

Supporting SEND pupils: What Governors need to know

Northern Governance 2018



Children and Families Act 2014

- The Code of Practice provides statutory guidance on duties, policies and procedures relating to part 3 of the Children and Families Act.

**‘Special educational needs and disability code of practice: 0 to 25 years
January 2015’**



The Code

- ‘ Will help everyone working with children and young people with special educational needs and disability, to secure for them, the outcomes from education, health and social care, which will make the biggest difference to their lives.’ (DfE)



Reference in Law

- The Special Educational Needs and Disability Regulations 2014
- The Special Educational Needs (Personal Budgets) Regulations 2014
- The Special Educational Needs and Disability (Detained Persons) Regulations 2015
- The Children and Families Act 2014 (Transitional and Saving Provisions)



Code of Practice

- 0-25 age range and includes guidance relating to disabled children and young people as well as those with SEN
- Participation of children and young people and parents in decision-making at individual and strategic levels
- A stronger focus on high aspirations and on improving outcomes
- Guidance on the joint planning and commissioning of services to ensure close co-operation between education, health and social care
- Guidance on publishing a Local Offer of support in SEND



Principles of the Code (policy)

- Section 19 of the Children and Families Act 2014 makes clear that local authorities **must** have regard to:
- The views, wishes and feelings of the child or young person, and the child's parents
- The importance of the child or young person, and the child's parents, participating as fully as possible in decisions, and being provided with the information and support necessary to enable participation in those decisions
- The need to support the child or young person, and the child's parents, in order to facilitate the development of the child or young person and to help them achieve the best possible educational and other outcomes, preparing them effectively for adulthood



Sections of Code

- Eleven key areas of statutory duties.
- Governors ensure schools are aware of statutory guidance as a reference document.
- All age statutory duties including EYFS and Further Education.
- Part 9 –Education Health Care needs assessment and plans.



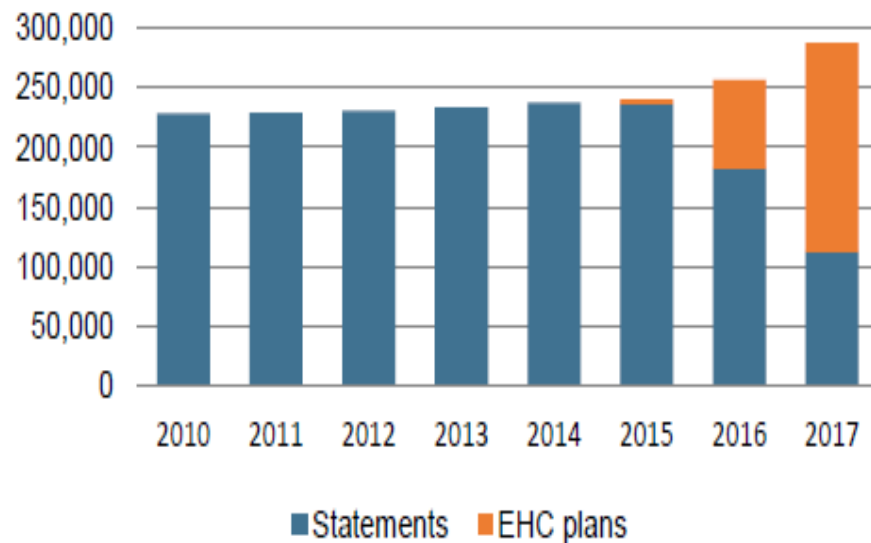
Code of Practice

Assessment of Needs

- Some children and young people may require an EHC needs assessment in order for the local authority to decide whether it is necessary for it to make provision in accordance with an EHC plan.
- Families, children and young people have more power in decision making.



Statements and EHC plans in place



There were 175,233 children and young people with statutory Education, Health and Care (EHC) plans and 112,057 children and young people with statements of special educational needs (SEN) maintained by local authorities as at January 2017. This gives a combined total of 287,290, an increase of 30,975 (12.1%) from 256,315 as at January 2016.

The combined number of children and young people with statements and EHC plans has increased each year since 2010.

