



National Foundation for Educational Research

**The Implementation of the Code of
Practice on the Identification and
Assessment of Special
Educational Needs**

Interim Report

by

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Contents

	page
1 Introduction	1
1.1 Background	1
1.2 The NFER research	1
1.3 The contents of this report	2
2 Documentation	3
2.1 The range of information about the Code	3
2.2 Producing and distributing information	4
2.3 Developing documentation	5
2.4 Information systems	5
3 Resource allocation	7
3.1 Changes in practice	7
3.2 Methods of allocating resources	7
3.3 Levels of resourcing	8
4 Training	9
4.1 Identifying needs	9
4.2 Training providers	9
4.3 The stages of training	10
4.4 The audiences	11
4.5 Course content	12
4.6 Funding for training	13
4.7 Developing training	14
5 Monitoring and evaluation	16
5.1 Developing procedures	16
5.2 Collecting evidence	16
5.3 Difficulties in monitoring	19
6 Implications for LEAs	20
6.1 Changes to staffing levels	20
6.2 Increases in staff	20
6.3 Timescales for statementing	21
6.4 Annual reviews	23
6.5 Named Officers	23
6.6 Links with Further Education	23
7 Issues in implementation	25
7.1 Problems in practice	25
7.2 Improving practice	27
7.3 The continuing research	28
References	30

1 Introduction

1.1 Background

On its publication, *The Code of Practice on the Identification and Assessment of Special Educational Needs* (DFE, 1994) was widely recognised by practitioners as representing good practice. In some schools the Code may have been seen as a reinforcement of what was already taking place, whereas in others, its implementation may have entailed considerable changes to systems and procedures.

The Code itself sets out a staged approach to the assessment of pupils' needs and how those needs should be met at each stage. It describes in detail the procedures to be followed for a statement of special educational needs to be drawn up and it lays out plans for annual review arrangements. In all sections, the responsibilities of LEAs, other professional agencies and schools are clearly identified and the need for pupils and parents to be consulted and informed at appropriate points is strongly emphasised.

The implications of the Code for all schools relate to a number of features, most significant of which is the role of the special needs coordinator (SENCO). The changes require the post-holder to ensure, not only that the formal requirements of the Department for Education and Employment (DFEE) are being adhered to, but that colleagues have the necessary expertise to identify pupils with special educational needs at stage 1 and implement the strategies designed to support their learning at stage 2. In addition, the SENCO has the responsibility for external liaison with a range of other agencies and with parents. Early responses to the Code suggested that the resource implications in terms of staff time were considerable if the principles of the Code are to be fully realised.

The Code came into effect on 1 September 1994, although the DFE acknowledged that,

It would be unrealistic to expect all schools to have in place on 1 September 1994 procedures matching those set out in the Code's guidance. But it is reasonable to require all schools to have regard to the Code from that date and thereafter to plan their provision in the light of the Code. (DFE, 1994)

Research into the effects of the implementation of the Code has been taking place since its inception and a number of articles on its implications have been written. Reports by OFSTED and by the National Association for Special Educational Needs (NASEN) are due to be published. The NFER research was therefore set against a context of such activity.

1.2 The NFER research

Two research projects, funded by the Council of Local Education Authorities, through the NFER's Membership Programme, are currently underway at the NFER. The project reported on in this booklet, is *The Implementation of the Code of Practice on the Identification and Assessment of Special Educational Needs* and the second is concerned with the *Integration of Pupils with Special Educational Needs into Mainstream Schools*, reported on in the accompanying booklet.

The project on the Code set out to investigate:

- changes in LEA patterns of provision, support and resourcing;
- LEA support to schools;
- LEA monitoring of their own and schools' procedures;
- changes in the way support is provided in schools, with a particular focus on the role of the SENCO;
- the effects of the implementation of the Code on pupils at different stages of the process;
- the effects of the Code in the context of progression and assessment within the National Curriculum.

The research comprises two main phases. In Phase 1 (July-December 1995) a questionnaire survey of all LEAs in England and Wales was carried out. The questionnaire itself comprised two parts: the first part asked questions about the Implementation of the Code of Practice and the second part was related to Integration. The questionnaire was designed in this way as the two projects are being investigated in parallel. The questions on the Code focused on:

- LEA support to schools
- training
- monitoring and evaluation
- LEA staffing

The questionnaire was completed and returned by 55 LEAs and, after analysis of the responses and accompanying documentation, 21 LEAs were selected for follow-up interviews.

1.3 The contents of this report

This report contains findings from this first phase of the research. It is concerned with the ways in which LEA staff responded to the Code and the strategies they employed to facilitate its implementation. The first section considers the wide range of documentation they produced to inform and support school staff. This is followed by the findings relating to resource allocation and a discussion of the various forms of training developed in the authorities. The monitoring and evaluation of responses to the Code is then covered, followed by information collected on changes in the level of LEA staffing, statementing procedures, annual reviews, Named Officers and links with Further Education. Some of the challenges of implementation are outlined in the final section and the report ends with details of the subsequent stages of the study. This report contains data from both the questionnaires and the interviews. Tables refer to the questionnaire data: numbers rather than percentages are reported since the numbers are relatively small.

2 Documentation

2.1 The range of information about the Code

In the first section of the questionnaire, respondents were asked to identify the nature of any material which they had made available to schools to support the implementation of the Code of Practice. Table 1 shows the focus of this material.

Table 1 Material made available by LEAs to support schools in the implementation of the CoP

Nature of guidance material	No. of LEAs
Proforma to aid common record-keeping	47
Guidance on SEN policy formulation	47
General introduction to the Code	45
Procedures for conducting Annual Reviews	44
Information for parents	41
Criteria for requesting formal assessment	40
Access to LEA support services	38
Liaison with parents	32
Training needs of staff related to the Code	30
Software for record-keeping for the Code	25
Other	10
No response	4

Based on 55 LEAs

The 10 LEAs mentioning 'other' materials gave 15 responses: five had issued guidance on writing Individual Education Plans (IEPs), three each on Transition Plans and procedures for stages 1-3; two on sources of support and using resources; and one each on governors' reports and the role of the special educational needs co-ordinator (SENCO).

