

Welcome to this Whole School SEND webinar!

The session will begin shortly.

- Feel free to introduce yourself in the 'Chat'
- Put any questions for our speakers in the 'Q&A'
- Slides and a recording will be available tomorrow
- Attendees are automatically muted and have their cameras off
- Please be respectful towards speakers and other attendees
- Message one of the team if you are having any technical issues

Please complete our opening poll while you wait for the session to begin.

Getting to grips with great SEND Governance:

Session 1: Governance Structures and Legislative Frameworks

Angela Holdsworth and Nicole Dempsey
Lancashire and West Yorkshire

Funded by



Department
for Education



nasen
Helping Everyone Achieve

Whole School SEND Contract Aims

Equip the school workforce to prioritise and understand their responsibilities in relation to SEND and to share and embed good practice at individual and setting-level within their CPD and school improvement plans, particularly in relation to SEN Support, early intervention and effective preparation for adulthood

Equip schools to meet their training needs in relation to SEND to improve provision through the delivery of targeted training packages within specific Local Authorities

Build capability within the school workforce to ensure all professionals can contribute to excellent SEND provision at every point in their career by providing clear CPD pathways to support their development, including in relation to specialist provision

Our Presenters

Angela Holdsworth is the Regional SEND Leader for Lancashire and West Yorkshire. She is also CEO of the Sea View Trust, a MAT with nurseries, primary schools, all through special schools and a specialist college.

Nicole Dempsey is a Deputy Regional Leader for Lancashire and West Yorkshire. She is an experienced SENCO who now has responsibility for SEND across the Dixons Trust.

Nicola Wilkinson is an experienced Trust Business Leader who has currently taking responsibility for Governance within the Sea View Trust.

Session Objectives:

What do we hope this session will achieve?

- 1) To outline legal responsibilities for SEND
- 2) To share information regarding who holds legal responsibilities in a variety governance structures
- 3) To facilitate participants to reflect on their setting's current compliance (gap task)

Improved understanding = Improved compliance



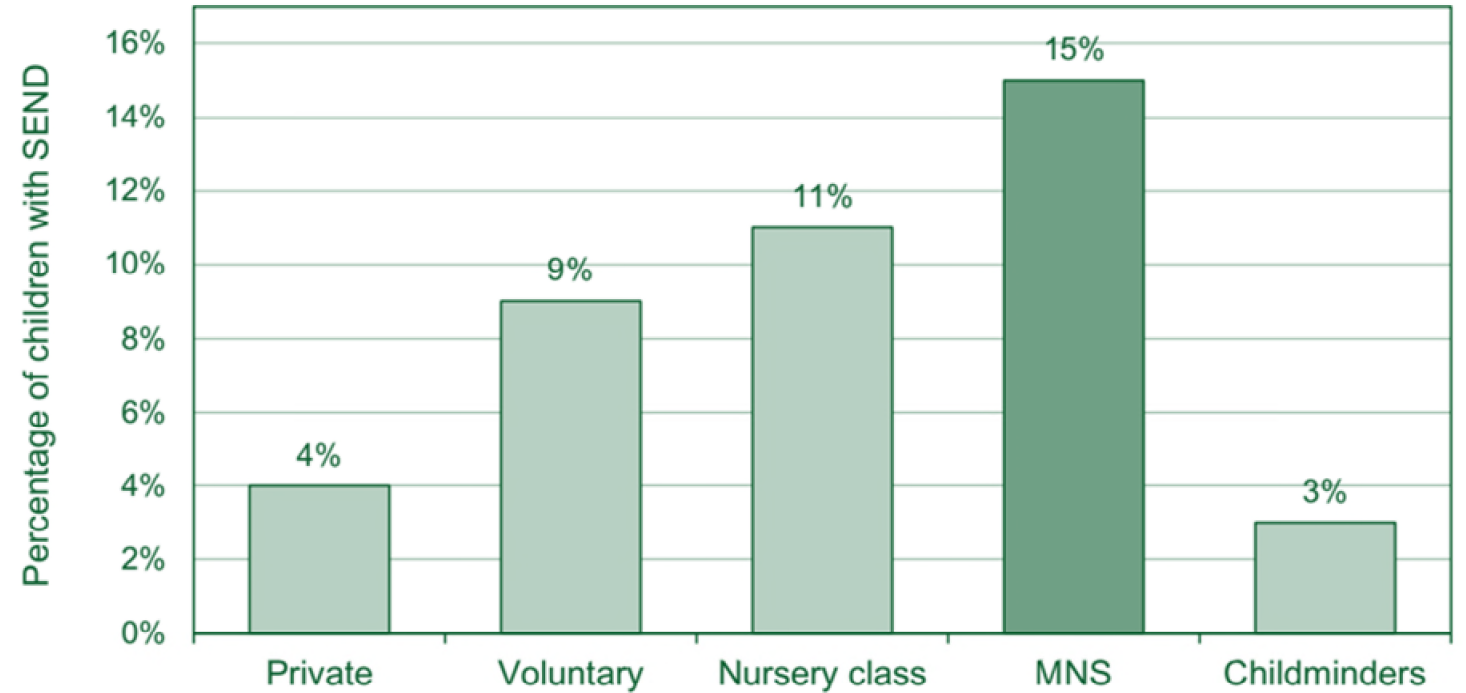
SEND National Data



SEND Governance – Early Years Data

SEND in the Early Years

Proportions of children with SEND by provider type



Source: Survey of Childcare and Early Years Providers, 2018

Source: Survey of Childcare and Early Years Providers, 2018

SEND Governance – School and Academy data

Headline facts and figures - 2020/21

Summary

EHC plans/Statements of SEN
(percent)

3.7

Up from 3.3% in 2020

► [What is this?](#)

SEN support (percent)

12.2

Up from 12.1% in 2020

► [What is this?](#)

