the SEN processes, under the 1996 Education Act and the 2014 Children and Families Act. Therefore where a child or young person are resident in a different local authority to that which holds the EHC plan, then the local authority that holds the EHC plan must return their information on SEN2, rather than the local authority where they are resident.

## 1.1 Data Protection and Data Sharing

Data from which it is possible to identify children, parents and staff (in any medium, including within a MIS) is personal data.

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018) put in place certain safeguards regarding the use of personal data by organisations, including the department, local authorities and schools. Both give rights to those (known as data subjects) about whom data is processed, such as children, their parents / carers and staff. This includes (amongst other information that we are obliged to provide):

- the right to know the types of data being held
- why it is being held
- to whom it may be communicated

For the purposes of data protection legislation, the terms 'process', 'processed' or 'processing' apply to any activity involving the personal data, such as:

- collecting
- storing
- sharing
- destroying
- etcetera – please note: this list is not exhaustive

## 1.2 Legal duties under the General Data Protection Regulation and Data Protection Act 2018: privacy notices

Being transparent and providing accessible information to individuals about how you will use (process) their personal data is a key element of both the GDPR and the DPA 2018. The most common way to provide such information is through a privacy notice. Please see the Information Commissioner's Office (ICO) website for [further guidance on privacy notices](#).

For local authorities, this means that you must provide clear and accessible privacy notices that inform children, their parents and staff:

- what data is collected about them
- for what purposes the data is collected
- how the data is used (processed)
- what the lawful basis is for processing
- for how long the data is retained
- with whom the data is shared
- why the data is shared
- whether we intend to transfer it to another country, and
- whether we do automated decision-making or profiling

The department provides suggested wording for [privacy notices](#) that local authorities may wish to use. However, where the suggested wording is used, the local authority **must review and amend** the wording to reflect local business needs and circumstances. This is especially important, as the local authority will process data that is not solely for use within departmental data collections. The privacy notice should also include [this link](#) to the gov.uk webpage, which provides information on how the department processes data.

It is recommended that the privacy notice is made available to data subjects via the internet as well as handed out in paper form or placed on an accessible noticeboard. Privacy notices do not need to be issued on an annual basis as long as new children, parents and staff are made aware of the notices and they are readily available electronically or in paper format.

## 1.3 Legal duties under the General Data Protection Regulation and Data Protection Act 2018: data security

Providers and local authorities have a (legal) duty under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 to ensure that any personal data they process is handled and stored securely. Further information on data security is available from the [Information Commissioner's Office](#).

Where personal data is not properly safeguarded, it could compromise the safety of individuals and damage your reputation. Your responsibility as a data controller extends to those who have access to your data beyond your organisation where they are working on your behalf; for example, where external IT suppliers can remotely access your information. The '[Responsible for information](#)' page provides further guidance and advice.

It is **vital** that all staff with access to personal data understand the importance of:

- protecting personal data
- being familiar with your security policy
- putting security procedures into practice

As such, you should provide appropriate initial and refresher training for your staff.

## 1.4 Main changes from SEN2 2020

The 2021 collection builds on the 2020 collection with no significant changes to data items.

## 1.5 Census date and return deadline

A SEN2 return is required from all local authorities in England. The census date is Thursday 14 January 2021 and all completed SEN2 returns should be returned to the department by Thursday 11 February 2021.

## 1.6 Contact details

If you have any queries regarding the SEN2 return, please contact us via the [service request form](#).

Please use the [feedback form](#) if you have any comments about the content of this document, the Data Collection Helpdesk service, the COLLECT (Collections Online for Learning, Education, Children and Teachers) system or any other aspect of our data collection service.

## 1.7 Requesting COLLECT access

The method for local authorities to submit their data to the department is via [COLLECT](#), our centralised data collection and management system.

Please contact your local authority approver(s) if you:

- need to request a DfE Sign In username or password to access COLLECT;

- require SEN2 to be added to the list of collections you can access in COLLECT.

If you do not know who your approver(s) is/are, please use [DfE Sign In \(DSI\) frequently asked questions](#).

If you have any queries regarding COLLECT or the SEN2 data collection in general (not related to DfE sign in) please contact the Data Collections Helpdesk via the [data collections service request form](#).

## 1.8 Note on statements of SEN and pathfinder EHC plans

The transfer of statements of SEN to EHC plans was scheduled to be completed by 1 April 2018. In the event that any statements of SEN still exist, please count these in the data collection as EHC plans.

This does not apply to non-statutory EHC plans issued before 1 September 2014.

In order to test the provisions set out in what was the Children and Families Bill, the Department for Education funded 20 pathfinders covering 31 local authority areas and associated clinical commissioning groups.

Pathfinder local authorities will have issued non-statutory EHC plans issued before 1 September 2014. These non-statutory EHC plans do not have the same duties and rights associated with them as an EHC plan issued on or after 1 September 2014 and local authorities will need to undertake EHC needs assessments to transfer them to statutory EHC plans.

