

# SEND and Governance

## Responsibilities and Accountabilities

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Chief Executive – nasen

Chair – Whole School SEND

Trustee – AET, ALT

NLG

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SEND updates from  
across the sector.

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## About nasen

nasen is the National Association for Special Educational Needs – a charitable membership organisation that exists to support and champion those working with, and for, children and young people with SEND and learning differences.

We do this by providing free resources and support for all members, leading targeted programmes and projects to deliver widespread improvements, offering a structured programme of professional development, accredited training and conferences as well as a package of SEND services throughout the UK and internationally.

Become a member

[www.nasen.org.uk](http://www.nasen.org.uk)



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## Welcome to Whole School SEND

The Whole School SEND Consortium, hosted by nasen, is delivering the Department for Education SEND Schools' Workforce Support Contract and a randomised control trial funded by the Education Endowment Fund. It brings together schools, organisations and individuals who are committed to ensuring that every child and young person with SEND can maximise their potential.

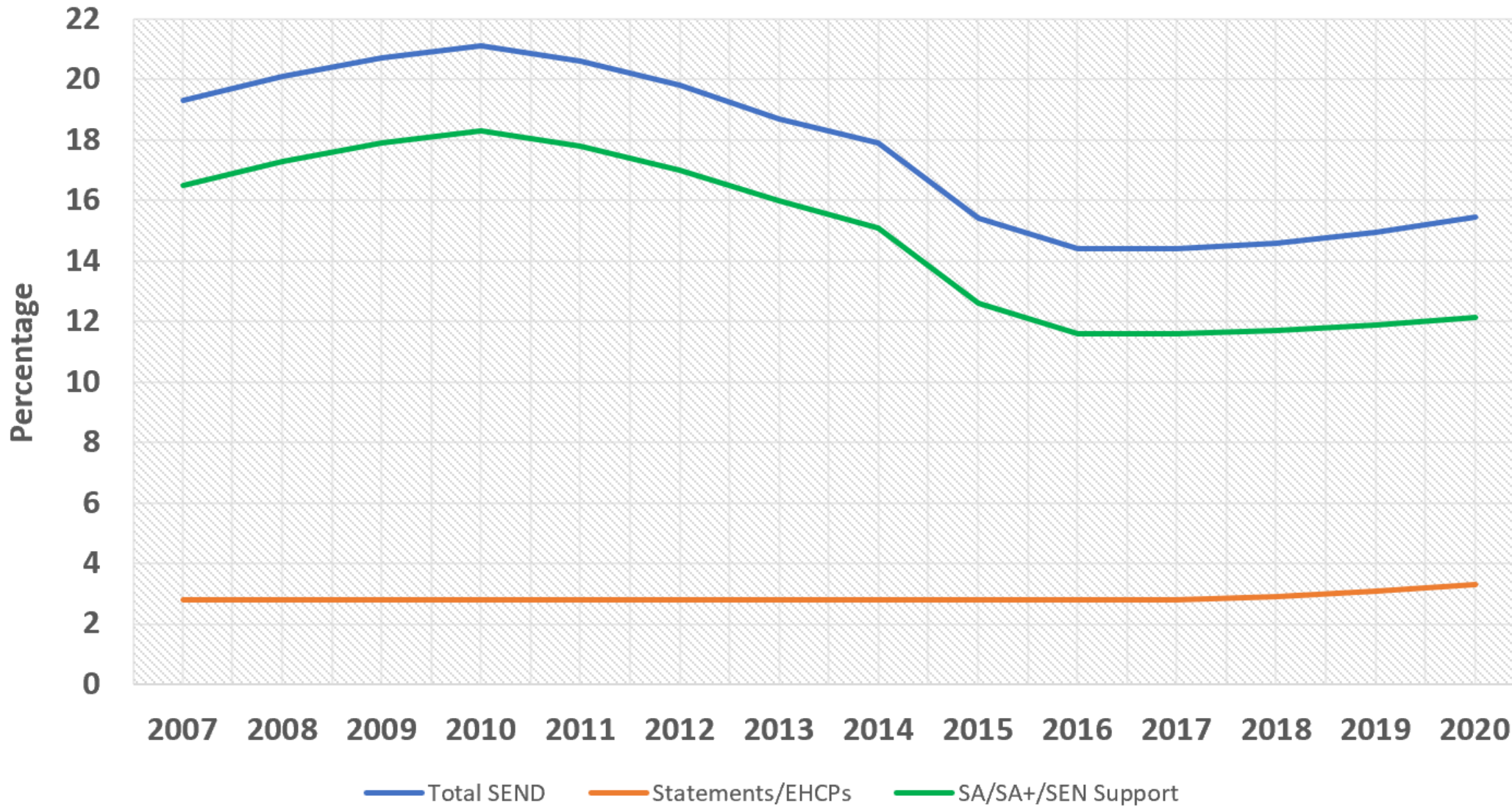


**nasen: looking backwards, looking forwards**  
Written by Professor Adam Boddison

**sendgateway.org.uk**

**Membership of WSS and nasen is free:  
nasen.org.uk/register**

# National Census Data – SEND over Time



Source: DfE SEND statistical release July 2020



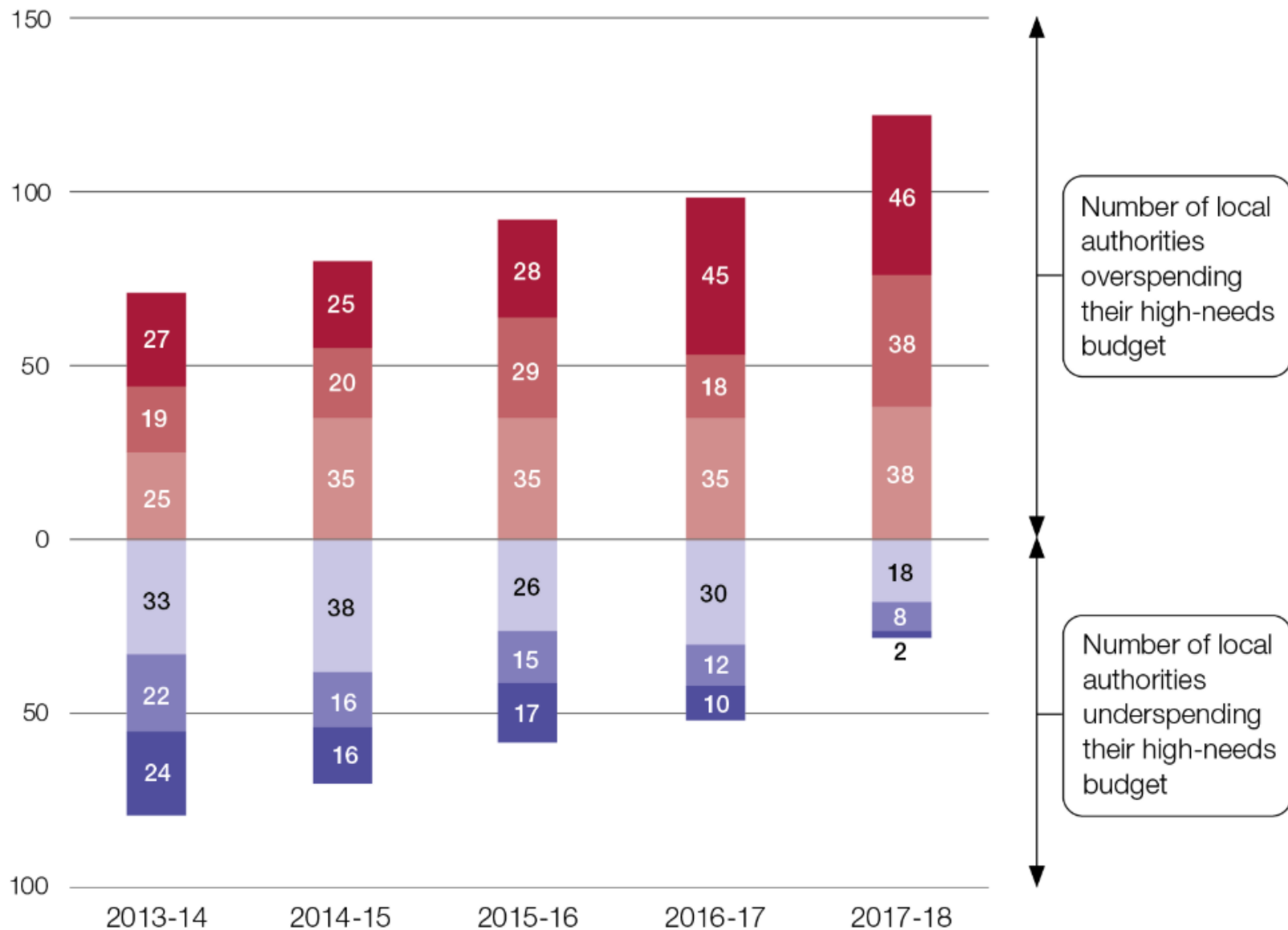


National Audit Office

# Support for pupils with special educational needs and disabilities in England

- Overspend of 10% or more
- Overspend of 5% or more, but less than 10%
- Overspend of more than 0%, but less than 5%
- Underspend of 0% or more, but less than 5%
- Underspend of 5% or more, but less than 10%
- Underspend of 10% or more

