



October 2013 - Draft for discussion – Bill Turner

JOINT STATEMENT OF SCHOOL, GOVERNOR AND LOCAL AUTHORITY RESPECTIVE RESPONSIBILITIES FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS AND/OR DISABILITY

1. Introduction:

This Statement sets out in summary form, the respective responsibilities of schools, governors and the LA in order to ensure that the additional needs of pupils identified as having special educational needs (SEN) and/or a disability are met; in a timely and effective way, with minimum bureaucracy.

Parents and carers need to feel confident that schools have secure systems in place and that they offer a flexible range of provision available to meet the individual needs of each and every-one of their children. They want to be listened to and treated with respect. Where children have additional needs and advice from outside agencies is required, parents want to be fully involved and also be confident that schools are able to respond to that need as quickly as possible. The LA is required to publish the arrangements for SEN. Parents and carers of children and young people will therefore be informed that all schools receive funding within the notional and delegated budget to enable them to make provision for children with SEN and that, schools have the autonomy to make arrangements from within their existing staffing or to seek external advice and support.

Where a child has SEN and/or a disability, the responsible body is required to fulfil the following statutory duties under the Education Act 1996:

Schools and Governors must ensure:

- That to the best of their endeavours, the necessary provision is made for any pupil who has SEN.
- That where the head teacher or a nominated governor has been informed by a LA that a pupil has SEN, those needs are made known to all who are likely to teach or support that pupil.
- That teachers are aware of the importance of identifying and providing for pupils who have SEN.
- That a pupil with SEN and/or a disability joins in the activities of the school together with other pupils, 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 and the efficient use of resources.
- That they report to parents on the implementation of the school's policy for pupils with SEN.
- That they, have due regard to the statutory guidance within the current SEN Code of Practice when carrying out its duties toward all pupils with SEN.



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- The school must ensure that parents are notified of a decision by the school that SEN provision is being made for their child.

The current SEN Code of Practice explains there is a continuum of SEN and that, where necessary, increasingly specialist expertise should be brought to bear on a child's difficulties. The Code of Practice describes this as a graduated approach to addressing children's SEN. The Code suggests that where a child does not make sufficient progress through the usual approaches to teaching and learning, staff should decide on additional or different interventions.

If little or no progress continues to be made, school staff should consider seeking external support. At this stage, external support services should be helping to develop interventions aimed at addressing a child's continuing barriers to achievement. However, the Code is clear that the involvement of external specialists can play an important part in the very early identification of SEN and in advising schools on effective provision designed to prevent the development of more significant needs.

Where a child with SEN continues to make little progress despite the support provided through the school's SEN provisions including external support and advice, and there is evidence that the child has severe and complex needs that cannot be met within the resources ordinarily available to school, the school should consider asking the local authority to undertake a statutory assessment of the child's SEN, either as set out in Chapter 7 of the SEN Code of Practice or through a request for an education, health and care plan (Sept 2014).

2. Respective Responsibilities of the LA, School and Governing Body

The policy of the LA and partners is to encourage all schools to provide for children with special educational needs within their own locality area in accordance with the Education Act 1996.

It should be remembered that additional resources for children/young people with SEN are provided to supplement schools' own resources and are not instead of them. It is not expected that resources will usually be delivered on a 1:1 basis with an individual child but rather there will be effective and flexible deployment of resources. Decisions on how best to support children/young people will always take into account the context within which the child is educated.

Funding for Pupils without a Statement of SEN or Education Health Care Plan (EHCP) September 2014

Schools should make clear to Governors and parents the sum of money within the school's budget that has been generated through the school budget formula for SEN.



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Schools must:

- Identify children with SEN and ensure provision is made in accordance with the SEN and Disability Codes of Practice
- Appoint a SENCO
- Invest in whole school and targeted training for staff.
- Ensure inclusive teaching and support practice is embedded throughout the school and that all teachers understand that they are 'Teachers of SEN'
- Provide information on school arrangements for SEN to parents and governors
- Consider pre-emptive arrangements for pupils present and future with a disability

Governors must:

- Appoint an SEN Governor to have oversight of the arrangements for SEN
- Know how many pupils in the school have SEN
- Know how much money the school gets for SEN and ensure an appropriate budget arrangement is in place to discharge its duties to arrange provision for pupils with SEN and/or disabilities
- Review and approve the SEN policy and any other relevant policies e.g.
- Monitor the expenditure on SEN
- Monitor the progress of SEN and ensure that the provisions specified in statements of SEN are made
- Ensure that SEN provision is integrated into the school improvement plan
- Publish on a school website the school SEN policy and a description of the arrangements and specialist provisions made for children with SEN

The LA must:

- Ensure a sufficiency of provision for pupils with SEN and review it annually
- Make arrangements for the Statutory Assessment of Pupils and maintain and review Statements of SEN and EHC Plans
- Publish information on SEN funding and provision
- Monitor the progress of children with SEN
- Provide information, support, advice and guidance to parents of children with SEN including the provision of a statutory Parent Partnership Service and Mediation Service

Right of redress:



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Parents have the following rights of redress, should the school, Governors or LA fail in its duty to provide, or if the parent disagrees with a decision or feels that there is discriminatory practice:

- The school or LA complaints procedure
- An appeal to The SEN and Disability Tribunal (LA decision)
- A claim against the responsible body (Chair of Governors or LA) for disability discrimination to the SEN and Disability Tribunal
- A complaint to the LA Ombudsman (Schools and LAs)

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