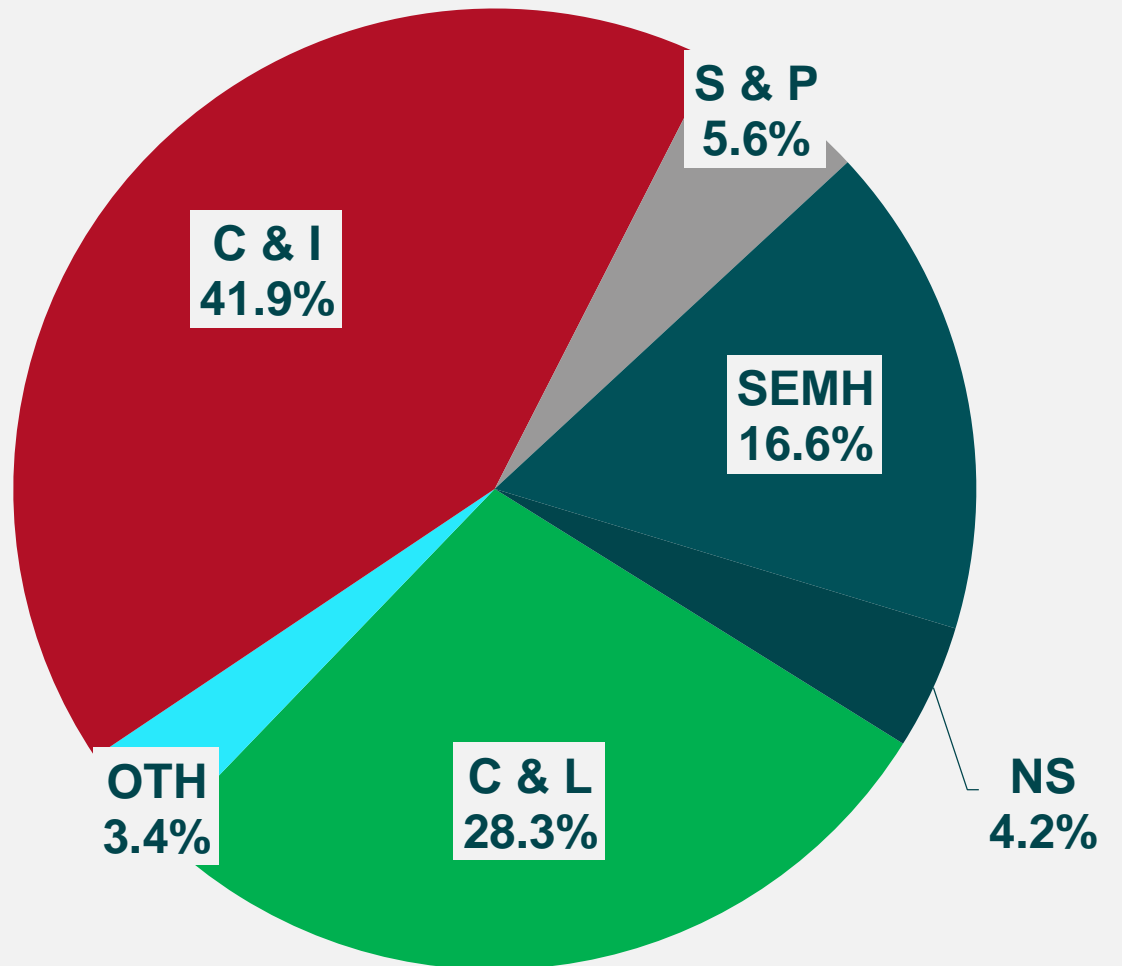
- The percentage of pupils with an Education, Health and Care (EHC) plan has increased to 3.7%, continuing a trend of increases since 2017.
- The percentage of pupils with SEN but no EHC plan (SEN support) has increased slightly, from 12.1% to 12.2%, continuing an increasing trend.
- The most common type of need for those with an EHC plan is Autistic Spectrum Disorders and for those with SEN support, Speech, Language and Communication needs.

Source: [Special educational needs in England: January 2021 - GOV.UK](https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2021)
[https://www.gov.uk › government › statistics › special-e...](https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2021)

SEND Governance – School and Academy Data

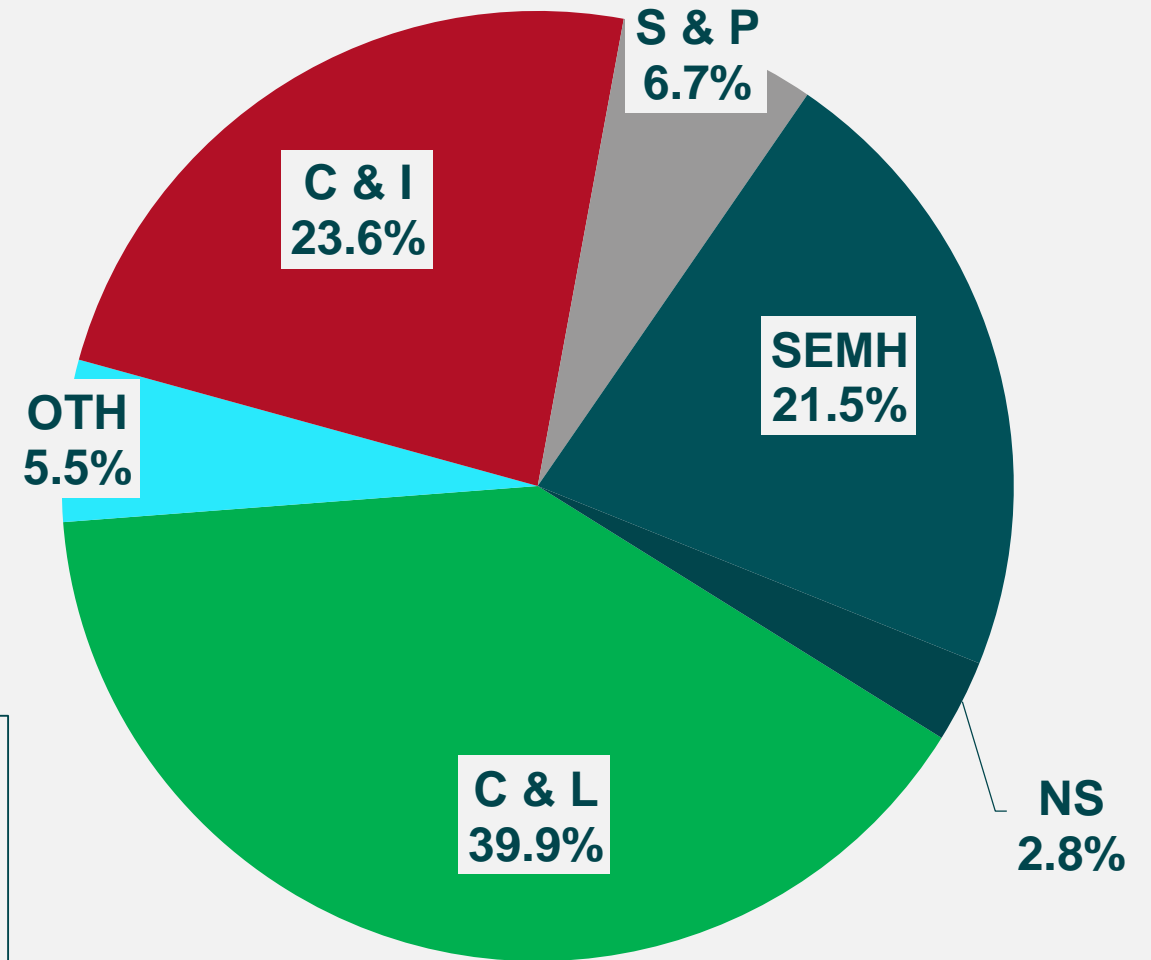
The Broad Areas of SEN in Primary schools in England in 2021

KEY:
C&I Communication and
Interaction
S&P Sensory & Physical
SEMH Social, Emotional
& Mental
C&L Cognition &
Learning
NS Not Specified
OTH Other



SEND Governance – School and Academy Data

The Broad Areas of SEN in Secondary schools in England in 2021



KEY:

C&I Communication and Interaction

S&P Sensory & Physical

SEMh Social, Emotional & Mental

C&L Cognition & Learning

NS Not Specified

OTH Other

The Primary Categories of SEN need in Primary and Secondary schools in England in 2021

■ Primary ■ Secondary

KEY:

