# Confidentiality

# Understanding Governing Bodies Responsibilities in relation to SEND

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# Objectives

- To develop the Governors understanding of SEND
- To develop Governors understanding of the county wide SEND context
- To support Governors to understand their roles and responsibilities in relation to SEND

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# Competency framework p.8

"Effective boards provide confident, strategic leadership to their organisations; they lead by example and 'set the tone from the top'. These competencies relate to the core function of boards to set vision, ethos and strategic direction."

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# Poll

- **How confident are you in your understanding of SEND?**

- **How confident are you in your understanding of the countywide context for SEND?**

- **How confident are you in your understanding of your roles and responsibilities in relation to SEND?**

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# What is SEND?

Activity: Break out rooms

In your breakout rooms discuss the following three points for 10 minutes

1) What is the definition of SEND?

2) What experiences of SEND have you had throughout your life?

3) Why do you think that Governors are integral to inclusive practices for SEND?

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# What is SEND?

"A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.

xiv. A child of compulsory school age or a young person has a learning difficulty or disability if he or she:

- has a significantly greater difficulty in learning than the majority of others of the same age, or
- has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions"

SEN Code of Practice 2015

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# Link Governor

The Competency Framework for Governors states that everyone on the board should have the ability to:

- Question leaders on how the in-school assessment system in use effectively supports the attainment and progress of all pupils, **including those with a special education need or disability.**
- And that at least one member of the board knows the requirements relating to the education of children with special educational needs and disabilities.

For Statutory compliance the board must ensure that:

- Everyone on the board knows and understands duties relating to safeguarding, including Prevent Duty, **duties related to special educational needs and disabilities (SEND);** and duties related to information including the data protection act 1998 and the Freedom of Information Act 2000.

# Link Governor

The Governance Handbook states that "*there should be an individual on the board or a committee with specific oversight of the school's arrangements 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.*"

In undertaking their role, the SEND Link Governor should:

- Understand and support the principles and practices outlined in the SEND code of practice, 0-25 years;
- Understand and support the drive to improve outcomes by having high aspirations and expectations for all children and young people with SEND;
- Ensure the governing body can show evidence of challenge and accountability to all children and young people in the school, including those with SEN and disability.

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# Link Governor

Having link governors does not remove the board's responsibility for these areas.
The **role of a link governor is to ensure that someone has specific oversight of a particular area** and to deepen the board's knowledge of a particular area.

**The role will involve:**

- visiting the school and meeting with staff leads to understand how the strategic objectives are being embedded
- Understanding how money is being spent and any particular issues affecting delivery.
- Reporting to the board regularly with strategic monitoring reports to support the board in its duty for SEND.
- These roles should always remain strategic and not operational.

# Governor

## Everyone on the board

- questions leaders on how the in-school assessment system in use effectively supports the attainment and progress of all pupils, including those with a Special Educational Need or Disability (SEND)

## Someone on the board

### Knowledge

- the requirements relating to the education of children with Special Educational Needs and Disabilities (SEND)
- the requirements relating to the safeguarding of children in education including the Prevent duty
- the duties and responsibilities in relation to health and safety in education

### Skills and effective behaviours

- Is confident in their challenge to executive leaders on strategies for monitoring and improving the behaviour and safety of pupils/students

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# Nasen
## SEND GOVERNANCE Review Guide ( Dec 2020)

The board is responsible for securing effective outcomes for learners with SEND. Whilst the board's strategic level responsibilities may frequently be delegated to an individual board member or committee, it is important that as a consequence, the board does not lose sight of their corporate responsibility for SEND.

The requirements of learners with SEND are integral to the three core functions of boards (DfE, 2017, p.9), which are:

- Ensuring clarity of vision, ethos and strategic direction;
- Holding executive leaders to account for the educational performance of the organisation and its pupils/learners, and the performance management of staff; and
- Overseeing the financial performance of the organisation and making sure its money is well spent.

# Responsibilities of the School

*The law is underpinned by the principle that where a parent of a child with SEN, or a young person with SEN, wants a place in a mainstream setting, this must not be denied it on the basis that mainstream education is unsuitable, or that their needs or disabilities are too great or complex.*

Legal duties of schools in regard to Special Educational Needs and Disability

The 'Best Endeavours' Duty

The Equalities Act 2010
Schools have a range of duties under the Equalities Act 2010, including duties relating to disability.