## 1.9 Age limits

The relevant legislation states that a local authority may continue to maintain an EHC plan for a young person until the end of the academic year during which the young person attains the age of 25. Therefore:

- in Item 1.1 (number of EHC plans maintained) there should be no young person with an EHC plan who is aged 25 or over at 31 August 2020 and has an EHC plan in place at 14 January 2021.
- in Item 2.1 (number of new EHC plans issued), it is possible for a young person to be aged 25 at 31 August 2020 and be issued with an EHC plan in the 2020 calendar year.



## **1.10 General note**

References to specific education legislation are only made to highlight provisions that may be relevant. You would need to form your own view of what the law requires in any specific case.

## 2. Notes on individual items in the SEN2 return

Each local authority is required to provide information for each of the following items.

### Part 1: Education arrangements

Education arrangements for all children and young people for whom the authority maintains an Education, Health and Care (EHC) plan.

For Part 1, please state the number of children and young people as at 14 January 2021 , for whom the authority maintains an Education, Health and Care (EHC) plan under the Children and Families Act 2014.

#### Item 1.1 Age

The age breakdown refers to age as at 31 August 2020.

The age categories are:

- (a) Under age 5
- (b) Aged 5 to 10
- (c) Aged 11 to 15
- (d) Aged 16 to 19
- (e) Aged 20 to 25
- (f) Total (sum of (a) to (e)).

#### Item 1.2a Establishment

A description of each establishment type can be found in Annex A.

Of the children and young people entered in Item 1.1, please state the number:

- (i) On the roll of the following establishment types. This should be the type of establishment named on the EHC plan. Include children and young people whose EHC plan is under appeal.
  - (a) Non-maintained early years settings in the private and voluntary sector
  - (b) Mainstream school: LA maintained (including foundation schools)
  - (c) Mainstream school: LA maintained (SEN Unit)

- (d) Mainstream school: LA maintained (resourced provision)
  - (e) Mainstream school: academy
  - (f) Mainstream school: academy (SEN Unit)
  - (g) Mainstream school: academy (resourced provision)
  - (h) Mainstream school: free school
  - (i) Mainstream school: free school (SEN Unit)
  - (j) Mainstream school: free school (resourced provision)
  - (k) Mainstream school: independent school
  - (l) Special school: LA maintained (including foundation schools)
  - (m) Special school: academy/free
  - (n) Special school: Non-maintained
  - (o) Special school: Independent special schools
  - (p) AP/PRU: LA maintained
  - (q) AP/PRU: Academy
  - (r) AP/PRU: Free school
  - (s) Hospital schools (including foundation schools)
  - (t) Post 16: General FE and tertiary colleges/HE
  - (u) Post 16: Other FE
  - (v) Post 16: Sixth form college
  - (w) Post 16: Specialist post-16 Institutions
- (ii) Total of 1.2a(i)
- (iii) Educated elsewhere

Section 319 of the Education Act 1996 empowers an authority to provide education for children with special educational needs “other than in school”. This may include education in centres run by social services or at home. Children would not normally be on another school register.

Section 61 of the Children and Families Act 2014 empowers an authority to provide education for children and young people with special educational needs other than in a school, college or provider of relevant early years education. This may include education in centres run by social services or where the local authority has named home education on an EHC plan.

Under Section 7 of the Education Act 1996, the parent of every child of compulsory school age must ensure that she/he receives full-time education suitable to her/his age, ability and aptitude either by regular attendance at school or by means other than in school.

Please state the number in the following arrangements or circumstances;

- (a) Pupils permanently excluded at 14 January 2021 and not yet placed elsewhere
- (b) Other – arrangements made by the local authority in accordance with Section 319 of the Education Act 1996 or Section 61 of the Children and Families Act 2014

NOTE: Include children and young people who are within secure units or young offenders institutions within 1.2 a (iii) (b)

- (c) Elective home education – the number of children with EHC plans who are subject to elective home education
- (d) Other – arrangements made by parents in accordance with Section 7 of the Education Act 1996, excluding those who are subject to elective home education

NOTE: Children and young people who are applicable to (d) should not also be counted in (c)

NOTE: Include cases where the child/young person is attending education but having been issued an EHC plan are awaiting confirmation on the establishment to be named on the plan

- (e) Awaiting provision – children below compulsory school age (aged under 5) who are attending an education setting and have been issued an EHC plan but are awaiting placement in another setting
- (f) Awaiting provision – children of compulsory school age (aged 5 to 15) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting
- (g) Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting

NOTE: 1.2a (iii) (h to l) should not include any children or young people currently in education. Please include cases where the child/young person has moved in to the LA and are awaiting placement.