One of the underlying principles of much of the documentation produced, as in the Code itself, was to build on the good practice that already existed in schools. Almost half of the LEAs interviewed had a staged model of assessment in place prior to the Code of Practice and in many of these cases the documentation on the stages did not require any changes to bring them in line with the Code's recommendations. Many of those LEAs also had an established audit of special educational needs so their schools would have had record keeping procedures in place prior to the Code. Many of the special needs handbooks and sets of documentation produced by the LEAs interviewed included proformas for use by schools. Most LEAs stated that the proformas were "recommended" but schools were free to adapt them if they wished to do so.

The data show that LEAs were involved in generating a wide range of guidance at this stage: this is unsurprising given that all aspects of the Code were being considered by schools at the same time. Although the Code itself was phased in, in that schools were given an academic year in which to draw up their required policies on special educational needs, the various sections in the Code were not.

2.2 Producing and distributing information

In interviews with LEA staff it became clear that the time taken to disseminate guidance documents to schools could vary greatly. Some LEAs already had similar guidance out in schools and the Code simply meant making some amendments and additions. In other authorities, staff found themselves writing the guidance from scratch, in direct response to the publication of the draft Code or even the Code itself. Some LEAs stated that they were rather late in getting documentation published because it took time for them to become sufficiently familiar with the Code and its implications. Schools across the country, therefore, received LEA documentation on the Code at very different times. The implications of this will be explored in the school-based phase of the research.

The LEAs interviewed revealed a range of approaches to writing the documentation for schools. Many of the differences lay in who was involved in the process. In one authority, for example, the documentation was produced by an Inspector (SEN) and an Education Officer (SEN) as they were keen to get the guidance out to schools as quickly as possible. At the other end of the scale were authorities where a range of working groups comprising all sectors of the LEA, and other agencies, wrote documents appropriate to their particular areas of expertise. Other authorities had their documentation written by the Assistant Education Officer (SEN) and Resource and Administrative Officer but used a cross-professional and agency working group to consolidate the work. Yet another approach was to have a "core group" or "education group" with a small number of permanent members writing the documents with help from appropriate others for specific sections. In one authority, service staff were used wherever possible but the literature was coordinated by the Senior Education Officer (SEN). In a number of cases the Parent Partnership Officer had been involved in producing parents' guidance for the Code in a variety of languages.

The documentation was generally well distributed. All maintained mainstream (and most Grant Maintained and special) schools, in all authorities interviewed, had been given at least one copy of the documentation and in some, the Chair of Governors had also received a copy. In certain cases the documentation was sent to schools, in others it was available at the training courses, with the view from one authority being that it was a 'waste of time to send it out cold without any training'. In a minority of LEAs the literature was also sent to the health authority, social services and the careers service in addition to all education department staff. In one authority, leaflets for parents were distributed to GPs' surgeries and libraries, although there was a concern that with only one leaflet in each place, parents could not take one away with them. As with other materials, documentation produced in one LEA was being sold to others.

2.3 Developing documentation

Without exception, the LEA interviewees realised that there was more work to be done on the materials in terms of filling in gaps and reviewing and amending existing documents. Irrespective of the amount of work done to date, the LEAs presented it as a 'fluid' system that would require review and feedback from schools so that modifications could be made. However, the main areas not yet covered in the documentation were:

- criteria for assessment
- Transition Planning
- annual reviews
- parental involvement
- Named Persons
- pre-school
- Individual Education Plans
- behaviour management
- initial strategies for schools in dealing with individual learning needs.

Feedback on the documents had come from formal consultation with, for example, headteachers, working parties or SENCOs, or the opportunity had arisen at training sessions and conferences. Feedback had also come via special needs inspectors and other personnel with close school contacts. In all but one of the authorities (where interviews took place) draft documentation was put out to consultation before final versions were put in place. As stated, interviewees were sensitive to the need for joint working with schools on the documentation if effective partnerships were to be established and/or maintained.

2.4 Information systems

A challenge in many of the LEAs where interviews took place was to develop an integrated computer system for recording and monitoring information on special needs. Whilst it was acknowledged that schools needed systems they were comfortable with and which were appropriate for their needs, many of the LEAs were receiving documentation from them in formats which varied considerably. A number of LEAs wanted uniformity in their procedures, to maintain an efficient administration of the Code, and were working to develop an integrated computer system, whereby schools and LEAs would be using compatible software. Others did not want to be that prescriptive.

The proformas referred to already were occasionally on computer disc so schools could easily amend them to suit their needs. Many authorities were aware that schools were experimenting with the various software packages currently available for SEN management, such as the Kirklees Coordinator or the SIMS Coordinator packages. It was felt, by some, however, that schools should delay buying in these systems until the authority had been able to develop its own systems to ensure compatibility. This had already been achieved to a high level in a few of the authorities interviewed, where a system had been developed for IEPs, based on access to stages of assessment. In one authority, which was using SIMS for its special needs records, schools were expected to develop their own forms whereby the content was standard but not the format.

Although it was not yet common for LEAs to have a computer system that was compatible between themselves and schools to deal with record-keeping, most had a database of special needs information which they found invaluable for accessing data on, for example, numbers of children in each category of need, changes in statementing rates and the numbers of pupils on each of the stages.

3 Resource allocation

3.1 Changes in practice

Fewer than half of the authorities responding to the questionnaire (20) had made changes in resource allocation for mainstream and/or special schools as a result of the introduction of the Code. All but one of these LEAs (19) described the changes: there was a wide spread and the majority of changes had only one mention - as is shown in the following list:

- proxy indicators replaced by number of pupils at different stages (7 LEAs);
- increased delegation to schools based on the Code stages (5);
- one-off payments given to implement the Code (3);
- weighting shifted to favour early years and primary (to support early intervention) (2);
- reduction in Educational Psychology Service (1);
- reduction in support services (1);
- Cognitive Ability Tests used for resource allocation (1);
- Educational Psychology Service allocated via free school meals (1);
- increase in stage 5 resourcing (1);
- increase in behavioural support (1);
- resources allocated for release time (1);
- increase in funding (general) (1);

A further seven LEAs were considering changes in resource allocation: one stated that it was considering using the Code's stages for increasing delegation to schools, and another that it was developing criteria for 'reasonable expectations' that could be made of schools before additional resources were allocated.

Interviews revealed that the issues of resource allocation can be divided into two main areas in relation to the Code. Interviewees described changes in the **method** of allocating resources for SEN and the **levels** of resourcing for SEN. Whilst in some LEAs changes had been made in only one of these areas, in others there had been a mixture of changes in both method and level of resource allocation. Each of the LEAs interviewed was, of course, implementing these changes in a variety of local economic and political climates which would almost certainly have affected decisions.

