

The effective governance of SEND

nasen – the SEND membership organisation for education professionals

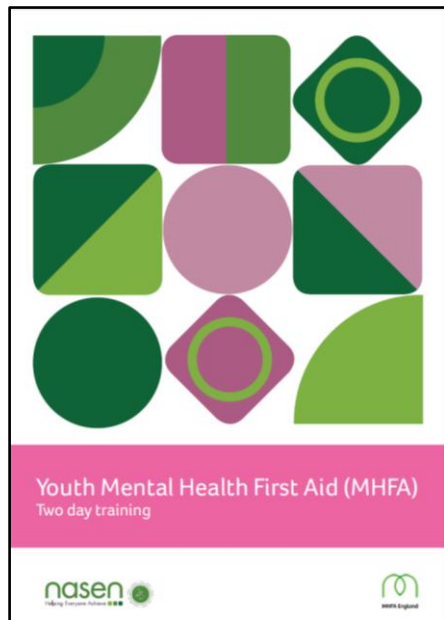
Our aim is to ensure that practice for special and additional needs is effective and current to enable staff to meet all pupils' needs and help them to reach their full potential.

Annual membership fees:

Gold membership from £149

Silver membership from £99

www.nasen.org.uk/why-join



NGA is a membership organisation

- NGA is an independent charity representing and supporting governors and trustees in maintained schools and academies in England
- Our aim is to improve the effectiveness of governing boards by providing expert and tailored information, guidance and advice, and challenge when appropriate

n|g|a **GOLDline**
The NGA Advice Service



Governing board membership

- STANDARD governing board £85
- GOLD governing board £260

www.nga.org.uk/join



The purpose of this session

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, outcomes and measuring impact

1. What SEN is and how it is determined

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

Quick quiz

Test your knowledge!

Question

Why do we identify SEN?

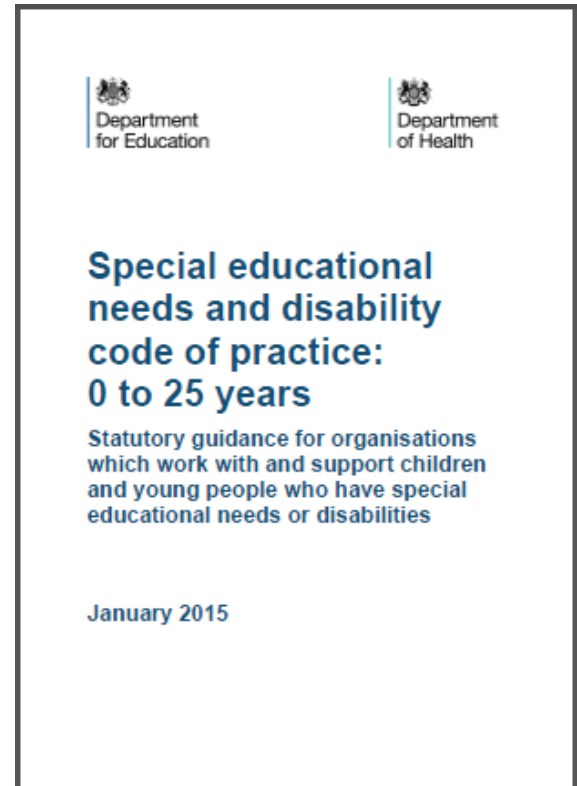
Identification to meet need ...

... or labelling for life?

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.’



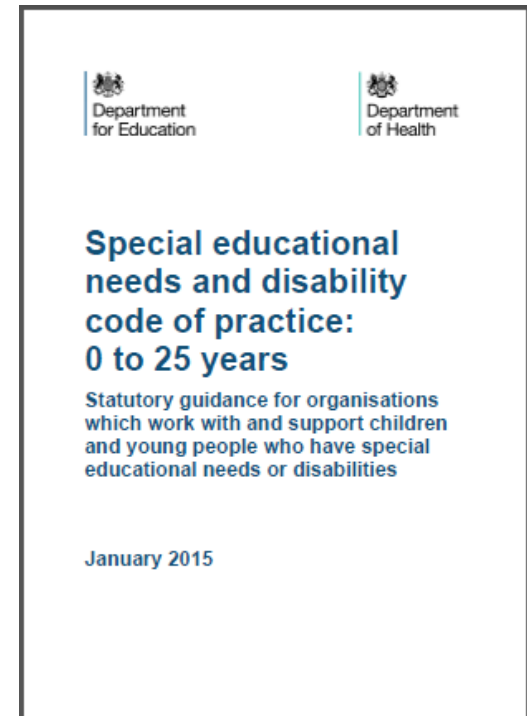
Identifying SEN

SEN can be characterised by progress which:

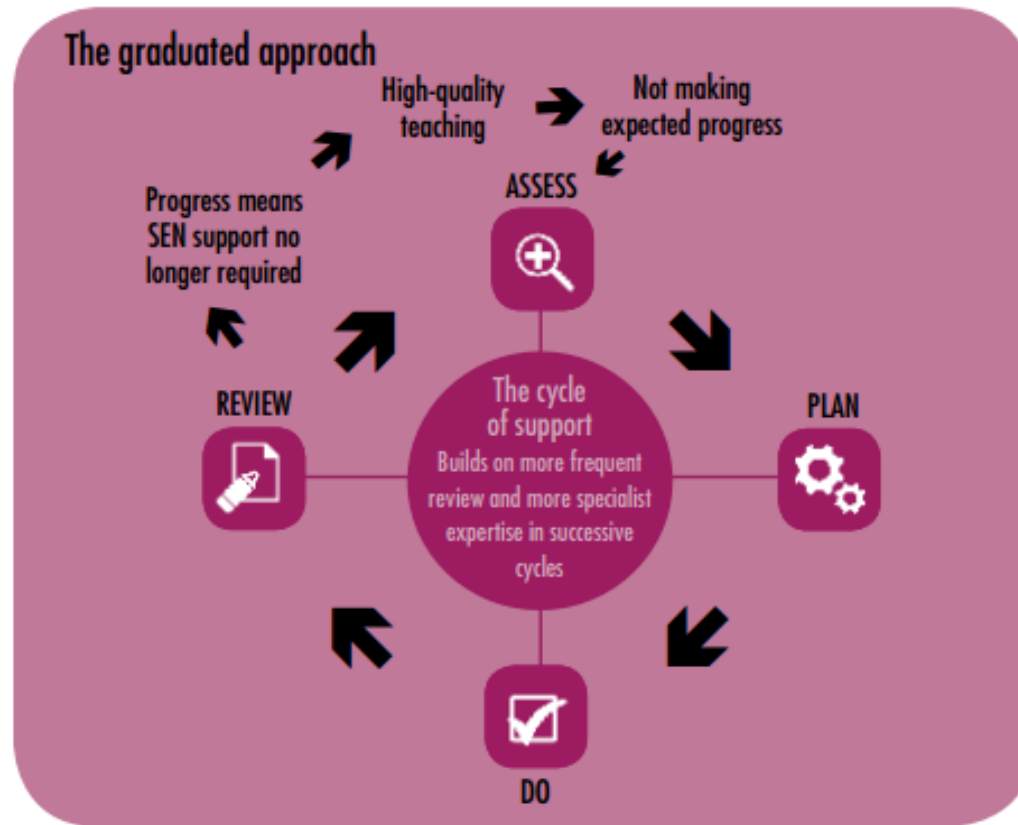
- Is significantly slower than that of their peers starting from the same baseline;
- Fails to match or better the child's previous rate of progress;
- Fails to close the attainment gap between the child and their peers;
- Widens the attainment gap.

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.



How schools meet the needs of pupils with SEN



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 2.8% 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.

