



A governing body's responsibilities for children with special educational needs (SEN)

Introduction

In Hampshire the majority of children with special educational needs attend local mainstream schools where they receive the support they need. Some attend specially resourced provision within mainstream schools which cater for particular needs such as, hearing impairment, physical disability or language impairment. Other children with more severe and complex needs may attend special schools.

Statutory duties and responsibilities

What are the governing body's statutory duties and responsibilities?

All maintained schools' governing bodies have important statutory duties towards pupils with special educational needs. Governing bodies are required to decide the school's policy and approach to meeting pupils' special educational needs for those with or without statements.

Governors of community, voluntary and foundation schools have a duty under section 317 of the Education Act 1996 to do their best to ensure that the necessary provision is made for pupils with special educational needs. The most important things the governing body must do are to:

- do its best to ensure that the necessary provision is made for any pupil who has special educational needs
- ensure that, where the 'responsible person', the head teacher or the appropriate governor, has been informed by the LEA that a pupil has special educational needs, those needs are made known to all who are likely to teach him/her
- ensure that teachers in the school are aware of the importance of identifying, and providing for, those pupils who have special educational needs
- ensure that a pupil with special educational needs joins in the activities of the school together with pupils who do not have special educational needs. This should be so far as is reasonably practical and compatible with the child receiving the special educational provision his/her learning needs call for, the efficient



education of the pupils with whom he/she is educated and the efficient use of resources.

The governing body of a maintained school must:

- report annually to parents on the implementation of the school's policy for pupils with special educational needs
- have regard to the SEN Code of Practice when carrying out its duties toward all pupils with special educational needs
- ensure that parents are notified of a decision by the school that SEN provision is being made for their child.

School placements

What about children with SEN who don't have statements?

Children who have special educational needs but do not have a statement must, except in the exceptional circumstances, be educated in a mainstream school. This has always been the case and the Code of Practice on School Admissions and the revised SEN Code of Practice underline this approach. The governing body:

- must not refuse to admit a child who has special educational needs but does not have a statement, because you feel unable to cater for their special educational needs
- must consider applications from parents of children who have special educational needs but no statement on the basis of the school's published admission criteria. Such children should be considered as part of the normal admissions procedures
- cannot refuse to admit a child on the grounds that he/she does not have a statement of special educational needs or is currently being assessed for one.

What about children who have statements of SEN?

Where the parents of a child with a statement or proposed statement of special educational needs express a preference for a maintained school (any mainstream or special school maintained by the LEA but not a Pupil Referral Unit or hospital special school), the LEA must agree to name that school in the statement unless:

- the school is unsuitable to the child's age, ability, aptitude or to his special educational needs; or
- the child's inclusion at the school would be incompatible with the provision of efficient education for the children with whom he would be educated or the efficient use of resources.

Unless a parent indicates that they do not want their child educated in a mainstream school, the LEA must ensure that a child is educated in a mainstream school except where that is incompatible with the efficient education of other children.

Before making a decision about a school, if the LEA believes that the education of a particular child would be incompatible with the efficient education of others, the LEA must first consider whether there are any reasonable steps that the LEA or, if the school in question is maintained by the LEA, the school could take to prevent the child's inclusion from having that effect. Equally, if the maintained school is of the view that the child's placement at the school would be incompatible with the efficient education of others, the school must consider whether there are any reasonable steps it, or the LEA, can take to prevent inclusion from having that effect.

Before naming a maintained school in a child's statement, the LEA must consult the school, and send them a copy of the proposed statement. The purpose of the consultation is to find out the Governing Body's views about the child's admission bearing in mind the reasons given above. **The governing body can delegate this function to the headteacher. The headteacher must report back to the governing body on consultation outcomes at their next meeting.** Having taken into account the views expressed by the Governing Body, the LEA will decide on the school placement. **When a maintained school is named in a child's statement the school must admit the child.** The full position regarding the statutory framework for determining school placements for children with special educational needs is described in the DfES document, "Inclusive Schooling – Children with Special Educational Needs", published in 2001.

How can members of the governing body increase their awareness of SEN matters?

Knowledge and awareness

- Within school the SEN co-ordinator will be the best source of information about SEN issues. It is good practice for the governing body to ask the headteacher to arrange for regular information and reports to be received from the SENCO.
- Every school must have a 'responsible person' who makes sure that all those who are likely to teach a pupil with a statement of special educational needs are told about the statement. Generally this is the headteacher, but may, in exceptional circumstances, be the chair of the governing body or a governor appointed to take that responsibility. In some schools the role of the 'responsible person' may be included under the remit of the SEN Governor.
- All governors, especially SEN governors, must be up-to-date and knowledgeable about the budget delegated to the school, and the school's arrangements for SEN provision, including how funding, equipment and personnel resources are deployed.
- All governors have access to appropriate SEN related training and are encouraged to attend the governor training modules for SEN run through Hampshire Governor Training. Governing

bodies may also wish to organise whole governing body training for themselves and can contact their local Governor Services Office for information and advice.

- All governors should have access to appropriate SEN related literature – a list of helpful references is given on page 7.
- Establishing a local network of SEN governors to exchange ideas can be beneficial.
- There are many websites that provide valuable SEN information.

Dealing with complaints and resolving disagreements about SEN

Governing bodies are encouraged as a matter of good practice to draw up and publicise procedures for sorting out problems quickly.

To prevent problems from developing into major disagreements parents, schools, LEAs and others, should start talking as soon as difficulties become apparent.

How can governors prevent a concern becoming a complaint and a complaint a disagreement?

