



# **Roles and Responsibilities of Maintained Schools and Governing Bodies**

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## Formulating an SEN Policy

Every governing body of a maintained school must have a special educational needs policy. That policy must set out the school's general policy and approach to meeting pupils' special educational needs for those with and without statements. Whilst the governing body has overall responsibility for the school's SEN policy, the school as a whole should be involved in its development. At the end of this section is a checklist of information that schools must legally publish in one single document i.e. in the SEN policy. This checklist is reproduced from the Education (Special Educational Needs) Information Regulations 1999.

As well as maintained schools, the following must also have an SEN policy:

- City Academies
- Early-years settings in receipt of government funding.

In Early Education Settings the management group should work with staff to determine the setting's general policy and approach to provision for children with SEN.

## Implementing the Policy

The head teacher has responsibility for the day-to-day management of all aspects of the school's work including provision for children with SEN. The head should report to governors regularly on the implementation of the policy. The head will work closely with the school's SENCO to ensure that the provision for children with special needs is effectively managed.

## Monitoring the Policy

As with all policies, the Special Educational Needs policy should be subject to a regular cycle of monitoring, evaluation and review. Thus, annually, governing bodies **must** consider and report on the effectiveness of the school's work on behalf of children with Special Educational Needs.

The governing body's Annual Report to Parents **must** include information on the implementation of the governing body's policy on pupils with Special Educational Needs and any changes made to the policy during the previous year.

## Assessing the impact of the policy on different racial groups

The Race Relations Amendment Act requires that every governing body must have a Race Equality policy that:

- sets out the school's commitment to tackling racial discrimination and promoting equality of opportunity
- provides details of how the impact of the policy will be monitored and evaluated.



As well as assessing the impact of the Race Equality Policy, governors have to assess the impact of all their policies (including the SEN policy) on different racial groups. In relation to special needs, governors should ask themselves as a minimum:

- What groups of children are not achieving as well as they might?
- Are the SEN support mechanisms employed appropriately to support these pupils?

To answer these questions governors should consider pupil attainment broken down by ethnicity. This can be compared with data on pupils at the different stages of the Code of Practice (again broken down by ethnicity). Similarly schools could consider all pupils with a particular type of need to see if common factors are evident. For example, governors could look at all the pupils whose main need is dyslexia or behaviour and examine the breakdown by ethnicity to see if any patterns emerge.

Governors should agree a methodology for how they will monitor and assess the impact of the SEN policy and include these details in the SEN policy itself.

## Appointing a Special Needs Co-Coordinator

The Code of Practice says that each school should have a named teacher who is responsible for:

- the day to day running of the SEN policy
- working with and advising fellow Headteachers
- co-coordinating the teaching provided for children with special needs
- maintaining the school's SEN register and overseeing the records on all pupils with special needs
- keeping in touch with parents of children with special needs
- contributing to the in-service training of staff
- working with external agencies such as Social Services and the Health Services.

## Appointing a “Responsible Person”

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. The person is generally the head teacher, but may be the chair of the governing body or a governor appointed by the governing body to take that responsibility. Most governing bodies appoint a governor or sub-committee to have specific oversight of the school's arrangements and provision for meeting Special Educational Needs. The SEN governor's remit does not necessarily need to include the role of 'responsible person.'

## Promoting High Standards

Governors have a general duty to conduct the school with a view to promoting high standards. These high standards relate to all pupils in the school including those with SEN.

Through the performance-management framework governors have to set objectives for the head teacher. Those objectives will include objectives for leadership, management, pupil achievement and progress as well as relating to priorities in the school development plan. All these objectives should have regard to SEN matters.



## Duties Under the Disability and Discrimination Act

From September 2002 it has been against the law for schools to discriminate against disabled pupils in respect of

- education and associated services
- admissions to school
- exclusions from school

Disability and Discrimination Guidance has been issued to schools setting out the extent of the duties and action that schools should take. (See the document "Disability and Discrimination – Guidance for Schools" which can be downloaded from "Plans and Policies").

## Formulating an Accessibility Plan

Each school's governing body is responsible for developing an accessibility plan and for implementing the action set out in their plan.