- (h) Awaiting provision – children below compulsory school age (aged under 5) who are not attending any education setting and have been issued an EHC plan but are awaiting placement
- (i) Awaiting provision – children of compulsory school age (aged 5 to 15) who are not attending any education setting and have been issued an EHC plan but are awaiting placement
- (j) Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are not in an education setting and have been issued an EHC plan but are awaiting placement
- (k) NEET – Young people who have an EHC plan but are not in employment, education or training
- (l) Other – Including those who have been issued a notice to cease (for example, after taking up of employment) and the decision is currently subject to an appeal to the Tribunal

### **Item 1.2b Apprenticeships, traineeships and supported internships**

NOTE: All young people recorded in this section should also be counted against an establishment type in section 1.2a. This should be the establishment type of the further education or post-16 setting to which the work based learning is attached, for example establishment types t), u), v), w) in section 1.2a) i).

Of the young people entered in Item 1.2a, please state the number undertaking:

#### **(a) Apprenticeships**

Apprenticeships combine paid work with on and off the job training, qualifications and progression. They allow young people to get the training and skills they need to enter and progress in work, move into higher level skills development and build fulfilling careers.

#### **(b) Traineeships**

Traineeships are an education and training programme involving work experience which aim to help young people prepare for an apprenticeship or other sustainable employment. Traineeships equip young people with the skills and workplace experience they need to compete successfully for apprenticeships and jobs; and may also support progression into further education or training.

(c) Supported Internships

Supported internships are a study programme for young people with EHC plans, whose focus is an extended work placement doing a real job with an employer, supported by a job coach where appropriate.

### Item 1.2c Residential settings

Of the children and young people entered in Item 1.1, please state the number placed in residential special schools or colleges:

a) For 38-51 weeks:

The age breakdown refers to age as at 31 August 2020.

The age categories are:

- (a) Under age 5
- (b) Aged 5 to 10
- (c) Aged 11 to 15
- (d) Aged 16 to 19
- (e) Aged 20 to 25
- (f) Total (sum of (a) to (e)).

b) For 52 weeks:

The age breakdown refers to age as at 31 August 2020.

The age categories are:

- (a) Under age 5
- (b) Aged 5 to 10
- (c) Aged 11 to 15
- (d) Aged 16 to 19
- (e) Aged 20 to 25
- (f) Total (sum of (a) to (e)).

## Part 2: Assessments and placements

Assessments and placements by the local authority during the 2020 calendar year.

Please state the number of children and young people for whom an Education, Health and Care (EHC) plan under the Children and Families Act 2014 was made for the first time during the 2020 calendar year.

Note: Do not include reassessments of EHC plans.

EHC plan pathfinder areas: please include transfers from non-statutory plans to statutory plans if the non-statutory plans have not previously been counted as a statement in previous SEN2 returns.

Transfers between local authorities: the child or young person should only be counted once and counted by the local authority that issued the EHC plan. There are two scenarios for those with EHC plans transferring between local authorities:

- Scenario 1: The exporting local authority carried out the assessment and issued the original EHC plan during the 2020 calendar year: the exporting local authority should count these cases in Part 2, the importing local authority should not count these cases in Part 2.
- Scenario 2: The exporting local authority carried out the assessment but the importing local authority issued the EHC plan during the 2020 calendar year: the importing local authority should count these cases in Part 2, the exporting local authority should not count these cases in Part 2.

### Item 2.1 Age

The age breakdown refers to age as at 31 August 2020. (See [section 1.8](#) on age limits)

The age categories are:

- (a) Under age 5
- (b) Aged 5 to 10
- (c) Aged 11 to 15
- (d) Aged 16 to 19
- (e) Aged 20 to 25
- (f) Total (sum of (a) to (e)).

## Item 2.2a Establishment

A description of each type can be found in Annex A.

(i) Of the children and young people entered in Item 2.1, please state the number on the roll of the following establishments. This should be the type of establishment named on the EHC plan. Include children and young people whose EHC plan is under appeal.

- a) Non-maintained early years settings in the private and voluntary sector
- b) Mainstream school: LA maintained (including foundation schools)
- c) Mainstream school: LA maintained (SEN Unit)
- d) Mainstream school: LA maintained (resourced provision)
- e) Mainstream school: academy
- f) Mainstream school: academy (SEN Unit)
- g) Mainstream school: academy (resourced provision)
- h) Mainstream school: free school
- i) Mainstream school: free school (SEN Unit)
- j) Mainstream school: free school (resourced provision)
- k) Mainstream school: independent school
- l) Special school: LA maintained (including foundation schools)
- m) Special school: academy/free
- n) Special school: Non-maintained
- o) Special school: Independent special schools
- p) AP/PRU: LA maintained
- q) AP/PRU: Academy
- r) AP/PRU: Free school
- s) Hospital schools (including foundation schools)
- t) Post 16: General FE and tertiary colleges/HE
- u) Post 16: Other FE



v) Post 16: Sixth form college

w) Post 16: Specialist post-16 Institutions

(ii) Total of 2.2a(i)

(iii) Educated elsewhere.