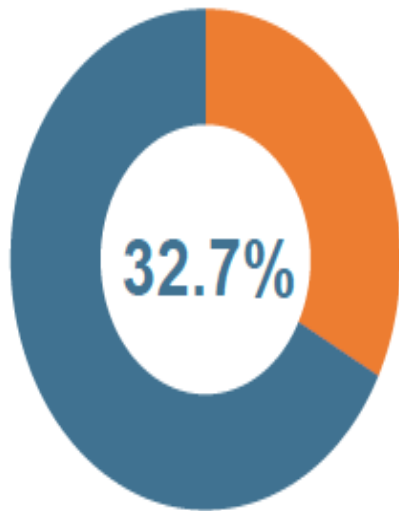


Why EHCP?

- The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood.



32.7% of statements in place at January 2016 have since transferred to EHC plans...



Between January 2016 and January 2017, there were 59,545 children and young people transferred from statements to EHC plans. This is equivalent to 32.7% of the children and young people with statements that were in place as at January 2016.

The period for local authorities to transfer children and young people with statements to EHC plans began in September 2014 and is due to end by April 2018.



Figure H: Number and percentage of children and young people with new EHC plans by establishment type (grouped)

Year: Calendar year 2016

Coverage: England

Establishment type (grouped)	EHC plans
Non-maintained early years settings in the private and voluntary sector	1,055 (3%)
Mainstream school	22,185 (63.3%)
Special school	9,280 (26.5%)
Alternative Provision (AP) / Pupil Referral Unit (PRU)	652 (1.9%)
Further Education	1,850 (5.3%)
Total	35,022

Source: SEN2 2017



Time limits

The 0-25 SEND code of practice states that the whole process of EHC needs assessment and EHC plan development, from the point when an assessment is requested (or a child or young person is brought to the local authority's attention) until the final EHC plan is issued, must take no more than 20 weeks. This is a shorter time limit than the 26 weeks previously given for the completion of statements. The special education needs and disability regulations allow for exceptions to the time limits in certain cases.



So What!

TASK

Please discuss implications for your governing body.



Challenges

- Changes in provision
- Variations in thresholds regarding who gets support
- Change in reporting format
- Significant change in outcomes
- Measuring impact
- Monitoring quality



Challenges

- High Care Funding changes for Local Authorities
- Time scales proven to be a challenge
- Draft plans not always reflecting agreed outcomes.
- Time delays affecting plans for chn and young people.
- Coordination of health and care professionals



Governor role EHCP

- SEND is not 1 link governor's responsibility but reflective of the values of the education community.
- Are outcomes within the EHCP measurable and include health and social care?
- Do you know whether plans have an impact on the lives of children and young people?
- Do you know if staff have the capacity to meet the needs of children and young people with SEND?



How do you know?

- Schools **must not** discriminate for a reason arising in consequence of a child or young person's disability.
- They **must** make reasonable adjustments to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory – it requires 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
- Families, children and young people are supported.



Questions

- We are covered by the public sector equality duty and **must** have regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between disabled and non-disabled children and young people



Statutory Duties

- Key policies in place:
- Accessibility Plan-

(Equalities Act 2010 schedule 10 para 3. Disability Discrimination Regulations 2005.)



Statutory Duties

- Equality Information and objectives, every four years-
(Equalities Act 2010.)
- SEN Information report. Updated annually-
(Keeping Children safe in Education,0-25 Code of Practice,Children and Families Act 2014.)



Statutory Duties

- Attendance, admissions, Early Years-
- ‘Governing bodies **must** publish information about the arrangements for the admission of disabled children, the steps taken to prevent disabled children being treated less favourably than others, the facilities provided to assist access of disabled children, and their accessibility plans.’ (Code of Practice)

(EYFS Statutory Framework ,EYFS curriculum)



Statutory Duties

- Supporting Pupils with Medical Conditions-
(Children and Families Act 2014)
- Child Protection and Procedures-
(Keeping Children safe in Education)



Conclusion

- Good governance is an essential part of any education provider and as part of the DfE plan for education they are determined to further support to find more experienced individuals who can use their skills and knowledge to help improve standards in education.



Hope

- We hope this session and today's conference has grown your capacity by providing detailed information, signposts and advice to ensure children and young people get the best from education to improve their life chances.
- They deserve no less.



Thank you

