



The effective governance of SEND



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nasen – the SEND membership organisation for education professionals

Our aim is to ensure that practice for special and additional needs is effective and current to enable staff to meet all pupils' needs and help them to reach their full potential.

Annual membership fees:
Gold membership from £149
Silver membership from £99
www.nasen.org.uk/why-join



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NGA is a membership organisation

- NGA is an independent charity representing and supporting governors and trustees in maintained schools and academies in England
- Our charitable aim is to improve outcomes for pupils by the promotion of high standards in schools and improving the effectiveness of governing boards
- We do this by providing expert and tailored information, guidance and advice, training, consultancy, and challenge

nga GOLDline
The NGA Advice Service

Governing board membership

- STANDARD governing board £90
- GOLD governing board £260

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The purpose of this session

At the end of this session you will understand what the effective governance of SEND looks like.

The session will cover:

1. What SEN is and how it is determined
2. The legislation, guidance and policies
3. How SEN is funded
4. Who is responsible for what
5. What governors need to know about the SEN population, progress and measuring impact

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NGA's eight elements of effective governance


1. The right people round the table
2. Understanding the role and responsibilities
3. Good chairing
4. Professional clerking
5. Good relationships based on trust
6. Knowing the school – the data, the staff, the parents, the children, the community
7. Committed to asking challenging questions
8. Confident to have courageous conversations in the interests of the children and young people



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1. What SEN is and how it is determined




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What is SEN

Children have special educational needs if they have a learning difficulty or disability which calls for **special educational provision** to be made for them. (SEND code of practice, DfE, Jan 2015)

Special educational provision is educational provision which is additional to or different from the educational provision made generally for children of their age.

A child or young person has a learning difficulty or disability if they have:


- A significantly greater difficulty in learning than the majority of others of the same age
- or
- A disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools



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Quick quiz

Test your knowledge!



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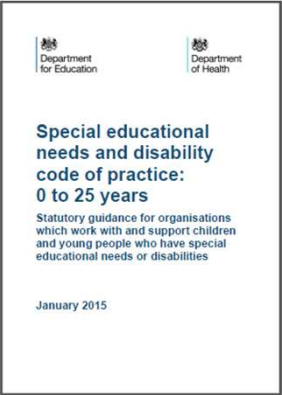
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How schools identify SEN

‘The identification of SEN should be built into the overall approach to monitoring the progress and development of all pupils.’

‘Class and subject teachers, supported by the senior leadership team, should make regular assessments of progress for all pupils. They should seek to identify pupils making less than expected progress given their age and individual circumstances.’



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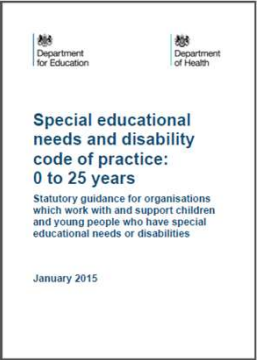
Identifying SEN

SEN can be characterised by progress which:

- Is significantly slower than that of their peers starting from the same baseline;
- Fails to match or better the child’s previous rate of progress;
- Fails to close the attainment gap between the child and their peers;
- Widens the attainment gap.

It can include progress in **areas other than attainment**.

The first response to such progress should be **high quality teaching** targeted at the child’s area of weakness.



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How schools meet the needs of pupils with SEN

The diagram illustrates the 'graduated approach' and 'The cycle of support' for pupils with SEN. The graduated approach is a cycle: High-quality teaching leads to Not making expected progress, which leads to ASSESS, then PLAN, then DO, then REVIEW, and back to High-quality teaching. The cycle of support is a central circle: 'The cycle of support' builds on more frequent review and more specialist expertise in successive cycles, with arrows pointing to ASSESS, PLAN, DO, and REVIEW.

Progress means SEN support no longer required

High-quality teaching

Not making expected progress

ASSESS

PLAN

DO

REVIEW

The cycle of support
Builds on more frequent review and more specialist expertise in successive cycles

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Education, Health and Care (EHC) plans

For some children it will be necessary to apply for a formal statutory assessment of their needs which can then result in the issuing of an Education, Health and Care (EHC) plans. These documents are drawn up by local authorities and set out a pupil's needs and the provision that must be made for the pupil to meet those needs.