Section 319 of the Education Act 1996 empowers an authority to provide education for children with special educational needs “other than in school”. This may include education in centres run by social services or at home. Children would not normally be on another school register.

Section 61 of the Children and Families Act 2014 empowers an authority to provide education for children and young people with special educational needs other than in a school, college or provider of relevant early years education. This may include education in centres run by social services or where the local authority has named home education on an EHC plan.

Under Section 7 of the Education Act 1996, the parent of every child of compulsory school age must ensure that she/he receives full-time education suitable to her/his age, ability and aptitude either by regular attendance at school or by means other than in school.

Please state the number in the following arrangements or circumstances;

(a) Pupils permanently excluded at 14 January 2021 and not yet placed elsewhere

(b) Other – arrangements made by the local authority in accordance with Section 319 of the Education Act 1996 or Section 61 of the Children and Families Act 2014

NOTE: Include children and young people who are within secure units or young offenders institutions within 2.2 a (iii) (b)

(c) Elective home education – the number of children with EHC plans who are subject to elective home education

(d) Other – arrangements made by parents in accordance with Section 7 of the Education Act 1996, excluding those who are subject to elective home education

NOTE: Children and young people who are applicable to (d) should not also be counted in (c)

NOTE: Include cases where the child/young person is attending education but having been issued an EHC plan are awaiting confirmation on the establishment to be named on the plan

- (e) Awaiting provision – children below compulsory school age (aged under 5) who are attending an education setting and have been issued an EHC plan but are awaiting placement in another setting
- (f) Awaiting provision – children of compulsory school age (aged 5 to 15) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting
- (g) Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are in an education setting and have been issued an EHC plan but are awaiting placement in another setting

NOTE: 2.2a (iii) (h to l) should not include any children or young people currently in education. Please include cases where the child/young person has moved in to the LA and are awaiting placement in (f) and (g)

- (h) Awaiting provision – children below compulsory school age (aged under 5) who are not attending any education setting and have been issued an EHC plan but are awaiting placement
- (i) Awaiting provision – children of compulsory school age (aged 5 to 15) who are not attending any education setting and have been issued an EHC plan but are awaiting placement
- (j) Awaiting Provision – young people over compulsory school leaving age (aged 16 and over) who are not in an education setting and have been issued an EHC plan but are awaiting placement
- (k) NEET – Young people who have an EHC plan but are not in employment, education or training
- (l) Other – Including those who have been issued a notice to cease (for example, after taking up of employment) and the decision is currently subject to an appeal to the Tribunal

## **Item 2.2b Apprenticeships, traineeships and Supported Internships**

NOTE: All young people recorded in this section should also be counted against an establishment type in section 2.2a. This should be the establishment type of the further education or post-16 setting to which the work based learning is attached, for example establishment types t), u), v), w) in section 2.2a) i).

Of the young people entered in Item 2.1, please state the number undertaking:

- (a) Apprenticeships

Apprenticeships combine paid work with on and off the job training, qualifications and progression. They allow young people to get the training and skills they need to enter and progress in work, move into higher level skills development and build fulfilling careers.

(b) Traineeships

Traineeships are an education and training programme involving work experience which aim to help young people prepare for an apprenticeship or other sustainable employment. Traineeships equip young people with the skills and workplace experience they need to compete successfully for apprenticeships and jobs; and may also support progression into further education or training.

(c) Supported Internships

Supported internships are a study programme for young people with EHC plans, whose focus is an extended work placement doing a real job with an employer, supported by a job coach where appropriate.

### **Item 2.3 Decisions not to issue**

Please state the number of children and young people assessed under Section 36 of the Children and Families Act 2014 for whom it was decided not to issue an EHC plan during the 2020 calendar year.

Do not include:

- children and young people who are still being assessed or those where assessment has been completed but no decision taken on whether to issue an EHC plan.
- reassessments of EHC plans.

### **Item 2.4 Currently being assessed**

Please state the number of children and young people assessed for an EHC plan during the 2020 calendar year who are still being assessed or where assessment has been completed by 14 January 2021 but no decision taken for an EHC plan.

Note: Do not include reassessments of EHC plans.

### **Item 2.5 Assessments refused**

Please state the number of initial requests for assessment for an EHC plan that were refused during the 2020 calendar year.

Please also include cases where the initial request for assessment was made during 2019, but the request was refused during 2020.

Note: Do not include reassessments of EHC plans.

## **Item 2.6 In year transfers between establishments**

- (a) Please state the number of children and young people with an EHC plan made before 1 January 2020 who transferred during the 2020 calendar year:
  - (i) from mainstream settings to special settings
  - (ii) from special settings to mainstream settings
- (b) Please state the number, during the 2020 calendar year, who were taken out of school by their parents to be home educated:
  - (i) from mainstream settings
  - (ii) from special settings

Note: Only include in year transfers and not end of academic year phase transfers.