3.2 Methods of allocating resources

A number of initiatives had been implemented to change the method of allocating funds:

- redesign of the statementing process to improve efficiency;
- restructuring of the management tier within the LEA;
- a full review of policy and provision within the LEA;
- drawing in of existing staff e.g. from the health authority and social services;
- reduction of out-county placements and an injection into mainstream of the money saved;
- reduction in the special needs support service in order to delegate the money to schools;

- change in the method of allocation of funds to a purchaser/provider system which is top-sliced for special needs;
- delegation of money to schools through a special needs audit.

3.3 Levels of resourcing

A minority of authorities increased the resourcing of special needs in the form of a lump sum to help with the implementation of the Code. There was no formal monitoring of schools' use of this money and LEAs tended to leave it to the schools' professional judgement. In one authority the money was put into the primary schools' budget to encourage earlier identification of difficulties and to preempt the need for statutory assessment. The anticipated decrease in such referrals was not, as yet, in evidence. The most comprehensive account of increased resources came from an authority which had freed up £2m directly for the Code of Practice in 1995, for a variety of uses:

- half a day's release per week for SENCOs to be continued beyond the first year;
- improving the Educational Psychology Service (EPS) which was previously understaffed;
- increasing the Educational Welfare Service (EWS) so that all statements could be delivered and discussed with parents;
- a contingency fund put into the overspend on statements;
- publication costs for Code related documents;
- the opening of a class for six autistic children within a school for pupils with moderate learning difficulties;
- the opening of a Y7-9 Pupil Referral Unit (PRU) with 30 places and four staff.

4 Training

4.1 Identifying needs

The second section of the questionnaire focused on training associated with the implementation of the Code of Practice. About two-thirds of the responding authorities (36) had carried out systematic investigations into the professional development needs of school staff in this area. The strategies employed by the LEAs to promote their Code-related training to schools are shown in Table 2.

Table 2 *LEA strategies to promote CoP training to schools*

Strategy	No. of LEAs
Written information about individual training events	50
Written information about the LEA's total course programme	43
Computerised database of training available	4
Other	7
No response	2

Based on 55 LEAs

The seven LEAs identifying 'other' strategies mostly mentioned existing SENCO or cluster meetings (6); one had used working parties. A further LEA was developing software.

The interviews revealed how in one LEA, for example, briefing sessions for SENCOs and headteachers on the Code had been followed by a needs analysis of the support schools felt they needed. This had resulted in training focused on policy formation, the role of the SENCO and IEPs. A questionnaire used in another LEA to establish priorities for training had identified IEPs, assessment and criteria for placement on the stages of the Code. The interviews also showed that the emphasis in all the training was on the best way to inform and support school staff in relation to the Code. In one LEA, for example, it was said that the training programme had been designed to provide 'reassurance' about the requirements of the Code and the demands it would place on schools

4.2 Training providers

A range of personnel was involved in the training to support the implementation of the Code. Table 3 details this.

Table 3 Personnel involved in providing training for the CoP

Personnel	No. of LEAs
Special needs support services	52
LEA officers	51
Educational Psychology Service	49
Advisory and inspection service	45
Independent consultants/higher education	21
Other	5

Based on 55 LEAs

In the 'other' category, two LEAs used secondary school SENCOs. Legal experts, headteachers, special school staff, DFEE personnel and HMI each had one mention.

The interview data showed that outside speakers were invited to contribute to some of the overview sessions for large audiences, with the detailed work for SENCOs being delivered by psychologists, advisers and support service personnel. The exception was the most comprehensive course for SENCOs (held over four days) which was run by an external consultant.

4.3 The stages of training

There was only one LEA where training provision for the Code was described as 'limited' in the interviews. The training had consisted of one-off sessions only, in contrast to the much lengthier courses in other areas. Elsewhere, a staged approach to training was the norm. Overview sessions (for combinations of headteachers, SENCOs and sometimes governors) offered a description of the Code and its implications, and were taken up by virtually all schools. These tended to be followed by more detailed training sessions for SENCOs and, while take-up varied, most interviewees felt that a satisfactory amount of training had been provided.

Attendance at courses was strongly encouraged in all LEAs, with one extending the number of sessions of a course on writing a special needs policy to ensure 100 per cent attendance. To illustrate the ambitious scope of some of the training, provision in one LEA is outlined below.

The training comprised three main phases:

<i>Phase</i>	<i>Format</i>	<i>Audience</i>	<i>Topics covered</i>
1	Meetings, summer term 1994.	Headteachers SENCOs support service staff.	General information on Code.
2	One-day sessions.	40-50 SENCOs	Implementing the Code. Practicalities: paperwork, IEPs.
3	Workshops of six, half-day sessions over several weeks.	12-15 SENCOs.	Practicalities: developing IEPs and monitoring them.

All the training was delivered by the EPS and support service staff with inputs from advisory staff at stage 1. Feedback from the first meetings fed into the development of subsequent stages. All the sessions offered were well attended, with about 80 per cent of schools represented in the second stage and about 60 per cent of schools (more in the case of primaries) involved at the third stage.

In the authority whose training is illustrated above, as elsewhere, there was relatively limited training for staff in special schools. There, a course was held on transition planning in which 20 staff participated. Also, as in other authorities, there had been relatively limited separate training for governors. The response to the sessions on offer in the LEA illustrated here had been reduced by attendance at other training, notably that on exclusions from school.

4.4 The audiences

LEA respondents to the questionnaire were asked to indicate the recipients of the training and the responses are listed in Table 4.

Table 4 Client groups for which LEA training was provided

Client group	No. of LEAs
Special needs co-ordinators	55
Governors	55
Mainstream school head teachers	53
Special school head teachers	46
Support service personnel	45
Other agencies (e.g. health/social services)	41
Other mainstream school staff	38
Other special school staff	27
Other	13

Based on 55 LEAs

The 'other' client groups identified were voluntary agencies (4), parents (4), other LEA officers (e.g. advisers) (4), educational social workers/welfare officers (2) and non-teaching staff (1). There had been some sessions for colleagues in health, social services and the careers service, highlighting the Code's requirements for them and how the education department would like them to respond and contribute to reports.

