



1.6 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 (CYP) 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.

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Governing bodies of maintained mainstream schools and the proprietors of academy schools (including free schools) must ensure that there is a qualified teacher designated as SENCo for the school.

Where a SENCo appointed after 1st September 2008 has not previously been the SENCo at that or any other relevant school for a total period of more than twelve months, they must achieve the National Award for Special Educational Needs Coordination within 3 years of appointment.

The SENCo has day-to-day responsibility for the operation of SEN policy and co-ordination of specific provision made to support individual pupils with SEN, including those who have EHC plans.

Although the Code does not stipulate that the SENCo should be part of the school's leadership team it does state that due to the importance of the SENCo role in strategic development of SEN policy and provision and the SENCo's role in working with the headteacher and governing body that they will be more effective if they are part of the leadership team.

Chapter 6 (18 pages) sets out what school leaders should know and explains the actions that mainstream schools should take to meet their duties in relation to identifying and supporting all children with SEN whether or not they have an Education, Health and Care (EHC) plan.

Relevant section	What?	How?
6.2	Use your 'best endeavours'	Know who the CYP are, address their needs, lead an inclusive school
6.3	SEND Governor or a sub-committee	Role to challenge and support school leaders. They should understand SEN in the school/setting, the expertise and resources the school/setting has and whether they are used appropriately
6.4	Quality of T&L and PMA	Quality of teaching and learning and the progress of SEN linked to professional development of all staff
6.4	Analyse patterns of identification and compare to national	Knowing children well – patterns of identification and types of need in comparison with national data (Data in a Nutshell – SEND Cluster data)
6.9	'Reasonable Adjustments'	Duties from Equality Act 2010 – know your 'musts' (statutory) and understand and plan for 'anticipatory' – what CYP 'might' require

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Relevant section	What?	How?
6.15	'Different from or additional to'	Strengthening high quality teaching for all CYP means fewer pupils needing this support
6.21	Behaviour and SEND	Persistent disruptive or withdrawn behaviours not necessarily SEND. Need for assessment to see if underlying learning need. Early identification and intervention key
6.25	The Four Board Areas of Need	Know CYP in relation to these (school census) and review how well equipped the school is in meeting these needs (links to school/setting CPD).
6.37	High quality teaching	First step – differentiated for individual CYP. Staff access to high quality CPD to build knowledge and skills. Robust school systems to evaluate effectiveness.
6.44	The graduated approach	Assess, plan, do, review – the right level of support at the right time
6.65	Working with parents	Key principle (person centred working and co-production) and central to all. 'Should' meet at least three times a year and communicate regularly.
6.79	SEN Information Report	Must publish on website and be updated annually or more frequently if changes to provision. Best practice would be co-production with parents and CYP
6.84	The role of the SENco	Must be qualified teacher and if new to role must achieve a National Award in Special Educational Needs Co-ordination within three years of appointment.

Links

[SEND Code of Practice 2015](#)

[Schools Guide to the SEND Code of Practice](#)