True or false:

1. Only 2.9% of children nationally have an EHC plan.
2. A child's EHC plan is a statutory document.
3. It is the LA, through the school, which must meet the requirements of an EHC plan.
4. The focus of an EHC plan is on outcomes, including planning for adulthood.
5. Where a nursery, school or college is named in an EHC plan, they **must** admit the child or young person.
6. Health bodies must work with LAs to promote the integration of services.

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2. The legislation, guidance and policies



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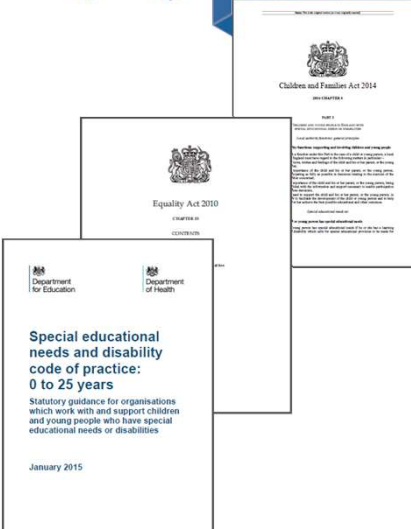
The legislation

All boards have legal duties in relation to pupils with SEND.

Legal duties concerning SEND are set out in:

- The Children and Families Act 2014
- Statutory guidance, the SEND code of practice, 2015

Schools and trusts must also have regard to duties set out in the **Equality Act 2010**.




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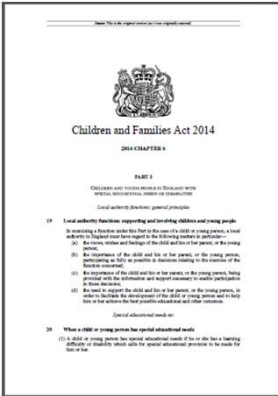
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The Children and Families Act 2014

- ✓ Co-operate with the LA in reviewing local provision
- ✓ Use best endeavours to make sure that pupils with SEND get the support they need
- ✓ Ensure that pupils with SEND engage in the activities of the school alongside pupils who do not have SEND
- ✓ Inform parents when they are making special educational provision for a child
- ✓ Ensure that arrangements are in place to support pupils at school with medical conditions
- ✓ Have a clear approach to identifying and responding to SEND
- ✓ Provide an annual report for parents on their child's progress
- ✓ Ensure that there is a qualified teacher as SENCO
- ✓ Determine their approach to using their resources to support the progress of pupils with SEND



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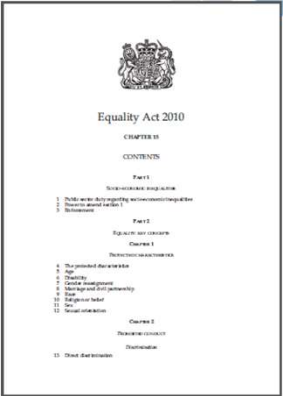
Equality Act 2010

The school **must**:

- ✓ Not discriminate against disabled pupils
- ✓ Make reasonable adjustments
- ✓ Publish an accessibility plan

The act makes it unlawful for the responsible body of a school to **discriminate** (directly or indirectly) against, **harass** or **victimise** a pupil or potential pupil:

- ✓ In relation to admissions
- ✓ In the way it provides education for pupils
- ✓ In the way it provides pupils access to any benefit facility or service or by excluding a pupil or subjecting them to any other detriment



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Equality Act 2010

Reasonable adjustments duty

This is an **anticipatory** duty

- ✓ Where something a school does places a disabled pupil at a disadvantage compared to other pupils then the school **must take reasonable steps to try and avoid that disadvantage**
- ✓ Schools will be expected to provide an **auxiliary aid or service** for a disabled pupil when it would be reasonable to do so and if such an aid would alleviate any substantial disadvantage that the pupil faces in comparison to non-disabled pupils



