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Guidance

# Special educational needs (SEN) and disabilities: guidance for school governing boards

Updated 3 February 2025

**Applies to England**

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## Purpose of this guidance

This guidance is intended to:

- support school governing boards' understanding of their role and responsibilities in relation to children and young people with special educational needs (SEN) and disabilities

- empower governors and trustees to hold their schools to account

The board is the decision-making body of the school and is accountable and responsible for what the school does. It is vital that boards play an active role in providing support and challenge, to ensure schools are providing the best support for pupils with SEN and disabilities.

School governing boards have responsibilities to children and young people with SEN and disabilities under the [Children and Families Act 2014](#) (the 2014 Act) and to disabled children and young people under the [Equality Act 2010](#).

The governing board should be taken to mean the accountable body for the school or group of schools. In local authority maintained schools, this will be the governing body and in an academy trust this will be the trust board. (Committees that have been delegated functions by the board should consider guidance to the board, to the extent that it relates to their delegated responsibilities).

## **The role and responsibilities of the governing board**

The board is responsible for setting the values, culture and tone of the organisation. This includes creating an environment in which all pupils can thrive and play a full part in the life of the school.

Boards play an important role in ensuring high quality outcomes for pupils with SEN and disabilities. The board, in collaboration with executive and senior leaders, should establish the school's policy and strategy for addressing the SEN and disability requirements of pupils.

While overall responsibility rests with the board, there should be a lead member of the governing body or a sub-committee with specific oversight of the school's arrangements for SEN and disability. The lead member will:

- champion the school's support for pupils with SEN and disabilities, including good practice in pupil engagement
- ensure that the board has the information it needs for assurance about the school's practice
- work closely with the head teacher or principal, senior leadership team and (in the case of mainstream schools) the SENCO

Responsibilities under the Equality Act 2010 may benefit from the oversight of the same lead governor, trustee or sub-committee as the [2014 Act](#) responsibilities or they may sit with other equalities responsibilities.

There is a close connection between the duties relating to SEN and equality duties relating to disability. For example, equality objectives and information should typically include matters relating to the experience of disabled pupils and their education and employment outcomes. Some disabled pupils will also have SEN.

The board should get appropriate and regular training to help it discharge its duties in relation to SEN and disability and to help ensure the best possible outcomes for those pupils.

The [maintained school governance guide](#) and [academy trust governance guide](#) provide information on the knowledge, skills and effective behaviours required by the board. This guidance should be used in conjunction with the SEN and disability information in the compliance section of the guides. This has more detail on the relevant legal duties and responsibilities placed on governors and trustees.

Legal duties owed by boards in relation to pupils with SEN and disabilities are set out in [Part 3 of the 2014 Act](#), the Equality Act 2010, and related regulations. This includes a duty on boards to have regard, when exercising relevant SEN and disability functions, to the [SEND Code of Practice: 0 to 25 years](#).

## SEN and disability checklist

Governors and trustees should ask the right questions of senior leaders to assure themselves that the school is providing appropriate support for pupils with SEN and disabilities. Whilst not an exhaustive list, this checklist can help governing boards to understand their role and responsibilities in providing appropriate support and challenge when those responsibilities are not being met.

### Checklist

Governors and trustees will wish to be assured that:

- the school promotes an inclusive culture

- there is effective communication and engagement between the school and parents of pupils with SEN and disabilities
- parents are involved closely in keeping the school's general SEN and disability policy and practice under review
- the pupil voice is central to decisions about support for those with SEN and disabilities, at both individual and school level
- funding, including SEN funding, is allocated and spent effectively
- the school works effectively with the local authority in reviewing the SEN and disability provision available locally and developing the SEN and disabilities Local Offer
- staff have the expertise needed to support those with SEN and disabilities and that the school has access to external specialist skills where required

Governors and trustees should be satisfied with how the school:

- identifies a pupil with SEN or a disability and how it uses the 'graduated approach' to respond to that need
- monitors the progress and development of pupils with SEN and disabilities
- supports pupils in Preparing for Adulthood at each age and stage, and monitors outcomes and destinations - some tools and resources are available from the [National Development Team for Inclusion \(NDTi\)](#).

Governors and trustees of mainstream schools should also ensure that a qualified teacher or the head teacher is designated as the SENCO and that they:

- achieve the relevant mandatory qualification within 3 years of appointment
- have sufficient administrative support and time away from teaching to enable them to fulfil their responsibilities in a similar way to other important strategic roles within the school
- are empowered to support high quality outcomes for pupils with SEN and disabilities

Schools have a duty to prepare and regularly update:

- a SEN Information Report
- equality information - information to demonstrate compliance with the Public Sector Equality Duty
- equality objectives
- an accessibility plan (setting out how the school plans to increase access for disabled pupils to the curriculum, the physical environment and to information)

Governors and trustees should also be familiar with the school's SEN and disability policy and ensure that it is reviewed regularly (working with parents and pupils) to reflect changing needs of the school community.

Governors and trustees will wish to be assured that these documents help the school to:

- understand the impact of its policies, practices and decisions on different groups of pupils
- identify areas of inequality that may need to be addressed
- help plan for the school to be increasingly inclusive over time

The Equality and Human Rights Commission's guidance for schools on [Publishing equality information](#) has more information.

## Use of data

It is an important part of a board's role to analyse school performance data and build an evidence base to underpin its strategic oversight. In relation to SEN and disability the board may find the following data sets useful:

- data on the population of those with SEN or disabilities in the school and comparisons with data from neighbouring schools, the local authority and nationally
- what percentage of the school population has SEN or a disability (mainstream settings)
- what percentage is at SEN Support (mainstream settings)
- what percentage has an education, health and care (EHC) plan (mainstream settings)
- what the breakdown is of pupils with SEN or a disability by category of need
- data relating to SEN funding information, for example, notional SEN funding and top up funding, and:
  - how that funding is spent and its impact
  - if that funding is targeted strategically based on what is known of the school SEN and disability profile
  - if the funding provided for those with SEN and disabilities is contributing to improved progress and if so, how

# Further resources

- [SEND Governance Review Guide](#) has information on the 6 features of effective governance and a framework on how to ensure that pupils with SEN and disabilities access high-quality provision
- [Early Years SEND Review Guide](#) helps early years settings evaluate the effectiveness of their provision for children with SEN and disabilities - useful for boards of maintained nursery schools
- [Equality Act 2010 and disabled pupils: a guide for governors and trustees](#) – a detailed guide from the Council for Disabled Children
- [Commissioning high-quality trusts](#) has guidance on how the department makes decisions on the creation, consolidation and growth of academy trusts (including the 9 descriptors of a high quality and inclusive trust) - useful for schools that are academy trusts

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