

Core Standard One – Statutory Requirements / Duties

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What does 'statutory requirements' mean and who is responsible for them?

The statutory requirements are the things that an educational setting MUST DO or MUST HAVE IN PLACE in relation to children and young people with SEND who are currently in the setting or who may attend the setting in the future. This includes statutory documentation and key personnel.

The governing board of the educational setting is responsible for making sure these duties are carried out. The board may delegate the duties to a committee, to an identified governor or to the Head teacher (who may in turn delegate them to the SENDCo.) However, the board remain responsible for making sure that the functions are carried out, even if they have delegated them.

The information in this core standard should be read in conjunction with the statutory documentation referred to. Links to these documents are provided.

LEGISLATION

What legislation is relevant to the quality of provision for children and young people with SEND?

The statutory guidance for SEND provision is set out in the following key documents:

- [The Special Educational Needs and Disability Code of Practice: 0-25 years" \(DFE January 2015\).](#)
 - The 'Code of Practice' provides the structure and framework for what should normally be available for children and young people who have SEND.
- [Part 3 of the Children and Families Act 2014](#)
 - A [useful summary](#) of the Children and Families Act is available from The Council for Disabled Children
- [The Equality Act \(2010\) A guidance for schools](#)
- [Supporting pupils at school with medical needs](#)

GOVERNING BOARD LEGAL DUTIES

What are the Governing Boards responsibilities in relation to children/ young people with SEND??

All governing boards have legal duties under the Children and Families Act 2014 and must have regard to The Special Educational Needs and Disabilities (SEND) Code of Practice 2015 in relation to children and young people with SEND in an educational setting. These are set out in The [Governance Handbook](#) as follows:

Governing boards must:

1. Co-operate with the local authority in reviewing the provision that is available locally and developing the local offer
2. Use their best endeavours to make sure that a child with SEND gets the support they need – this **means doing everything they can to meet children and young people's SEND**
3. Ensure that children and young people with SEND engage in the activities of the educational setting alongside children and young people who do not have SEND
4. Inform parents when they are making special educational provision for a child
5. Ensure that arrangements are in place in educational settings to support children and young people at educational setting with **medical conditions***
6. Provide access to a broad and balanced curriculum
7. Ensure that children and young people from Year 8 until Year 13 are provided with independent careers advice
8. Have a clear approach to identifying and responding to SEND
9. **Provide an annual report for parents on their child's progress**
10. Record accurately and keep up to date the provision made for children and young people with SEND

11. Publish information on their websites about the implementation of the board's policy for children and young people with SEND (the educational setting SEN information report*)
12. Publish information about the arrangements for the admission of children and young people with disabilities*. The steps taken to prevent them being treated less favourably than others, the facilities provided to assist access, and their accessibility plans*
13. Ensure that there is a qualified teacher designated as special educational needs co-ordinator* (SENDCo) for the educational setting
14. Determine their approach to using their resources* to support the progress of children and young people with SEND
15. Appoint a link governor for SEND

*Further information on these duties can be found below

If Governing boards want to find out more about their responsibilities, further information and guidance can be found in: [SEND Regulations 2014](#)

Governing Boards may also be interested in [The SEND Governance Review Guide](#).

For more information on the role of the link governor for SEND see: [1. Link governor for SEND HEP role profile \(PDF, 93.2KB\)](#) and [2. Luton Governors leaflets - The role of the SEN governor \(PDF, 163KB\)](#)

FUNDING RESOURCES

What funding resources should schools use to meet the needs of pupils who have SEND? All educational settings are provided with funding from the DfE that they must use to put in place a range of processes, approaches and provision to ensure the needs of children and young people with SEND are met effectively. The DfE has aligned this funding with the statutory framework that is set out in the SEND Code of Practice (2015)

Within schools, there are 3 funding streams which are linked to the different levels of support that a child or young person with SEND might receive: As the following diagram shows, the funding is cumulative.