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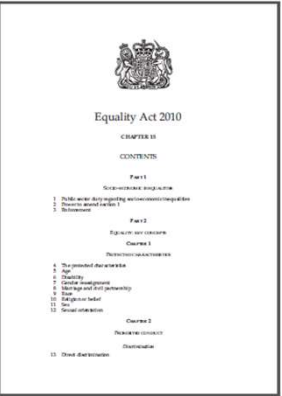
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Equality Act 2010

Accessibility plan

It a legal requirement that settings must have an **accessibility plan** that aims to:

- Increase the extent to which disabled pupils can participate in the curriculum
- Improve the physical environment of schools to enable disabled pupils to take better advantage of education, benefits, facilities and services provided
- Improve the availability of accessible information to disabled pupils



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Statutory policies

Statutory policies for schools
Advice on the policies and documents that governing bodies and proprietors of schools are required to have by law
September 2014

Admissions arrangements

MS Acad FS

(Applies to voluntary-aided schools and foundation schools directly and to community and voluntary-controlled schools if the local authority formally delegates the responsibility).

Review frequency: Arrangements to be determined annually. Any changes must be consulted on and where no changes are made, consultation is required at least every seven years.

Approval: Full governing body or a committee of the governing body where the school is an admissions authority.

Legislation: Applies directly to academies and free schools via their funding agreements.

Maintained schools - [Section 88C of the School Standards and Framework Act 1998](#) and the [School Admissions \(Admission Arrangements and Co-ordination of Admission Arrangements\) \(England\) Regulations 2012](#)

Also see: [Statutory School Admissions Code](#) and [School Admission Appeals Code](#) 19/15

Accessibility plan

MS Acad FS IS SFC PRU NMSS

Review frequency: Every three years.

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the headteacher.

Legislation: [Equality Act 2010, Schedule 10, Paragraph 3](#) and [Disability Discrimination \(Prescribed Times and Periods for Accessibility Strategies and Plans for Schools\) \(England\) Regulations, 2005](#)

Information Report should be published during the year school opens.

Supporting pupils with medical conditions

MS Acad FS PRU

Review frequency: Governing bodies, proprietors and management committees free to determine.

Approval: Governing bodies of maintained schools, proprietors of academies, and management committees of pupil referral units.

Statutory guidance: [Supporting pupils at school with medical conditions](#)

Legislation: [Children and Families Act 2014 section 100](#)

Legislation: [Families Act, Section 62](#) and [The Special Educational Needs and Disability Regulations 2014](#)

Equality information and objectives (public sector equality duty) statement for publication

MS Acad FS PRU

(Applies to local authorities on behalf of PRUs).

Review frequency: Every four years and publish information annually (see below).

Approval: Governing body free to delegate to a committee of the governing body, an individual governor or the headteacher.

Legislation: [The Equality Act 2010](#) and [The Equality Act 2010 \(Specific Duties\) Regulations 2011](#).

Under specific duties, governing bodies, local authorities and proprietors are required to draw up and publish equality objectives every four years and annually publish information demonstrating how they are meeting the aims of the general public sector equality duty.

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Publication of information

- The governing boards of **both maintained schools and academies** must publish annually an SEN information report on their websites about the implementation of their policy for pupils with SEND.
- In addition **maintained schools** should also publish specific information in a single document and be available free of charge for distribution to parents of pupils and prospective pupils, the LA, the clinical commissioning group for the area in which the school is situated and to the NHS Commissioning Board for them to request a copy at the school or through the post. A copy should also be held at the school for reference.

See handout for more details

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To summarise: schools must ...

