

## What does the amended draft SEN Code of Practice (April 2014) say about the responsibilities of Governors?

The Introduction to the SEN Code includes a list of organisations that the statutory guidance applies to, including:

- the governing bodies of schools, including non-maintained special schools
- the governing bodies of further education colleges and sixth form colleges
- the proprietors of academies (including free schools, University Technical Colleges and Studio Schools)
- the management committees of pupil referral units

Below are details of the sections within the Code that outline the responsibilities of governing bodies.

| Paragraph | Responsibilities of Governors   |
|-----------|---|
|           | <u>Introduction</u>   |
| xix       | “School governing bodies and proprietors <b>must</b> ..... publish information about the arrangements for the admission of disabled children, the steps taken to prevent disabled children being treated less favourably than others, the facilities provided to assist access of disabled children, and their accessibility plans.”  |
| xx        | “Where school <u>governors</u> are publishing information about their arrangements for disabled children and young people, this should be brought together with the information required under the Children and Families Act 2014”.   |
| 3.25      | <u>Responsibility for decision making in joint commissioning arrangements</u><br>Elected members, governing bodies of CCGs and chief executives across education, health and social care should provide leadership for integrated working.  |
| 3.65      | <u>Schools and post-16 settings as commissioners</u><br>The school’s governing body <b>must</b> ensure that arrangements are in place in schools to support pupils at school with medical conditions and should ensure that school leaders consult health and social care professionals, pupils and parents to ensure that the needs of children with medical conditions are effectively supported. |
| 4.14      | <u>Preparing and reviewing the Local Offer: Involving schools, colleges, health services and others</u><br>Local authorities and their partner bodies and agencies must cooperate with each other in the development and review of the Local Offer. This is essential so that the Local Offer provides a comprehensive, transparent and accessible picture of the range of services available.      |

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| 4.15      | <p>Local partners who are required to co-operate with the local authority include:</p> <ul style="list-style-type: none"> <li>• the governing bodies of schools that the local authority maintains</li> <li>• the proprietors of academies and free schools in the local authority's area</li> <li>• the proprietors of non-maintained special schools that are in the local authority's area or provide education or training for children and young people in the local authority's area</li> <li>• the governing bodies of further education colleges and sixth form colleges that are in the local authority's area or are attended or likely to be attended by young people from their area</li> <li>• the management committees of pupil referral units that are in the local authority's area or are attended or likely to be attended by young people from their area</li> <li>• the proprietors of independent specialist colleges and independent schools specially organised to make provision for children and young people with SEN which have been included on the list of institutions approved by the Secretary of State for the purpose of enabling parents and young people to request that they are named on an EHC plan and are in the local authority's area or are attended or likely to be attended by children and young people in their area.</li> </ul> |
| 6.74      | <p><u>Publishing information about SEN</u></p> <p>The governing bodies of maintained schools and maintained nursery schools and the proprietors of academy schools <b>must</b> publish information on their websites about the implementation of the governing body's or the proprietor's policy for pupils with SEN. The information published <b>must</b> be updated annually and any changes to the information occurring during the year <b>must</b> be updated as soon as possible. The information required is set out in the Special Educational Needs and Disability Regulations 2014</p>   |
| 6.79      | <p><u>The duty to ensure a SENCO is in post and to work with the SENCO</u></p> <p><u>Governing bodies</u> of maintained mainstream schools and the proprietors of mainstream academy schools (including free schools) <b>must</b> ensure that there is a qualified teacher designated as SENCO for the school.</p>  |
| 6.82      | <p>The SENCO has an important role to play with the headteacher and <u>governing body</u>, in determining the strategic development of SEN policy and provision in the school. They will be most effective in that role if they are part of the school leadership team.</p>   |
| 6.92      | <p><u>Funding for SEN support</u></p> <p>It is for schools, as part of their normal budget planning, to determine their approach to using their resources to support the progress of pupils with SEN. The SENCO, headteacher and governing body or proprietor should establish a clear picture of the resources that are available to the school.</p>   |
| 7.19      | <p><u>Colleges of Further Education</u></p> <p>The governing bodies of colleges should ensure that all staff interact appropriately and inclusively with students who have SEN or a disability and should ensure that they have appropriate expertise within their workforce. They</p>  |