# Reflection

How can Governors support with the understanding and legal requirements of SEND?

# Summary

- **The SEND Code of Practice is a key document for understanding the role and responsibilities of schools**

- **There are statutory and legal time frames which are linked to SEND**

- **SEND is a collective responsibility not just that of the SENCO's**

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# What is the county wide SEN inclusion context?

The inspection of KCC's SEND Services in January 2019 by Ofsted and the CQC identified some clear areas for improvement. In order to address these issues, KCC is committed to working to address the issues and improve the experiences of our young people and their families;

A written statement of action was created that has 5 workstreams for development all of which are underpinned by the principle of inclusion for SEND.

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# How does this relate to schools?

## If you are not inclusive you can't be outstanding!

Consider and put into the chat why Governors need to know this information

**...**

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# Mainstream Core Standards Purpose

- Outlines the **provision that the local area expects to be made available** for children and young people with SEND attending mainstream schools.

- **There is an understanding that schools may not have knowledge or experience of delivering all of the interventions and approaches set out in the MCS. This is stated explicitly within the document. If a pupil requires provision described in the MCS that the school does not feel confident to deliver, schools are expected to source advice, guidance or training from the local area/ district.**

- **The MCS sets out how schools are able meet the needs of all children with SEND; some pupils will receive SEN support and others may have an EHCP.**

- It is a universal document, to support mainstream practitioners, aid local conversations and promote a consistent high-quality approach to SEND inclusion.

- Details a range of exemplar strategies and interventions that schools may adopt for each need type.

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# Special Educational Needs
## Mainstream Core Standards

The document covers:

### Section One:
## Expectations of all schools

### Section Two:
## Additional support

**Mainstream Core Standards**
Guide for parents

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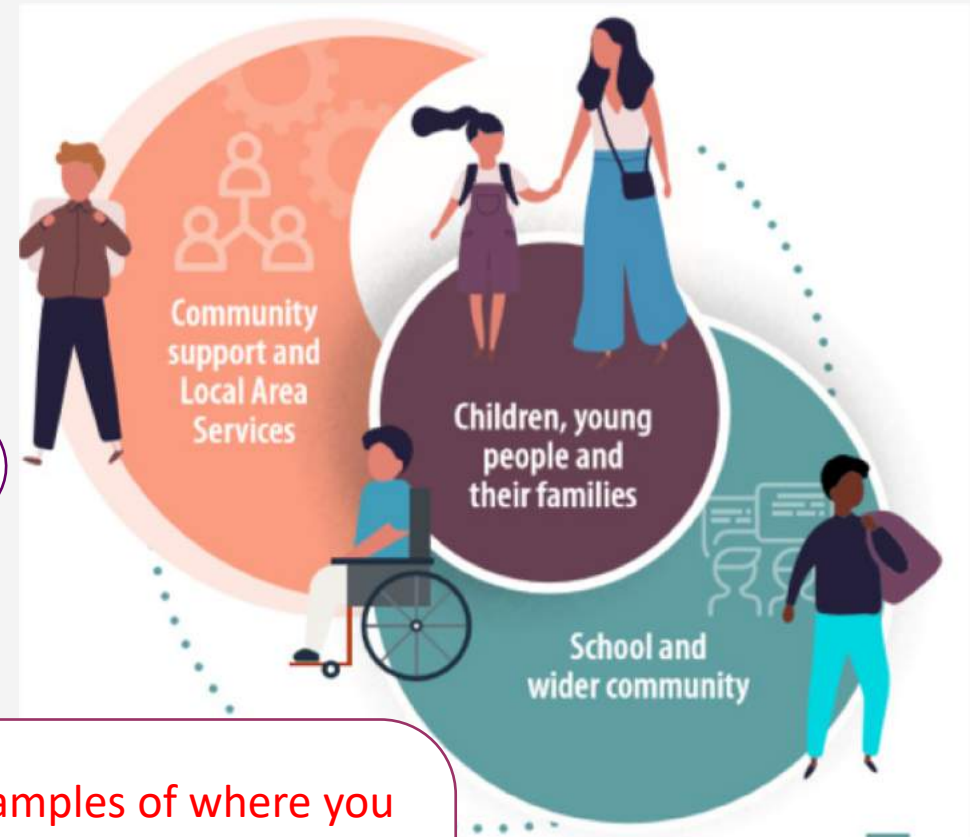# How could MCS be used in school to support inclusive practice?