Number of local authorities



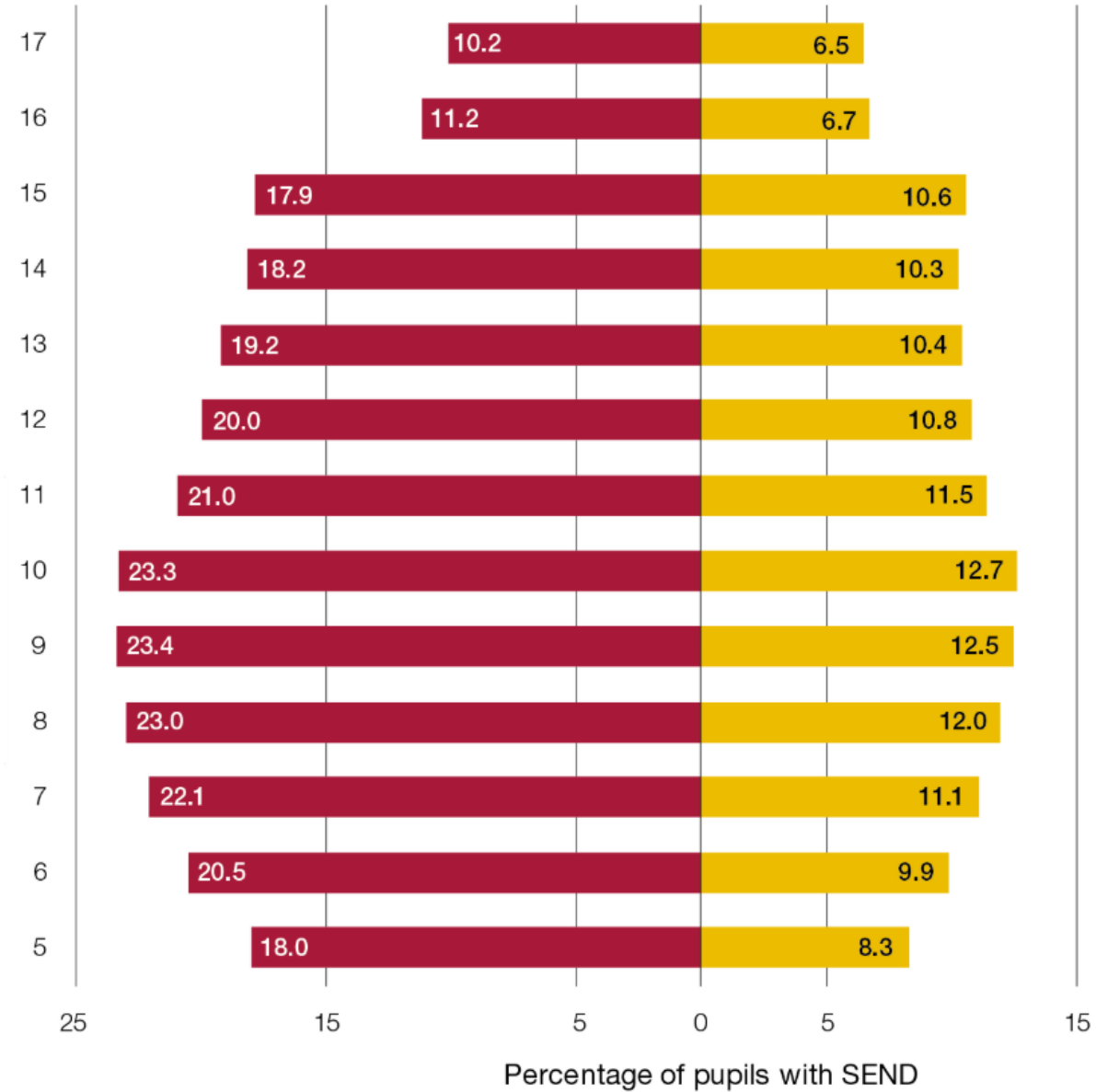


National Audit Office

# Support for pupils with special educational needs and disabilities in England



Age of pupils (years)



■ Boys with SEND (%)  
■ Girls with SEND (%)

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Can you name the four broad areas of need from the SEND Code of Practice (Jan 2015)?


What are the three most prevalent primary areas of need for pupils in your school?

Does this routinely feed into strategic decision-making?

# The Four Broad Areas of Need

1. Communication and Interaction
2. Cognition and Learning
3. Sensory and/or Physical
4. Social, Emotional, Mental Health

 **Headteachers and Governors:** Ensure you are familiar with Chapter 6 of the SEND Code of Practice (Jan 2015) including the 4 broad areas of need. It is 20 pages long.

 **SENCOs:** Ensure you are familiar with the SEND Code of Practice (Jan 2015). It is 292 pages long.



Department  
for Education



Department  
of Health

## Special educational needs and disability code of practice: 0 to 25 years

Statutory guidance for organisations  
which work with and support children  
and young people who have special  
educational needs or disabilities

January 2015




# Chapter six of the SEND Code of Practice summarises the basic expectations of the SEND leadership infrastructure in schools


- Mainstream schools and academies must appoint a qualified teacher to be the named SENCO (p92, p108)
- Special schools, pupil referral units and some other types of settings are not required to appoint a named SENCO (p92)
- Each school should appoint a SEND Governor to oversee the school's arrangements for SEND (p92)
- Headteachers should use their SEND resources and expertise to support school improvement and to 'build the quality of whole-school provision' (p92)
- Newly appointed SENCOs should complete the Masters level National Award in SEN Coordination qualification within three years of being appointed (p108)
- The SENCO has a strategic role in relation to SEND and 'will be most effective if they are part of the school leadership team' (p108)




# Strategic Improvements for SEND

1. Give SEND an equivalent status to pupil premium
2. Make SEND everybody's responsibility (like safeguarding)
3. Ensure every leader is a leader of SEND
4. Think SEND!
5. Maximise the impact of the SENCO

 **Governors:** Ensure SEND and Pupil Premium receive similar coverage at board meetings. What is the offer for pupils who are double-disadvantaged and triple-funded?

 **Headteachers:** Consider the deployment of the SENCO. Could they focus more on high quality teaching and less on paperwork?

 **SENCOs:** Think about how to progress through the stages of coproduction (done to, done for, done with) and how to embed the 'graduated approach'.

# Every Leader a Leader of SEND

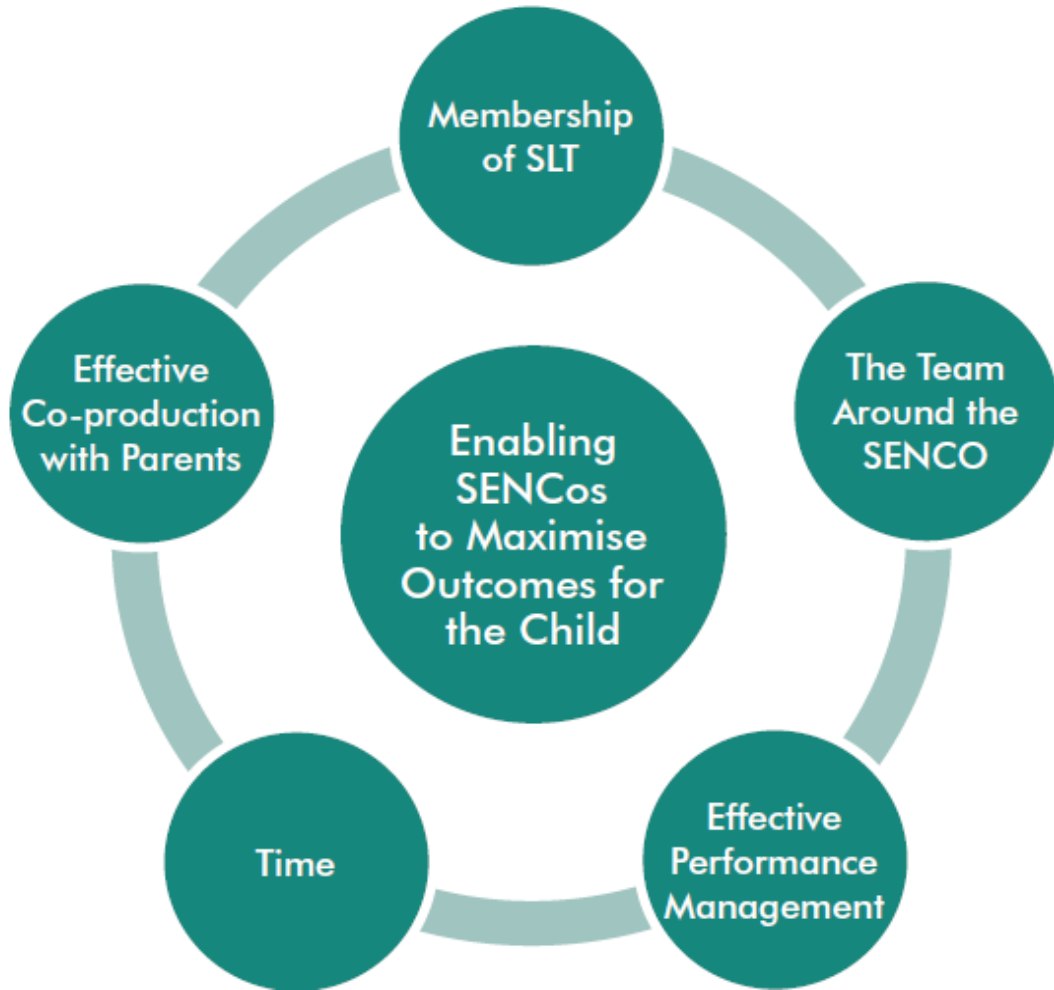
- The SEND Code of Practice (January 2015)
  - **6.4** 'school leaders and teaching staff, including the SENCO, should identify any patterns in the identification of SEN, ...  
  