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|           | <p>should also ensure that curriculum staff are able to develop their skills, are aware of effective practice and keep their knowledge up to date. Colleges should make sure they have access to specialist skills and expertise to support the learning of students with SEN. This can be through partnerships with other agencies such as adult social care or health services, or specialist organisations, and/or by employing practitioners directly. They should ensure that there is a named person in the college with oversight of SEN provision to ensure co-ordination of support, similar to the role of the SENCO in schools. This person should contribute to the strategic and operational management of the college.</p>  |
| 9.78      | <p><u>Consultation about nursery / school / college placement of a child with an EHC Plan</u></p> <p>The local authority <b>must</b> consult the governing body, principal or proprietor of the school or college concerned and consider their comments very carefully before deciding whether to name it in the child or young person's EHC plan, sending the school or college a copy of the draft plan.</p>  |
| 9.126     | <p><u>Finalised EHC Plans should be copied to the Governing Body</u></p> <p>The final EHC plan <b>must</b> also be issued to the governing body, proprietor or principal of any school, college or other institution named in the EHC plan, and to the relevant CCG (or where relevant, NHS England).</p>   |
| 9.206     | <p>School governing bodies should have access to a child or young person's EHC plan and should always bear in mind the need to maintain confidentiality about the child or young person in question</p>   |
| 11.6      | <p><u>Disagreement Resolution</u></p> <p>Local authorities <b>must</b> make disagreement resolution services available to parents and young people. Use of the disagreement resolution services is voluntary and has to be with the agreement of all parties. (Arrangements will be set out in the local offer)</p>   |
| 11.8      | <p>The disagreement resolution service is to help resolve four types of disagreement or to prevent them from escalating further:</p> <ul style="list-style-type: none"> <li>• The first is between parents or young people and local authorities, <u>the governing bodies</u> of maintained schools and maintained nursery schools, early years providers, further education institutions or the proprietors of academies, about how these authorities, bodies or proprietors are carrying out their education, health and care duties for children and young people with SEN, whether they have EHC plans or not. These include duties on the local authority to keep their education and care provision under review, the duties to assess and draw up EHC plans and the duty on governing bodies and proprietors to use their best endeavours to meet children and young people's SEN</li> </ul> |

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| 11.63     | <p data-bbox="368 264 520 291"><u>Complaints</u></p> <p data-bbox="368 320 1394 651">All state-funded schools are required to have a procedure to deal with complaints and to publish details of their procedure. The <u>governing bodies</u> of maintained schools should make efforts to ensure that anyone who wishes to make a complaint, including a complaint in relation to children and young people with SEN, whether they have EHC plans or not, is treated fairly, given the chance to state their case, provided with a written response (including the rationale for any decisions) and informed of their appeal rights. If the complainant remains concerned after following the local complaints procedure, he or she could ask the Department for Education’s School Complaints Unit to take up the matter.</p>                                      |
| 11.67     | <p data-bbox="368 705 842 732"><u>Complaints to the Secretary of State</u></p> <p data-bbox="368 757 1394 920">If disagreements have not been resolved at the local level, under sections 496 and 497 of the Education Act 1996 complaints can be made to the Secretary of State for Education that either the <u>governing body</u> of a maintained school or a local authority has acted unreasonably or has failed to carry out one of its duties under the Education Acts, including their SEN duties.</p> <p data-bbox="368 943 1394 1070">The Secretary of State can also consider complaints about disability discrimination in relation to a pupil at a school by virtue of Section 87 of the Equality Act 2010. Sections 496 and 497 of the Education Act 1996 apply only to maintained schools, not other state-funded schools or independent schools.</p> |
| 11.80     | <p data-bbox="368 1124 871 1151"><u>Local Authority complaints procedures</u></p> <p data-bbox="368 1176 1394 1240">All local authorities have responsibility to consider complaints about decisions made in relation to the following:</p> <ul data-bbox="467 1263 1265 1552" style="list-style-type: none"> <li>• admission to schools (except in Voluntary Aided Schools)</li> <li>• EHC needs assessments</li> <li>• exclusion of pupils from schools</li> <li>• child protection/allegations of child abuse</li> <li>• complaints about the action of <u>the Governing Body</u>, and</li> <li>• school transport</li> </ul>   |
| 6.85      | <p data-bbox="368 1621 815 1648"><u>The role of the SENCO in schools</u></p> <p data-bbox="368 1673 1394 1818">“The key responsibilities of the SENCO include:<br/>working with the headteacher and school <u>governors</u> to ensure that the school meets its responsibilities under the Equality Act (2010) with regard to reasonable adjustments and access arrangements “</p>   |

The Draft SEND code of practice: 0 to 25 years (April 2014) can be found on [www.gov.uk](http://www.gov.uk).