in planning lesson delivery

Curriculum

conversations with staff re need types, need types,

developing whole school policies

in conversation with parents



Community support and Local Area Services

Children, young people and their families

School and wider community

These are examples of where you **might** see them.
It is NOT an expectation that they are formally embedded OR that a school must provide everything that is on the document

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# How could the SEND Governor support MCS in school to support inclusive practice?

**Breakout rooms**

In your rooms please discuss the following points:

- What evidence can Governors use to see if the mainstream core standards are being implemented?

- How can Governors ensure that there is implementation at a strategic level?



Community support and Local Area Services

Children, young people and their families

School and wider community

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# How could MCS be used in school to support inclusive practice?

You are looking to see positives- **MCS are not the only way to demonstrate inclusion**

Generate discussion with leaders

Remember the MCS are not a legal requirement and schools are NOT expected to do everything that is on the list.



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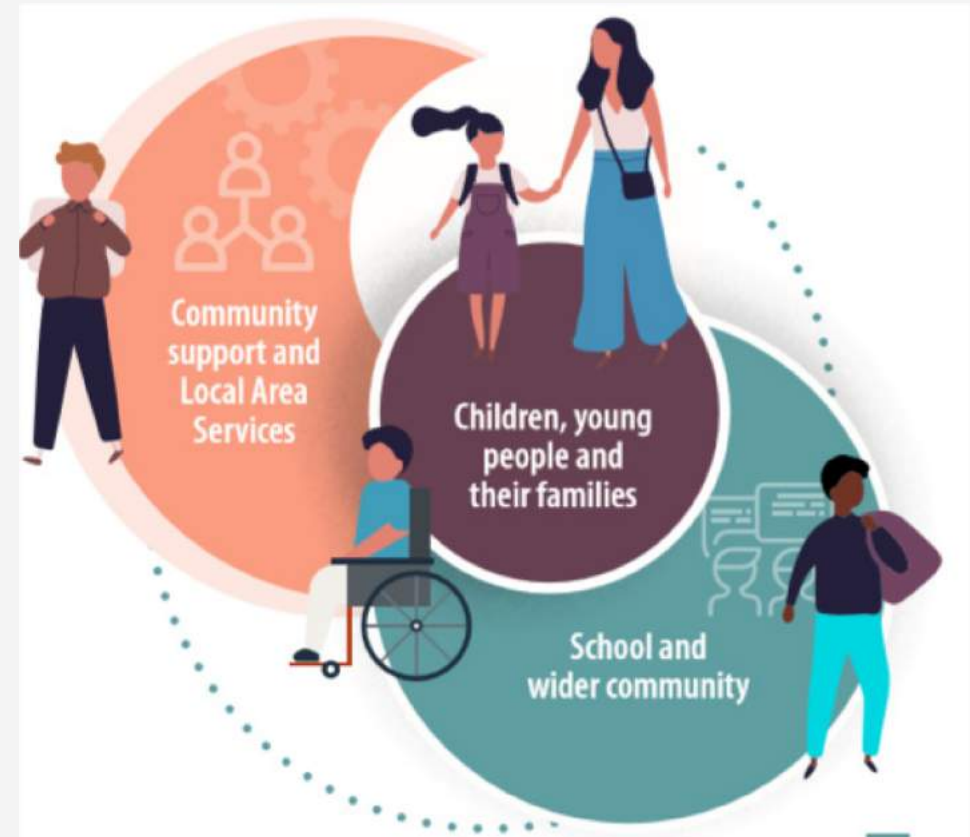
Home > Special educational needs > Special educational needs (SEN) >

# The Mainstream Core Standards

Provision that the local area expects to be made available for children and young people with Special Educational Needs and/or disabilities attending mainstream schools. Guidance for schools, parents and carers and professionals working with children and young people.

- SEN Mainstream Core Standards (PDF, 1.8 MB)
- SEN Mainstream Core Standards - guide for parents (PDF, 1.1 MB)

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# Do you know what interventions and levels of support are delivered at your school?