As Table 4 shows, all LEAs were providing training for SENCOs, who have to oversee implementation and support colleagues and governors (who are legally responsible for meeting special educational needs within schools). Most were also involving senior managers in schools and external support services, which are involved at stage 3 (or earlier). The fact that the majority of authorities also offered training to school staff other than the SENCOs and senior managers highlights the fact that all teachers have to be aware of the implications of the Code and have to take responsibility for pupils with special educational needs in mainstream classrooms.

Table 5 shows the numbers of LEAs offering training to the different types of schools, revealing that most schools were given the opportunity to participate in training.

Table 5 Type of school offered training by LEA

School	Yes	No	Not applicable	No response
LEA maintained mainstream	54	0	-	1
LEA maintained special	51	0	-	4
Grant maintained	29	7	10	9

Based on 55 LEAs

In 15 Authorities, staff from special schools were trained separately from those in mainstream schools and in a further 15 they were trained either separately or with mainstream colleagues depending on the focus of the training. In LEA interviews, staff expressed their concern about balancing the needs of staff in special and mainstream settings. There was unease about perpetuating the 'separateness' of the two sectors and yet it was difficult to design courses that could bridge it. The emphasis in most of the training tended to be on stages 1-3, given that relatively few children will be placed at stage 4. Special schools, in contrast, needed an emphasis on stages 4 and 5 and annual reviews. In one LEA, where all the training had been organised for special and mainstream school staff together, the value of drawing on the former's expertise and good practice in relation to IEPs, for example, was stressed. It was important to see provision as a unified whole.

4.5 Course content

The range of topics covered in the training was wide and represented all aspects of the Code. Table 6 gives the details of the responses to the questionnaire.

Table 6 Topics covered in training offered

Topics	No. of LEAs
Development of Individual Education Plans	55
SEN policy formulation	53
Record keeping	52
Statutory assessment procedures	51
Liaison with parents	43
Conducting reviews	41
Accessing support services/other agencies	40
Curricular implications of the Code	38
Transition Plans	32
Involvement in Tribunals	7
Other	8

Based on 55 LEAs

The 'other' topics included:

- criteria for moving between stages (4);
- delivery of INSET/in-school support by the SENCO (2);
- emotional and behavioural difficulties (2);
- management of school provision (2);
- the role of the SENCO (1);
- pre-school identification (1);
- the CoP and OFSTED (1);

4.6 Funding for training

Different types of courses were funded from various sources within LEAs, although they were mostly funding the training from GEST budgets, supported by schools' delegated budgets (Table 7). Just under a half of responding LEAs were using LEA local initiative funds to provide the training for the Code. As the interviews highlighted, it was the overview introductory sessions that were generally provided at no cost to schools. The importance attached to training at this stage was illustrated by the LEA that had allocated £2,000 to each primary and secondary school, specifically for sessions relating to the Code. This was part of a strategy to ease anxieties about its introduction, particularly for SENCOs, in that it represented a commitment to them being released for courses.

Table 7 The funding of LEA training for the Code

Funding source	No. of LEAs
GEST	53
Schools' delegated budgets	42
LEA local initiative fund	23
No response	2

Based on 55 LEAs

4.7 Developing training

Most of those interviewed reported that there had been comprehensive, well-attended coverage of an overview of the Code and it was detailed working practice that needed to be covered in future sessions. Areas to be included might cover, for example, the development of IEPs and Transition Plans. The extent of plans to address these needs varied. In some LEAs, there were new priorities and there was unlikely to be further work specifically on the implementation of the Code. Others reported wanting to re-run courses to ensure wider coverage or to allow new staff to participate. The point was made that although formal training sessions might have ceased, there was continuing work with schools and via meetings and discussions with, for example, visiting support staff.

A few authorities saw the training which had already been provided as an initial stage that would be built upon as staff worked through the Code and addressed difficulties that arose. Summing up this level of preparation, one adviser felt that the LEA had provided enough training to get the Code 'working, although not properly'. Having established the principles and expectations of the Code, via training, there was a need, as one support service manager expressed it, 'to back off a bit' and wait for schools to identify how the systems were working and what their future training needs were. The emphasis in the interviews in all the LEAs was on providing appropriate, constructive support and there was a general awareness of the balance to be struck between achieving that aim without overwhelming staff. The priorities for future training were practical issues which were thought to include:

- stage-based assessment;
- monitoring the success of the SEN policy;
- participation in appeals and Tribunals;
- entry and exit criteria for stages;
- coping with writing large numbers of reviews.

In one LEA, training for headteachers in secondary schools was earmarked as a future priority, given the complex demands the Code had placed on their staff.

Issues raised by the training that had been provided to date included:

- Where courses were developed and delivered by staff from different parts of the education service, the opportunities provided for collaboration in implementing the Code were extremely helpful. It was important to have consistency so that school staff received the same 'message'. Working relationships and an understanding of how to proceed as an authority had been strengthened. Similarly, networks for SENCOs had emerged in some areas as a result of the training sessions.
- There was scope for developing detailed information targeted at those who would be unlikely to attend training sessions. For example, schools with only a few pupils with statements would probably not send a member of staff for training on Annual Reviews.
- The value of mixed groups for training (for example, headteachers and SENCOs) was emphasised. This facilitated a shared commitment to development and an understanding of how staff could work together.

5 Monitoring and evaluation

5.1 Developing procedures

It was important to distinguish between monitoring procedures to ensure that individual pupils were moving effectively through the system and being reviewed as required, and the overall monitoring of provision and outcomes that looked at groups of pupils over time. While some of those interviewed were satisfied with their system on the first point, none had achieved a satisfactory level of working on the second and all outlined how they were proceeding in this respect. As with the training, there was concern about not putting counter-productive pressure on schools, whilst acknowledging that a system for identifying what was happening was needed. It was considered important that the emphasis should be on identifying what support schools wanted, rather than on evaluating their work. There was general agreement about the need to enhance whatever systems were currently in place and to generate a straightforward, equitable process. As one adviser, from an LEA in the earlier stages of development, asked: 'How do you define efficiency (in meeting special educational needs)?' and 'How do you deal with all the data?' He emphasised the need for a broad set of measures and, as in other LEAs, felt that he and his colleagues were coming to grips with the process and identifying which questions to ask to start to find the effective answers.