Element 1

Per pupil funding, school's delegated budget

Funding for all pupils in a school

Allocated according to a national funding formula and will vary between Local Authorities

Element 1+

Element 2

Funding for pupils at SEN support & those with an EHC plan

Calculated through a national funding formula which is adjusted by the local authority

Delegated to schools

This is the '**notional SEN budget**' because it is a suggested amount but not ring-fenced

Element 1 +

Element 2 +

Element 3

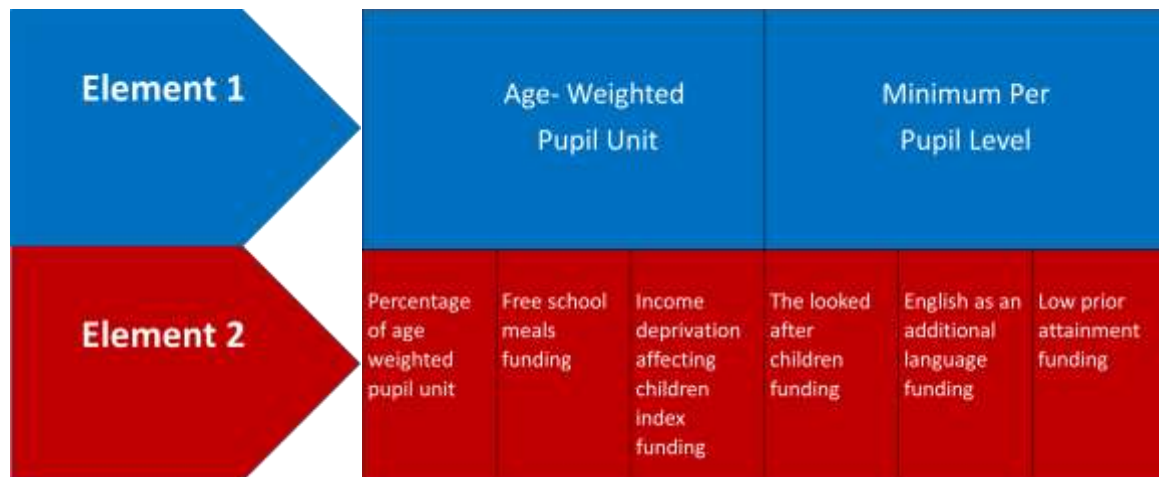
Funding for pupils with an EHC plan.

This is the '**Top-up**' or '**High Needs Block**' funding

Schools can apply for this funding when the needs of a child/ young person cannot be met from within element one and element two funding

The government suggests that, in addition to the per pupils funding (element 1), a school should spend up to £6,000 on provision for a pupil with SEND. (element 2). The funding is for provision that is ‘additional to or different from’ the provision made for all pupils. Schools must spend the funding how they see fit to meet the needs of their pupils with SEND.

Because ‘SEND’ is viewed as a very subjective label, the formula to calculate element two of the funding for pupils with SEND is not based on the settings SEND numbers but on external factors that are not based on ‘opinion’



A setting needs to bear in mind that it must use its ‘best endeavours’ (do all it possibly can) to meet the needs of pupils with SEND. This includes ensuring that element 1 and 2 funding is spent appropriately. The vast majority of children with SEND will have their needs met for much less than £6000.

NB SEND funding streams work slightly differently in Early Years settings and in FE settings. More information can be found here:

Early Years

<https://www.haringey.gov.uk/children-and-families/local-offer/0-4-year-olds-early-years/early-years-inclusion-funding-settings>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/758271/EYNFF_Operational_Guide_-_2019-20_Final.pdf

Further Education

<https://www.haringey.gov.uk/children-and-families/local-offer/money>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/886837/Funding_rates_and_formula_202021_v1.1.pdf

STATUTORY DOCUMENTATION

What Statutory Documentation do settings need to have in place?

There are 4 key documents that an educational setting must have in place in relation to its provision for children and young people with SEND. These are:

- The SEN information Report
- SEN policy
- Accessibility plan

- Policy on meeting the needs of children and young people with medical conditions in educational setting

What is the SEN Information Report and what Needs to be Included in it?

All educational settings must have an SEN information report on their website. (More information about what schools must publish on line can be found [here](#))

The report must be updated every year or sooner if necessary, to reflect any changes or developments in the provision for children and young people with SEND in the setting.

The information report is intended for parents/ carers or prospective parents/ carers. It should provide them with a summary of the settings provision for children and young people with SEND and explain how the setting implements its SEN policy. It should also tell parents /carers where they can find the settings accessibility plan and the LAs Local Offer.

What makes a good SEN information Report?

A good SEN information report will have the following features:

- All required information included in the report – [3. SEN Information Report Checklist \(PDF, 144KB\)](#) and [4. SEN information report audit tool \(PDF, 83.7KB\)](#)
- The report is ‘in date’ and has been updated annually
- The report is clearly dated with the month and year and the date when it is next due to be updated is also clearly displayed
- It is evident that the report has been approved by the governing body i.e. the date it was approved is displayed
- The information report and SEN policy are clearly defined and are, ideally, separate documents
- The report is easy to find on the website, for example it is under an ‘SEND’ tab rather than the ‘Policies’ tab
- The report is written in clear, jargon free language and uses visuals such as pictures and diagrams to help parent/carers to understand the information
- The language used is welcoming and positive and encourages parental involvement in the SEN process (see boxes below for some examples of ‘parent friendly’ and ‘not so parent friendly’ language.)