SpLD Specific Learning Difficulties

MLD Moderate Learning Difficulties

SLD Severe Learning Difficulties

PMLD Profound & Multiple Learning Difficulties

SEMH Social Emotional Mental Health

SLCN Speech Language Communication Need

ASD Autism Spectrum Disorder

VI Vision Impairment

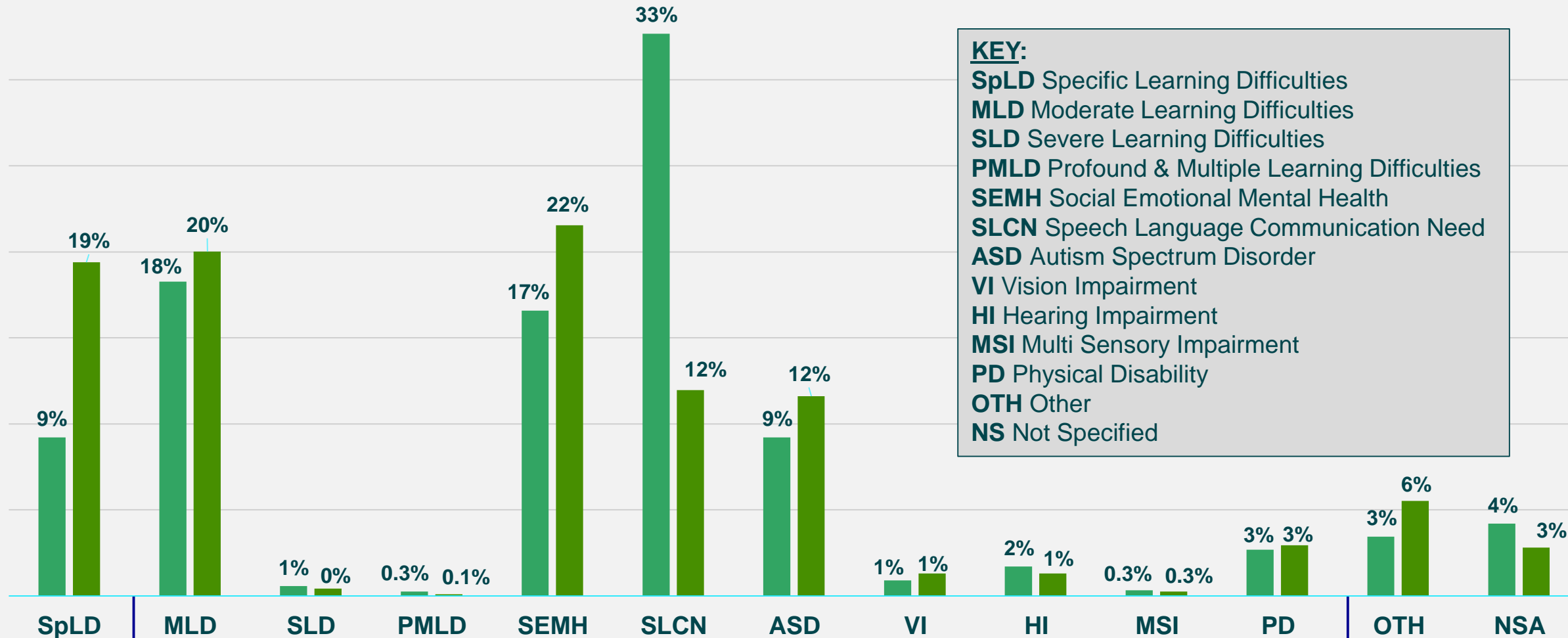
HI Hearing Impairment

MSI Multi Sensory Impairment

PD Physical Disability

OTH Other

NS Not Specified



SEND Governance – FE Data



Source: College Key Facts (Association of Colleges, 2019)

SEND Governance – reflection

What is the identification pattern for SEND within your setting?

How are you holding your leaders to account?

Governance Structures

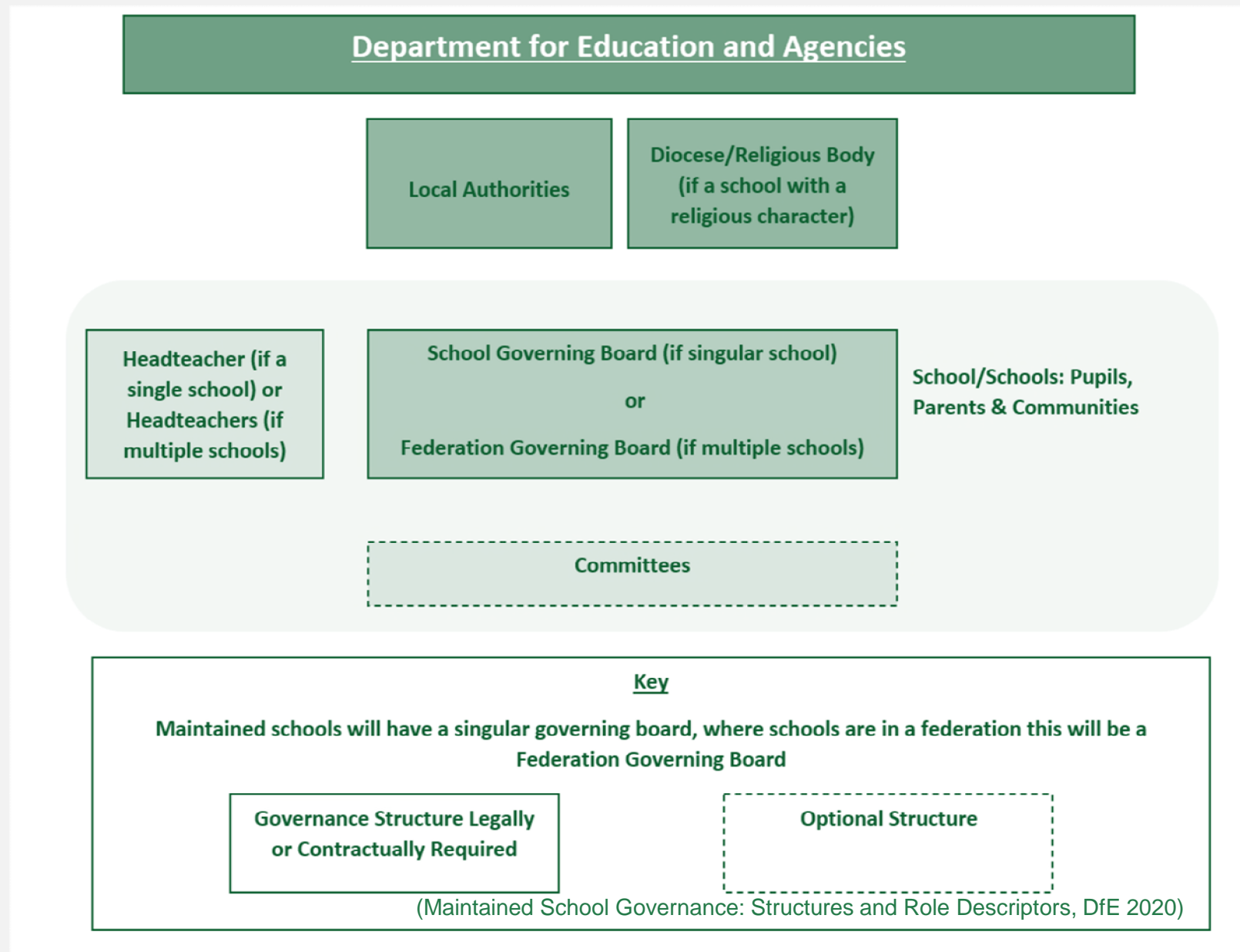


SEND Governance – same role, different settings Early Years

- **Private EYFS settings** are proprietor led so there is no governance in place. Proprietors are responsible for discharge of all legislative duties relating to SEND
- **Voluntary sector provision** generally holds charitable status. SEND Governance is the responsibility of the Board of Trustees, sometimes referred to as a Management Committee
- SEND Governance for **Nursery classes in maintained schools and academies** and in **Maintained Nursey Schools** will be covered in the 'schools' slides.
- **Childminders** tend to be self employed and have a legal duty to treat all children equally according to their needs, to help them develop to their full potential. They must also consider whether a child may have SEND which requires specialist support.
 - Childminders must follow the Statutory Framework for the EYFS:
 - Providers must have arrangements in place to support children with SEN or disabilities. Providers funded by the local authority to deliver early education places must have regard to the SEN Code of Practice. Childminders are encouraged to identify a person to act as a SENCO