Mainstream settings refer to the establishment types (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (p), (q), (r), (s), (t), (u), (v) and special settings refer to the establishment types (l), (m), (n), (o), (w) in Annex A.

## **Item 2.7 Discontinued plans (compulsory school age)**

Please state the number of EHC plans that have been reviewed and discontinued in the 2020 calendar year. Only include children of compulsory school age. For pupils who have:

- (a) Transferred to another LA
- (b) Special needs being met without an EHC plan
- (c) Other

Please do not include pupils whose EHC plan has ended because they have left school at the end of compulsory schooling. Please see [school leaving age guide](#).

## **Item 2.8 Discontinued plans (school leavers)**

Please state the number of EHC plans that have been discontinued in the 2020 calendar year because pupils have left school at the end of compulsory schooling or after.

## **Item 2.9 Initial requests for EHC plan assessments**

Please state the number of initial requests that were made for assessment for an EHC plan during the 2020 calendar year.

Note: Do not include reassessments of EHC plans.

## **Item 2.10 Initial requests for assessments made whilst in relevant youth accommodation**

Please state the number of initial requests for assessments for an EHC plan during the 2020 calendar year that were made when the child or young person was detained in relevant youth accommodation (RYA).

Note: Relevant youth accommodation includes Young Offenders Institutions, Secure Training Centres and Secure Children's Homes.

## **Part 3: Education, Health and Care plans issued within 20 weeks**

The data collected measures the percentage of EHC plans, in each calendar year, which are issued within 20 weeks from the initial request (or the child or young person otherwise coming to the local authority's attention) until the final issuing of the plan. This only includes plans that are completed within the calendar year, that is, plans issued between 1 January and 31 December 2020. Data should only cover plans issued for the first time (not reassessments) in the 2020 calendar year.

Please refer to Annex B for details of the exceptions to the time limits.

EHC plan pathfinder areas: please include transfers from non-statutory plans to statutory plans if the non-statutory plan has not been counted as a statement in previous SEN2 returns.

Transfers between local authorities: the child should only be counted once and counted by the local authority that issued the EHC plan. There are two scenarios for children with EHC plans transferring between local authorities:

- Scenario 1: Exporting local authority carried out the assessment and issued the original EHC plan: the exporting local authority should count these cases in part 3, the importing local authority should not count these cases in part 3.
- Scenario 2: Exporting local authority carried out the assessment but importing local authority issued the EHC plan: both the importing and exporting local authorities should not count these cases in part 3.

### **Item 3.1 EHC plans issued within 20 weeks (including exception cases)**

(a) Total number of EHC plans issued including exception cases. All EHC plans issued in the calendar year 2020. This figure should match the total number of EHC plans issued as recorded in Item 2.1 except for the following cases:

- where an EHC plan was issued following mediation; or
- a tribunal or reconsideration of the original decision not to issue an EHC plan; or
- a transfer between local authorities occurred as in Scenario 2 above.

In which case, the number in Item 3.1(a) should be less than the total number of EHC plans issued as recorded in Item 2.1 and you should provide details in the return notes in COLLECT.

(b) Of which, the number of EHC plans including exception cases issued within 20 weeks. All EHC plans issued in the calendar year 2020 which were issued within

20 weeks, including those where one or more of the allowable exceptions to the time limits have been called upon.

### **Item 3.2 EHC plans issued within 20 weeks (excluding exception cases)**

- (a) Total number of EHC plans issued excluding exception cases. The total number of EHC plans issued within the calendar year 2020 excluding exception cases. This figure should be the sum of 3.2(b) and any non-exception cases produced outside the 20 weeks' timescale. This figure should also exclude the following cases:
- where an EHC plan was issued following mediation; or
  - a tribunal or reconsideration of the original decision not to issue an EHC plan; or
  - a transfer between local authorities occurred as in Scenario 2 above.
- (b) Of which, the number of EHC plans excluding exception cases issued within 20 weeks. The number of EHC plans issued within the calendar year 2020 which were issued within 20 weeks, where none of the allowable exceptions to the time limits have been called upon.

## Part 4: Number of personal budgets

### Item 4.1 Personal budgets

Please state the number of personal budgets in place for all EHC plans maintained at 14 January 2021.

### Item 4.2 Personal budget types

Of those in Item 4.1, please give the number of personal budgets that have:

- a) Organised arrangements where the local authority or partner retains the funding and commissions the support specified in the plan (sometimes called notional arrangements);
- b) Direct payments (including payments to nominees and third parties) and whether these are for
  - (i) education,
  - (ii) social care,
  - (iii) health, or
  - (iv) integrated payment for a combination of the above.

