



*'Governing Boards ...are the vision setters and strategic decision makers for their schools. They play a vital role in ensuring the best possible education takes every child as far as their talents allow (Governance Handbook 2017)*

# SEND and the Governing Board

Summary guidance for supporting children with special educational needs in schools.

Shropshire SEN Team



## Special Educational Needs and Disability and the Governing Board

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*All boards have legal duties in relation to pupils with SEND. Legal duties on SEND are set out in the Children and Families Act 2014 and must have regard to the statutory guidance on the SEND Code of Practice.*

*Governance Handbook (Jan 2017)*

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### Introduction

This guide is designed to summarise the duties of the governing board in relation to children and young people with special educational needs and disability (SEND) and to support them in fulfilling those duties.

It should be read in conjunction with the **SEND Code of Practice: 0-25 years** (January 2015), which describes clearly the responsibilities for Local Authorities, Early Years providers, Schools and Further Education settings, in making appropriate provision for children with special education needs.

### **Other relevant legislation and guidance:**

*Governance Handbook (2017)*

*Ofsted School Inspection Handbook (2016)*

*The Children and Families Act (2014)*

*Teachers Standards (2011)*

*The Equality Act (2010)*

## Duties of the Governing Board in relation to SEND

Listed below are some of the duties of the governing board as referenced in the Governance Handbook (2017)

- There should be a member of the board or a committee with specific oversight of the schools responsibility for SEND. School leaders should review regularly how expertise and resources used to address SEND can be used to build the quality of whole-school provision as part of their approach to school improvement.
- The board is responsible, along with the executive leader, in deciding on the school's policy and approach to meeting children and young people's SEND requirements including those with statements of SEN or Education, Health and Care Plans (EHCP's), and those without (SEN Support)
- All boards have legal responsibilities under the Children and Families act and **must:**  
*(SEND Code of Practice references provided)*
  - Co-operate with the LA in reviewing the provision that is available locally (Chapter 3) and developing the local offer (Ch. 4)
  - Use their best endeavours to make sure a child with SEND gets the support they need – this means doing everything they can to meet the children and young people's SEND (Para. 6.2)
  - Ensure that children and young people with SEND engage in the activities of the school alongside pupils who do not have SEND (Para. 6.2)
  - Inform parents when they are making special educational provision for their child (Para. 6.2)
  - Ensure that arrangements are in place in schools to support pupils at school with medical conditions (Para. 6.11)
  - Provide access to a broad and balanced curriculum (Para. 6.12)
  - Ensure that pupils from Year 8 to Year 13 are provided with independent careers advice (Para. 6.13)
  - Have a clear approach to identifying and responding to SEND (Para. 6.14 – 6.63)
  - Provide an annual report for parents on their child's progress (Paras. 6.64 – 6.51)
  - Record accurately, and keep up to date, the provision made for pupils with SEND (Paras. 6.52 – 6.58)
  - Publish information on their websites about the implementation of the board's policy for pupils with SEND, the School SEN Information Report (Paras. 6.59 – 6.83)
  - 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.
  - Determine their approach to using their resources to support the progress of pupils with SEND (Paras 6.95 – 6.99)

### In addition:

- Boards must ensure that there is a qualified teacher designated as the special educational needs co-ordinator (SENCo) for the school ( The role of the SENCo in Schools - Paras. 6.84 – 6.94)
- The board should reassure itself that the key responsibilities of the SENCo are drawn up and monitor the effectiveness of the way the responsibilities are carried out against a list of illustrative activities, as described in the SEND Code of Practice 0-25 Years (Paras 6.84 – 6.94). The board should also reassure itself that the SENCo has sufficient time and resources to carry out their role effectively. (Para. 6.91)
- The SENCo has an important role to play with the headteacher and the governing body, in determining the strategic development of SEN policy and provision in the school. They will be most effective in this role if they are part of the school leadership team. (Para 6.87)
- It is for schools, as part of their normal budget planning, to determine their approach to using resources to support the progress of children with SEN. The SENCo, headteacher and governing board or proprietor should establish a clear picture of the resources that are available to the school. They should consider their strategic approach to meeting SEN in the context of the total resources available, including any resources targeted at particular groups, such as the pupil premium. (Para 6.97)

## Other relevant responsibilities

### Commissioning Services and meeting Medical Needs

Schools, including early year's providers and post-16 settings, can also be commissioners in their own right. Schools have a notional SEN budget and many schools will commission services (such as speech and language therapy, outreach services) to support pupils. Schools **must** work with the local authority in developing the Local Offer, which could include school-commissioned services. The school **must** set out its SEN policy and information on its approach to supporting children and young people with SEN. The school's governing board **must** 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 make sure that the needs of children with medical conditions are effectively supported.

(SEND Code of Practice – Para. 3.66)

### Person-Centred Approaches

One of the underpinning principles of the SEND Code of Practice is about working in partnership with the children and young people and their families. It is identified that practitioners and settings must have regard to the views, wishes and feelings of the child or young person, and the child's parents. Pupils and their families need to be supported to contribute towards planning their provision and become actively involved in decisions that will help them to achieve the best possible outcomes and prepare them effectively for adulthood. In order to do this schools need to adopt a person-centred approach and embed these principles into their practice.

#### If you have any queries, please contact:

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