SEND
Governance –
same role,
different
settings

maintained,
mainstream
schools &
federations

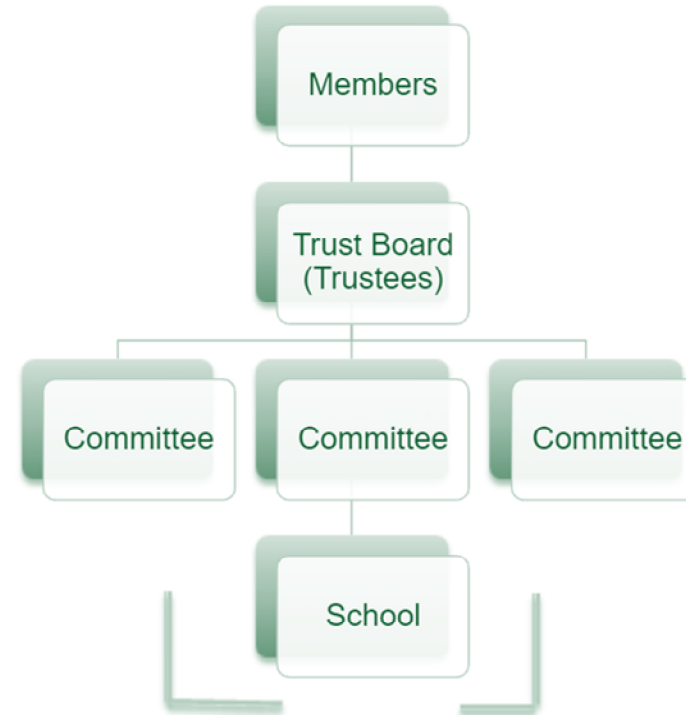


SEND governance sits with the School or Federation Governing Body of Board.

SEND
Governance –
same role,
different
settings:

Single
Academy
Trust (SAT)

Governance Structure: Basic Single Academy Trust



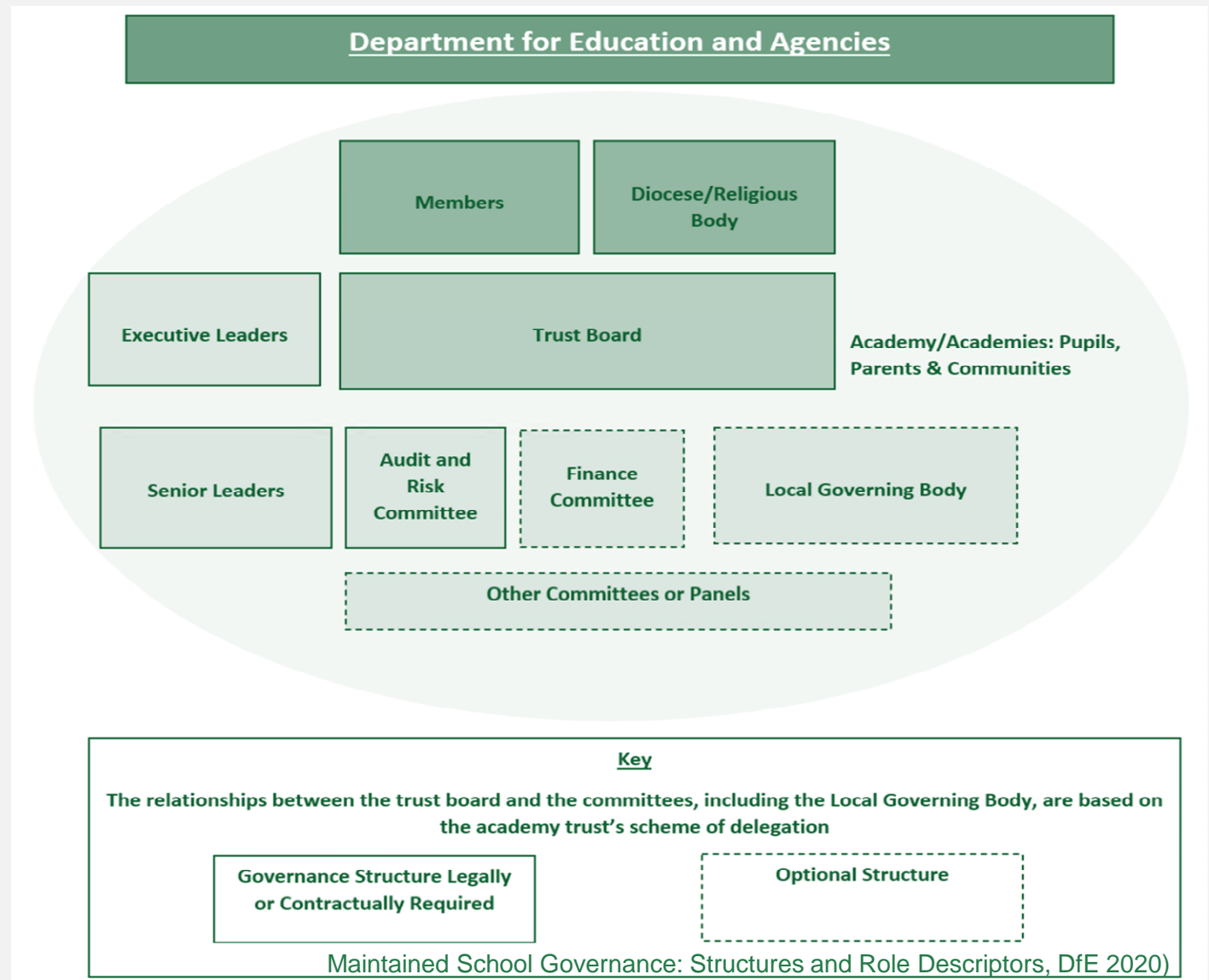
Members are an additional governance tier in Academy Trusts.

The member's role is based on a number of key powers set out in the DfE (and Church's where relevant) **model articles of association** and in company law.

Typically members appoint Academy Trustees, ensure that the governance of the Trust is effective and that Academy Trustees are acting in accordance with the Trust's charitable object(s).

SEND
Governance –
same role,
different
settings

Multi
Academy
Trust (MAT)



SEND governance sits with the Trust Board although some functions may be formally delegated to a Local Governing Body or Academy Committee through the Scheme of Delegation.

SEND Governance – same role, different settings

FE

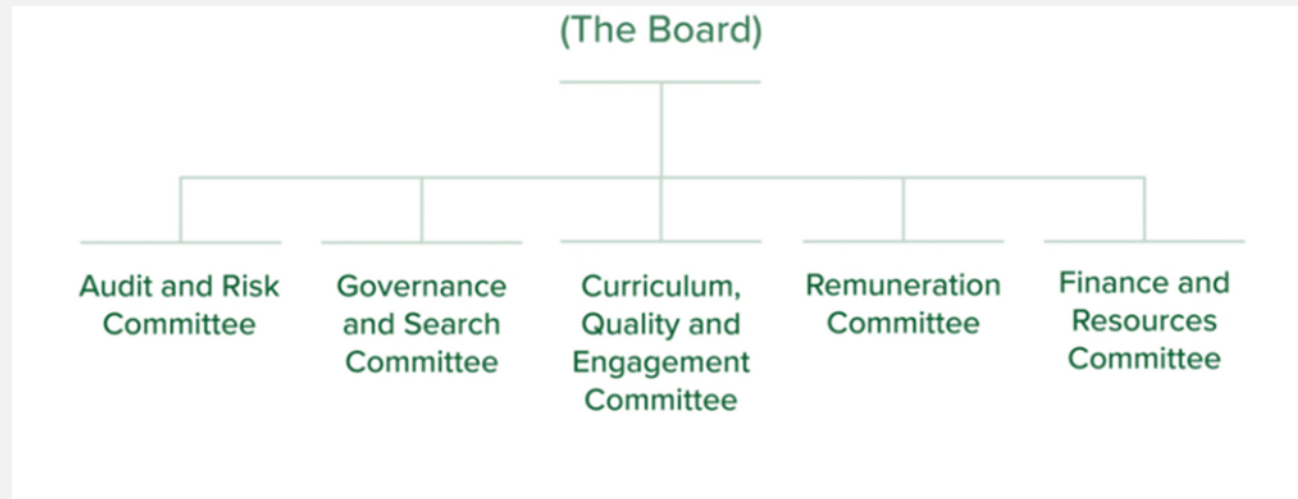
FE and sixth-form college corporations are the legal entities that operate one or more colleges.

