

# Draft Consultation Regulations

## Clause 63

### The Education (Special Educational Needs Co-ordinators) (England) Regulations 2014

#### **Citation and commencement**

1. These Regulations may be cited as the Education (Special Educational Needs Co-ordinator) (England) Regulations 2014 and come into force on 1<sup>st</sup> September 2014.

#### **Interpretation**

2. In these Regulations—

“the appropriate authority” means—

- (a) in relation to a community, foundation or voluntary school or a maintained nursery school, the governing body of the school; and
- (b) in relation to an Academy, the proprietor;

“relevant school” means a community, foundation, or voluntary school, a maintained nursery school or an academy school that is not a special school;

“relevant services” means—

- (a) special educational provision, or advice or assistance in relation to such provision or its management;
- (b) assessment of special educational needs, or advice or assistance in relation to such needs or in relation to the management of pupils with such needs.

“the SENCO”, in relation to a relevant school, means the person who has been designated to be the special educational needs co-ordinator for the school by the appropriate authority.

#### **Prescribed qualifications and experience of SENCOs**

3.—(1) The appropriate authority of a relevant school must ensure that the SENCO appointed under section 62(2) of the Children and Families Act 2014 meets all of the requirements in either paragraph (2) or (3).

(2) The requirements in this paragraph are that the SENCO—

- (a) is a qualified teacher;
- (b) if required to complete an induction period under regulations made under section 19 of the Teaching and Higher Education Act 1998(a), has satisfactorily completed such an induction period; and
- (c) is working as a teacher at the school.

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(a)

(3) The requirement in this paragraph is that the SENCO is the head teacher or acting head teacher (or equivalent in the case of an Academy school) of the school and meets the requirements of regulations made under section 135 of the Education Act 2002(a) if required to do so.

(4) Where a person becomes the SENCO at a relevant school after 1<sup>st</sup> September 2009, and has not previously been the SENCO at that or any other relevant school for a total period of more than twelve months, the appropriate authority of the school must ensure that, if the person is the SENCO at the school at any time after the third anniversary of the date on which that person becomes a SENCO, that person holds the qualification, mentioned in paragraph (5).

(5) The qualification referred to in paragraph (4) is the qualification for the time being known as “The National Award for Special Educational Needs Co-ordination”.

#### **Appropriate authority functions relating to the leadership and management role of the SENCO**

4. The appropriate authority of a relevant school must determine the role of the SENCO in relation to the leadership and management of the school.

#### **Appropriate authority functions relating to the key responsibilities of the SENCO**

5.—(1) The appropriate authority of a relevant school must determine the key responsibilities of the SENCO and monitor the effectiveness of the SENCO in undertaking those responsibilities.

(2) The key responsibilities referred to in paragraph (1) may include the carrying out, or arranging for the carrying out, of the following tasks—

- (a) in relation to each of the registered pupils who the SENCO considers may have special educational needs, informing a parent of the pupil that this may be the case as soon as is reasonably practicable;
- (b) in relation to each of the registered pupils who have special educational needs—
  - (i) identifying the pupils special educational needs,
  - (ii) co-ordinating the making of special educational provision for the pupil which meets those needs,
  - (iii) monitoring the effectiveness of any special educational provision made for the pupil,
  - (iv) securing relevant services for the pupil where necessary,
  - (v) ensuring that records of the pupil’s special educational needs and the special educational provision made to meet those needs are maintained and kept up to date,
  - (vi) liaising with and providing information to a parent of the pupil on a regular basis about that pupil’s special educational needs and the special educational provision being made for those needs,
  - (vii) ensuring that, where the pupil transfers to another school or educational institution, all relevant information about the pupil’s special educational needs and the special educational provision made to meet those needs is conveyed to the appropriate authority or (as the case may be) the proprietor of that school or institution, and
  - (viii) promoting the pupil’s inclusion in the school community and access to the school’s curriculum, facilities and extra-curricular activities;
- (c) selecting, supervising and training learning support assistants who work with pupils with special educational needs;
- (d) advising teachers at the school about differentiated teaching methods appropriate for individual pupils with special educational needs;
- (e) contributing to in-service training for teachers at the school to assist them to carry out the tasks referred to in paragraph (b); and

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(a)

- (f) preparing and reviewing the information required to be published by the appropriate authority pursuant to [the Education (Special Educational Needs)(Information)(England) Regulations 2014], the objectives of the appropriate authority in making provision for special educational needs, and the special educational needs policy referred to in [paragraph 1 of Schedule 1 to those Regulations].

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide that the governing bodies of community, foundation and voluntary schools and maintained nursery schools, and the proprietors of Academy schools that are not special schools in England must ensure that the SENCO at the school – the member of staff whom they have designated as having responsibility for co-ordinating the provision for pupils with special educational needs – is a qualified teacher who has completed induction (as required) and is working as a teacher at the school, or is the head teacher (or principal of an Academy school) (*regulation 3(2) and (3)*).

Where the person becomes a SENCO after 1<sup>st</sup> September 2009, they must also obtain the National Award for Special Educational Needs Co-ordination by the third anniversary of the date on which they became a SENCO in order to remain as a SENCO after that date (*regulation 3(4) and (5)*).

The governing body must determine the leadership and management role and the key responsibilities of the SENCO, and monitor the SENCO's effectiveness in undertaking those responsibilities. The key responsibilities may include carrying out specified tasks, or making arrangements for those tasks to be carried out (*regulations 4 and 5*).