Examples of ‘parent/carer friendly’ language	Examples of not so ‘parent/carer friendly’ language
<ul style="list-style-type: none"> • Welcome to the SEND report... • We will always involve parents... • We meet with parents to give as much information, support and reassurance as possible... • Parents are welcome to come into educational setting to share any concerns or to telephone staff. • Parents and students are encouraged to tour the educational setting... • Meetings can be arranged at any time... • Parents...are involved in ... • We know, you know your child best so we will always talk to you • Parents ...are involved at each step... • We want parents to be involved in training 	<ul style="list-style-type: none"> • This SEN information report is intended for parents • We will consult with parents • Discussion with parents when need identified • Parents are kept informed • There may be review meetings with parents • We provide feedback to parents • Parents are invited to • Parents must make an appointment • We take into account the parent’s concerns • Notes are taken and given to parents • The findings of the review are communicated to parents • We will formally notify parents

- we always invite parents to join our Makaton training

- We will support parents to find relevant training
- Parents can request training

What is the SEND Policy and What Needs to be Included in it?

The SEND policy provides detailed information about how the educational setting meets the needs of children and young people with SEND. It is intended for staff and other professionals and provides a clear description of the settings processes around children and young people with SEND and set out well-defined expectations about the part they play in those processes.

The SEND policy should include the vision, values and broader aims of the setting's **arrangements for children and young people with SEND and explain what the setting's efforts to achieve the best outcomes for children and young people with SEND looks like in practice.** This should include the settings arrangements for providing a graduated approach to how children and young people with SEND are identified along with how their needs are assessed and provided for.

The policy should also include details about the training and information that is available to staff and describe how teaching staff will be supported to teach children and young people with SEND in their own classes. (See: Core Standard Three Quality First teaching)

Although the policy does not have to be published on the educational settings website, it is good practice to do so.

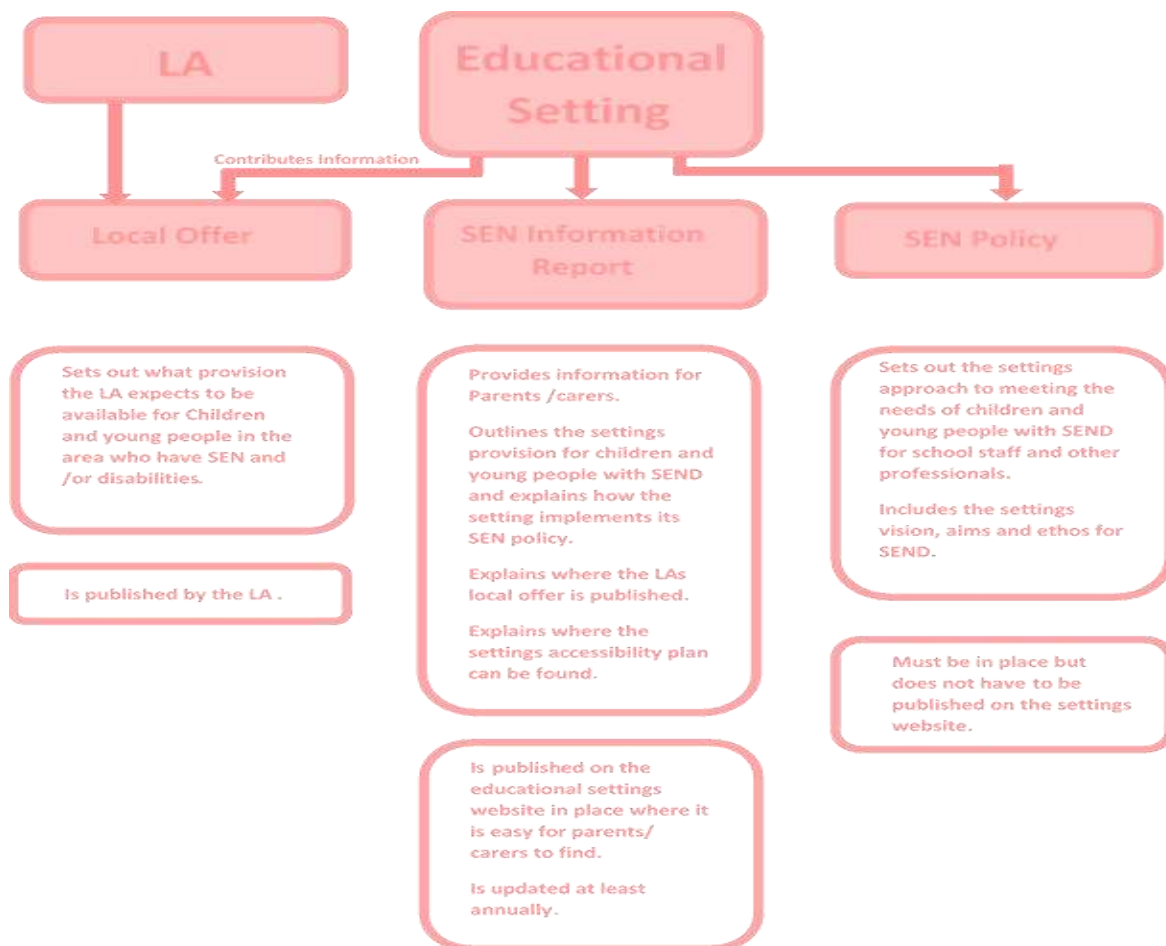
Can the Policy and Information Report be One Document?