The status of a corporation is both:

- a statutory corporation established under the Further and Higher Education Act 1992 (FHEA 1992)
- an exempt charity

The corporation is established under the FHEA 1992 for the charitable purpose of advancing education.

A FE or sixth-form college is an activity through which a corporation achieves its charitable purpose. Colleges are not a separate legal entity from the corporation.



SEND Governance – reflection

Am I responsible for SEND in my setting?

If so, do I understand my role?



Legal responsibilities for SEND



Key Documents

These documents provide essential guidance to enable Early Years, School and College staff, and those responsible for governance, of these settings to discharge their duties.



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



The Equality Act 2010 and schools

Departmental advice for school leaders, school staff, governing bodies and local authorities

May 2014

The SEND Code of Practice



‘Maintained nurseries and schools (including academies)

Mainstream schools have duties to **use best endeavours** to make the provision required to meet the SEN of children and young people. All schools must **publish details of what SEN provision is available through the information report** and **co-operate with the local authority in drawing up and reviewing the Local Offer**. Schools also have duties to **make reasonable adjustments for disabled children and young people**, to **support medical conditions** and to **inform parents and young people if SEN provision is made for them**. **School accountability is through Ofsted and the annual report** that schools have to provide to parents on their children’s progress.

Colleges

Mainstream colleges have duties to **use best endeavours** to make the provision required to meet the SEN of children and young people. Mainstream and special colleges must also **co-operate with the local authority in drawing up and reviewing the Local Offer**. All colleges have duties to **make reasonable adjustments for disabled children and young people**. College accountability is through Ofsted and performance tables such as destination and progress measures.’ (CoP, 2015 page 58)

A duty to co-operate

LAs have a **duty** to co-operate with local partners, including those responsible for governance:

- Governing bodies of maintained schools
- Proprietors of academies and free schools in the LA area
- Proprietors of non-maintained special schools that in the LA area or providing education or training for children and young people in the LA area
- Governing bodies of FE and sixth form colleges in the LA area or attended or likely to be attended by young people from their area
- Management committees of pupil referral units that are in the local authority's area or are attended or likely to be attended by children and young people from their area
- Proprietors of independent specialist colleges and schools included on the approved list of institutions approved by the Secretary of State, in the LA area or attended or likely to be attended by children and young people from their area
- any other provider that makes special educational provision for children or young people for whom the local authority is responsible
- NHS England and any relevant health bodies
- providers of relevant early years education, particularly those in receipt of early education funding.

Additionally to co-operate with other LA officers including officers in social services and those who will contribute to helping young people make a successful transition to adulthood.

What should you know?

A 'summary of action that mainstream schools should take to meet their duties in relation to identifying and supporting all children with special educational needs (SEN) whether or not they have an Education, Health and Care (EHC) plan.' (CoP, page 91)



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

Relevant Legislation

Sections of the Children and Families Act 2014:

Co-operating generally: governing body functions: Section 29

Children and young people with special educational needs but no EHC plan: Section 29

Children with SEN in maintained nurseries and mainstream schools: Section 35

Using best endeavours to secure special educational provision: Section 66

SEN co-ordinators: Section 67

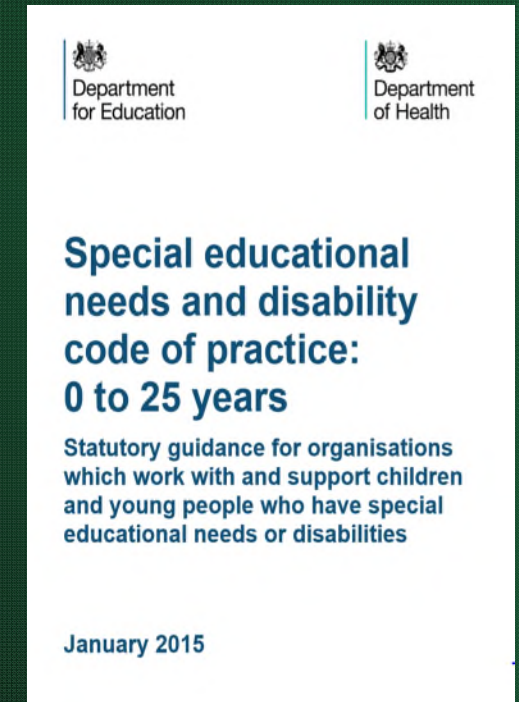
Informing parents and young people: Section 68

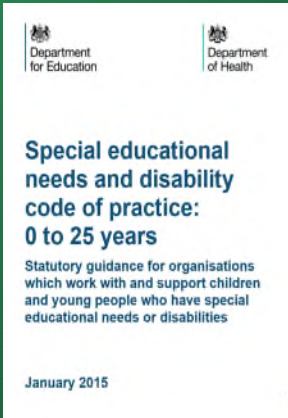
SEN information report: Section 69

Duty to support pupils with medical conditions: Section 100

The Equality Act 2010 Regulations

The Special Educational Needs and Disability Regulations 2014





What **must** schools do?

Use their best endeavours to make sure that a child with SEN gets the support they need – this means doing everything they can to meet children and young people's SEN

Ensure that children and young people with SEN engage in the activities of the school alongside pupils who do not have SEN

Designate a teacher to be responsible for co-ordinating SEN provision – the SEN co-ordinator, or SENCO (this does not apply to 16 to 19 academies)

Inform parents when they are making special educational provision for a child

Prepare an SEN information report and their arrangements for the admission of disabled children, the steps being taken to prevent disabled children from being treated less favourably than others, the facilities provided to enable access to the school for disabled children and their accessibility plan showing how they plan to improve access progressively over time

What else **must** schools do?

Schools must co-operate with the local authority in reviewing the provision that is available locally (Chapter 3) and in developing the Local Offer (Chapter 4).

Schools must have due regard to general duties to promote disability equality.

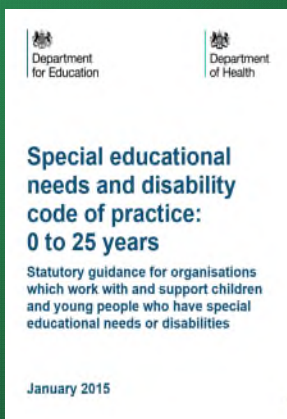
Under the Equality Act 2010 towards individual disabled children and young people, schools must make reasonable adjustments, including the provision of auxiliary aids and services for disabled children, to prevent them being put at a substantial disadvantage.

Duties are anticipatory – they require thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage.

Schools have wider duties to prevent discrimination, to promote equality of opportunity and to foster good relations.

The Children and Families Act 2014 places a duty on maintained schools and academies to make arrangements to support pupils with medical conditions. Individual healthcare plans will normally specify the type and level of support required to meet the medical needs of such pupils.

Schools are required to have regard to statutory guidance 'Supporting pupils at school with medical conditions'.



And what should schools do?

‘Appoint a member of the governing body or a sub-committee with specific oversight of the school’s arrangements for SEN and disability.