- ✓ Meet their **Equality Act** duties for pupils with disabilities
- ✓ Use their '**best endeavours**' to meet pupils' SEN
- ✓ **Inform parents** when pupils receive support for special educational needs and involve them in reviews of progress
- ✓ **Admit a young person**, where the school is named in an EHC plan
- ✓ Appoint a suitably **qualified or experienced** member of staff as SENCO (National Award)
- ✓ **Take account of the SEND Code of Practice** when carrying out their duties in relation to pupils with SEN
- ✓ Co-operate with the local authority in developing the local offer produce and publish online a **School SEN Information Report**
- ✓ Make arrangements to support pupils with medical condition - schools must have regard to **statutory guidance supporting pupils at school with medical conditions**

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3. How SEN is funded

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SEN notional budget

Element 1: Core education funding	Mainstream per-pupil funding (AWPU)	Schools receive a specified amount of funding per pupil (the age weighted pupil unit (AWPU)) and local authorities can choose different rates for primary and KS3 and KS4 (at least £2,000 for primary and £3,000 for KS3 and KS4). This is the core budget and is used to make general provision for all pupils including those with SEND.
Element 2: Additional support funding	Contribution of £6,000 to additional support required by a pupil with high needs, from the notional SEN budget	In addition schools will also receive an additional amount to help make provision for pupils with SEND. This is called the 'notional SEN budget' and should be used to fund the first £6,000 of the costs of providing additional SEN support per pupil.
Element 3: Top-up funding	"Top-up" funding from the commissioner to meet the needs of each pupil placed in the institution	If the school can demonstrate that the pupil's SEN provision exceeds £6,000 they can request additional funding from the local authority. If they agree this will be funded from the local authority's 'high needs' block. It is provided in or close to the pupil's real-time movement and is based on the pupil's assessed needs, as well as the setting in which those needs are to be met.

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Discussion

How do you as governors or trustees become informed and stay up to date with SEND requirements?

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4. Who is responsible for what



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The role of the board

In order for governing bodies of maintained schools to direct the conduct of their schools with a view to promoting high standards of education, and for governing boards of academy trusts to fulfil their charitable object of advancing education for the public benefit, the DfE identifies three core functions for governing boards:

1. Ensuring clarity of vision, ethos and strategic direction
2. Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff
3. Overseeing the financial performance of the organisation and making sure its money is well spent.

Question

What is the link between ethos and SEND?



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Ethos, culture and SEND

- Boards are responsible for the culture and ethos of their schools and the approach to pupils with SEND can be revealing
- An effective governing board is one that sets a culture and ethos which is welcoming and provides an environment in which all pupils can thrive and reach their full potential
- The board needs to be absolutely clear about what SEND is, the responsibilities of the board, and how to get provision for pupils with SEND right while not identifying them by a label but as pupils deserving the opportunity to achieve their potential

Question
How can you evidence how the board's ethos supports pupils with SEND?

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The governor / trustee role

Department for Education

Governance handbook
For academies, multi-academy trusts and maintained schools

January 2017

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Governor / trustee competencies

2a. Educational improvement
Skills and behaviours
Everyone on the board: questions leaders on how the in-school assessment system in use effectively supports the attainment and progress of all pupils, including those with a SEND
Knowledge
Someone on the board: the requirements relating to the education of children with SEND

5a. Statutory and contractual requirements
Knowledge
Everyone on the board: Duties related to SEND

1. Strategic leadership
1a. Setting direction
1b. Culture, values and ethos
1c. Decision-making
1d. Collaborative working with stakeholders and partners
1e. Risk management

2. Accountability
2a. Educational improvement
2b. Rigorous analysis of data
2c. Financial frameworks and accountability
2d. Financial management and monitoring
2e. Staffing and performance management
2f. External accountability

3. People
3a. Building an effective team

4. Structures
4a. Roles and responsibilities

5. Compliance
5a. Statutory and contractual requirements

6. Evaluation
6a. Managing self-review and personal skills
6b. Managing and developing the board's effectiveness

Principles and personal attributes

A Competency Framework for Governance
The knowledge, skills and behaviours needed for effective governance in maintained schools, academies and multi-academy trusts
January 2017

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The SEND governor / trustee role