While the SEN information report and policy can be written as one document, this is not best practice and educational settings are strongly advised to keep them as two separate documents for the following reasons:

- The information report needs to be updated at least annually. If it is part of the policy this update often gets forgotten.
- The information report needs to be easy for parents / prospective parents to find on the website, if it is part of a policy, it is often difficult for parents to find
- **The information report needs to be written specifically for parents in 'parent friendly' language.** Policies are rarely written in such language.
- The Information report needs to contain clear and concise information for parents about how the educational setting implements its SEN policy. The policy will contain lots of information that parents do not need and may not understand.

What is the difference between the Local Offer, The SEN information Report and the SEN policy?

This diagram helps to show the difference between these three documents:



What is the accessibility plan and what needs to be included in it?

Under the Equality Act 2010 an educational setting must have a written accessibility plan on their website that shows how the setting will, over a prescribed period of time and within a reasonable timeframe:

- increase the extent to which disabled children and young people can participate in the settings **curriculum**
- improve the **physical environment** of the setting for the purpose of increasing the extent to which disabled children and young people are able to take advantage of education and benefits, facilities or services provided or offered by the setting
- improve the delivery to disabled children and young people of **information** which is readily accessible to children and young people who are not disabled

It is important that the plan covers all three of these areas. A PDF of what must be included can be found here [5. Information on requirements of the accessibility plan for schools \(PDF, 163KB\)](#)

The SEN Code of Practice 2015 states that: *“Mainstream educational settings (educational settings) ...must...prepare their accessibility plan showing how they plan to improve access progressively over time”* (See section 5.6 p80)

The underlined statements above, mean that the plan cannot just be a description of what the setting does now. It has to show what else the setting plans to do over a specified period of time i.e. 1 year, 3 years to increase access to the three identified areas. A pro forma can be found here [6. Accessibility plan template \(PDF, 172KB\)](#)

What about access to standardised tests (SATS) and exams for children and young people with SEND?

Children and young people with SEND are commonly denied the opportunity to take SATS and exams because it is felt they will not cope with them. However, educational settings have a duty to make 'reasonable adjustments' for children and young people with SEND and this includes access arrangements for SATS and exams.

It is essential that educational settings view access arrangements for SATS and exams as the reasonable adjustments they need to make for children /young people with SEND who have the required knowledge and skills, but who cannot demonstrate this knowledge or skills as quickly or as easily as their peers due to their SEN or disability. As such, it is important that the SENDCo is involved in identifying children / young people who will benefit from such arrangements. Access arrangements must not affect the integrity of the test/ examination or give the learner an unfair advantage.

What are the access arrangements for KS1 and KS2 SATS?

The access arrangements for [KS1 assessments](#) and [KS2 SATS](#) are usually published in Autumn term each year and provide all the relevant information about access arrangements.

The same access arrangements are available for KS1 and KS2 SATS.

The main difference is that access arrangements for KS1 SATS are applied at the discretion of the educational setting, where as for KS2 SATS the access arrangements fall into three categories:

- Additional time, early opening to adapt a test and compensatory marks for spelling require educational settings to make an application to the Standards and Testing Agency STA to gain permission. **This has to be done through the ‘Primary Access Gateway’ in the March or April prior to the SATS.**
- The use of scribes, transcripts, word processors or other technical or electronic aids require educational settings to notify the STA prior to the SATS taking place.
- All other access arrangements for KS2 SATS are at the discretion of the educational setting.