...both within the school and in comparison with national data....  
  
...and use these to reflect on and reinforce the quality of teaching.'
  - **6.5** 'the identification of SEN should be built into the overall approach to monitoring the progress and development of all pupils.'



**Malcolm Reeve**  
National SEND Leader  
Whole School SEND



# Every Leader a Leader of SEND



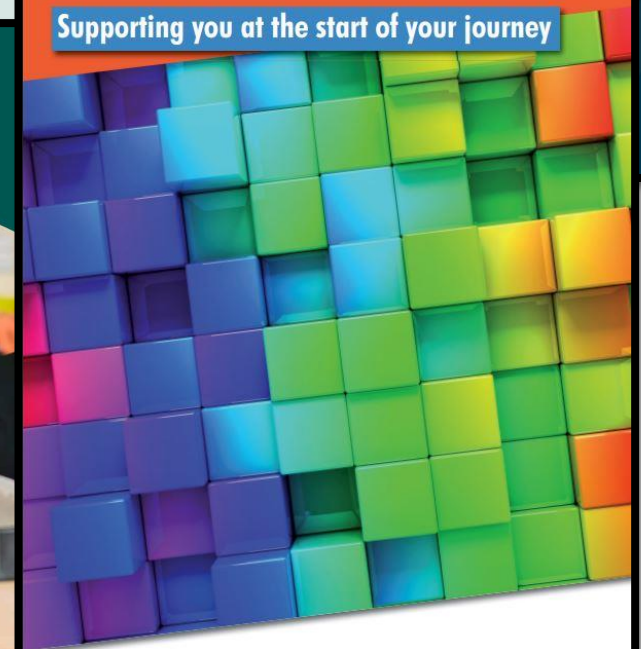
## EFFECTIVE SENCO DEPLOYMENT

A guide for the SENCOs and their line managers



## SENCO Induction Pack

Supporting you at the start of your journey



## DEMONSTRATING INCLUSION TOOL

Every Leader is a Leader of SEND

A collaborative tool to enable all leaders to understand and demonstrate inclusion in their settings



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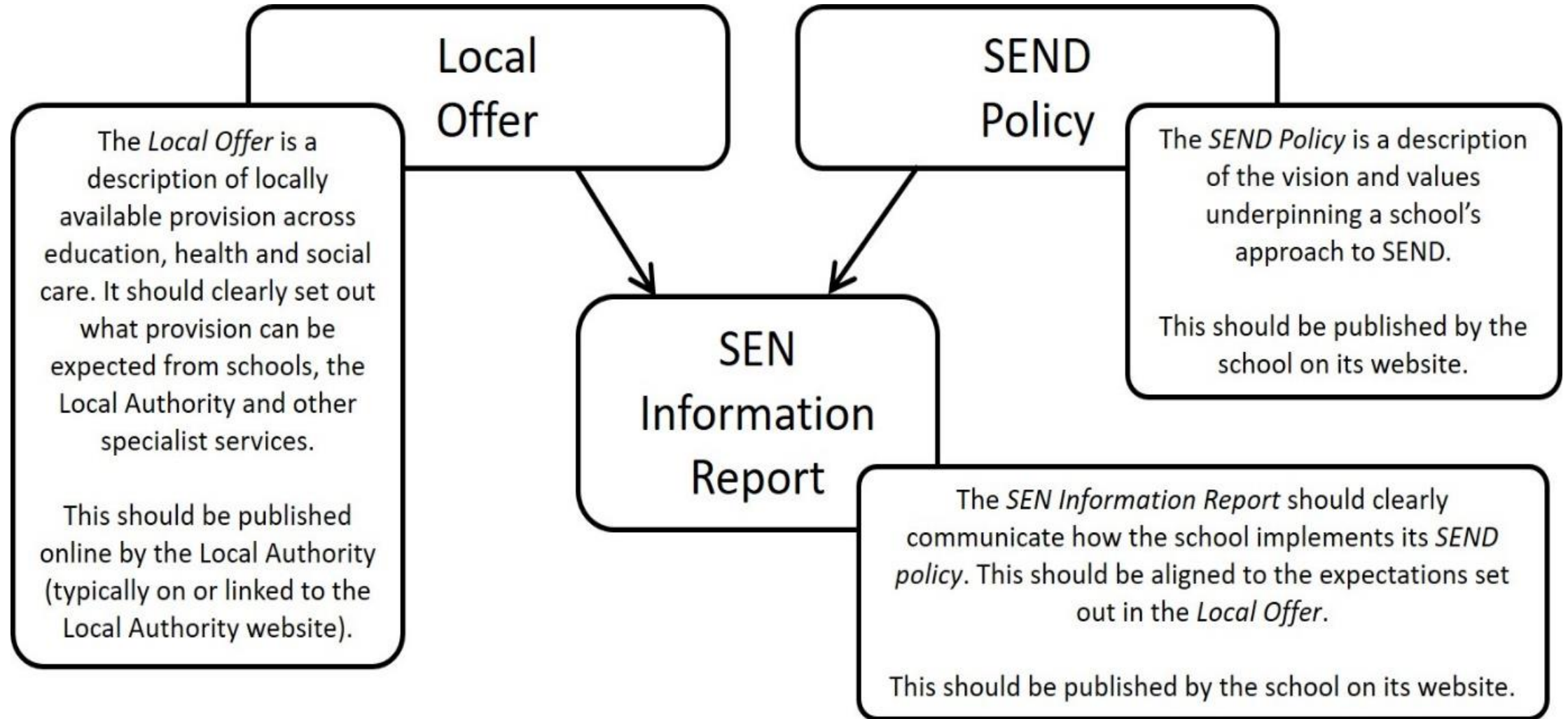


# Strategic Questions about SEND...

1. In our school, what is the distribution of the four broad areas of need as specified in the SEND Code of Practice (DfE and DoH, 2015)? How does this compare with national data?
2. What proportion of pupils at our school have EHC plans and what proportion are at the level of SEN support? Are our resources aligned to this?
3. What is the value of our SEN notional budget, what do we spend it on and what is the impact for pupils with SEND?
4. How are we realising our anticipatory duties in relation to 'reasonable adjustments' as per the Equality Act 2010?
5. Are we an inclusive school? How do we know?



# Local Offer, SEND Policy, SEN Information Report

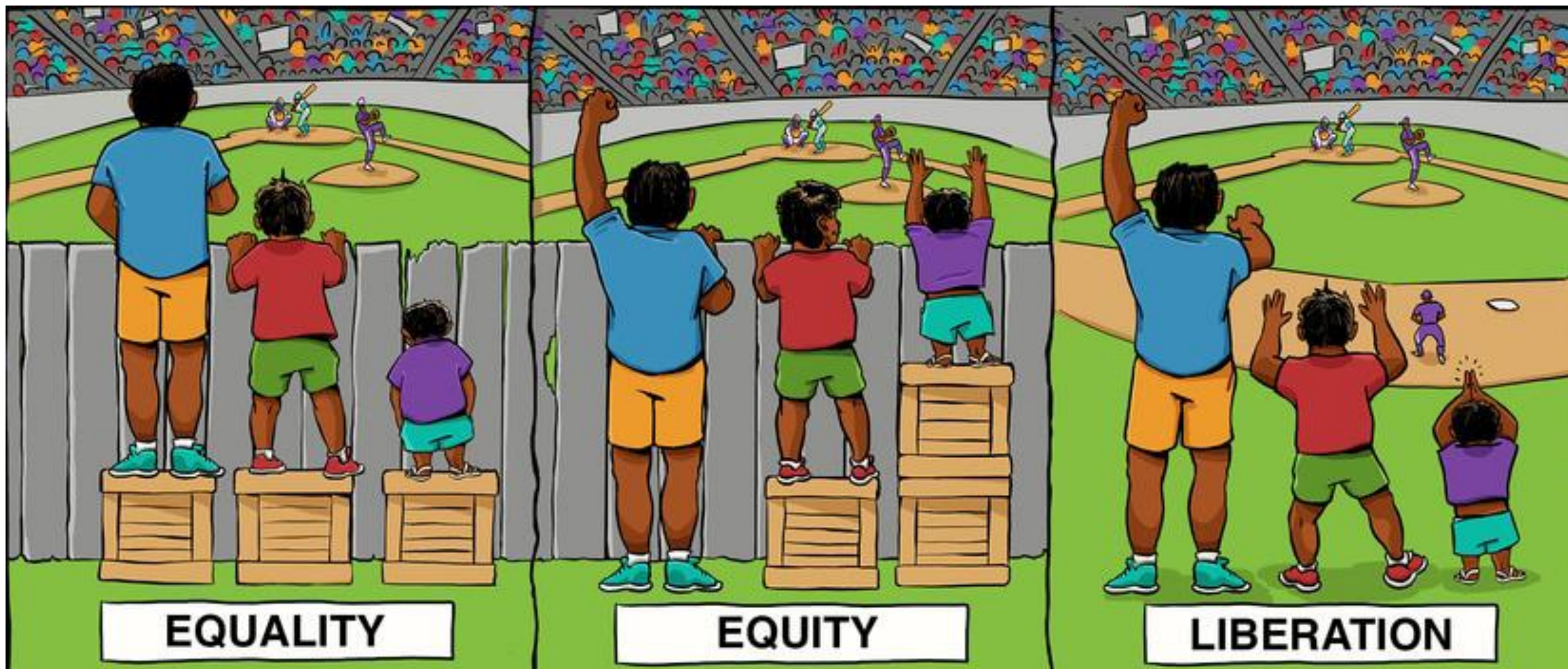


# When does the absence of a particular ability become a disability?

- Imagine a world in which 2% of people could fly, but 98% could not fly. If you were part of the group that could not fly, would you consider yourself to have a disability?
- Imagine a world in which 98% of people could fly, but 2% could not fly. If you were part of the group that could not fly, would you consider yourself to have a disability?
- At what point does not being able to fly make you have a disability?