Note: Only direct payments or organised arrangements from the personal budgets stated in 4.1 should be included. Direct payments received from other providers should not be included in 4.1 or 4.2.

A personal budget can be a mixture of organised arrangements and direct payments. Such cases should be counted under both 4.2 (a) and 4.2 (b). Therefore it is possible for the sum of 4.2 (a) and 4.2 (b) to be greater than 4.1.



## **Part 5: Effectiveness of mediation**

Parents or young people who wish to register an appeal to the First-tier Tribunal (Special Educational Needs and Disability) may do so only after they have contacted an independent mediation adviser and discussed whether mediation might be a suitable way of resolving the disagreement. After receiving information, it is for the parents and young person to decide whether to take part in mediation or appeal to the Tribunal without taking part in mediation. If they decide to take part in mediation, once it has finished they can then decide whether or not to appeal to the Tribunal.

These arrangements do not apply when the appeal is solely about the name of the school, college or other institution named in the EHC plan, the type of school, college or institution or the fact that no school, college or institution is named. Local authorities will arrange for the provision of mediation information and mediation itself where the parent or the young person wishes to take part in this.

### **Item 5.1 Effectiveness of mediation**

- (i) Please state, for the 2020 calendar year, the number of mediation cases that have been held; i.e. where a mediation meeting has occurred, regardless of the outcome.
- (ii) Of those in 5.1(i), please state the number of cases which were followed by appeals to the Tribunal.

## **Part 6: Designated Medical / Clinical Officer (DMO / DCO)**

A Designated Medical Officer (DMO) supports relationships across the health sector and between education, health and care partners. The role is non-statutory and set out in the 0- 25 SEND Code of Practice. Often the DMO will be a consultant paediatrician, but they can also be a nurse or therapist, in which case they will be a Designated Clinical Officer (DCO). There is no difference between the role of a DMO and a DCO. It is common for one DMO/DCO to cover a number of Clinical Commissioning Group (CCG) areas.

Some areas may choose to cover this strategic role with staff who are not medically or clinically qualified but who work in a health setting. They will have the appropriate knowledge and can carry out the functions listed in the SEND Code of Practice.

The 'Recruitment in progress' indicator is meant to cover those areas that are recruiting to the post or are in discussion with their CCG(s) and others about how to ensure the strategic function of the DMO/DCO is covered.

Note: Please consult your CCG lead or Children's Commissioner for advice if you are unsure on the current position of these roles.

### **Item 6.1 Designated Medical Officer**

Does your local authority area have a Designated Medical Officer (DMO) in place on 14 January 2021?

Yes / No / Recruitment in progress

### **Item 6.2 Designated Clinical Officer**

Does your local authority area have a Designated Clinical Officer (DCO) in place on 14 January 2021?

Yes / No / Recruitment in progress

### **Item 6.3 DMO/DCO Function**

Is the function of the DMO or DCO carried out by another member of staff on 14 January 2021?

Yes / No

## Annex A: List of establishment types

### a) Non-maintained early years settings in the private and voluntary sector

Eligible 2-year-olds and all 3- and 4-year-olds are eligible for free part-time nursery education. Children can take up their free nursery education place in a range of settings in the maintained and independent sectors and those offered by private and voluntary providers. Providers delivering free nursery education places in the private and voluntary sector include:

- Day nurseries (privately owned or provided by the local authority - but this definition does not include maintained nursery schools or nursery units);
- Private Nursery Schools (not provided as part of an independent school or independent special school as defined below);
- Pre-schools and pre-school playgroups (private or voluntary);
- Child-minders.

In order to deliver free nursery education places a private or voluntary provider must be registered on the Ofsted Early Years Register (under Section 40 of the Childcare Act 2006).

### b) Mainstream school: LA maintained (including foundation schools)

This includes nursery schools, nursery units and children's centres as well as primary and secondary schools which are maintained by a local authority.

### c) Mainstream school: LA maintained (SEN Unit)

SEN units are local authority commissioned special provisions within a mainstream school where the children are taught mainly within separate classes. Units:

- receive additional funding from the local authority specifically for the purpose of the provision;
- cater for a specific type or types of SEN (e.g. autistic spectrum disorders); and
- are usually for pupils with EHC plans (but may also provide support for pupils with SEN who do not have a plan).

Most pupils placed in units will have the unit written into their EHC plan. It is unlikely that a pupil would be placed in a unit and receive support from resourced provision, but a school could have resourced provision for one type of need and a unit for another.

d) Mainstream school: LA maintained (resourced provision)

Resourced provisions are where local authority commissioned places are reserved at a mainstream school for pupils with a specific type of SEN, taught mainly within mainstream classes, but requiring a base and some specialist facilities around the school. Resourced provisions:

- receive additional funding from the local authority (specially for the purpose of the provision);
- cater for a specific type or types of SEN (e.g. specific learning difficulties);
- are usually for pupils with EHC plans (but could include pupils with SEN but without a plan).