What are the access arrangements for Exams?

The Joint Council for Qualifications (JCQ) sets out the access arrangements for the majority of exam boards.

The guidance clearly states that the SENDCo **must** lead on the access arrangements process within his/her educational setting.

The process for applying for each access arrangement varies. Details for each are set out in the [JCQ guidance](#).

It is recognised that some children /young people with SEND may not be able to access the tests/ exams despite the provision of access arrangements, but they should be given the best possible opportunity to do so.

What is the policy on meeting the needs of children and young people with medical conditions in educational setting and what needs to be in it?

The Children and Families Act 2014 places a duty on educational settings to make arrangements to support children and young people with medical conditions.

The DfE has provided statutory guidance called [‘Supporting pupils at school with medical conditions 2015’](#) The guidance is also relevant to other educational settings who are supporting children and young people with medical conditions.

The guidance states that:

“Governing bodies should ensure that all educational settings develop a policy for supporting children and young people with medical conditions that is reviewed regularly and is readily accessible to parents and educational setting staff. In developing their policy, educational settings may wish to seek advice from any relevant healthcare professional.”

Individual healthcare plans will normally specify the type and level of support required to meet the medical needs of such children and young people.

Where children and young people also have SEN, their provision should be planned and delivered in a co-ordinated way with the healthcare plan.

The policy should include information about:

- who is responsible for ensuring that sufficient staff are suitably trained
- how training needs are assessed
- how and by whom training will be commissioned and provided
- how staff will be supported in carrying out their role to support children and young people with medical conditions, and how this will be reviewed.
- how the setting will liaise with health care professionals
- arrangements for children and young people who are competent to manage their own health needs and medicines
- **a commitment that all relevant staff will be made aware of the child / young person's condition**
- cover arrangements in case of staff absence or staff turnover to ensure someone is always available
- briefing for supply teachers
- risk assessments for educational setting visits, holidays, and other educational setting activities outside the normal timetable
- monitoring of individual healthcare plans
- details about who is responsible for necessary equipment and space provision
- practice that is not acceptable (for example: preventing easy access to an inhaler, penalising children and young people for their attendance record, expecting parents to attend to toileting needs)
- insurance arrangements to cover staff providing medical support
- how complaints or concerns about the support for children or young people with medical needs can be made and how they will be handled

Full details on what the policy should include can be found in the statutory guidance (see link above).

TOILETING

What Are The Statutory Requirements about Toileting?

Issues around children and young people who are not yet fully continent are often raised by educational settings.

The E.R.I.C website has lots of useful information and resources:

<https://www.eric.org.uk/Listing/Category/education-professionals>

The statutory requirements around this are very clear:

The Children and Families Act 2014 places a statutory duty on schools to support children and young people with medical conditions, including bladder and bowel problems. If a child or young person has an identified continence issue which won't be resolved before they start school (whether related to toilet training or not), the school cannot refuse entry.

The Equality Act 2010 states that schools must not discriminate against or disadvantage disabled children or those with special educational needs. A delay in achieving continence - or not being toilet trained - is considered a disability. It is therefore not acceptable for a school to refuse or delay admission to children and young people who are not yet continent.

Supporting pupils at school with medical conditions (DfE 2015) guidance states that it is unacceptable practice to: *“require parents, or otherwise make them feel obliged, to attend school to administer medication or provide medical support to their child, **including with toileting issues**. No parent should have to give up working because the school is failing to support their child's medical needs”* (P23)

[Guidance for safer working practice for those working with children and young people in education settings 2020](#) provides information about staff attending to the intimate care needs of children and young people. It stipulates:

- Settings should have an intimate/personal care policy which ensures that the health, safety, independence and welfare of children/young people is promoted and their dignity and privacy respected. example from ERIC website.
- Intimate or personal care procedures should not involve more than one member of staff unless the **pupil's care plan specifies the reason for this**
- When assistance is required, this should normally be undertaken by one member of staff., however, they should try to ensure that another appropriate adult is aware of the task to be undertaken and that, wherever possible, they are visible and/or audible (without compromising the respect, privacy and dignity of the child /young person)
- Settings should ensure that intimate / personal care is provided by staff known to the child/ young person. It should not be carried out by an adult that the child /young person does not know.
- Settings should have clear nappy or pad changing protocol which form part of the intimate / personal care policy.
- Settings should have written care plans in place for any child /young person who could be expected to require intimate care. (An example care plan can be found [here](#))
- Staff should adhere to the policy and care plans. They should consult with colleagues where any variation from the agreed procedure is necessary, record the justification for any variations and share these with the child /young person and their parents.
- Arrangements for intimate and personal care should be open and transparent and accompanied by recording systems. A signed record should be kept of all intimate and personal care tasks undertaken and, where these have been carried out in another room, should include times left and returned. examples
- Staff should know and understand that children/ young people are entitled to respect and privacy at all times, especially when in a state of undress, including when toileting or changing.
- Setting should ensure that only individuals that have been checked against the relevant DBS barred list are permitted to engage in intimate or personal care.