This plan must set out the school's arrangements for:

- improving access to the physical environment of the school - this also includes physical aids to access education
- maximising access for pupils with disabilities to the school curriculum -this covers teaching and learning and the wider curriculum of the school such as participation in after school clubs, leisure activities or school visits
- improving the delivery of written information to disabled pupils including handouts, timetables, textbooks and information about school events.

The Accessibility Plan could be a self-contained document or it could be included in the school's existing Special Needs Policy. The key points of the Accessibility Plan that explain how the school makes itself accessible to disabled pupils should also be included in the school prospectus and the governing body's Annual Report to Parents.

Guidance on what the policy should contain and a template policy are contained in "Disability and Discrimination – Guidance For Schools".

## Admission of Pupils with SEN but who do NOT have statements

Pupils with Special Educational Needs but without Statements must be treated the same as all other applicants for admission. Applications from parents of children who have Special Educational Needs but no Statement must be considered on the basis of the school's published admissions criteria. Such children should be considered as part of the normal admissions procedures. Admission authorities cannot refuse to admit children on the grounds that they do not have a Statement of Special Educational Needs or are currently being assessed. All parents of children who do not have Statements have the right of appeal to an independent panel in the event that an application to a school has been refused.

## Admission of Pupils with SEN who do have statements

The admission of Statemented pupils is governed by an entirely separate set of rules and procedures. However, there is a clear expectation within the Education Act 1996 that pupils with Statements of Special Educational Needs will be included in mainstream schools. A parent's wish to have their child with a Statement educated in the mainstream should be refused only in the small minority of cases



where the child's inclusion would be incompatible with the efficient education of other children. In summary, the procedures for the admission of Statemented pupils are as follows:

- a school named in a Statement of Special Educational Needs **MUST** admit the child
- the LEA has a duty to name a parent's preferred school in a statement so long as:
  - a. the school is suitable for the child's age, ability and aptitude and the special educational needs set out in part 2 of the statement
  - b. the child's attendance is not incompatible with the efficient education of other children in the school and
  - c. the placement is an efficient use of the LEA's resources
- the LEA must consult the governing body of a school before naming it in a Statement. If another authority maintains the school, the LEA must also consult with that authority.
- if the consultation is the result of a parental preference for a particular school, the LEA should consider any concerns the governing body may have about meeting the child's Special Educational Needs or about how the child's attendance might impact on the education of other children at the school or the efficient use of resources. In other words, the governing body may express any concerns under the headings (a), (b) or (c) given above. However, the final decision rests with the LEA.
- if the consultation is **NOT** the result of a parental preference the LEA should consider any concerns from the governing body that the child's attendance might be incompatible with the efficient education of other children at the school and whether the governing body or the LEA can take reasonable steps to prevent that incompatibility. In other words, the governing body may only express concerns under heading (b) given above. Again, the final decision rests with the LEA.

## Admissions and Infant Class Size Legislation

LEAs and school governing bodies who are their own admissions authority, have a duty to comply with the statutory infant class size limit of 30 pupils. No infant class containing 5, 6 or 7 year olds in a maintained school may contain more than 30 pupils with one qualified teacher except in certain limited circumstances. These exceptions include pupils:

- attending mainstream lessons but normally registered at a special school
- educated in a resourced SEN unit within a mainstream school
- admitted outside the normal admission round to an infant class in a mainstream school with a Statement of SEN naming that school. Such pupils may be counted as an exception for the remainder of the academic year of admission

## Other Duties of Governing Bodies

In addition to the responsibilities outlined above, school governing bodies have a duty to:

- do their best to ensure that the necessary provision is made for any pupil with SEN
- ensure there are appropriate staffing and funding arrangements in place and oversee the school's work in relation to SEN
- ensure that teachers in the school are aware of the importance of identifying, and providing for, those pupils who have Special Educational Needs
- consult The Learning Trust and the governing bodies of other schools when it seems to be necessary or desirable in the interests of coordinated special-educational provision in the area as a whole.

- 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, in so far as is reasonably practical and compatible with:
  - the child receiving the special-educational provision their learning needs call for
  - the efficient education of the pupils with whom they are educated
  - the efficient use of resources
- report 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 their duties towards 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