Most local authorities include details of what will be provided through a resourced provision in a pupil's EHC plan. It is extremely unlikely that a pupil would be placed in a unit and receive support from a resourced provision, but a school could have resourced provision for one type of need and a unit for another.

e) Mainstream school: academy

Academies are state-funded independent schools that are accountable to the Secretary of State for the management of the school through a legally-binding Funding Agreement. Converter academies, i.e. previously Maintained Primary and Secondary schools which converted to an academy, should also be included in this section. There are separate categories for resourced provision, SEN Units, special academies and AP academies.

f) Mainstream school: academy (SEN Unit)

Academies are state-funded independent schools that are accountable to the Secretary of State for the management of the school through a legally-binding Funding Agreement. Converter academies, i.e. previously Maintained Primary and Secondary schools which converted to an academy, should also be included in this section. SEN units are local authority commissioned special provisions within a mainstream school where the children are taught mainly within separate classes. Pupils who attend SEN Units within academies should be recorded under this category.

g) Mainstream school: academy (resourced provision)

Academies are state-funded independent schools that are accountable to the Secretary of State for the management of the school through a legally-binding Funding Agreement. Converter academies, i.e. previously Maintained Primary and Secondary schools which converted to an academy, should also be included in this section. Resourced provisions are where local authority commissioned places

are reserved at an academy school for pupils with a specific type of SEN, taught mainly within mainstream classes, but requiring a base and some specialist facilities around the school. Pupils who attend resourced provision within academies should be recorded under this category.

h) Mainstream school: free school

Free Schools are local schools funded by the Government, but have greater freedoms than local authority run schools. They are run by teachers and have freedom over things like the length of the school day, the curriculum, and how they spend their money.

i) Mainstream school: free school (SEN Unit)

Free Schools are local schools funded by the Government, but have greater freedoms than local authority run schools. They are run by teachers and have freedom over things like the length of the school day, the curriculum, and how they spend their money. SEN units are local authority commissioned special provisions within a mainstream school where the children are taught mainly within separate classes. Pupils who attend SEN Units within a free school should be recorded under this category.

j) Mainstream school: free school (resourced provision)

Free Schools are local schools funded by the Government, but have greater freedoms than local authority run schools. They are run by teachers and have freedom over things like the length of the school day, the curriculum, and how they spend their money. Resourced provisions are where local authority commissioned places are reserved at an academy school for pupils with a specific type of SEN, taught mainly within mainstream classes, but requiring a base and some specialist facilities around the school. Pupils who attend resourced provision within a free school should be recorded under this category.

k) Mainstream school: independent school

An independent school is one which is neither maintained by a local authority nor is in receipt of grants from the Department and funding is primarily from fees charged to local authorities and parents for pupils placed there.

l) Special school: LA maintained (including foundation schools)

Special schools which are maintained by a local authority.

m) Special school: academy/free

Special academies are previously Maintained or Non-Maintained Special schools which converted to an Academy. Special free schools are special schools established through the free school application process

n) Special school: Non-maintained

Non-maintained special schools are non-profit-making independent schools run by charitable trusts and approved by the Secretary of State as a special school under Section 342 of the Education Act 1996, as amended by the Schools Standards and Framework Act 1998. They may receive grants from the Department for capital work and equipment but funding is primarily from fees charged to local authorities and parents for pupils placed there.

o) Special school: Independent special schools

An independent school is one which is neither maintained by a local authority nor is in receipt of grants from the Department and funding is primarily from fees charged to local authorities and parents for pupils placed there. While there is no legal category, independent schools which cater wholly or mainly for children with SEN are deemed to be independent special schools.

p) Alternative Provision(AP)/Pupil Referral Unit(PRU): LA maintained

A pupil referral unit (PRU) is set up under the Education Act 1993 to make provision for pupils who are out of school for reasons such as exclusion or illness. Pupils who are dually registered in both a PRU and a school should be recorded under the type of school they attend.

q) Alternative Provision(AP)/Pupil Referral Unit(PRU): Academy

AP academies are previously pupil referral units which converted to an Academy.

r) Alternative Provision(AP)/Pupil Referral Unit(PRU): Free school

AP free schools are pupil referral units established through the free school application process.

s) Hospital schools (including foundation schools)

A hospital school is a school operated in a hospital, generally a children's hospital, which provides instruction to all primary and secondary grade levels. These schools help children and young people sustain academic progress during periods of hospitalisation and rehabilitation.

t) Post 16: General FE and tertiary colleges/HE

This includes General Further Education & tertiary colleges, special colleges (agriculture, horticulture, art & design and performing arts) and specialist designated colleges. Further Education courses studied in Higher Education institutions should also be included here.

u) Post 16: Other FE

This category includes other private or voluntary training providers such as a Local Authority or Private Limited Company.

v) Post 16: Sixth Form College

This category includes sixth form colleges only; those attending sixth forms within secondary schools should not be included here.

w) Post 16: Specialist post-16 Institutions

Specialist post-16 institutions (SPIs) provide education provision and learning support for students with high needs where provision cannot be made within mainstream educational settings.