Where appropriate, settings should work with the child/young person and their parents to put a toilet training programme in place.

ADMISSIONS

Can an Educational Setting Refuse to Admit a Child /Young Person with an Education, Health and Care plan? (EHC Plan)?

The short answer is **NO**. Section 43 of the Children and Families Act 2014 says that: *“All schools, must admit a child if their EHCP names the school.”* This means that children/ young people who have an educational setting named on their EHC Plan are admitted to a setting by the local authority through the EHCP process, rather than through the settings admissions arrangements. As such, the settings published admissions arrangements cannot imply that they have any discretion over the admission of children/ young people with an EHC Plan.

What if the Setting is Oversubscribed?

The Schools Admission Code 2014 link makes it clear that children /young people with an EHC Plan fall outside of the settings oversubscription criteria

- *“When there are more applications than places...All children whose Education, Health and Care (EHC) plan names the school must be admitted.”*

This means that an educational setting **must** admit a child /young person with an EHC Plan that names them, regardless of whether the setting has places available or not.

Can a Setting Refuse to be Named on an Education, Health and Care Plan (EHC Plan)?

Parents (or the child/ young person) can ask for a particular educational setting to be named in an EHC Plan. However, if **the educational setting indicates that it cannot cater for a child's /young person's needs**, parents will need to evidence that this is not correct.

The local authority must consult with an educational setting before naming it in an EHC plan. However, the authority has overriding power to name a setting, regardless of the setting's representations. This means that, even if a setting indicates that it does not feel able to support the child/ young person, the local authority may still name that setting on the EHC plan. This is most likely to occur when a child/ young person has been allocated a place by an educational setting prior to them acquiring an EHC plan but, upon the draft EHC plan being issued, the setting saying it can no longer meet the needs of that child /young person.

Settings can only indicate that they cannot meet the needs of a child/ young person with an EHC plan under very limited circumstances, these being:

- it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or
- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources

'Efficient education' means providing for each child or young person a suitable, appropriate education in terms of their age, ability, aptitude and any special educational needs they may have.

'Others' means the children and young people with whom the child or young person with an EHC plan will directly come into contact on a regular day-to-day basis.

What About Children /Young People with SEND but Without an EHC Plan?

The SEN Code of Practice states that:

- Where a child or young person has SEN but does not have an EHC plan they **must** be educated in a mainstream setting

The Equality Act 2010 states that: *"Children with disabilities must not to be treated less favourably than others in the admission process. A school should make 'reasonable adjustments' to prevent discrimination"*

The Schools Admissions code 2021 explains that educational settings:

- must ensure that their admission arrangements will not disadvantage unfairly, either directly or indirectly... **a child with a disability or special educational needs**, and
- **must not** discriminate against or disadvantage disabled children, those with special educational needs, or those applying for admission outside their normal age group where this has been agreed to.

SAFEGUARDING

Are There Specific Safeguarding Requirements for Children/ young People with SEND?

[Keeping Children Safe in Education 2021](#) (KCSIE) makes specific reference to children/ young people with SEND. It explains that:

- Children with SEND or certain health conditions can face additional safeguarding challenges. Governing bodies and proprietors should ensure their child protection policy reflects the fact that additional barriers can exist when recognising abuse and neglect in this group of children. These can include:
 - **assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the child's disability without further exploration;**
 - these children being more prone to peer group isolation than other children;
 - **the potential for children with SEND or certain medical conditions being disproportionately impacted by behaviours such as bullying, without outwardly showing any signs; and**
 - **communication barriers and difficulties in managing or reporting these challenges.**

- To address these additional challenges, schools and colleges should ensure that their child protection policy reflects the above and should consider extra pastoral support and attention for children with SEN and disabilities along with ensuring any appropriate support for communication is in place.