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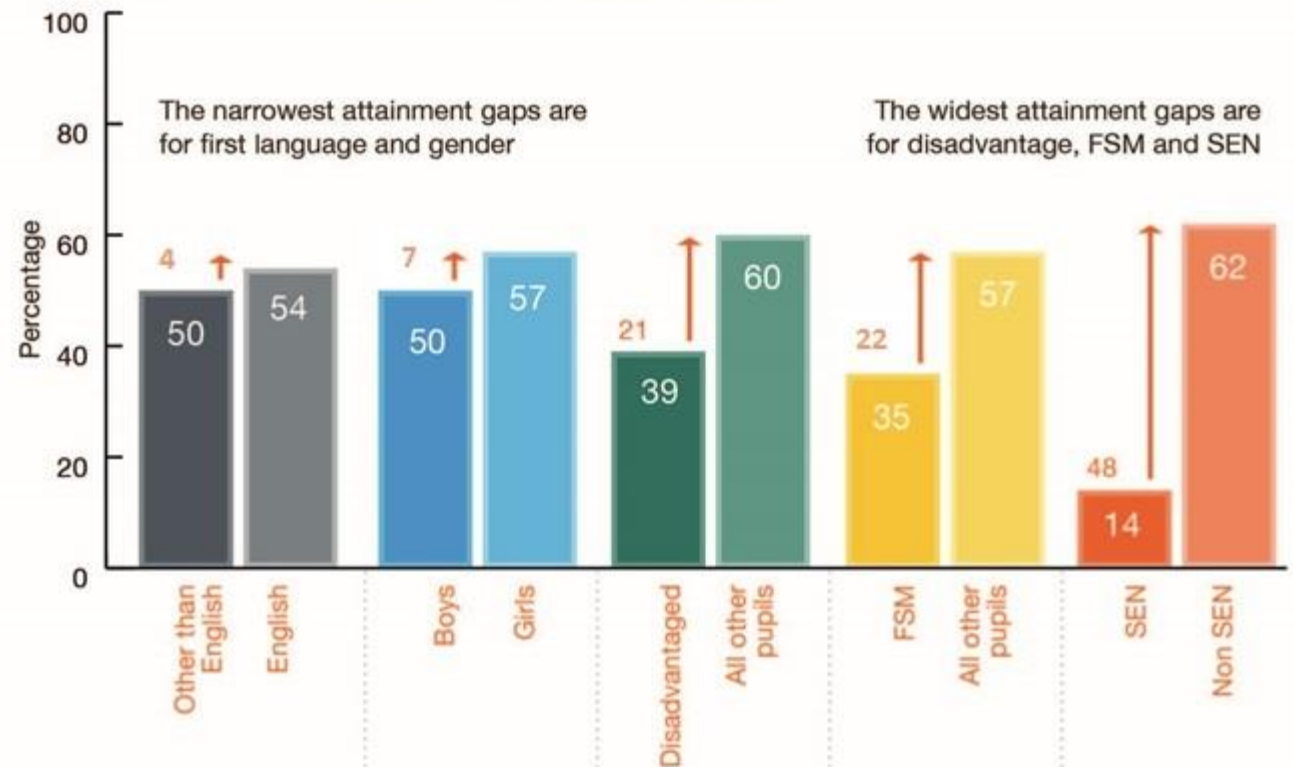


# Profile of Needs

1. What are the top three primary areas of special educational needs in your school?
2. How does this compare with regional and national data?
3. What primary areas of need are most likely to be excluded in your school?

Attainment gap, age 11, by different pupil characteristics:

Percentage reaching the expected standard in reading, writing and mathematics for different groups England, 2016 (state-funded schools)



# Outcomes

		National	All Pupils (school)	Non-SEND (school)	SEND (school)
KS2	READING EXP	75%	66%	89%	47%
	WRITING EXP	78%	66%	90%	43%
	MATHS EXP	76%	57%	91%	43%
	R,W,M EXP COMB	64%	55%	82%	43%
	READING HS	28%	33%	34%	17%
	WRITING GD	20%	21%	22%	6%
	MATHS HS	24%	21%	32%	13%
	R,W,M COMB +	-	14%	14%	6%

# Outcomes

SEN support but no specialist assessment of type of need

		National	All Pupils (school)	Non-SEND (school)	Non-Cognitive SEND (school)	Cognitive SEND (school)
KS2	READING EXP	75%	66%	89%	52%	10%
	WRITING EXP	78%	66%	90%	65%	14%
	MATHS EXP	76%	57%	91%	64%	22%
	R,W,M EXP COMB	64%	55%	82%	51%	12%
	READING HS	28%	33%	34%	21%	10%
	WRITING GD	20%	21%	22%	7%	3%
	MATHS HS	24%	21%	32%	23%	5%
	R,W,M COMB +	-	14%	14%	8%	2%

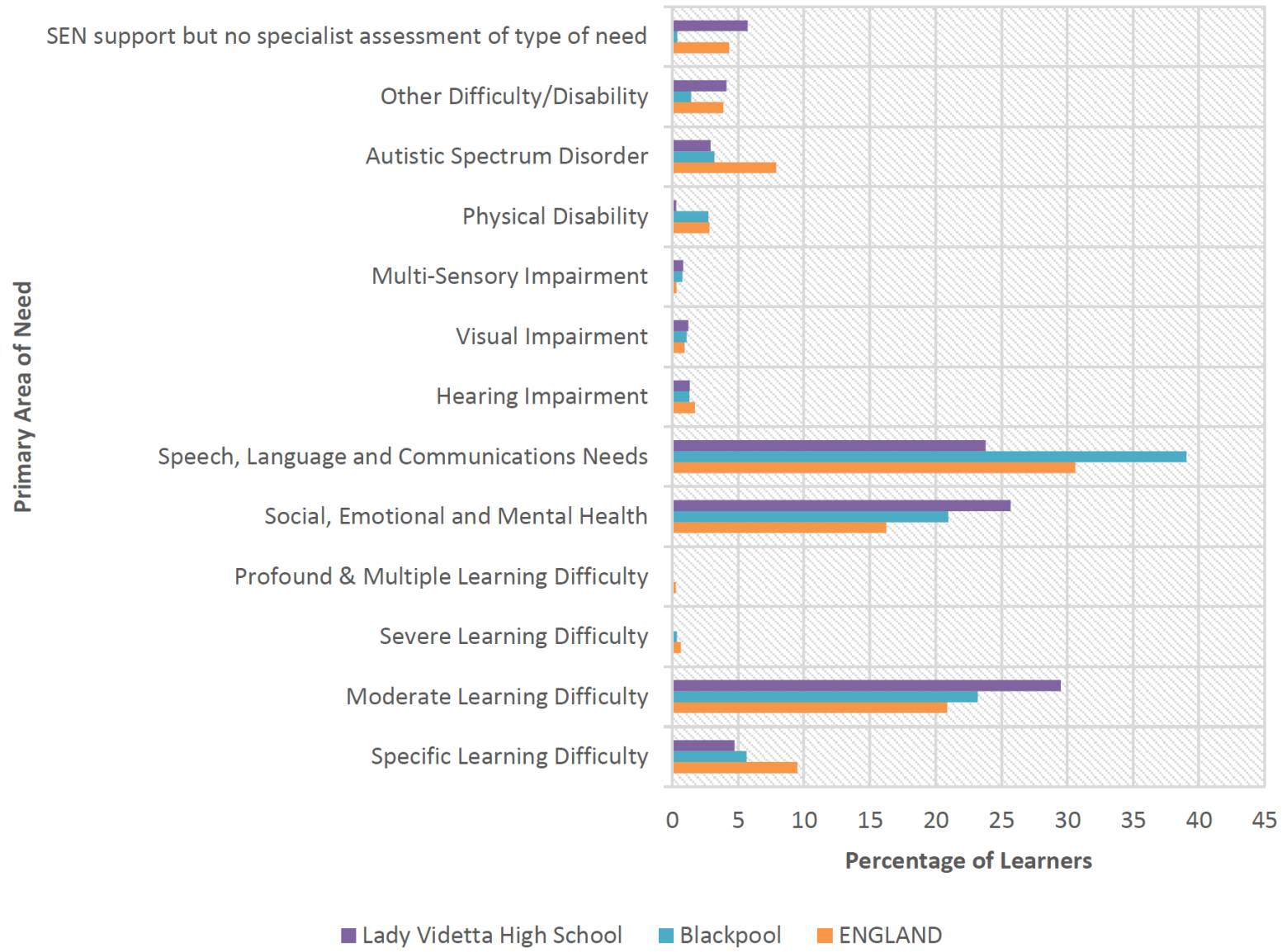
- Other Difficulty/Disability
- Autistic Spectrum Disorder
- Physical Disability
- Multi-Sensory Impairment
- Visual Impairment
- Hearing Impairment
- Speech, Language and Communications Needs
- Social, Emotional and Mental Health
- Profound & Multiple Learning Difficulty
- Severe Learning Difficulty
- Moderate Learning Difficulty
- Specific Learning Difficulty