*School leaders (including those responsible for governance) should **regularly review** how **expertise and resources used to address SEN can be used to build the quality of whole-school provision as part of their approach to school improvement.***

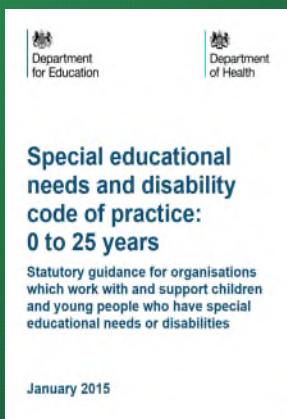
*The **quality of teaching for pupils with SEN**, and the **progress made by pupils**, should be a **core part of the school’s performance management arrangements** and its approach to **professional development for all teaching and support staff.***

*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.***

Identification of SEN should be built into the overall approach to monitoring the progress and development of all pupils.

Mainstream schools’ arrangements for assessing and identifying pupils as having SEN should be agreed and set out as part of the Local Offer.

Schools...should ensure that children, parents and young people are actively involved in decision-making throughout the approaches set out in this chapter. Equality and inclusion.’



And what else should schools do?

SEN 'provision should be planned and delivered in a co-ordinated way with the healthcare plan' where medical and SEND needs overlap.

All pupils should have access to a broad and balanced curriculum.

The National Curriculum Inclusion Statement states that

- Teachers should set high expectations for every pupil, whatever their prior attainment.*
- Teachers should use appropriate assessment to set targets which are deliberately ambitious.*
- Potential areas of difficulty should be identified and addressed at the outset.*
- Lessons should be planned to address potential areas of difficulty and to remove barriers to pupil achievement.*

All schools should have a clear approach to identifying and responding to SEN. The benefits of early identification are widely recognised

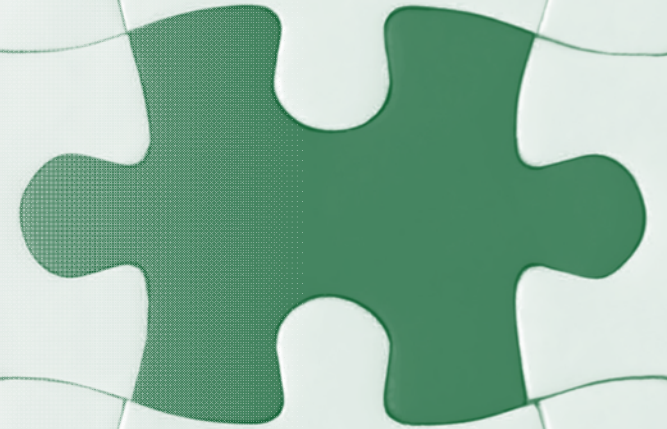
SEND Governance – reflection

Reflect on the 'Must' statements from the Code of Practice.

Choose one element to follow up with your setting.



Key concepts from the Code of Practice





Exclusion



'Inclusion'

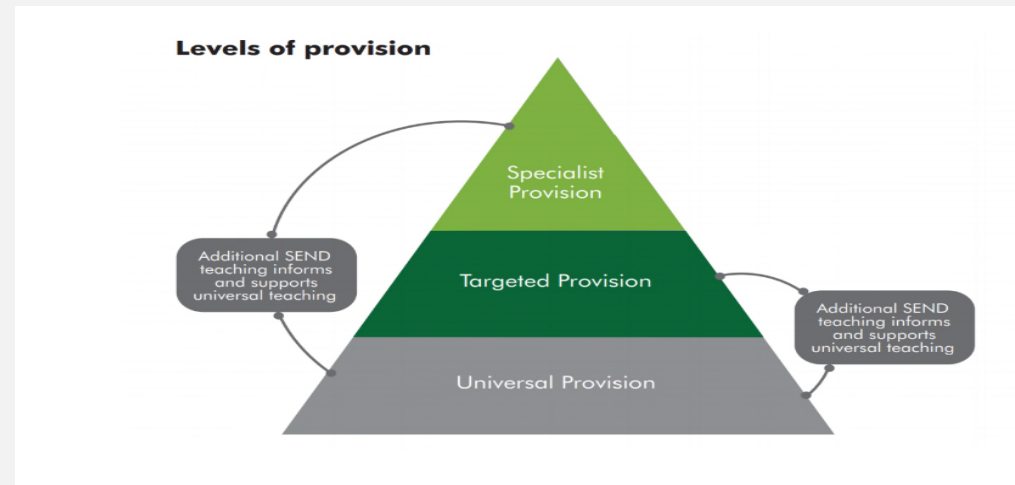


Inclusive design

Anticipatory
Duty -
Be Inclusive
by Design

Levels of Support ...

Universal Targeted Specialist Offer



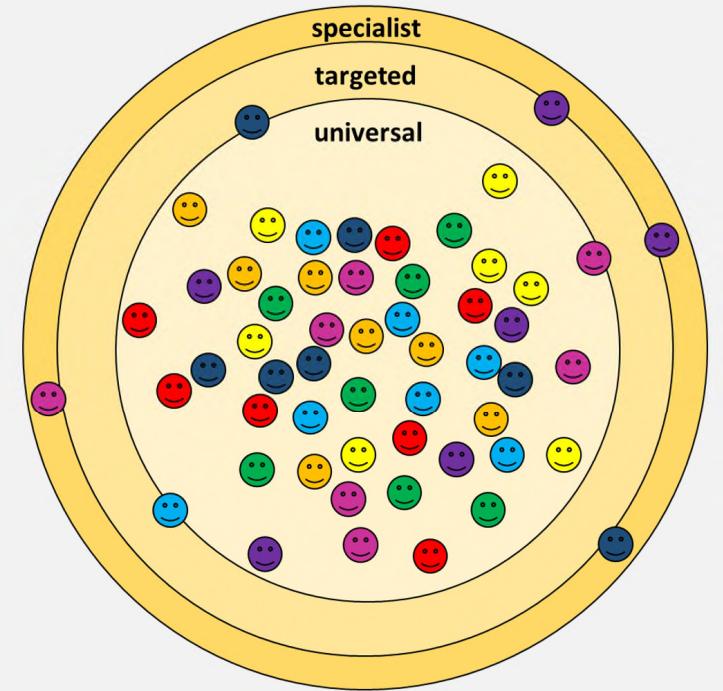
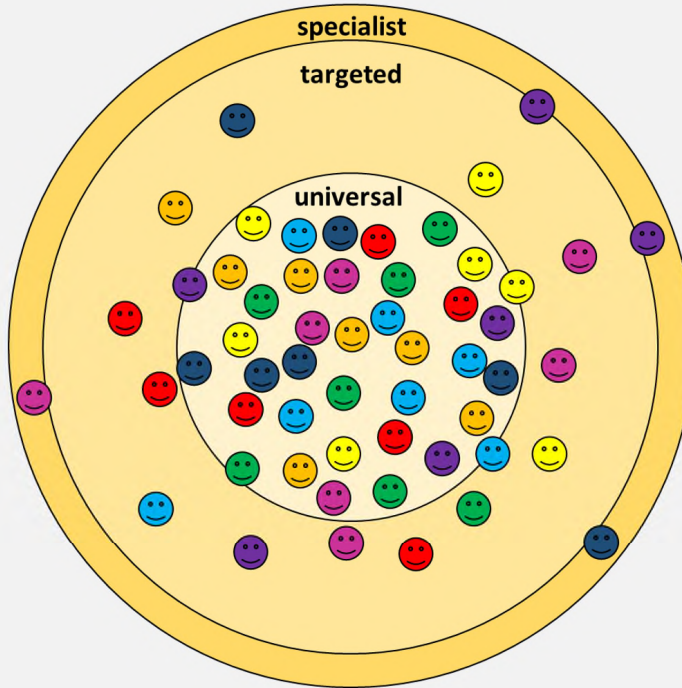
Universal Provision- A whole school ethos, culture and values underpinned by High Quality teaching and learning that is differentiated and tailored to meet the individual needs of the majority of children and young people, including those with and without SEND.

