

Busy Governance Guide to SEND

1. What is SEND? Special Educational Needs and Disabilities (SEND) indicates pupils have a learning difficulty or disability that calls for special educational provision to be made. The [SEN code of practice: 0 to 25 years](#) is a statutory code of practice that those involved in governance must have regard to and means that whenever they are taking decisions they must give consideration to what the code says.

2. How is special educational need defined? A pupil has a learning difficulty or disability if they:

- Have significantly greater difficulty in learning than the majority of others of the same age or
- Have 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.

3. Do all disabled children have SEN? Not necessarily, where a disabled child or young person requires special educational provision they will also be covered by the SEN definition. The Equality Act 2010 sets out the legal obligations that schools, early years providers, post-16 institutions, local authorities and others have towards disabled children.

4. Governing board SEND responsibilities. SEND is a whole board responsibility. While it is reasonable to expect SEND governors to undertake training for the role, everyone in governance should know what their legal responsibilities entail in practice. The legal responsibilities of governing boards in relation to pupils with SEND require boards to:

- Use 'best endeavours' to ensure that pupils with SEND get the support they need
- Ensure that relevant policies have been approved and monitor their effectiveness
- Ensure the necessary SEND information is published on the school/trust website
- Ensure that adequate resources are allocated to provision for pupils with SEND
- Ensure a suitably qualified or experienced special educational needs coordinator (SENCO) has been appointed and is working effectively
- Appoint a member of the board or a subcommittee with specific oversight of the school's arrangements for special educational needs and disability to support and challenge school leaders and the full governing board to ensure that priority is given to pupils with SEND.

5. The support they need: Every school is required to identify and address the SEN of the pupils that they support. Mainstream schools (not special schools), maintained nursery schools, 16 to 19 academies, alternative provision academies and Pupil Referral Units (PRUs), must:

- 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 SEN information report and publish arrangements for the admission of disabled children, including the steps being taken to prevent disabled children from being treated less favourably than others, including facilities provided to enable access.

6. Policies and reporting: Boards must adopt a policy for SEND which is a description of the vision and values underpinning the approach to meeting the needs of SEND pupils in the school or

trust. Boards at all schools, except special schools established in hospitals, are also responsible for ensuring their school/trust publishes an annual SEN information report on their website detailing how their SEND policy is being implemented. Boards also need to ensure the school publishes an accessibility plan showing how they plan to improve access for SEND pupils.

7. Training: Governors/trustees with specific oversight of SEND will need to undertake specific training for the role. All governors and trustees should familiarise themselves with chapter six of the [SEN code of practice](#). New governors/trustees should receive an overview of the SEND provision at their school/trust and how this is developing.

8. SENCO: Boards must ensure that there is a qualified teacher who works at the school designated as SENCO and in receipt of a National Award in Special Educational Needs Coordination (within three years of their appointment to the role). Within groups of schools, this could be one SENCO working across schools. As the SENCO works with the headteacher and the board to determine the strategic development of SEN policy and provision in the school, they should be part of the school leadership team. The SENCO has day-to-day responsibility for the operation of SEN policy and coordination of specific provision made to support individual pupils with SEN, including those who have EHC plans. The school should ensure that the SENCO has sufficient time and resources to carry out these functions. This should include providing the SENCO with sufficient administrative support and time away from teaching to enable them to fulfil their responsibilities in a similar way to other important strategic roles within a school.

9. EHC plans: These plans replaced 'statements'. The majority of children and young people with SEN or disabilities will have their needs met within local mainstream early years settings, schools or colleges. Some children and young people may require an Education and Health Care (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 (EHCP). Following a request for an assessment, or the child or young person having otherwise been brought to its attention, the local authority must determine whether an EHC needs assessment is necessary. EHC plans must specify the outcomes sought for the child or young person that will enable them to progress in their learning and as they get older, including education, health and social care support. The child's parent or the young person has the right to request a particular school, college or other institution to be named in their EHC plan. EHC plans should be used to actively monitor children and young people's progress towards their outcomes and longer term aspirations. Plans should be reviewed by the local authority as a minimum every 12 months or more frequently for children under five.