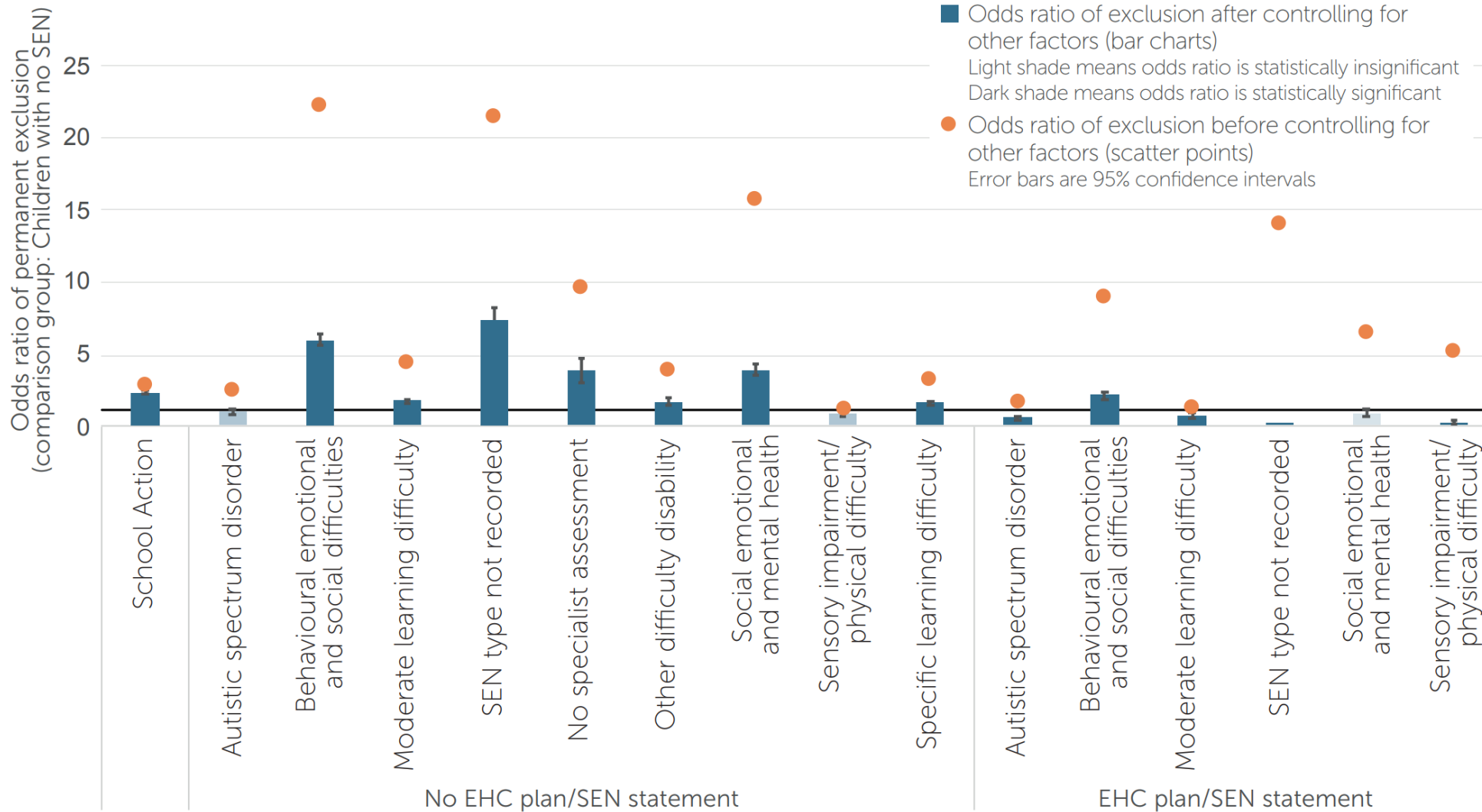
# Outcomes

		Proportion of Pupils on track to meet the targets specified in their IEP or EHC Plans
KS2	Cognitive SEND (IEPs)	28%
	EHC Plans	85%



# Proportion of Learners by Primary Area of Need

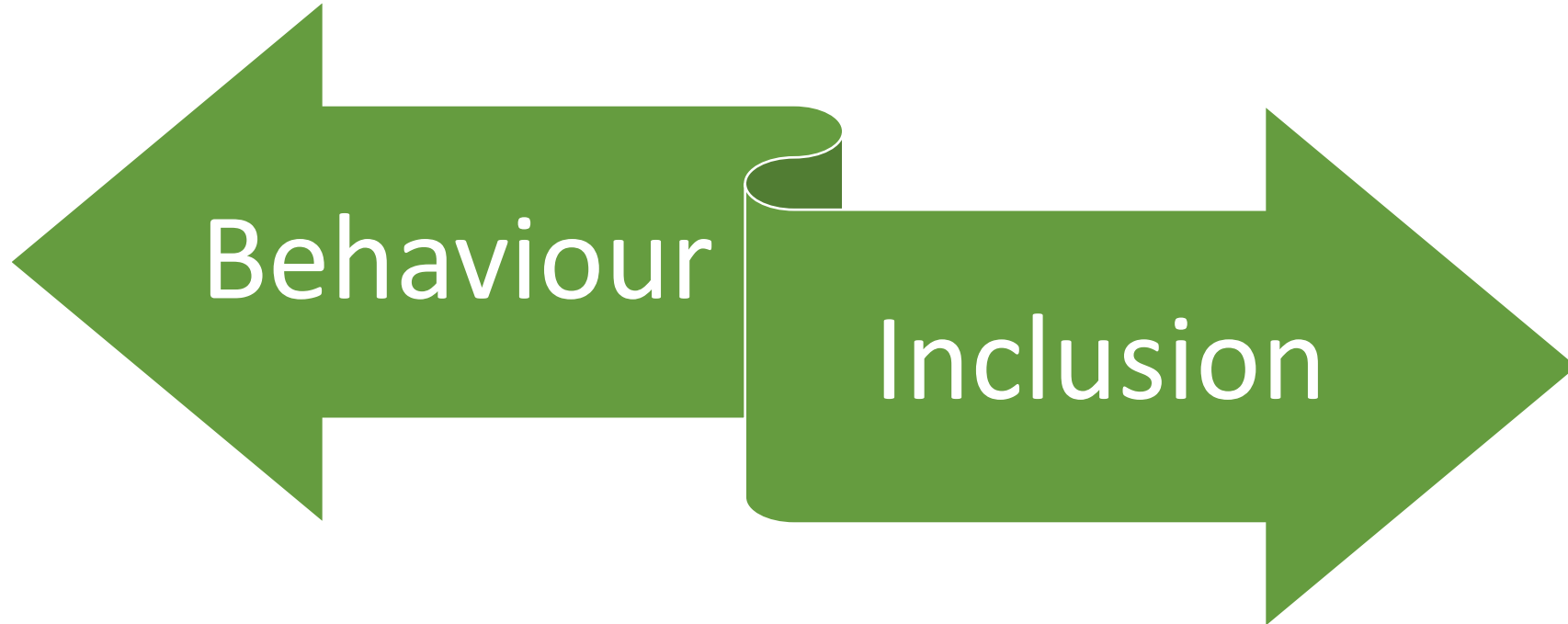




**Figure 6: odds ratio of permanent exclusion by SEN provision and type of primary need (comparison group: children with no SEN)**

Source: <https://www.gov.uk/government/consultations/school-exclusions-review-call-for-evidence>

# National Tension



‘No school should be graded outstanding unless it can demonstrate that it is also inclusive’