- Many boards appoint a specific SEND governor or trustee who has responsibility for liaising with the school's SENCO
- As a SEND governor/trustee, you should be making sure pupils with SEND get the help they need to access the curriculum, and to participate fully in the life of the school
- It's important to be aware that the needs of pupils vary from school to school, as does the range of SEND
- The role is strategic and so although visiting the school will be helpful, visits should be limited to one per term and have a clear purpose
- As the SEND governor/trustee you are not personally responsible for the school's provision for pupils with SEND - the governing board is corporately responsible

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The SEND governor / trustee visits to school

- The school's SENCO will be your main point of contact within the school
- Visits should also be pre-arranged and in agreement with the head and relevant staff
- Gathering knowledge and building relationships are the first priorities and both take time but to a certain extent this will depend on your own personal commitments and the nature of SEND provision in your school

There is a certain amount of basic information that every SEND governor/trustee should know:

1. How the school identifies children with SEN - and make sure you understand how the school addresses the SEN of the pupils they support
2. How SEN funding is allocated and spent - and how your executive leaders and governing board decide how these resources are spent for all pupils with SEND in your school
3. The school's SEN policy - and make sure it is reviewed regularly

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The role of the senior executive leader

The senior executive leader will be:

- Leading on strategy
- Monitoring progress for all
- Evaluating teaching and learning for all
- Supporting the SENCO
- Building school SEN capacity through:
 - Budget provision
 - CPD
- Overseeing policy upkeep
 - SEN Policy
 - Accessibility Plan
 - Admissions policy
- Planning and overseeing whole school initiatives
- Reporting to the board

Department for Education

Statutory policies for schools

Advice on the policies and documents that governing bodies and proprietors of schools are required to have by law

September 2014

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The role of the SENCO

Key responsibilities of the SENCO may include:

- Overseeing the operation of the SEN policy
- Co-ordinating provision for children with SEN
- Advising on the graduated approach to providing SEN support
- Advising on the deployment of the school's delegated budget and resources
- Liaising with parents
- Liaising with other settings (e.g. to support transition) and external agencies
- Working with leaders and governors / trustees to ensure the organisation meets its responsibilities under the Equality Act 2010 with regard to reasonable adjustments and access arrangements
- Ensuring that the organisation keeps the records of pupils with SEN up to date



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The role of teachers

- Provide **high quality teaching**
- Demonstrate aware of pupils' needs and **strengths**
- Differentiate the curriculum
- Use resources to ensure accessibility
- Monitor SEN provision
- Monitor SEN pupil progress and attainment
- Promote equality of opportunity
- Contribute to the school's inclusive practice
- Work effectively with TAs/support staff



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Discussion


Looking at the various roles and responsibilities,
how can the board fulfil its role
whilst staying strategic?



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4. What governors and trustees need to know about the SEN population, progress and measuring impact



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Examining SEN data

Boards need to:


- Understand baselining
- Examine SEN pupil attainment and progress data
- Know about disadvantaged pupils with SEN
- Be aware of some specific case studies
- Know the impact of funded interventions
- Be aware of CPD programmes and their effectiveness



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Rates of attendance and number of exclusions

Boards need to know because:

- Pupils with SEN account for **around half** of all permanent and fixed term exclusions
- Pupils identified as having **Social, Emotional and Mental Health (SEMH) difficulties** have the highest number and rate of permanent and fixed term exclusions.

What questions should governors and trustees ask?



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Everyone on the board must be able to question leaders on the attainment and progress of children with SEND

Five key questions:

1. How successful is your school in meeting the needs of pupils with SEND so that they achieve good outcomes?
2. How do you know?
3. If outcomes are not good, is this a resourcing (e.g. staff numbers, competence, CPD requirements or classroom resources and equipment) issue?
4. What are the barriers to further improvement and even better outcomes for children with SEND?
5. What actions could the board take to ensure that priorities address any barriers and challenges concerning SEND?

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Reviewing the session

We have covered:

1. What SEND is and how it is determined
2. The legislation, guidance and policies
3. How SEN is funded
4. Who is responsible for what
5. What governors need to know about the SEN population, progress and measuring impact

Any questions?

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