



## 1.5 The SEND Code of Practice

The Code of Practice provides statutory guidance on the duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and the SEND Regulations. It applies to:

- Local Authorities (education, social care and relevant housing and employment and other services)
- all maintained settings, academies and free schools in England
- independent schools and independent specialist providers
- the governing bodies of schools, schools, colleges and sixth form colleges
- all maintained early years providers in the maintained, private, voluntary and independent sector that are funded by the LA
- the National Health Service Commissioning Board
- Clinical Commissioning Groups
- NHS trusts, foundation trusts and local health boards
- Youth offending teams
- The First-tier Tribunal (SEND)

It provides a guide to the legislation and sets out the procedures that should be in place to enable children and young people to reach their full potential and be included in their setting.

The Code makes it clear that when the word **'must'** is used it refers to a statutory requirement under primary legislation, regulations or case law. This means that whenever they (the bodies) are taking decisions they must give consideration to what the Code says and fulfil their statutory duties towards CYP with SEND.

When the word **'should'** is used it means that the guidance contained in the Code must be considered and those who must have regard to it will be expected to explain any departure from it.

The Code of Practice identifies all teachers as teachers of learners with SEND. This means that all teachers and practitioners are responsible and accountable for the progress of the children and young people with SEND. This means that it is not entirely the responsibility of the SENCO.

### Links

[SEND code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

[Advice template \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

**The South Glos Way: A SEND and inclusion toolkit for South Gloucestershire education settings and professionals**