Targeted Provision- Educational provision that is additional to and different from the Universal provision. Typically, this provision is provided for those learners with SEN support needs. *12.2% of all pupils in England who require SEN support, source National Office of Statistics, 2020/21. In accordance with the Children and Family Act, 2014, Schools and college must use their best endeavours to ensure such provision is made for those who require it. (CoP 1.25 pg 25)*

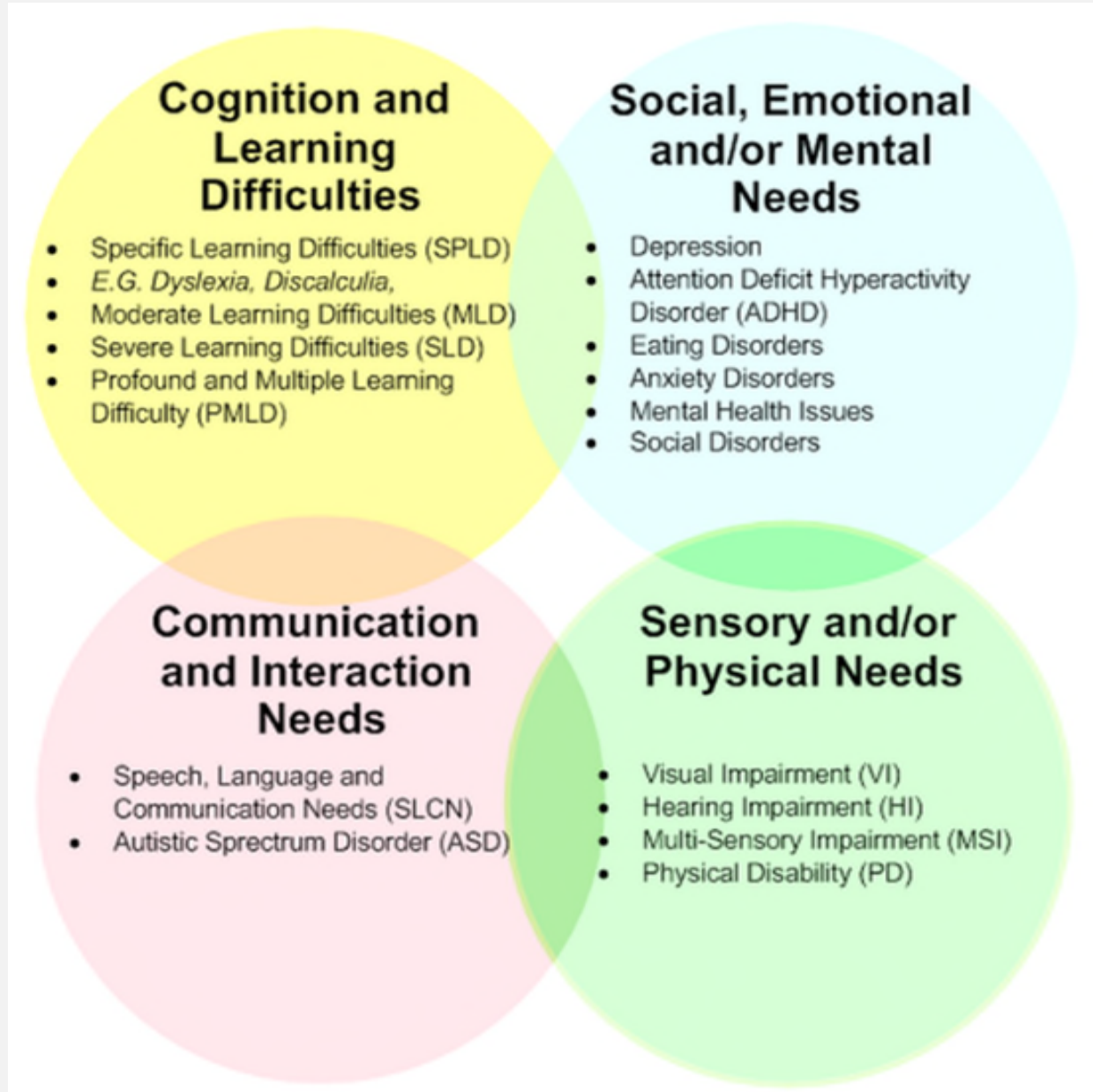
Specialist Provision- Educational provision that is designed specifically to meet highly personalised need, typically this is provision that would be identified through an Education, Health Care Plan (EHCP) *3.7% of all pupils in England have an EHCP, source National Office of Statistics, 2020/21*

Levels of
Support ...

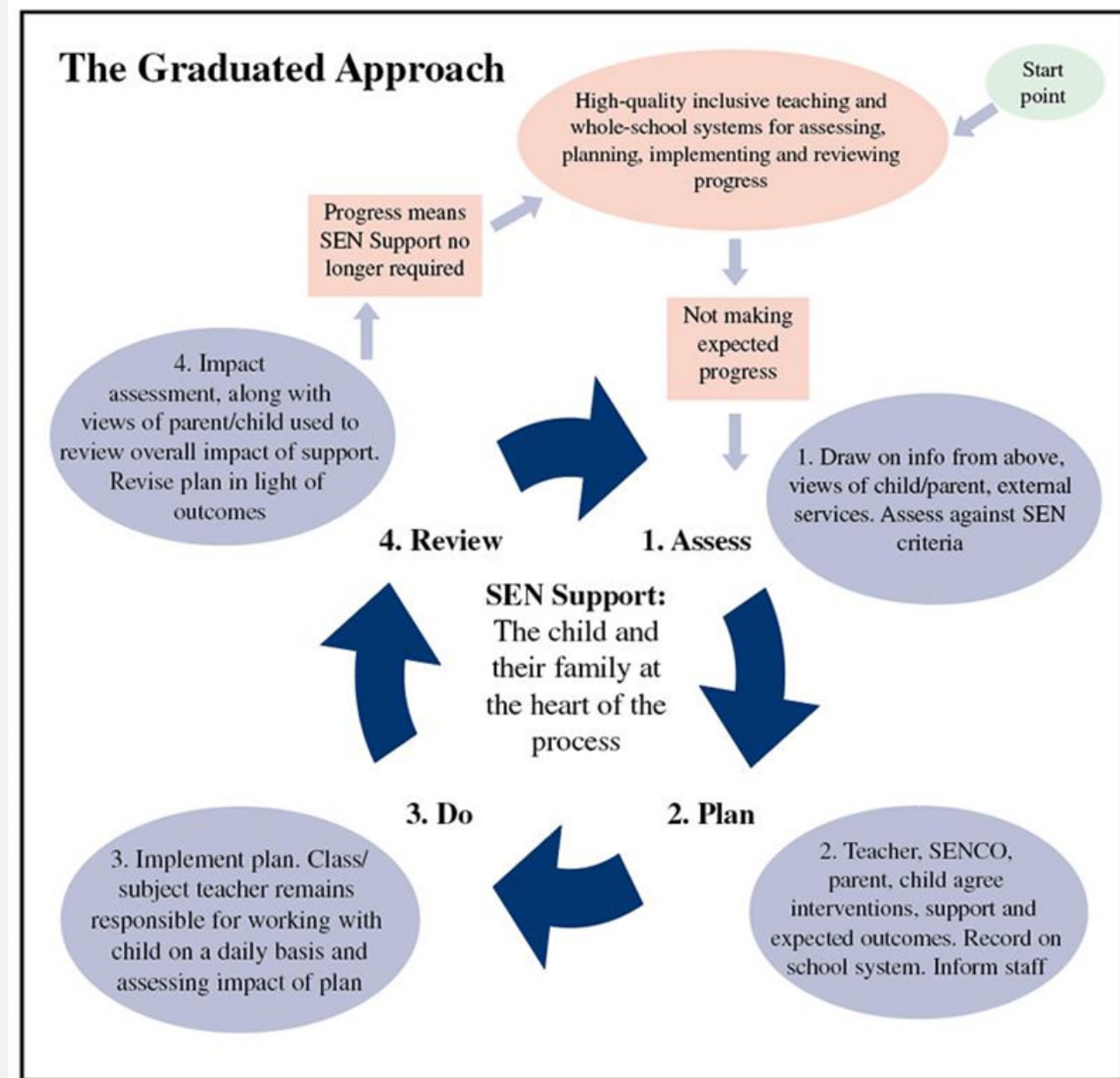
Universal
Targeted
Specialist
Offer Culture



4 Broad Areas of Need



The Graduated Response



Use of Specialists



SEND Governance – reflection

Areas for
consideration
in the next
webinar?