- Where do they take place? If in a corridor is this inclusive?
- What is the impact?
- How do school leaders know?
- Are staff appropriately trained and equipped ?
- Entry and exit criteria for interventions?
- Other agencies engaged. EP
- Who takes overall responsibility of interventions?
- Who completes Access arrangements?
- Funding?
- Is the SENCO working with/alongside teachers and the teaching and learning lead so that all staff have knowledge and are upskilled?
- Quality First Teaching

- Provision planning? Whole school provision plan? Class and personalised PPs.
- How is the annual Plan do review cycle evidenced?
- Is the provision in place for CYP receiving SEND support reviewed a minimum of three times each year?
- Progress towards identified outcomes?
- How is this measured and reported in addition to other measures
- Whole school training?
- Training in relation to specific need types?

## STRATEGIC NOT OPERATIONAL

# Reflection

- Where do they take place?
- If in a corridor is this inclusive?
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## WHAT IS THE IMPACT?
## WHERE IS THE EVIDENCE?

## STRATEGIC NOT OPERATIONAL

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# Glossary of terms

| | |
|---|---|
| **CEIAG** | Careers Education Information and Guidance |
| **CIC** | Child in Care |
| **CIN** | Child in Need |
| **CME** | Child Missing Education |
| **CYP** | Child / Young Person |
| **EAL** | English as Additional Language |
| **EH** | Early Help |
| **EHE** | Elective Home Education |
| **EHN** | Early Help Notification |
| **FLO** | Family Liaison Officer |
| **FSM** | Free School Meals |
| **GRT BME** | Gypsy Roma Traveller/Black Minority Ethnic |
| **IYFA** | In Year Fair Access |
| **LIFT** | Local Inclusion Forum Team |
| **MAT** | Multi Academy Trust |
| **NEET** | Not in Education, Employment or Training |
| **PSHE** | Personal, Social, Health and Education |
| **PIAS** | PRU Inclusion and Attendance Service |
| **SEF** | Self Evaluation Framework |
| **SEND** | Special Educational Need and Disabilities |
| **SENCO** | Special Educational Needs Co-Ordinator |
| **SLO** | School Liaison Officer |
| **SLT** | Senior Leadership Team |
| **STLS** | Specialist Teaching & Learning Services |
| **Vulnerable groups** | This may include (but is not exhaustive) the following pupils: SEND, FSM, EAL, CIC, CIN, young carers, pupils persistently absence from school or at risk of exclusion, pupils at risk of NEET, pupils at risk of sexual exploitation, pupils with mental health issues. |

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# What are some of the processes?

**LIFT:** Local Inclusion Forum team meeting- This is facilitated by STLS and it is where SENCO's raise young people in order to gain specialist support and guidance for the young person.

**STLS ( Specialist Teaching and Learning Service):** Specialist teachers who support schools and deliver training.

**High Needs Funding:** Top up funding ( we will revisit later) Kent has their own system of doing this.

**EHC Plans ( Education, Health and Care Plans):** These pupils receive support through an Education, Health and Care (EHC) plan. An EHC plan is a legal document that describes a child or young person's special educational, health and social care needs, explains the extra help that will be given to meet those needs and how that help will support the child or young person to achieve what they want to in their life.

**Annual reviews:** Legal review of the EHC Plans that happens once a year ( there should be three review points in the year to monitor progress.)

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# What must schools publish online?

You must publish an Information Report on your website about the implementation of your school's policy for pupils with SEN and should update it annually. You should update any changes occurring during the year as soon as possible. The report must comply with section 69 of the Children and Families Act 2014, meaning that it must contain certain things.

You can find these....