## Academy keeps top Ofsted grade despite ‘exceptional’ pupil movement

Pippa Allen-Kinross



Fri 7th Jun 2019, 5.00



## Ofsted urged to change policy that allows schools breaching SEND code to be rated 'outstanding'

By Helen Ward  
29 November 2017

Share this



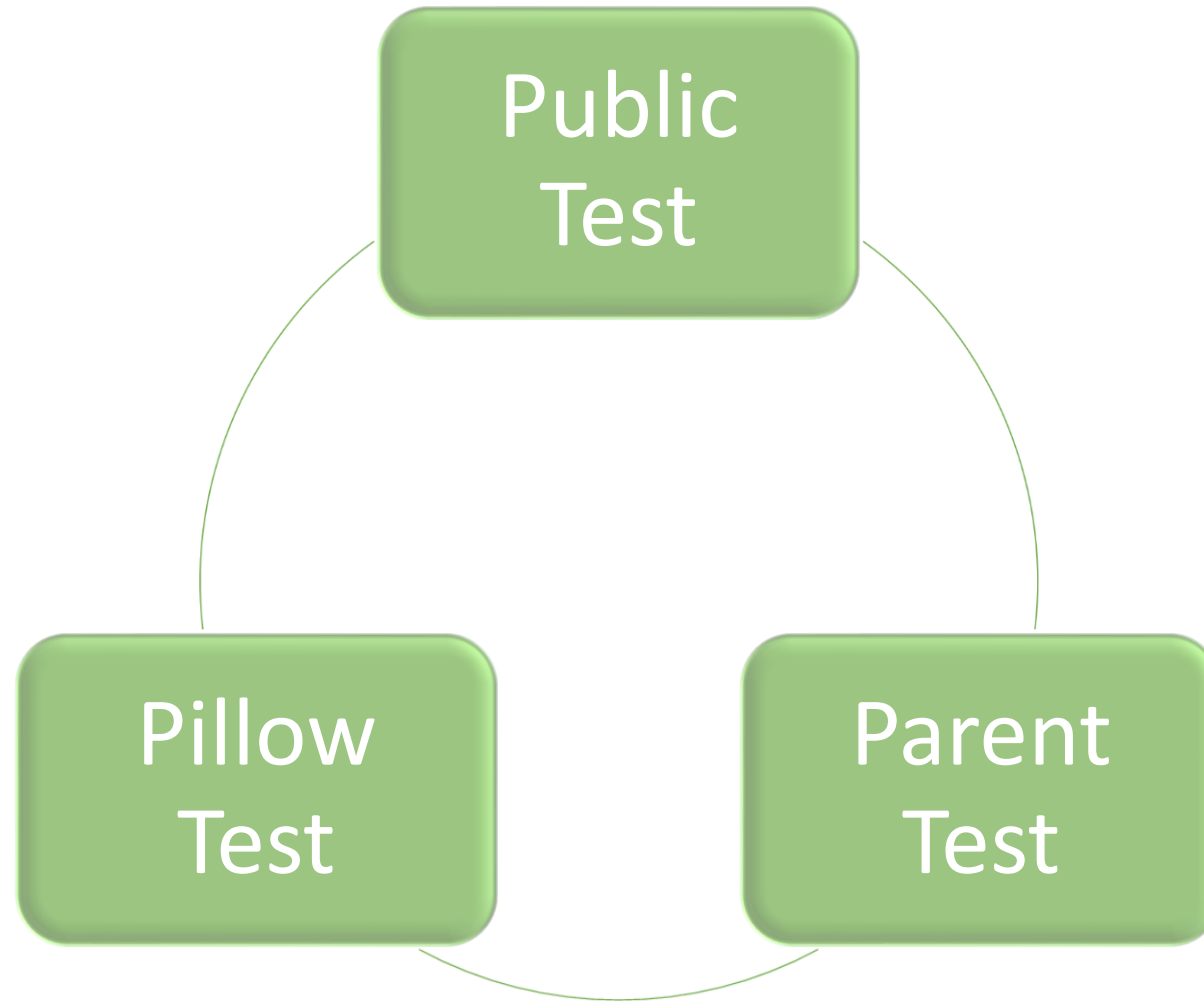
## New inspection regime to tackle off-rolling, says Ofsted

Inspectorate considers plans to reward schools for ensuring pupils complete their studies





# Ethical SEND Leadership: the 3P filter



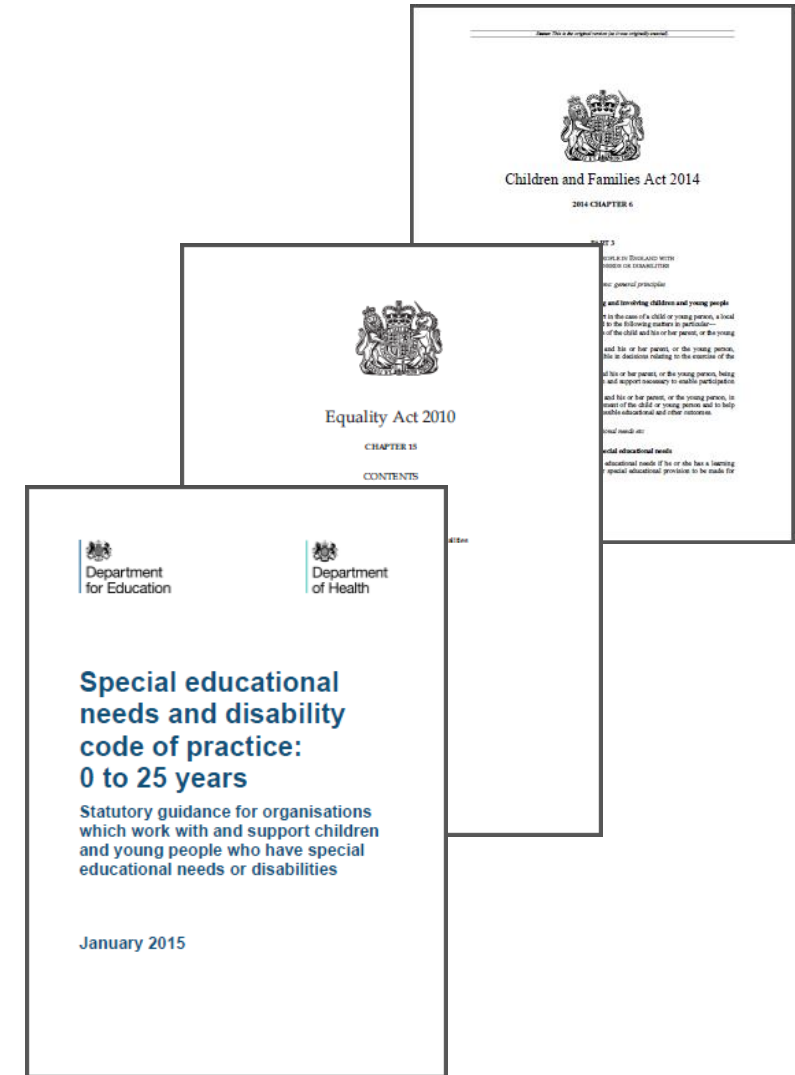
# The Legislation

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

Legal duties concerning SEND are set out in:

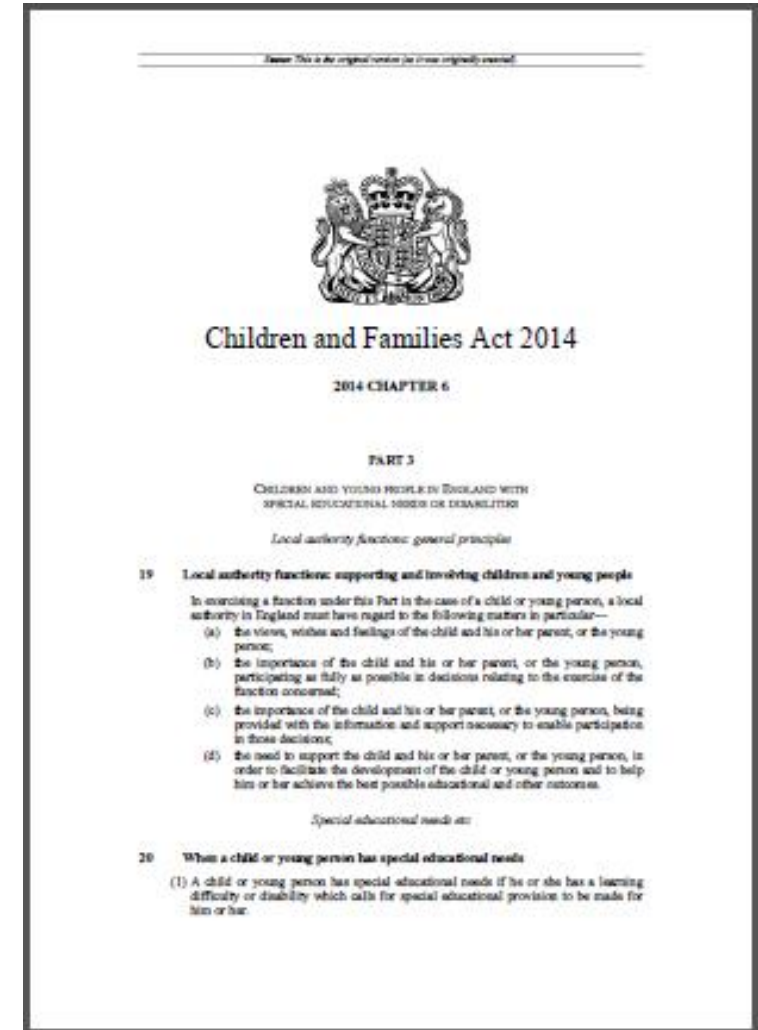
- The Children and Families Act 2014
- Statutory guidance, the SEND code of practice, 2015

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 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