During the interviews some concern was expressed about the best way to develop systems of accountability and evaluation, in relation to both pupils with statements and those without. There was uncertainty about how to establish a constructive structure without creating a further layer of 'inspection'. The point was made that monitoring could potentially ease schools' workload by highlighting where they had identified too many children or created more extensive IEPs than would normally be required. As one adviser commented, 'There is some very good stage 2 work being done at stage 1!'

There was widespread support for procedures that would facilitate a consistent approach to placing pupils on each stage of the Code of Practice and interviewees outlined their plans for developing criteria to achieve this and panels to monitor its operation. In large LEAs this process needed to be standardised across four or more divisions. Similarly, standard procedures for agreeing what should be included in special educational needs costs were required. To illustrate, one of those interviewed spoke of the need to break down the figures provided by schools to identify management costs, such as deputy headteacher time, which LEA staff did not acknowledge as special educational needs provision, but some headteachers did.

5.2 Collecting evidence

To illustrate the need for reflection, one interviewee explained that the staged systems in use prior to the Code had not been applied consistently across the LEA, so the data on the numbers of pupils at each stage were not reliable. In this LEA, an audit of special educational needs was used and as it had been explicitly linked to the Code's stages it should provide a means of monitoring the implementation of the latter. More generally, those interviewed felt that it would be counter-productive to ask too much of schools in relation to monitoring.

LEAs varied in the emphasis they placed on monitoring stages 1-3 as opposed to seeing stage 4 as the crucial one to quantify and work with. The danger of placing too much emphasis on any one performance indicator was raised in the interviews, as was the need to guard against limiting resources because a school was seen to be 'doing well'. It was clear that the principles underpinning monitoring were being debated at length. One adviser summed up widespread concern about a potential 'nightmare scenario' of the use of placement on stage 4 to justify an increase in resources.

Interviewees spoke of the possibility of schools becoming more effective in their work with pupils with special educational needs, as staff developed their expertise; demands would shift away from external support at stage 3 and the SENCO, towards classroom teachers. As teachers became more confident, and competent in the effective use of resources, provision should improve accordingly. The anxiety was, of course, about the potential of an auditing system that appeared to reward schools for not being effective in supporting children with special educational needs. This situation was particularly complex in situations where a staged approach to assessment, prior to the Code, had been a series of stepping stones to obtaining a statement. The culture shift was now of 'talking to schools about the intrinsic value of each stage and how they should best be used'.

LEA respondents to the questionnaire were asked to indicate the evidence they would be using to monitor schools' performance in implementing the Code of Practice. Table 8 shows the responses.

Table 8 Evidence to be used by LEAs monitoring schools' implementation of the Code

Evidence	No. of LEAs
School policy documents	52
Annual review records	51
School development plans	44
Individual pupil records	44
Deployment of staff/resources	42
School curriculum documents	31
Other data (see below)	35
No response	1

Based on 55 LEAs

Thirty LEAs gave details of the 'other' data which they used:

- special needs audit data (21);
- LEA inspection data (5);
- OFSTED reports (4);
- LEA 'sampling' data (2);
- schools' own monitoring data (2);
- reading tests (1);

- head teacher interviews (1);
- structured, combined system (1).

The interviews highlighted how LEAs were working on their systems for studying the development of provision for pupils with special educational needs and how the introduction of the Code had strengthened this. It was stressed that the approach was to negotiate with schools on how to monitor their special needs policies in ways which were not threatening. In one LEA, for example, it was intended to incorporate such monitoring into general advice and inspection visits so that schools would see special educational provision as relevant to the concerns of the whole school.

One of those interviewed identified pupils' performance at Key Stages 1 and 2 as a tool to be used to monitor progress. Another spoke of the value of annual reviews in providing a 'snapshot' of what schools are doing and of outcomes for individuals. Monitoring of the action plans arising from reviews offered an effective system for reviewing progress. Similarly, the work of educational psychologists during stage 3 provided a systematic way of looking at pupils' progress.

Eleven respondents to the questionnaire described performance indicators (PIs) they were planning to use. Most of these (8 LEAs) were related to the movement of pupils through the Code's stages but the availability and quality of IEPs was mentioned in three cases and the availability of school policies in two cases. Receiving one mention each were:

- deployment of resources;
- screening at various stages;
- LEA inspection;
- OFSTED inspection;
- number of pupils returning to mainstream;
- adherence to set time scales;
- percentage of schools attending related INSET;
- schools integrating special education policies in their Institutional Development Plans.

During the interviews further details of the merits of various PIs were discussed. In one LEA, for example, indicators included: the number of pupils at stage 3 (where an increase might result in more training for staff); the number of pupils with statements (which were linked to the effectiveness of criteria for placement); the number of pupils referred for formal assessment (monitored by regular moderating groups). In another, the point was made that if staff wrote down everything they did in relation to monitoring it would be clear and organised, but this did not happen in practice. In this authority there were fairly clear criteria to monitor staff who supported pupils with statements, but only *ad hoc* structures for stages 1-3 were in place. As in other LEAs, the need for more coherence was acknowledged and was being acted upon. In a third LEA, it was planned to use a combination of OFSTED reports, information gathered from educational psychologists and the work of the special educational needs support service, to monitor the quality of special education provision in general.

Interviewees laid great emphasis on the use of documentation to monitor implementation. Some described systematic monitoring of the quality of written information about pupils at stages 1-3 and their intention to make explicit to schools the need to substantiate written evidence. In one LEA, the point was made that this focus on what was written at the early stages did not capture what schools were actually doing at stages 1-3: the only effective mechanism for this was routine visits by advisers. Various panels of professionals had been established to develop a consistent approach to assessments and the outcomes of assessments. Those considering assessments generally looked at the most complex requests, and those looking at outcomes tended to evaluate the merits of a sample of decisions. Stage 3 panels, where these had been established, took a slightly different perspective, focusing on the appropriateness of individual pupils being registered at this level and at what schools had provided in stages 1 and 2.

5.3 Difficulties in monitoring

More than half (32) the authorities responding to the questionnaire considered that there would be difficulties in collecting information on schools' performance for the purpose of LEA monitoring responses to the Code of Practice. The causes of their concern are shown in Table 9 below.