It also highlights that the Designated Safeguarding Lead (DSL) should have regular training so that they can recognise the additional risks that children with SEND face online, for example, from online bullying, grooming and radicalisation and are confident they have the capability to support SEND children to stay safe online.

In addition, the DSL is expected to: liaise with staff (especially teachers, pastoral support staff, school nurses, IT Technicians, senior mental health leads and SENCOs or the named person with oversight for SEN in a college) on matters of safety and safeguarding and welfare (including online and digital safety) and when deciding whether to make a referral by liaising with relevant agencies **so that children's needs** are considered holistically.

KCSIE also notes that staff should be aware of the additional vulnerability of children/ young people with SEND and the potential for this group to be more at risk, for example from sexual violence or sexual harassment from their peers, both online and offline.

INSPECTION

Do Ofsted look at the provision for children/ young people with SEND?

The quality of provision for children /young people with SEND now forms part of the judgement decision for the overall effectiveness of an educational provision.

“Before making the final judgement on overall effectiveness, inspectors will always...evaluate the extent to which the school's education provision meets different pupils' needs, including pupils with SEND.”

[Ofsted Inspection Handbook 2021](#)

Inspectors will look SEND provision as part of all other inspection activities and within each of the key judgement areas, **especially the quality of education**. One of the grade descriptors for 'inadequate' quality of education specifically refers to the quality of education for pupils with SEND:

- *“Pupils with SEND do not benefit from a good-quality education. Expectations of them are low, and their needs are not accurately identified, assessed or met.”*

This means that if the provision for children/ young people with SEND is not good enough, the school is likely to be graded as 'inadequate' overall.

More information about what inspectors might look at in relation to children/ young people with SEND can be found here [7. HEP SEND Grid for inspection \(PDF, 153KB\)](#)

THE SPECIAL EDUCATIONAL NEEDS CO-ORDINATOR (SENDCo)

What are the statutory requirements relating to the SENDCo?

The SENDCo must be a qualified teacher who works at the school and who has the relevant experience and/ or qualifications.

The SEN Code of Practice provides specific information about the qualification that a SENDCo must have:

- A newly appointed SENCO must be a qualified teacher and, where they have not previously been the SENCO at that or any other relevant school for a total period of more than twelve months, they must achieve a National Award in Special Educational Needs Coordination within three years of appointment.

- A National Award must be a postgraduate course accredited by a recognised higher education provider. (For further information on the various SENDCo qualifications and to be put in touch with those who have completed the course contact the Haringey Education Inclusion Team eit@haringey.gov.uk)
- When appointing staff or arranging for them to study for a National Award schools should satisfy themselves that the chosen course will meet the required outcomes and equip the SENCO to fulfil the duties outlined in this Code of Practice. Any selected course should be at least equivalent to 60 credits at postgraduate study.

While not statutory, it is important that the SENDCo has the appropriate status and allocated time within their educational setting so that they have the capacity and authority to fulfil the role effectively.

Status

- **Status is a combination of a person's role/position and credibility and in this case, is best achieved** if the SENDCo is a member of the settings leadership team. Not having the SENDCo on the leadership team makes the role a lot harder to do successfully.
- It is also worth noting that not having the SENDCo on the leadership team, gives a strong message **about the educational setting's attitude to inclusion and how high a priority the status of SEND is** on their agenda.

Time

- In research entitled "[The Time is Now](#): Addressing missed opportunities for Special Educational Needs Support and Coordination in our schools" Dr H Curran et al (Bath Spa university and **NASEN Jan 2020**) **link to research looked at SENDCo's workload, allocated time and its use.**
- The report highlighted the difficulties that arise when the SENDCo holds other roles within the school, especially the impact on dedicated SENDCo time when the SENDCo is also the safeguarding lead and recommends that this combination of roles is avoided if at all possible.
- **The report also provides guidance for SENDCo's time allocation by school size and cohort which is summarised in the table below.** (Note: this is guidance it is not statutory)