2. The legislation, guidance and policies

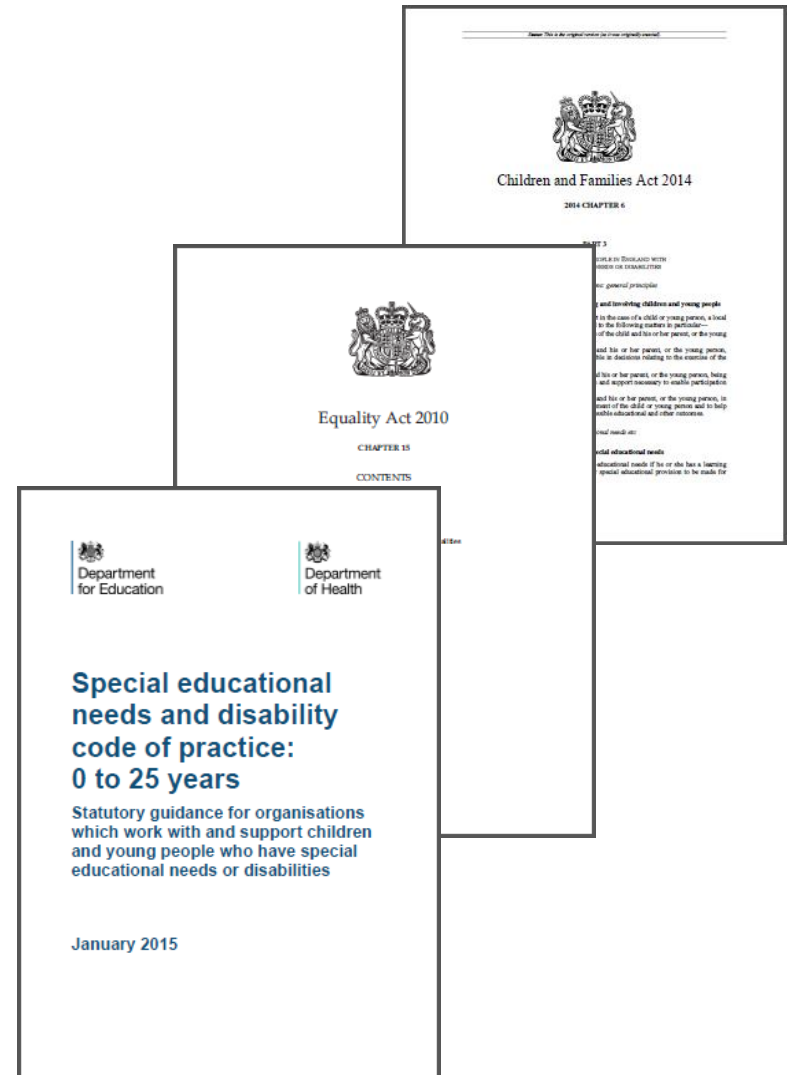
The legislation

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

Legal duties concerning SEND are set out in:

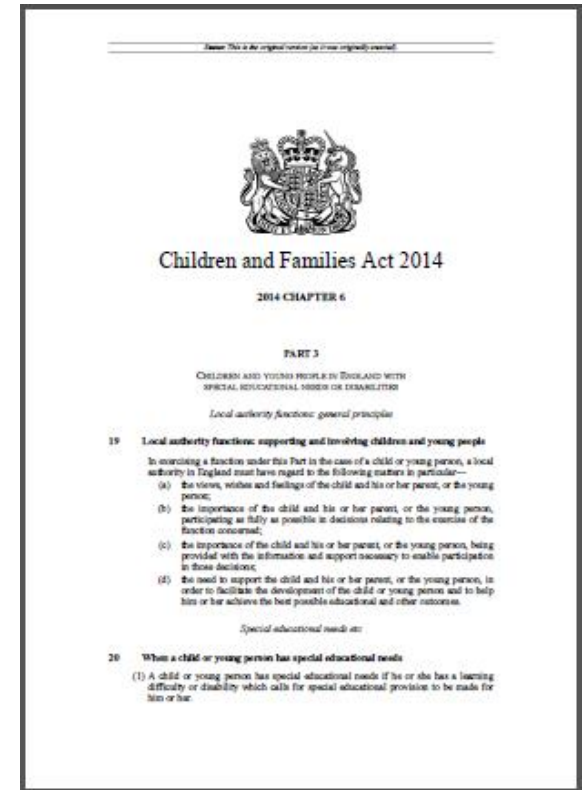
- The Children and Families Act 2014
- Statutory guidance, the SEND code of practice, 2015

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



The Children and Families Act 2014

- ✓ Co-operate with the LA in reviewing local provision
- ✓ Use best endeavours to make sure that pupils with SEN get the support they need
- ✓ Ensure that pupils with SEN engage in the activities of the school alongside pupils who do not have SEN
- ✓ 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 SEN
- ✓ 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 SEN