Table 9 Perceived problems in collecting data from schools

Problem	No. of LEAs
LEA time for monitoring and evaluation	16
Moderation/establishing common baselines	8
Inadequate/incomplete returns from schools	6
Schools' time to provide data	5
Agreeing performance indicators	4
Tracking resources	3
LEA unused to monitoring role	1
LEA role at stages 1-3 unclear	1
Poor quality of annual reviews	1
Schools' suspicion of LEA monitoring	1
No response	23

Based on 55 LEAs

6 Implications for LEAs

6.1 Changes to staffing levels

The final section of the questionnaire was concerned with the situation *vis-à-vis* staffing in the LEA related to the Code of Practice. All LEAs stated that they had made increases in areas of staffing to support special needs since September 1994. Table 10 shows where these increases occurred.

Table 10 Areas of increase in LEA staffing to support SEN since September 1994

Staffing area	No. of LEAs
Educational Psychology Service	29
Administrative staff	27
LEA SEN officers	25
Support services	13
Inspectors	4
Parent liaison officers	4
Education Welfare Officers	2

Based on 55 LEAs

However, these individual increases could have been offset by decreases elsewhere so that the overall staffing (and salary expenditure) may not have increased and there may only have been shifts in the balance of staffing. This may explain why only 37 respondents actually stated that they had increased staffing (with 15 negative responses and 3 non-responses) while both the negative and non-responding LEAs actually identified particular increases that had been made.

All of the LEAs interviewed had had some changes to their staffing since September 1994 although not all authorities could state categorically that this was as a result of the Code of Practice. The Code had made special needs a priority for many authorities and had been instrumental in procuring the funding for increases which had long been recognised as necessary. In a small number of authorities, major structural reorganisations had meant that it had been difficult for them to identify the level of staff increase, if any, that had ensued from the Code. Furthermore, increases due to the Code did not mean that the authority had experienced an overall increase in staff. In one authority, for example, whilst there had been increases in administrative support and in the EP service as a result of the Code, there had been an overall reduction in LEA staff of 40 per cent since 1990. It should be noted, however, that in one authority a reduction of EPs and specialist teachers had been made as a result of the Auditor's report stating that they were overstaffed.

6.2 Increases in staff

The Educational Psychology Service: interviews revealed that whilst some LEAs had employed additional EPs since September 1994, the increases were often not perceived

to have been made as a direct result of the Code. The four main reasons given for the growth were:

- for preventative work;
- because the service was previously under-staffed;
- to deal with an increased demand for statutory assessments;
- because schools were requesting more EP time.

There was however, some acceptance that whilst the Code was not the main reason for increasing the EP service, it had given impetus to the funding of the additions made. One method used for increasing schools' access to EPs was to organise schools into clusters which met on a regular basis with a designated EP. In so doing, all the schools in the cluster had access to the advice of the EP on preventative work far more often than if each school were to rely on individual visits.

Administrative staff: interviewees reported that additional administrative staff had been recruited to deal with annual reviews, Transition Plans, statements and general paperwork associated with the Code. In some cases the increases were on a temporary basis to deal with the backlog of statements and would eventually be reduced. The workload of the administration staff was an acknowledged problem especially as the sheer volume of the paperwork was often accompanied by the stresses of coping with parents' anger and frustration with the process. In addition to this, the requirements of the Code were reported to necessitate a higher quality of administrative staff with higher literacy levels than before.

LEA Officers: additional officers fell into two groups: special needs officers and Parent Partnership officers. The former were taken on mainly to deal with the statementing process whilst the latter undertook the following tasks:

- development of documentation for parents;
- recruitment and training of Named Persons;
- links with voluntary agencies;
- setting up of parent partnership groups;
- parent liaison.

6.3 Timescales for statementing

LEAs were asked to give the proportion of statements which they able to complete within the statutory time scale (six months). The 39 responses to this question did not give reliable data as many respondents put question marks or 'approximately' by the figure stated. Furthermore, the percentages given ranged from zero to one hundred. On the basis of the data supplied, the median was 65 per cent. The quality of the data probably reflects the time at which the NFER questionnaire was sent out (summer of 1995), whereby it was too early for authorities to have worked through the backlogs that had accrued. Data collected more recently suggest that the picture has already changed (see below).

Forty-six LEAs identified problems arising in attempting to meet the statutory time scales for formal assessment. Table 11 describes these problems.

Table 11 Problems encountered by LEAs in attempting to meet statutory time scales

Problem	No. of LEAs
Demands on LEA staff	16
Inability of other agencies to respond in time	15
Demands of, & time to discuss with, parents	8
Obtaining reports (general) in time	7
Increased number of referrals	6
Lack of time at 'proposed statement' time to resolve more complex cases	6
Backlog of assessments	5
Unavailability of provision after assessment	5
Demands on Education Psychology Service	4
Lack of effective information technology	4
Delay due to non-attendance at medicals	4
Increase in number of annual reviews	3
Poor quality of assessment/statements	2
Financial restraints	2
No response	9

Based on 55 LEAs

In addition, the following were each mentioned by one LEA: uneven flow of assessments, difficulty of making budget provision for 'expensive' preferred placements, lack of knowledge about changes of placement, extent of training needs.

Interviewees did not reveal any problems additional to those stated on the questionnaire. There were however positive comments made by LEAs who had improved their time scales since the implementation of the Code. The improvements made were most frequently attributed to:

- increases in administration staff;
- computerisation;
- priority given to clearing the backlog of statements;
- improved input from the health authority and social services.

In the space of four months between completing the questionnaire and being interviewed, many of the LEAs interviewed had dramatically improved the time taken to complete a statement. Whilst this did not bring them all immediately in line with the six month timescale, many were consistently meeting their own targets which were set over realistic periods of time in order to reach this goal.

There were widespread concerns across the authorities interviewed about the level of funding that was currently going to support pupils with statements and therefore being taken away from preventative work and support for pupils at stages 1-3. Whilst there was not a uniform pattern of changes in statementing rates as a result of the Code, there were fears that schools viewed the stages in the Code as steps towards the issue of a statement. Some LEAs were also concerned that earlier identification as a result of the Code would increase the numbers of statements thereby decreasing the amounts available for non-statemented support. Others hoped that, as intended by the Code, earlier identification would obviate the need for a statement.

As well as dealing with new statements, LEAs were currently amending old statements in greater numbers than before. This was causing concern in terms of staffing since the process was extremely time consuming and in giving parents the same rights of appeal as with new statements, could create additional pressures.

There were mixed views on the impact of delegated funding in relation to levels of statementing. For example, one authority had introduced the delegation of money through an audit of need, related to schools, rather than individual statements, in order to put a brake on statementing. Another authority, which still had strong support services and allocated money for statementing, was concerned about the impact that impending delegation of funds might have.