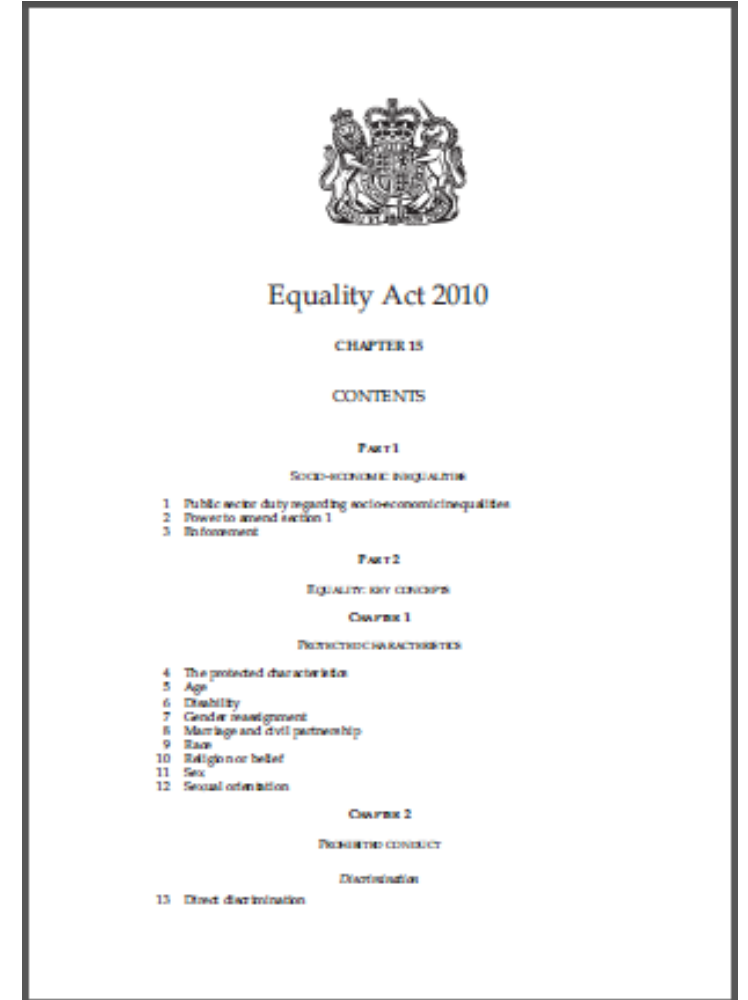
# Equality Act 2010

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



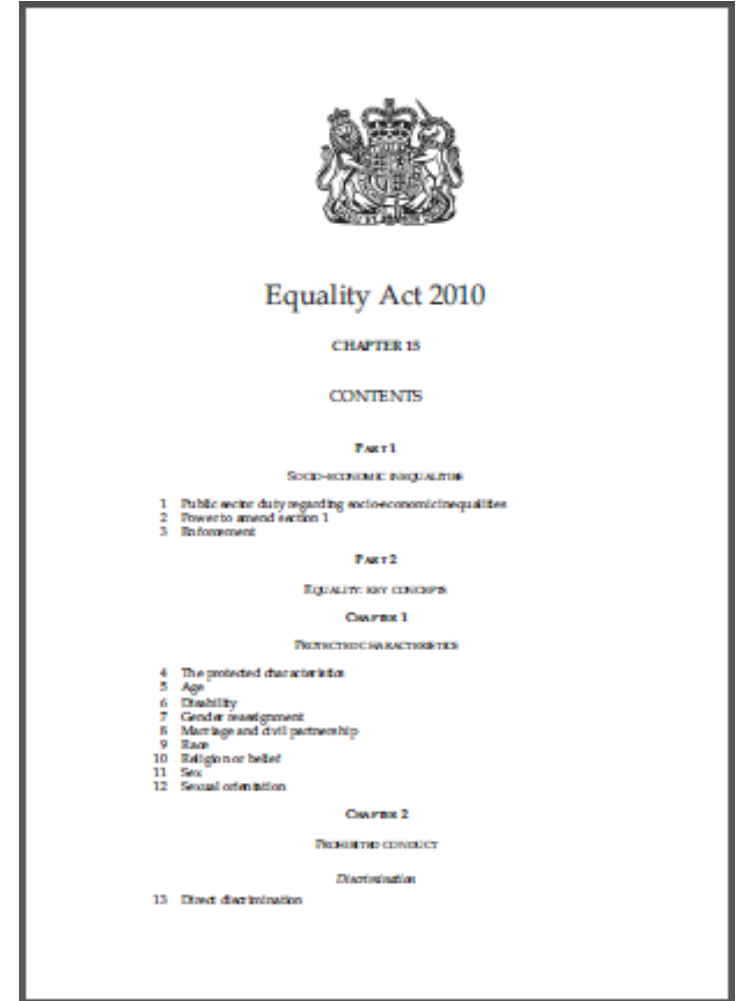


# Equality Act 2010

## 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

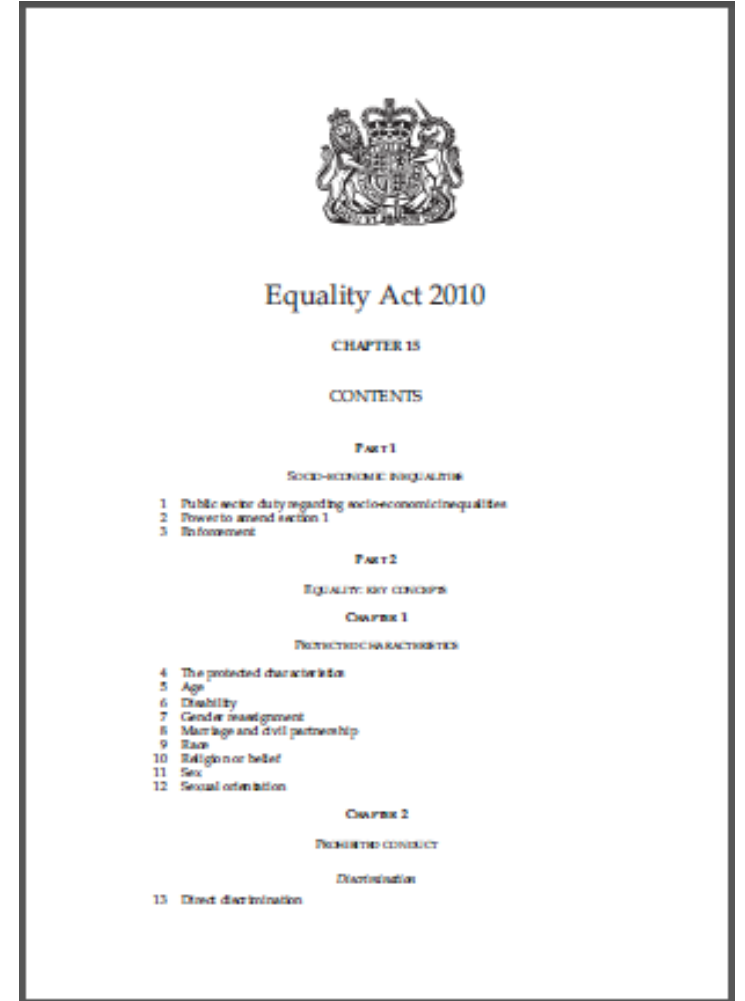


# Equality Act 2010

## 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



# Statutory Policies

## Special educational needs

MS Acad FS

Review frequency: The SEN Information Report should be updated annually and any changes to the information occurring during the year should be updated as soon as possible

Approval: Full governing body or proprietor.

Legislation: Maintained schools, academies and free schools – [The Children and Families Act, Section 89](#) and [The Special Educational Needs and Disability Regulations 2014](#)

Also see [The 0-25 Special Educational Needs and Disability Code of Practice](#).