10. Local Offer: Local authorities have a statutory duty to develop and publish a Local Offer setting out the support they expect to be available for local children and young people with SEN or disabilities. As schools must publish detailed information about their arrangements for identifying, assessing and making provision for pupils with SEN they should reference and elaborate on the information provided at a local authority wide level in the Local Offer.

11. Funding: All mainstream schools are provided with resources to support those with additional needs, including pupils with SEN and disabilities. SEND funding falls into two main categories:

Schools Block: An amount, currently £6000 (SEND notional budget) per pupil is already present and identified within each school's overall budget. This is not ring-fenced to any particular child and it is for the individual school to decide how to use this amount to provide high quality appropriate support for SEND pupils who do not meet the threshold for higher spending.

High Needs Block: Schools are not expected to meet the full costs from their own funding of more expensive special educational provision for pupils who meet the threshold for higher spending.

The responsible local authority, usually the authority where the child or young person lives, should provide this additional funding to top-up the £6000 already in the school budget.

12. SEND Reforms: Following on from the previous governments green paper, the current government is committed to its own reform of SEND provision. The government plans to boost inclusion of pupils with special educational needs (SEND) in mainstream schools, amid the increase in the number of children with education, health and care plans (EHCPs). There are now more than 1.7m pupils in schools in England with SEND. This equates to almost one in five pupils (19.5 per cent) and marks a 5.6 per cent increase on 2024. One in 20 children (482,640) now have an EHCP. Discussions are taking place around the future of EHCPs and the nature of inclusion. The government is set to lay out its full plans for reforming the SEND system in a white paper this autumn.

13. Devon County Council: Many local authorities are in deficit with regards to SEND, with total deficits nationally now standing at over £1 billion, with the present system summarised as “*a vicious cycle of late intervention, low confidence and inefficient resource allocation.*” Devon has a cumulative overspend of the SEND High Needs Block of over £130 million, with the percentage of pupils with SEND in Devon almost always higher than the national average. Devon County Council is now part of the ‘safety valve’ scheme to reduce the deficit driven by SEND demand. The scheme provides a grant linked to high needs reforms and savings targets agreed for local authorities with the highest dedicated school grant deficits. Devon Local Authority undertakes to reach a positive in-year balance on its Dedicated Schools Grant (DSG) account by the end of 2026-27 and in each subsequent year.

The Department has now agreed to pay to the authority an additional £38.00 million of DSG before the end of the financial year 2023-24. In subsequent financial years, subject to compliance with the conditions set, the Department will pay further reducing DSG sums bringing the total grant to just under £95.00 million. This funding will be provided in instalments and subject to continued satisfactory progress. Subject to full compliance, Devon County Council should therefore eliminate their cumulative deficit no later than 2031-32.

National figures for comparison on the average number of SEND pupils in schools is available on [‘Find and check school and college performance data’](#) website in the ‘absence and pupil population’ section listed alongside the actual percentage within each school.

14. SEND governor/trustee: It is advised that the SEND governor/trustee should:

- Meet with the SENCO every term
- Ensure the SENCO attends a full governing board meeting at least once a year
- Collaborate with the SENCO to produce an annual report to the governing board on progress against priorities.

15. Questions for Boards to consider around SEND:

- How does the number of SEND pupils in my school compare with the National average and the Devon average, including those with and without EHC plans?
- Are all SEND children within my school supported by a plan for additional provision and do we use the Devon Graduated Response Tool or other appropriate plan throughout our organisation and is its implementation complete or patchy?
- What is the proportion of pupils that have specific needs relating to communication and interaction; cognition and learning, social, emotional and health difficulties; sensory and or physical needs?
- Does our SENCO have sufficient time and training to be effective?
- Is our governor/trustee with responsibility for SEND trained?

- What is the impact of targeted interventions?
- How is the allocation of resources through the SEND notional budget working?
- How is the curriculum adapted to meet the needs of all pupils, including those with SEND
- How are staff at all levels developed and supported to meet the needs of SEND pupils
- How does the school or trust work with families to support the development and learning of pupils with SEND and identify support that is needed?
- Does the board consider SEND pupils in every decision made by the board?
- Does SEND have an equivalent status to pupil premium?
- What does data about pupils excluded with SEND or identified as SEND after exclusion tell us about our systems to identify pupils with SEND?
- What are the strengths and weaknesses within our SEND processes highlighted through inspection and self-evaluation?