## **Annex B: Guide for local authorities completing Education, Health and Care (EHC) plans issued within 20 weeks**

### **1. Timelines for assessments and drawing up Education, Health and Care plans**

The Special Educational Needs and Disability Regulations 2014 set out the time limits for the process of assessing a child or young person's special educational needs (SEN) and drawing up an Education, Health and Care (EHC) plan. The whole process from:

'Day 1': when the local authority receive a formal request for an EHC needs assessment, or the local authority becomes responsible for the child or young person because he or she is in the authority's area and has been:

- identified by the authority as someone who has or may have special educational needs, or
- brought to the authority's attention by any person as someone who has or may have special educational needs.

to the issue by the local authority of a finalised EHC plan must take no more than 20 weeks. The local authority needs to conclude this process as soon as is practicable, and in any case within that 20 weeks.

The key timescales, beginning in each case on 'Day 1', are:

- 6 weeks to make a decision whether or not an assessment is necessary and to communicate that decision to the parents of the child or to the young person; with the authority to do this as soon as is practicable and in any case before the end of that period;
- where a local authority decides following an assessment that it is not necessary for special educational provision to be made for a child or young person in accordance with an EHC plan, it must inform the parents of the child or the young person as soon as is practicable and in any case within 16 weeks;
- 20 weeks to finalise and issue a plan; with the authority to do this as soon as is practicable and in any case before the end of that period.

### **2. Definitions**

The 20 week period comprises Day 1 + 139 calendar days. The end of the period is the date on which the authority writes to the parents of the child or the young person with the final EHC plan.

Refusal to assess: Where a request is refused, it should not be included in the count. If an assessment is made following mediation or a First-tier Tribunal (Special Educational



Needs and Disability), the assessment should be included in the count with 'Day 1' as the start date.

Refusal to issue an EHC plan: Where an assessment has been carried out and the decision is made not to issue an EHC plan, it should not be included in the count, even if an EHC plan was later issued following mediation or a tribunal or reconsideration of the original decision not to issue an EHC plan.

Where an exception is known to apply to the statutory time limits for the assessment, the assessment should only be included in Item 3.1. Where no exception is known to apply, the assessment should be included in both Items 3.1 and 3.2.

### **3. Exceptions to the time limits**

Where there are exceptional circumstances, it may not be reasonable to expect local authorities to comply with the time limits above. The Special Educational Needs and Disability Regulations 2014 set out in Regulations 5(4), 10(4) and 13(3) specific exemptions as follows.

The authority need not comply with the initial 6 week limit if it is impractical to do so because:

- 1) The local authority has requested advice from the head teacher or principal of a school or post-16 institution during a period beginning one week before any date on which that school or institution was closed for a continuous period of not less than 4 weeks from that date and ending one week before the date on which it re-opens;
- 2) The authority has requested advice from the person identified as having responsibility for SEN (if any), in relation to, or other person responsible for, a child's education at a provider of relevant early years education during a period beginning one week before any date on which that provider was closed for a continuous period of not less than 4 weeks from that date and ending one week before the date on which it re-opens;
- 3) Exceptional personal circumstances affect the child, the child's parent, or the young person during the 6 weeks; or
- 4) The child, the child's parent, or the young person, are absent from the area of the authority for a continuous period of not less than 4 weeks during the 6 weeks.

The authority need not comply with the 16 week and 20 week time limit if it is impractical to do so because:

- 1) The authority has requested advice from the head teacher or principal of a school or post-16 institution during a period beginning one week before any date on

which that school or institution was closed for a continuous period of not less than 4 weeks from that date and ending one week before the date on which it re-opens;

- 2) The authority has requested advice from the person identified as having responsibility for SEN (if any) in relation to, or other person responsible for, a child's education at a provider of relevant early years education during a period beginning one week before any date on which that provider was closed for a continuous period of not less than 4 weeks from that date and ending one week before the date on which it re-opens;
- 3) Exceptional personal circumstances affect the child or the child's parent, or the young person during that time period; or
- 4) The child or the child's parent, or the young person, are absent from the area of the authority for a continuous period of not less than 4 weeks during that time period.

The local authority should inform the child's parent or the young person if exemptions apply so that they are aware of, and understand, the reason for any delays. Local authorities should aim to keep delays to a minimum and as soon as the conditions that led to an exemption no longer apply the local authority should endeavour to complete the process as quickly as possible. All remaining elements of the process must be completed within their prescribed periods, regardless of whether exemptions have delayed earlier elements.



Department  
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