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# SEND Information report
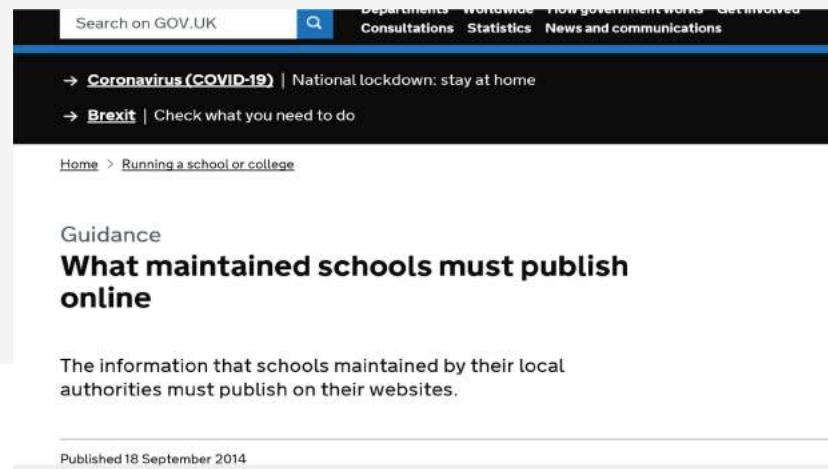
## Reviewing your SEN information report

Publishing a 'SEN information report' on your website is a statutory requirement for all maintained schools including nursery schools, and academies must publish information about the implementation of their SEN policy (SEND Code of Practice 2015, para. 6.79). The Code states that this information should be updated annually, with any in-year changes updated as soon as possible. This resource aims to provide clear guidance to support you in reviewing your SEN Information Report.

### What is the SEN information report for?

The purpose of the SEN information report is to enable parents and other visitors to your website to find out how pupils with SEND are supported in your school. It is not produced for governors or Ofsted, although these bodies will find it useful, and Ofsted will often look at it prior to an inspection. It should enable someone without specialist knowledge of the education system or SEND to quickly and easily learn about your approach to SEND; this may be to help them decide if your school is right for their child, or perhaps because they think their child, who is already a pupil at your school, may have SEND and they want to know what to do next.

### Features of a useful SEN information report:

- easy to find on the website
- includes all statutory information (see list later)
- co-produced with children and young people, parents, families and carers
- accessible in terms of the language used and presentation
- up to date

### Consider:

- Would someone new to our website be able to find the report easily? What is it called, and does this make sense to someone who might not know anything about SEND?
- Is all the information up to date? Including the SENCO's name and contact details, curriculum information, staff training, provision offered, arrangements for complaints, links to the LA's Local Offer etc

**NASEN- Reviewing your SEND information report**

# What must schools publish online?

It must contain:

- the 'SEN Information' specified in schedule 1 to the Special Educational Needs and Disability Regulations 2014. (Statutory guidance on this is contained in section 6.79 to 6.82 of the Special educational needs and disability code of practice: 0 to 25 years) information as to:

- **the arrangements for the admission of disabled pupils**
- **the steps you have taken to prevent disabled pupils from being treated less favourably than other pupils**
- **the facilities you provide to help disabled pupils to access the school**
- **the plan prepared under paragraph 3 of schedule 10 to the Equality Act 2010 (accessibility plan) for:**
  - **increasing the extent to which disabled pupils can participate in the school's curriculum**
  - **improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the school**
  - **improving the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled**

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# SEN policy compliancy and accessibility plan

- Take 5 minutes and look at your school website…

- Website
- SEN information report
- SEN policy
- Accessibility plan
- Is the policy easy to understand?
- Accessible for all stakeholders?

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# Budgets

Notional Budget

Top up funding

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# Notional Budgets

**Element 2 Funding**

**Element 2** the notional budget is funding that's is designed to meet the needs of children that go beyond plain old teaching (SEN or EAL).  Again, it is not ringfenced to a department or to a child.  Element 2 funding is calculated using a formula and every local authority uses a slightly different formula.

**But hold on, where's SEN?**

That's the point.  SEN is not the only  factor in determining the element 2 funding.  **Why?**  It is considered a perverse measure.  All the factors used in formula funding are sourced externally and are not based on an 'opinion'.  Since SEN is a very subjective measure the government and local authority cannot control or quality assure it. Once they've thrown all the numbers into the calculator and number will spit out which is the notional budget for the school.

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# Notional Budgets

**Where does the idea of £6000 come from?**

That element 2 funding is to be spent on students who need something above and beyond the normal classroom offer.  The difference between a mainstream classroom being funded at £4000 and a special school classroom being funded as £10,000 is the magic £6000.  Hence this idea that if a child needs an additional £6000 spending on them in a mainstream classroom in order to meet their needs, then they are classed as SEND.