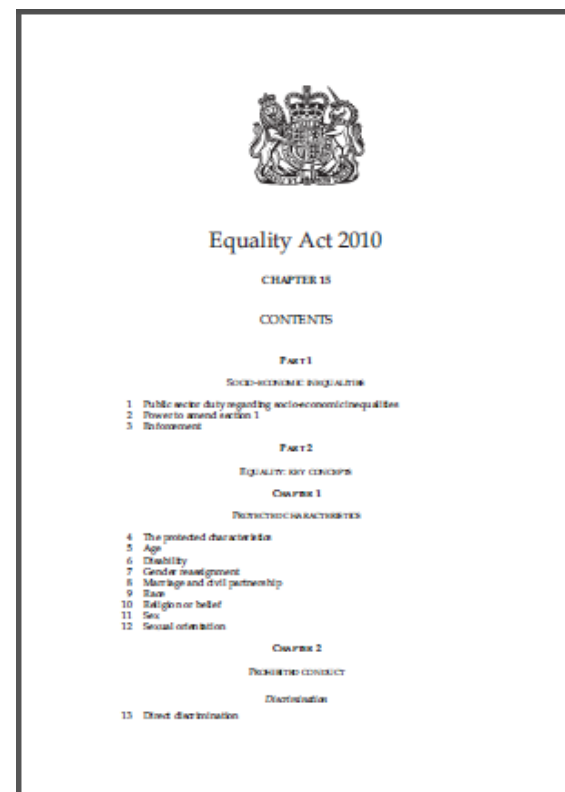
Equality Act 2010

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

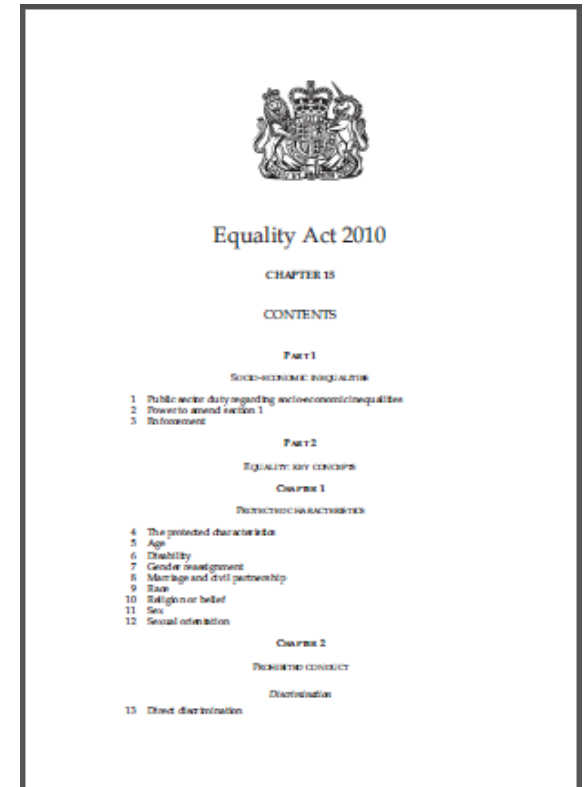


Equality Act 2010

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



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**

3. How SEN is funded

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.

