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Information Sheet: 3

WHAT IS THE "SEN CODE OF PRACTICE"?

Currently, the most important piece of legislation governing the identification and assessment of, and provision of support for children's special educational needs (SEN) is Part IV of the Education Act 1996. This Act of Parliament, which was amended in 2001 by the SEN & Disability Act, sets out duties for schools, local authorities (LAs) and others in relation to pupils with SEN.

The SEN Code of Practice issued in November 2001, provides guidance and practical advice to LAs, schools, early education settings and others on how to carry out their duties under the Education Act 1996. The new Code of Practice replaces the one issued in 1994 and came into effect on 1st January 2002. It has a special standing in law, which is that LAs, schools, early education settings and those who help them, which includes health and social services, have a duty to "have regard to it". This means that they cannot ignore it and will not be able to for the life of the Code. In other words, although schools, LAs and others do not have to do everything exactly as suggested in the Code, they have to be able to justify why they feel it is better to do things differently.

The following fundamental principles underpin the guidance in the Code:

- A child with SEN should have his or her needs met
- The SEN of children will normally be met in mainstream schools or early education settings
- The views of the child should be sought and taken into account
- Parents have a vital role to play in supporting their child's education
- Children with SEN should be offered full access to a broad, balanced and relevant education, including an appropriate curriculum for the foundation stage and the National Curriculum

Copies of the Code of Practice can be obtained free of charge from:

DfES Publications,
PO Box 5050, Sherwood Park. Annesley, Notts. NG15 0DJ
Tel. 0845 60 222 60
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e-mail: dfes@prolog.uk.com

or the Code of Practice can be downloaded from
www.dfes.gov.uk