In addition to formal complaints procedures, schools should provide opportunities for informal discussions to seek to resolve differences and difficulties at the earliest possible opportunity. Governing bodies, in conjunction with senior school staff, should consider the following:

- How are parents and pupils encouraged to express their views and raise concerns?
- Does the school have procedures for identifying and seeking to resolve concerns raised by pupils or parents at an early stage?
- Does the school have a formal complaints procedure and how do staff/governors distinguish between a complaint and a concern or disagreement?
- How can staff be made more aware of their role in handling and resolving disagreements?
- How does the school monitor and record its work in resolving disagreements and handling complaints?
- Who are the most appropriate people to take responsibility for complaints and disagreement resolution?
- When should external agencies be involved in seeking to resolve disagreements with parents, for example the Parent Partnership Service?

Monitoring and improving SEN provision

How does the governing body monitor the provision and practice of SEN?

The governing body should:

Ensure that the school's policy accurately states what and how the school intends to provide for pupils with SEN. The contents of the school's SEN policy are specified in Annex A of the Special Educational Needs Code of Practice – The Education (Special Educational Needs) (Information) (England), Regulations 1999 Schedule 1.

These can be summarised under the following six headings:

- the school's objectives
- how provision is co-ordinated
- what is available
- how resources are allocated
- how pupils' needs are identified and reviewed
- how pupils with SEN are included in the school's day to day life.

What does the governing body need to do?

The governing body needs to:

- request regular evaluative reports from key people in the school such as, the headteacher, SENCO, or SEN governor about the impact of the school's provision on the progress of pupils with SEN. What is requested will vary depending on the school's profile of needs and priorities. The focus might be on selected groups, e.g. children with SEN who are travellers, or looked after, or from an ethnic minority group, or those at School Action Plus
- analyse external monitoring reports on SEN practice from the LEA inspectorate, Ofsted, or externally commissioned consultants and ensure that their recommendations are addressed
- consider canvassing the views of parents of pupils with SEN, and of the pupils themselves (examples of questionnaires are in the Index for Inclusion, a copy of which is in the school)
- evaluate annually the deployment of SEN resources (human and financial) for best value
- ensure that targets for improvement are inclusive of all pupils
- ensure that changes in provision for pupils with special educational needs have a positive impact on their achievement

- ensure that staff have appropriate professional development opportunities
- access training in monitoring provision and setting targets which is available from Hampshire Governor Services.

How does the governing body ensure that targets are met?

If the success criteria for the achievement of the target are clearly set, it will be possible to measure whether the target has been successfully met. **SMART** targets are:

- **S**pecific
- **M**easurable
- **A**chievable
- **R**elevant
- **T**ime limited

This approach is helpful when setting the framework for monitoring progress.

Governing bodies may wish to know which member(s) of staff will be responsible for tracking progress towards the targets. They will also need to agree and forward plan with the headteacher their consideration of progress and evaluative reports.

Helpful references

DfES SEN Code of Practice

DfES SEN Toolkit

DfES Inclusive Schooling

All unpriced, from DfES, Tel: 0845 602 2260, website

www.dfes.gov.uk/sen

DfES: Code of Practice on School Admissions, April 1999, unpriced from DfES ref. CPSA. Amended guidance about school admissions is expected in Summer 2002.

HMSO: Education Act 1996, from the Stationery Office, Tel: 0870 600 5522, website **www.thestationeryoffice.com**

The Stationery Office: Special Educational Needs Disability Act 2001, from the Stationery Office, Tel: 0870 600 5522, website **www.thestationeryoffice.com**

DfES: Connecting Schools for Inclusion, unpriced CD Rom, from Voluntary Partnerships Team, SEN Division, DfES, Tel: 020 7925 6881.

Centre for Studies on Inclusive Education: Index for Inclusion, 2000, from CSIE, Tel: 0117 344 4007, website **www.inclusion.org.uk**

National Association for Special Educational Needs (NASEN): Inclusion policy document, from NASEN, Tel: 01827 311500, website **www.nasen.org.uk**

Hampshire Governor Services Training Directory, website, **www.hants.gov.uk/education/governorcourses/2001**

DfES website, **www.dfes.gov.uk**

Hampshire County Council Education, SEN publications, Tel: 01962 846252, website **www.hants.gov.uk/TC/inclusion/pubpc**

SENDIST website, **www.sendist.gov.uk**

Note: the Disability Rights Commission published a new Code of Practice (schools) in Summer 2002 about the updating of the Disability Discrimination Act 1995. A briefing paper will be produced by Hampshire County Council for schools in the Autumn Term 2002.

For further information:

SEN Service
Hampshire County Council
Education Department
The County Office
The Castle
Winchester SO23 8UG
Tel: 01962 846452
Website: www.hants.gov.uk/TC/inclusion/senhome

Parent Partnership Service
Hampshire County Council
Education Department
The County Office
The Castle
Winchester SO23 8UG
Tel: 01962 845870/845880 (24 answerphone)
e-mail: dave.reid@hants.gov.uk, julie.riley@hants.gov.uk

Governor Services
Hampshire County Council
Education Department
The County Office
The Castle
Winchester SO23 8UG
Tel: 01962 845706
Website: www.hants.gov.uk/education/governors

Department for Education and Skills (DfES)
Sanctuary Buildings
Great Smith Street
London SW1P 3BT
Tel: 08700 012345
Website: www.dfes.gov.uk

The Attached Inspector for HIAS (Hampshire Inspection and Advisory Service) can be contacted through the local education office:

Fleet Local Office (Areas 1&2), Tel: 01252 812333
Havant Local Office (Areas 3&4), Tel: 02392 498200
Winchester Local Office (Areas 5&7), Tel: 01962 869611
New Forest Local Office (Area 6), Tel: 02380 812113

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