## 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](#).

## 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](#)

## 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](#).

## 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.

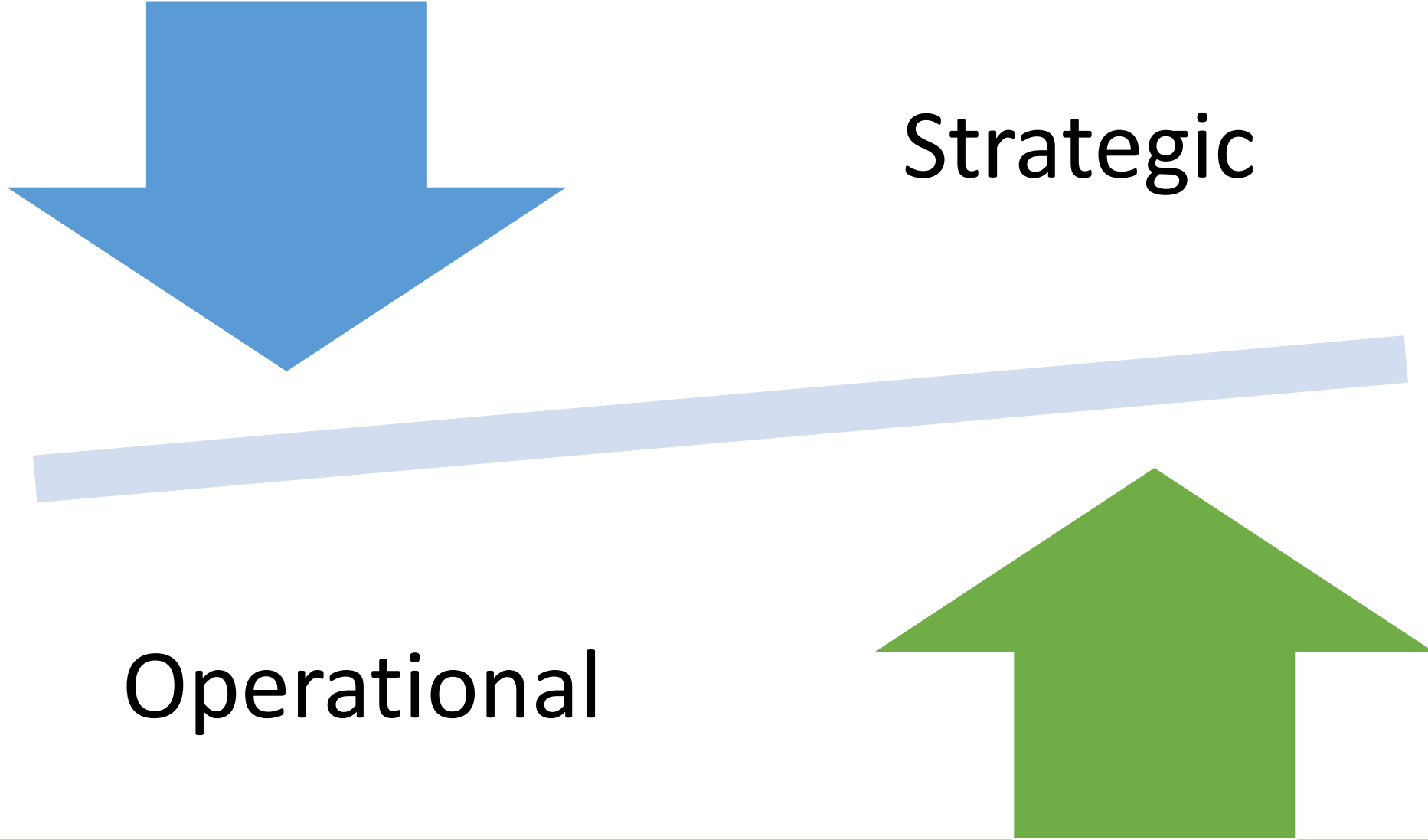
Department  
for Education

## 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

# Maximising the Impact of the SENCO



Strategic

Operational



# SENCO Workload/Workforce Surveys

- The aims of the research were to:
  - Update current understanding of the SENCO demographic, post the SEND reforms in relation to: experience, training, support, nature of the role, time to execute the role, additional responsibilities, seniority/SLT status.
  - To make recommendations to key stakeholders (including school leaders and the DfE) to improve the consistency of provision nationally.
  - To identify factors which impact on the effective execution of the SENCO role.
- Reports published in 2018, 2020 and 2021 (with an additional pandemic-focused report in 2021).



[www.bathspa.ac.uk/sencosurvey](http://www.bathspa.ac.uk/sencosurvey)

# SENCO Workforce Survey – Key Findings

- SENCOs do not have sufficient (protected) time to undertake the role effectively.
- Most SENCOs are routinely pulled away from the SENCO role to undertake 'other duties'.
- Only half of SENCOs feel that their role is understood by senior leaders (2018; 2020).
- SENCO churn is a significant issue with only around 1/3 of SENCOs intending to be in the role in five years' time (40% - primary; 31% secondary; 2020).
- A SENCO in a primary school is twice as likely to be part of the school leadership team, but less likely to receive any additional pay for undertaking the SENCO role (2020).
- The proportion of SENCOs leaving due to workload pressures has reduced from 2018 to 2020, but it still accounts for ¼ of all SENCO departures.





# SENCO Workforce Survey – Projections



- **Full-Time SENCOs:** given the negligible increases in time allocation for SENCOs between 2018 and 2020, it would take almost 150 years (primary) and more than 40 years (secondary) at the current pace of change.
- **SEN Support:** at the current rate it will take more than 30 years (primary) and almost 35 years (secondary) for SENCOs to be allocated sufficient time to meet the needs of learners at SEN Support.
- **EHC Plans:** at the current rate it will take almost 25 years (primary) and almost 40 years (secondary) for SENCOs to be allocated sufficient time to meet the needs of learners with EHC plans.

# SENCO Scenarios

Part-time SENCOs

SENCOs employed by the MAT

Headteacher as the SENCO



# SEND Review



- 2014 Reforms
  - Funding
  - Academisation
  - Accountability
- SEND Review – Issues and Suggestions
  - LAs as identifiers and commissioners
  - Regional disparities in provision
  - SEN Support (ordinarily available provision)
  - Identification and exclusions
  - Higher Education



For Parents



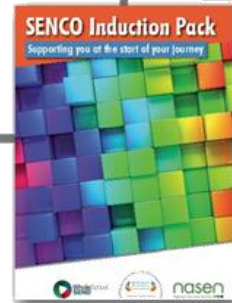
For Headteachers,  
Executive Headteachers  
and Trustees



For Governors in  
all schools



For Headteachers



For SENCOs and  
other Senior Leaders

Condition-Specific  
Introductory Videos  
for NQTs




For individuals or  
whole staff in schools

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# COVID-19 SEND REVIEW GUIDE

A curated reflection framework



**Returning to school after a period of absence**  
Questions to help the process for children, young people and their families

*In partnership with*  
**Ask Listen Do**  
Making conversations count  
in health, social care and education



**Transition Planning for Year 11**  
Questions to support young people with SEND and families in conversation with schools

*In partnership with*  
**Ask Listen Do**  
Making conversations count  
in health, social care and education

# Recovery, Re-introduction and Renewal: Safe and Successful Returns to School

A Handbook for Schools and Education Settings following Critical Incidents

Supplemented by online resources <https://www.aep.org.uk/recovery-re-introduction-renewal/>

'It is possible to prepare for the future without knowing what it will be.'

The primary way to prepare for the unknown is to attend to the quality of our relationships, to how well we know and trust one another.'

Margaret Wheatley, 2004



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# Coming Soon...



## Understanding SEN Support

Questions to support young people with SEND and families in conversation with schools

*in partnership with*

**Ask Listen Do**

Making conversations count  
in health, social care and education

## Securing Good Transitions: A Resource Pack to support the Next Steps of Key Stage 4 Pupils with SEND



- Classroom Teacher SEND Handbook
- Autism Resource Suite
- Developmental Language Disorder Resources

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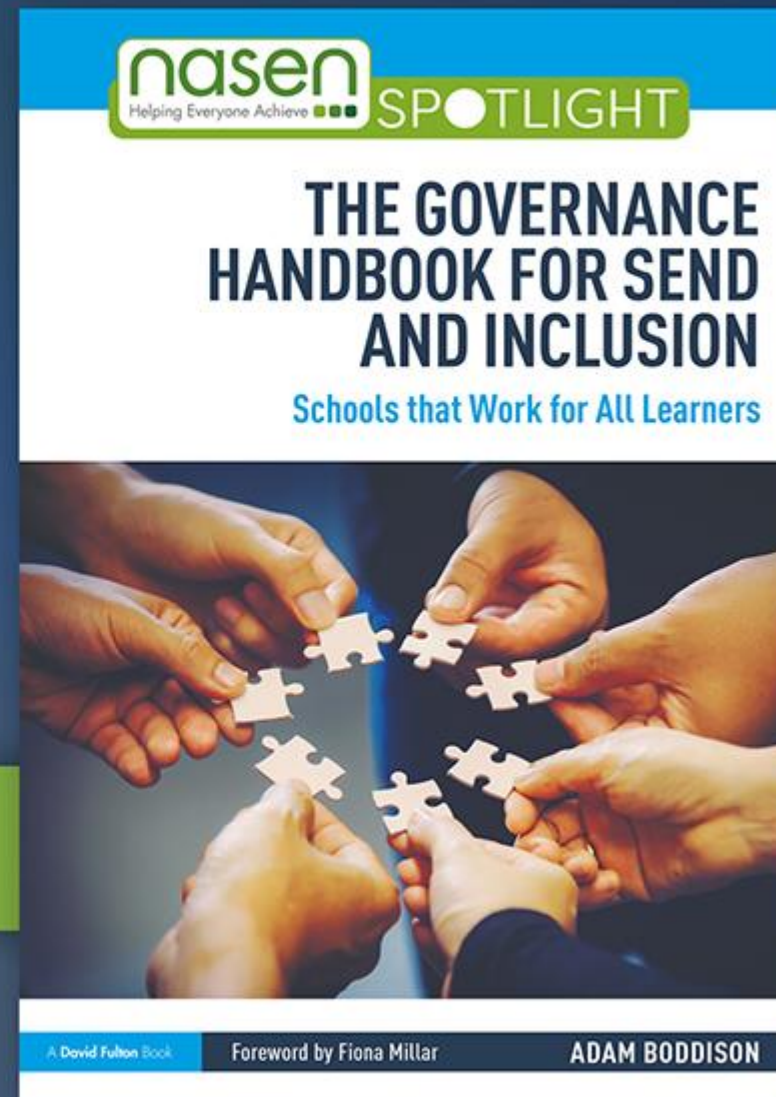
# The Governance Handbook for SEND and Inclusion

Schools that Work for All Learners

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Taylor & Francis Group



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Thank you!

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