In Kent....Government funding for SEN is largely within schools. Each mainstream school and academy will have been allocated an SEN notional budget. This budget varies per school/academy and in Kent is 10.2% of the schools' budget, which is higher than the national average of 9.8%

No requests for additional resourcing should be made to the Local Authority until it can be clearly demonstrated that the designated amount of notional SEN budget (£6,000) has already been allocated to the pupil and the pupil's needs cannot be met through the school's normally available resources.

'Schools are not expected to meet the full cost of more expensive special educational provision from their core funding. The local authority should provide additional top-up funding where the cost of the special educational provision required to meet the needs of an individual pupil exceeds the nationally prescribed threshold'. (SEN Code of Practice 2014 (CoP) section 6.99)

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# Notional Budgets

How is this funding being used strategically?

Where is the evidence of its use?

What is the impact?

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# Breakout rooms

How is this funding being used strategically?

Where is the evidence of its use?

What is the impact?

Discuss how you could find this information?
Consider what questions you could ask.

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# Top up funding

Element 3 **funding**, or **top up**, is the extra **funding** ring-fenced to an individual application.
The government call it **top up** (and ask for it on their census return) but local authorities may refer to it by a whole range of acronyms.

Top up funding can be applied for from the Local Authority
( each LA is different!)

Can be referred to as High Needs Funding
(HNF)
Impact reviewed

Discuss how you could find this information?
Consider what questions you could ask.

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# Reflection

**Personal reflection**

**<u>Operational and processes</u>**

- **How can the SEN governor support this strategically?**

- **How often does the SEN element of your budget get discussed?**

- **How often does SEND monitoring look at the value for money?**

- **What evidence is presented to the board?**

- **What is the impact of the spending?**

- **How is that reported to the board?**

# What does good send SEND provision look like?

- Read the article:

- [Ten steps to effective SEN provision • SEN Magazine](#)

- Identify the 10 things that make for effective provision

- Consider what questions you could ask to examine these key areas strategically

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# Good SEND provision

1. Coordinate provision and use a clear system of referral
2. Use effective evidenced based interventions
3. Develop on-site expertise
4. Use resources efficiently
5. Use rigorous assessment to precisely identify SEN and match interventions to individual needs
6. Track and monitor the students' progress across different subjects.
7. Evaluate the impact of interventions and adjust provision accordingly
8. Work with pupils and parents
9. Ensure strong teaching and learning
10. Prioritise leadership of SEN

## WHAT IS THE IMPACT?

## WHERE IS THE EVIDENCE?

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# NASEN - https://nasen.org.uk

## 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

**Fantastic resources for Governors:
SEND Governance review guide-
http://www.sendgateway.org.uk/resources/send-governance-review-guide**

**There is also information on a range of SEN topics, including need types and also that relate to remote learning and COVID**

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# Questions guide for Governors

**Excellent template!**

# Annual SEND report for Governors

**Excellent template!**

focus.on
SEND training

nasen
information | resources | training

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**Annual SEND Report for Governors**

| School: | |
|---|---|
| SENCO: | |
| Date of report: | |
| SEN Governor: | |

**SEND profile for last 12 months**
*To include:*
- number of pupils on SEN register (or equivalent), including numbers with Education Health and Care Plans
- number of pupils on SEN register as a percentage of pupil population
- number of pupils according to primary need (as on census)/gender/other characteristics e.g. pupil premium
- numbers of children joining the register and coming off the register this year

**Statement regarding overall quality of provision for pupils with SEND**
*Based on Ofsted descriptors; to include:*
- outcomes for pupils with SEND (academic and wider outcomes)
- effectiveness of leadership and management for SEND
- quality of teaching, learning and assessment for pupils with SEND
- personal development, behaviour and welfare of pupils with SEND

**Achievement of pupils with SEND**
*To include:*
- statutory assessment data
- school tracking data
- progress data, compared to other groups and pupils with SEND nationally
- wider outcomes (this may include attendance, exclusions, destinations, participation etc)

**SEN policy**
*When was this reviewed and have any changes been made?*

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# Poll

- How confident are you now in your understanding of SEND?

- How confident are you now in your understanding of the countywide context for SEND?

- How confident are you now in your understanding of your roles and responsibilities in relation to SEND?