4. Who is responsible for what

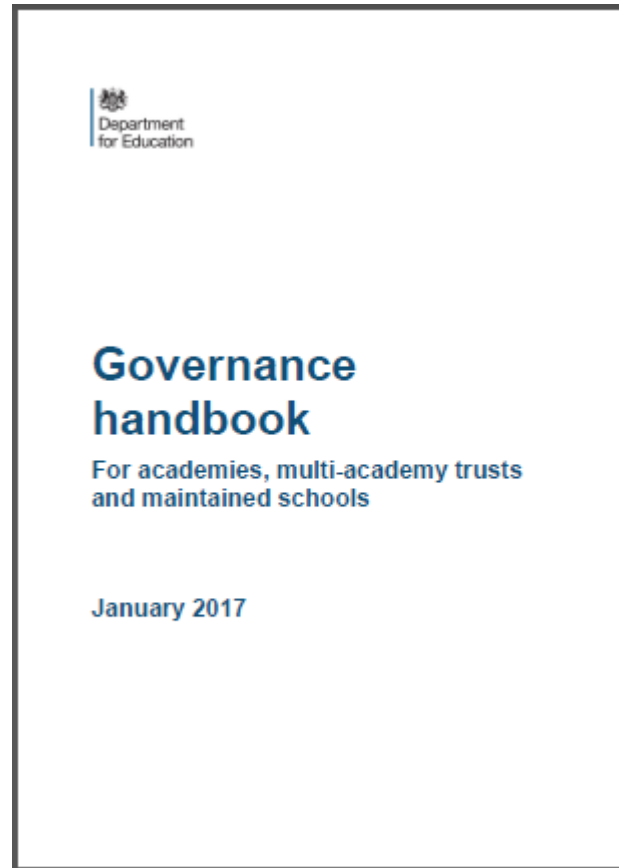
Ethos, culture and SEND

- 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?

The governor / trustee role



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

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

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

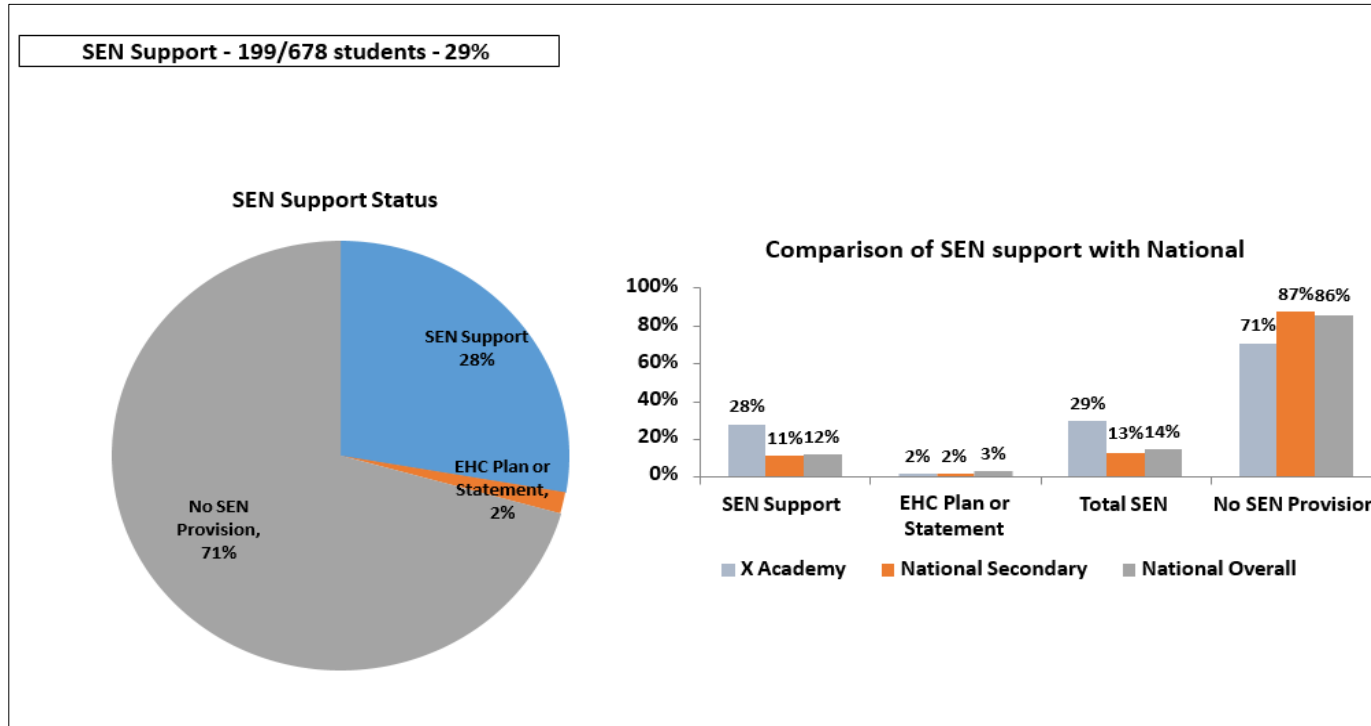
4. What governors and trustees need to know about the SEN population, progress and measuring impact