6.4 Annual reviews

Interviewees reported that it was difficult for LEA representatives to attend annual reviews on account of the sheer numbers taking place. The enormity of the task meant that when schools sent their annual review reports into the LEA, in some cases, no apparent action was taken. It was also reported that, in some LEAs, the responsibility for arranging transition planning meetings was occasionally delegated to the schools. It was felt that since schools organised all the other reviews they were in a relatively good position to do this through their existing contacts with the Careers Service and other relevant agencies.

6.5 Named Officers

LEAs were almost equally divided as to whether they had a Named Officer with responsibility for transition planning at 14+: according to the questionnaire, 27 stated that they had, 26 that they had not, with two non-responses.

Very few of the LEAs interviewed had very much to say about their Named Officer for transition planning. One common theme however was that there were difficulties in getting both an LEA officer and an EP at every review as there were so many to attend.

6.6 Links with Further Education

LEAs were asked if they funded any links with Further Education colleges. Seventeen stated that they did, 33 that they did not; five LEAs did not respond to this question. The Code of Practice stresses the importance of transition planning (section 6.45) but this has to be done in a situation where LEAs no longer have control of Further

Education and where studies have shown that the funding of link courses is vulnerable, (see, for example, Fletcher-Campbell, 1994).

Whilst interviewees were not directly involved with the development of FE links, the resourcing of such links seemed to be an area of concern with the following issues arising:

- problems in the joint funding of placements with social services and the health authority;
- the inability of the LEA to ensure that money was used in this way, since funds were delegated to schools;
- difficulties in the transference of funding from special schools to FE.

7 Issues in implementation

The data illustrate that the Code is being implemented in very varied environments. Studies of LEA support for special educational needs (see, for example, Goacher *et al*, 1988 or Moses *et al*, 1988), since the implementation of the Education Act 1981 show that patterns of provision vary greatly throughout England and Wales. Furthermore, LEAs were in different positions regarding the amount of support retained centrally, as opposed to delegated, and the total budgets allocated for special educational needs. This explains why some, for example, appeared to be increasing provision as a result of the Code and others reducing it. The shifts in particular forms of support (such as behaviour support) suggest that new means of identifying needs, related to the Code, may have focused attention on gaps in provision. The data were not, of course, related to the particular patterns of provision operating in the respondent LEAs: such issues will be explored in later case study work.

7.1 Problems in practice

Respondents to the questionnaire were asked to comment on any particular issues relating to the implementation of the Code of Practice in their Authority; 35 did so and the majority were concerned with difficulties. Many of the comments related to areas covered elsewhere in the questionnaire but were repeated because of respondents views on their importance.

Between five and ten references were made to:

- the poor management of both annual reviews and transition planning;
- increased parental demands and expectations;
- the heavy administrative burden on both LEAs and schools;
- the fact that schools looked to the Authority for extra resources for pupils with special educational needs.

From two to five references were made about:

- the inappropriate use of Tribunals and the time spent attending these;
- the need for sharper monitoring and accountability;
- the need for clear criteria associated with the various stages;
- the problems of inter-agency provision and practice;
- schools' lack of confidence in their new role;
- generally increased demands because of greater knowledge and awareness;
- overwhelming bureaucracy;
- the need for provision to be developed in line with need;
- the reduced opportunities for preventative work because of engagement in statutory work;
- increased number of referrals and the fact that Tribunal decisions were often unrelated to the context in which they had to be implemented.

Three respondents were particularly positive, saying that the Code was consistent with previous practice in their LEA. Although all authorities will have some adjustments to make to have regard to the Code and to ensure that their practice complies with its statutory requirements, a number of LEAs have customarily used the 'Warnock' stages as a basis for resource allocation and organising provision. At the same time, the Code

has to work within a context of past experience of multi-agency provision and planning for transition to adult life, some of which has not been particularly successful.

The overall view of the Code was that it was an extremely useful document, the spirit and intent of which were to be welcomed. It was the process of developing, in collaboration with schools, a workable system incorporating these principles that was exercising staff in the authorities. There was certainly anxiety. This was most vividly expressed by the interviewee who felt that although the Code was helpful it was 'frightening in parts' in its implications for staffing and other resources. Indeed, the only negative comments about the Code focused on the lack of extra resources for implementation; several respondents considered that it was short-sighted to see such a major development in educational practice as 'cost neutral', since even in schools where good practice was established, there were new administrative demands on both SENCOs and other staff. Where money had been allocated to schools from centrally held budgets, earmarked for the Code's implementation, this was done as a gesture of good will and an acknowledgement that schools would be taking on significant new responsibilities and challenges.

In the questionnaire, all but two LEAs (53) stated that they had encountered or envisaged schools' problems in putting into practice the guidance contained in the Code. The problems described were very wide-ranging, covering all issues related both to special education provision and to the change process itself. The largest group of concerns (23 LEAs) related to the considerable expectations made of SENCOs in schools and the limited time that many of them had in which to fulfil their responsibilities. Clearly, SENCOs' time management and the delegation of responsibilities will be a critical issue for case study investigation.

Nineteen LEAs perceived lack of resources as a major difficulty. Related to this were demands on already overstretched services: support services, the Educational Psychology Service and advisers were mentioned. One of those interviewed described arrangements made in the LEA to ease this situation. School profiles had been drawn up, resulting in the allocation of psychologists' time according to the needs of the school. Alongside this attempt to produce an equitable system, schools had been grouped into clusters for meeting educational psychologists.

Comments on the questionnaire pointed out that shifts in work patterns meant that there was a danger of specialists becoming preoccupied with individual cases and thus having less time to engage in preventative work with schools. Ten respondents considered that the lack of expertise and skill in schools was a problem. Individuals commented on schools' reluctance to take up training opportunities, their dependence on the LEA for action regarding pupils with special educational needs, an increasing tendency to press for a statement, and the fact that schools had priorities other than the Code of Practice. School organisation was felt to be an inhibiting factor though there was no agreement as to particular type of organisation creating difficulties: small primary schools and large comprehensive schools were both mentioned, as were schools in disadvantaged areas. Other concerns included poor IEPs, Annual Reviews and Transition Plans, and the difficulties in involving pupils in self-assessment.