Guidance for SENDCo time allocation by school size and cohort

	Primary			Secondary			Other advice and guidance to support decision making
	% SEN low (6.7% or less)	% SEN Av (11.7% +/-4%)	%SEN high (16.7% or more)	% SEN low (6.7% or less)	% SEN Av (11.7% +/-4%)	%SEN high (16.7% or more)	
Smaller than average size schools	1.5-2 days	2-3 days	3-4 days	2.5-3 days	3-4 days	4-5 days	Factors which would evidence need of the higher, or even additional, time requirements would include: <ul style="list-style-type: none"> • 6 or more EHCPs • Additional qualifications held by the SENDCO, especially qualifications to assess (e.g. CCET, L7 SpLD) • A child in crisis requiring immediate and time-intensive support e.g. significant SEMH
Average size schools	2-3 days	3-4 days	4-5 days	3-4 days	4-5 days	5+ days*	Factors which would evidence need of the higher, or even additional, time requirements would include: <ul style="list-style-type: none"> • 10 or more EHCPs • Additional qualifications held by the SENDCO, especially qualifications to assess (e.g. CCET, L7 SpLD) • A child in crisis requiring immediate and time-intensive support e.g. significant SEMH
Larger than average size schools	3-4 days	4-5 days	5+ days*	4-5 days	5+ days*	5+ days*	Factors which would evidence need of the higher, or even additional, time requirements would include: <ul style="list-style-type: none"> • 10-16 or more EHCPs • Additional qualifications held by the SENDCO, especially qualifications to assess (e.g. CCET, L7 SpLD) • A child in crisis requiring immediate and time-intensive support e.g. significant SEMH
*A SENDCO in this type of school may need another qualified SENDCO to work an additional 1 -2 days to support workload							

STATUTORY RESPONSIBILITIES - DESCRIPTORS

1.	Governors know and understand their statutory duties in relation to children and young people with SEND (as set out in the Children and families Act 2014 and the SEN Code of Practice 2015)
2.	Governors hold leaders to account for the quality of education for all children and young people with SEND in the setting
3.	The Governing body is well informed about SEND because the educational setting has a SEND link Governor who meets with the SENDCO at least termly to gain up to date information on SEND which is reported back to the full governing body.
4.	Governors understand the funding streams for children and young people with SEND. They ensure that the SEND budget is well spent and is allocated appropriately
5.	Governors have ensured that the SENDCO is a qualified teacher who is appropriately qualified (National Award for SENDCOs) and/or experienced in SEND and (ideally) is a member of the educational setting's senior leadership team.
6.	The educational setting has an SEND information report that is 'in date', has been updated annually and is available on the educational setting's website
7.	The SEND information report is compliant with: para 6.79 – 6.83 of the SEN Code of Practice 2015, section 69 of the Children and Families act 2014 and Regulation 51 and Schedule 1 of the Special Educational Needs and Disability Regulations 2014 and has been approved by governors
8.	The educational setting has an SEND policy that sets out the setting's vision, aims and ethos with regard to children and young people with SEND and provides an accurate description of the setting's procedures for ensuring that the needs of children and young people with SEND provided for
9.	The educational setting has an Accessibility Plan that is available on the website
10.	The accessibility plan is compliant with the Equalities Act (2010), Schedule 10 para 3, "Accessibility for Disabled Children and young people." The policy is reviewed every 3 years with the Governing body
11.	The accessibility plan shows how access to the curriculum, to the physical environment and to information will be improved progressively within a given timeframe.

12.	The educational setting has a Supporting Children and young people with Medical Conditions policy as required in the statutory guidance “supporting children and young people at school with medical conditions” 2014
13.	The educational setting does not refuse or delay entry to children/ young people with unresolved continence issues
14.	The educational setting has an intimate care policy which clearly set out the procedures for toileting and other intimate care tasks including nappy /pad changing protocols, and which ensure that the health, safety, independence and welfare of children/ young people is promoted and their dignity and privacy are respected. Link
15.	The educational setting has staff who have been checked in line with KSCIE requirements that carry out intimate care procedures and does not expect parents to attend the setting to carry out such tasks.
16.	There is an up to date written care plan in place for each child/ young person who could be expected to require intimate care
17.	The setting admits all children/ young people with an EHC plan that names the setting
18.	The setting makes ‘reasonable adjustments’ to ensure it admission arrangements do not discriminate against or disadvantage children/ young people with SEND who do not have an EHC Plan, including those with challenging behaviour, those who may require a statutory assessment or those who may require more support
19.	Governors use their ‘best endeavours’ to make sure that a children/ young people with SEND gets the support they need – this means doing everything they can to meet children and young people’s SEND
20.	The settings DSL has a clear understanding of the additional risks that children /young people with SEND face and liaises with the SENDCo when deciding whether to make a referral for a child /young person with SEND
21.	All staff in the setting know and understand the additional barriers that children /young people with SEND face.
22.	All staff recognise that children and young people with SEND are more vulnerable to abuse and take appropriate action when they have a concern.
23.	The SENDCo is experienced and /or qualified to do the job
24.	The SENDCo has appropriate status within the school i.e. is a member of the SLT
25.	The SENDCo is given enough time to fulfil the role