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

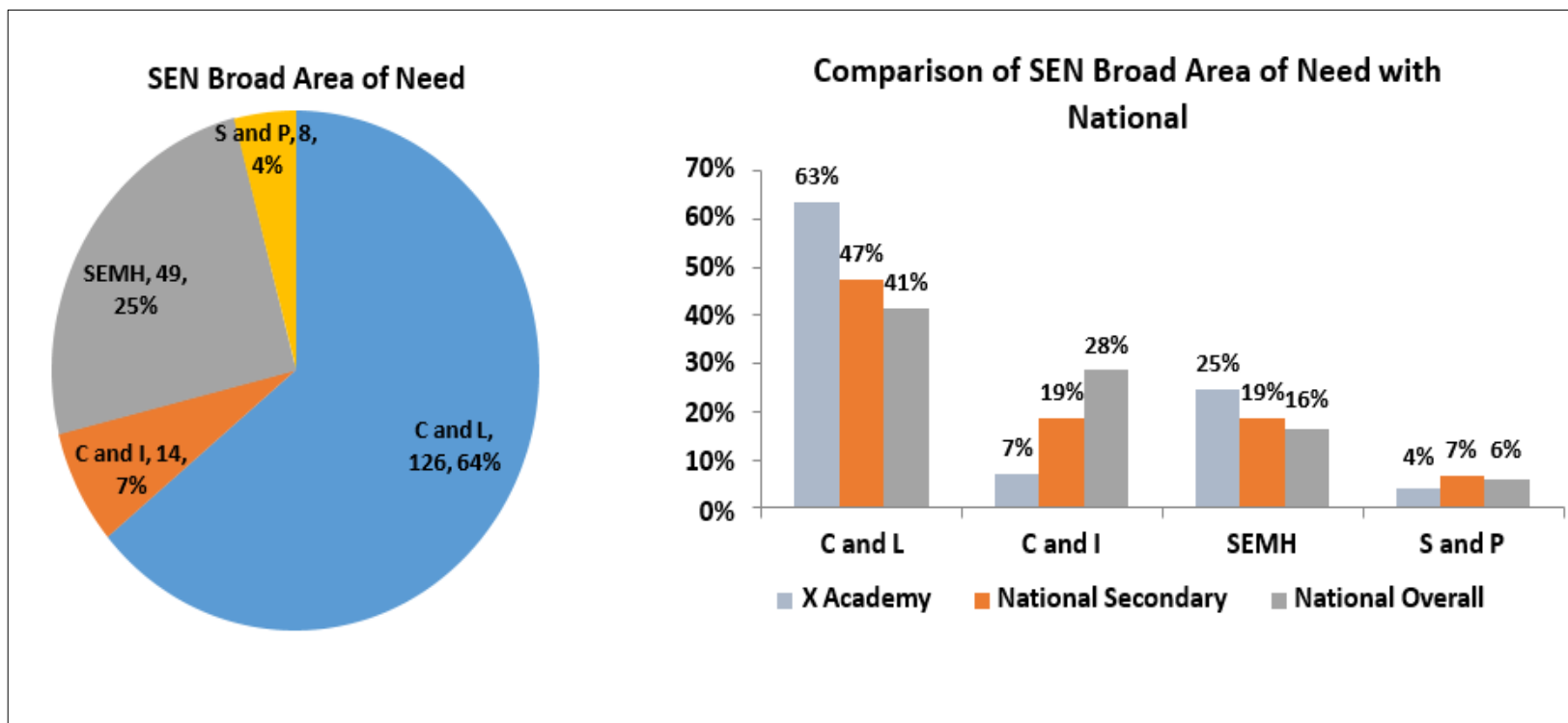
Data exercise



1. What conclusions can you draw from the data?

2. What questions would you be asking of the SENCO?

Data exercise



C and L – Cognition & Learning

C and I – Communication & Interaction

SEMh – Social, Emotional & Mental Health Difficulties

S and P – Sensory &/or Physical Needs

Rates of attendance and number of exclusions

Boards need to know because:

- Pupils with SEN account for **just over half** of all permanent and fixed term exclusions
- Pupils identified as having **Social, Emotional and Mental Health (SEMH) difficulties** SEN make up:
 - 63% of permanent exclusions
 - 56% of fixed term exclusionsof pupils with SEND

What questions should governors and trustees ask?

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?

Reviewing the session

We have covered:

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, outcomes and measuring impact

Any questions?