7.2 Improving practice

It was evident from the interviews that not only had the Code been implemented in situations with very different practices, but that evidence of further differences emerged as the Code took hold. It was clear that the staged approach to identifying and assessing pupils' needs was well-established in some areas and still being fully developed in others. However, even where the staged approach was familiar, considerable adaptation was necessary to devise a system that was rigorous enough for the requirements of the Code. Notwithstanding these differences, there was universal concern about getting the core practices in the Code, notably the use of IEPs, as effective as possible. Ways of dealing with the administration generated by the Code, such as having a bank of standard letters on disc, were being explored.

Making entry to the stages dependent on clear criteria and monitoring the effectiveness of the intervention at each stage were measures that, it was thought, would help to reduce the numbers of statements issued. The steady growth in the number of requests for formal assessment was of widespread concern. It was hoped that a system that identified clearly where the responsibility for action lay and what needed to be done at each stage would encourage an earlier and more effective response to pupils' difficulties. Monitoring panels to review allocation to the stages were part of this process of working towards a more coherent system. The resources spent on the statementing process were potentially available to schools for direct work with children.

The interviews with LEA personnel emphasised the need to develop on two different fronts: one related to a philosophy of provision and the other to the practicalities of delivery. The philosophy centred around ensuring that school staff acknowledged that every stage was their responsibility. The practicalities referred to IEPs, Transition Plans and annual reviews. From the LEA perspective, a particular difficulty in some areas had been the establishment of the Named Person arrangements and there were concerns about the value, or appropriateness, of this feature of the Code. At this stage there were difficulties in recruiting sufficient number of people to take on the role and some LEA staff felt that parents were not generally looking for such support, as other sources of advice were available. The Named Person role is one that will need longer-term monitoring given that there are groups of people who have been trained for the work and it will take time for them to become part of the system parents encounter. The Named Person and the Tribunal system were both features of the Code which, although they had not had major implications to date, were causes of anxiety in the longer-term. With regard to Tribunals, the concern was that there would be a rise in the number of parents taking that action, with consequent implications for LEAs in staffing and resourcing. Those interviewed felt that the emphasis needed to be on clear communication and constructive dialogue with parents throughout the process so that the Tribunal could be avoided.

Incorporating the staged approach into provision caused considerable concern. One interviewee suggested that making this system workable, could mean targeting resources at stage 1 to reduce the need for moving to a subsequent stage and writing an IEP. Similarly, 'group' IEPs were being considered. This would involve writing IEPs for pupils experiencing similar difficulties, which might include common

elements, as well as individual details. Such an approach, could ease the administrative load, yet offer positive support for the pupils involved.

Key challenges in the Code identified by LEA staff included:

- Interventions with children with emotional and behavioural difficulties needed to be related to the stages of the Code. Reviewing provision and policy for these pupils was the priority in several LEAs and concerns about this group were widely expressed.
- Introducing the Code had highlighted gaps in communication systems that LEA staff were keen to remedy. Providing information about the support services, for example, had been warmly received by school staff, suggesting that such information had not previously been conveyed, in some places.
- The status of SENCOs within the school management structure was identified as crucial, in their role of motivating and supporting other colleagues.
- It was important to remove any incentives to place children on the higher stages to secure support or resources. The emphasis had to be firmly placed on meeting needs effectively at the early stages.
- Reflection on the operationalisation of the Code had highlighted the need for a review of management structures for meeting special educational needs in the LEAs.
- The role of special schools, as mainstream schools responded to the Code, was raised during the interviews. In one LEA, a series of courses had been established for special school staff to develop their expertise in how they could work more collaboratively with mainstream colleagues.

7.3 The continuing research

Having collected a considerable amount of data from LEA staff by questionnaire and interviews, the next stage of the work focused on five LEAs, selected to reflect different types of LEA across the country: a London borough, two shire counties, one metropolitan borough and one city council. All are pursuing a variety of strategies to implement the Code successfully. Some have specific initiatives of interest to the project, such as a Parent's Centre, and all are reflecting upon their provision and policy to meet special educational needs.

During the spring term, 1996, interviews were conducted in these five LEAs with a variety of people in both education and other agencies. In the educational field, interviewees included: educational psychologists, education officers, advisers, statementing officers and support service staff. Other individuals, such as educational welfare officers and an independent consultant, were also interviewed. In addition, there were some exploratory interviews with staff from the health service (providers and purchasers), social services and the careers service to elicit their perspectives on the changes. This breadth of interviewing in each of the five areas has highlighted the

different approaches and priorities services bring to collaborative ventures and the challenges of working together on a joint enterprise.

These interviewees have emphasised the extremely positive response there has been to the Code and have added to the emergent understanding of what it has meant in practice. Further details will be provided from the final stage of the research when case study work in schools (two primaries and two secondaries in each of the five LEAs), is undertaken in the summer term of 1996. Interviews with headteachers, SENCOs, other members of staff and governors will provide more detailed insights into implementation at school level. Those interviewed will be asked for their views on the Code and for details of their work. Issues focused on will include:

- the role and status of the SENCO;
- changes to procedures and practice in school;
- special educational needs provision within the whole school structure;
- the effectiveness of LEA training and support;
- special needs resourcing.

The study will be completed in the Autumn of 1996 and final publications will be available then, based on this project and that on Integration.

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THE IMPLEMENTATION OF THE CODE OF PRACTICE ON THE IDENTIFICATION AND ASSESSMENT OF SPECIAL EDUCATIONAL NEEDS

The Code of Practice on the Identification and Assessment of Special Educational Needs has been applicable to schools since September 1994. From that time both LEAs and schools have been developing and extending their policy and practice in order to reflect the requirements of the Code.

The NFER project is investigating the impact of the Code on policy and practice at both LEA and school level and this report covers the first stage of the enquiry.

This interim report draws on data derived from a questionnaire survey of LEAs and follow-up interviews with key LEA staff. It gives details on:

- LEA documentation;
- the allocation of resources;
- LEA training and support;
- LEA monitoring and evaluation strategies;
- implications for LEA staffing and procedures.

The emerging issues from this phase of the work are also discussed and reference is made to the areas being investigated in LEA and school-based case studies, as part of the second phase of the project.

Further copies of this report and the accompanying report on the Integration of Pupils with Special Educational Needs may be obtained from the Dissemination Unit, NFER, The Mere, Upton Park, Slough, SL1 2DQ.

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