STRATEGIC LEADERSHIP	ACCOUNTABILITY	COMPLIANCE	STRUCTURES AND PROCESSES	PEOPLE MANAGEMENT	EVALUATION
Setting direction	School/college improvement	Statutory and contractual	Systems	Building an effective team	Self-review and development
Culture, values and ethos	Data analysis		Safeguarding		Board effectiveness
Decision making	Finance		Roles and responsibilities		
Engaging with parents, carers and the wider community	Staffing				
Risk management	External				



Useful Resources



2 SCHOOL SEND RESOURCES



For Parents



For Headteachers,
Executive Headteachers
and Trustees



For Governors in
all schools

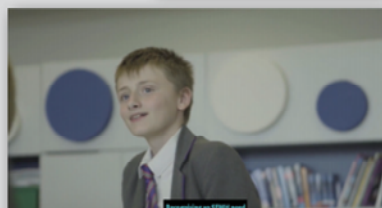


For Headteachers

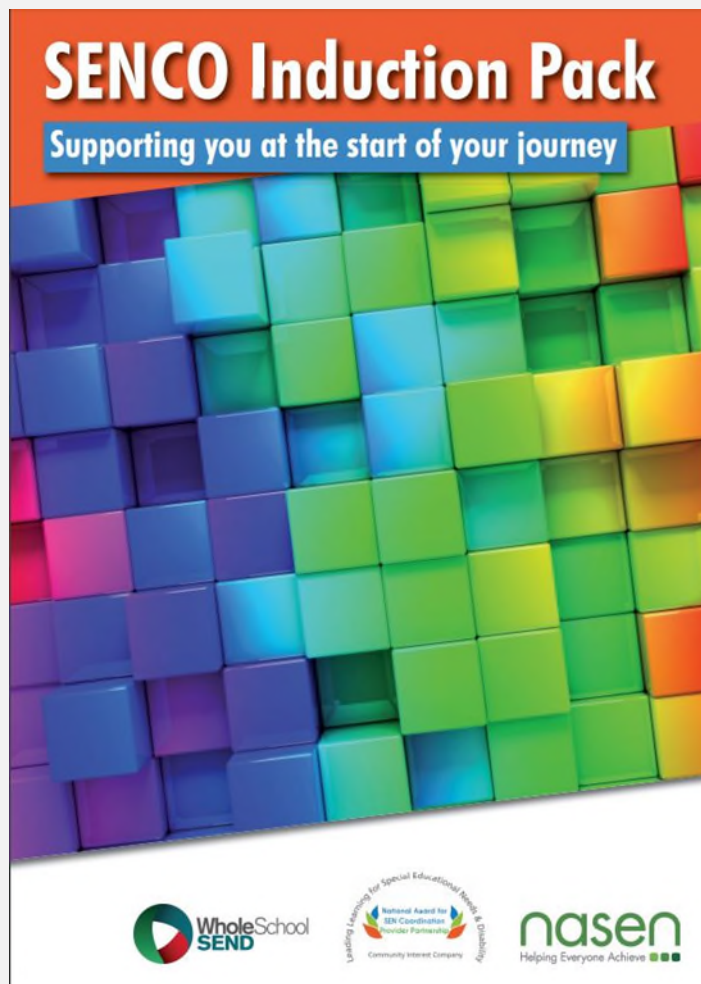


For SENCOs and
other Senior Leaders

Condition-Specific
Inductory Videos
for NQTs



For Individual or
whole staff in school



The following suite of videos cover ADHD, Acquired Brain Injury, Autism, Down's Syndrome, Dyscalculia, Dyslexia, Dyspraxia, Hearing Impairment, Physical Disability, Social, Emotional and Mental Health, Speech, Language and Communication Needs and Visual Impairment.

[+ Acquired Brain Injury](#)

[+ ADHD](#)

[+ Autism](#)

[+ Down's Syndrome](#)

[+ Dyscalculia](#)

[+ Dyslexia](#)

[+ Dyspraxia](#)

[- Social Emotional and Mental Health](#)



[+ Hearing Impairment](#)

[+ Speech Language and Communication](#)

[+ Physical Disability](#)

[+ Vision Impairment](#)



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Thank you for attending!

- Join our member community: <https://www.sendgateway.org.uk/register>
- Get in touch: info@wholeschoolsend.com
- [Sendgateway.org.uk](https://www.sendgateway.org.uk)
- [Nasen.org.uk](https://www.nasen.org.uk)
- [@wholeschoolSEND](https://twitter.com/wholeschoolSEND)
- [@nasen_org](https://twitter.com/nasen_org)

New WSS Resources and Events:

- **Classroom Teacher Handbook for SEND** – Providing guidance for Early Career Teachers on removing barriers to learning for pupils with SEND
- **ITT Resource Pack** – Exploring the Four Broad Areas of Need, as well as Neurodiversity and the co-occurrence of need
- **Guide to Developmental Language Disorder** - Produced by our Consortium Partner ICAN and accompanying a series of 8 free webinars

You can find all our resources on the SEND gateway and see all upcoming webinars on the [Events](#) section:

<https://www.sendgateway.org.uk/resources>

Additional Links and Useful Info:

- Children and Families Act 2014. [Online] Accessible from:
<https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>
- Council for Disabled Children (2015) Disabled Children and the Equality Act 2010: what teachers need to know and what schools need to do, including responsibilities to disabled children and young people under the Children and Families Act 2014. [Online] Accessible from:
https://councilfordisabledchildren.org.uk/sites/default/files/field/attachemnt/equality-act-schools_online.pdf
- College Governance: A Guide [Online] Accessible
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachme nt_data/file/344615/BIS-14-1012-college-governance-a-guide.pdf



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Let us know how this session has informed your practice!

Whole School SEND is always looking to improve our CPD offer by evaluating how attendees have changed their practice or embedded new strategies. We welcome any feedback on the session, either through our **post-events survey** or directly via **email** to info@wholeschoolsend.com.

If you would like to, we are also very happy for attendees to submit copies of any post-event activities so we can see how these have been used in practice

Let us know:

- What worked? What didn't? What were the challenges in putting ideas from this session into practice? What do you need more support with? Do you feel more confident after attending this session?

Find your region

- The WSS Regions are based on the boundaries used by the Regional Schools Commissioner areas.
- You can find out which region your local authority comes under here:

<https://www.sendgateway.org.uk/whole-school-send-regional-send-leads>

Recordings

- You can find recordings of our past webinars with the accompanying materials on the SEND gateway:

<https://www.sendgateway.org.uk/page/wss-past-events>

- You can also subscribe to our YouTube channel to keep updated:

www.youtube.com/c/WholeSchoolSEND



**Whole School
SEND**

Please get in touch if you are struggling
to locate any of our resources.

info@wholeschoolsend.com



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