



Additional Learning Needs and the Governing Body

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1. Introduction

There are proposed changes to the way children and young people's special educational needs (ALN) will be identified, assessed and met in Wales.

The Welsh Government draft Additional Learning Needs Bill was published on **6 July 2015**. The draft Code of Practice, which is currently for information only is also available to view on the WG site. The Bill will be formally introduced into the Assembly Welsh Legislative Programme in the next Assembly following the elections in May 2016.

For the time being, all the responsibilities and requirements connected with the existing legislative framework and **SEN [Code of Practice](#)** for special educational needs remain in place.

This guide is designed to summarise the duties of the governing body in relation to pupils with special educational needs (SEN) and to support them in fulfilling those duties. It should be read in conjunction with the Special Educational Needs Code of Practice for Wales (2004), which describes very clearly the responsibilities for Local Authorities (LA's) and schools in making appropriate provision for children with special educational needs.

2. Duties of the Governing Body

All maintained school governing bodies have important statutory duties towards pupils with special educational needs. Governing bodies should, with the head teacher, decide the school's general policy and approach to meeting pupils' special educational needs for those with and without statements. They must set up appropriate staffing and funding arrangements and oversee the school's work.

Governors of community, voluntary and foundation schools, and LEAs in relation to maintained nursery schools, have a duty under s317 of the Education Act 1996 to do their best to ensure that the necessary provision is made for pupils with SEN. The School Standards and Framework Act 1998 requires governors to conduct the school with a view to promoting high standards. These high standards relate to all the pupils in the school including those with SEN.

Through the performance management framework the governors should secure that objectives are set for the head teacher. These should include objectives for leadership, management, pupil achievement and progress, and will also relate to priorities in the school development plan. All these objectives should include SEN.

Every school must have a 'responsible person' who makes sure that all those who are likely to teach a pupil with a statement of special educational needs are told about the statement. The person is generally the head teacher, but may be the chair of the governing body or a governor appointed by the governing body to take that responsibility.

Most governing bodies appoint a governor or sub-committee to have specific oversight of the school's arrangements and provision for meeting special educational needs. The SEN governor's remit does not

necessarily need to include the role of 'responsible person.'

The governing body of a community, voluntary or foundation school must:

- do its best to ensure that the necessary provision is made for any pupil who has special educational needs
- ensure that, where the 'responsible person' – the head teacher or the appropriate governor - has been informed by the LEA that a pupil has special educational needs, those needs are made known to all who are likely to teach them
- ensure that teachers in the school are aware of the importance of identifying, and providing for, those pupils who have special educational needs
- consult the LEA and the governing bodies of other schools, when it seems to be necessary or desirable in the interests of co-ordinated special educational provision in the area as a whole
- ensure that a pupil with special educational needs joins in the activities of the school together with pupils who do not have special educational needs, so far as is reasonably practical and compatible with the child receiving the special educational provision their learning needs call for and the efficient education of the pupils with whom they are educated and the efficient use of resources

The governing body of a maintained school, and the LEA in relation to a maintained nursery school must:

- report annually to parents on the implementation of the school's policy for pupils with special educational needs

See Section 317, Education Act 1996

- ensure that parents are notified of a decision by the school that SEN provision is being made for their child. The governing body of a maintained school, and the LEA in relation to a maintained nursery school must:
- report annually to parents on the implementation of the school's policy for pupils with special educational needs

See Section 317A, Education Act 1996

- have regard to this Code of Practice when carrying out its duties toward all pupils with special educational needs

(LEAs have these duties, where relevant, in relation to maintained nursery schools)

See Section 313, Education Act 1996

Governors play a major part in school self-review and should establish mechanisms to ensure that they are fully informed about the school, including the systems for and the outcomes of in-school monitoring and evaluation. In relation to SEN, the governing body should make sure that:

- they are fully involved in developing and monitoring the school's SEN policy
- all governors, especially any SEN governors, are up-to-date and knowledgeable about the school's SEN provision, including how funding, equipment and personnel resources are deployed
- SEN provision is an integral part of the school development plan
- the quality of SEN provision is continually monitored.

3. Monitoring SEN in School – Key questions

To carry out their legal responsibilities for children with SEN Governors will need to establish and know:

- How are children's needs identified?
- How staff are informed about SEN pupils?
- Are identified needs being fully provided for?
- Are children with SEN included in all aspects of school life?
- Are children with SEN making at least adequate progress and how is this measured, reviewed and monitored?

Monitoring the effectiveness of the school's SEN policy can be done in various ways. Good practice indicates that the governing body delegates the task to the SEN Governor, or a committee in conjunction with the SENCO, or a working party set up for this purpose.

In monitoring the effectiveness of SEN provision the following checklist may prove helpful:

3.1. School Policy

Does it:-

- Need updating or reviewing?
- Reflect the requirements of the SEN Code of Practice?
- Reflect what happens in the school?
- Encourage staff to recognise their responsibilities for pupils with SEN?
- Reflect any action points that have emerged from e.g. school self-evaluation, School Development Planning, Estyn Inspection reports?
- Relate to the accessibility plan.
- Relate to other school policies such as equal opportunities and behaviour and discipline.

- Describe the graduated response (*School Action/School Action Plus*) for pupils with identified needs including those with emotional and behavioural difficulties?
- Set targets/criteria to measure the success of the Policy?

3.2. Pupils with ALN

- How many children have identified needs?
- How many children have statements?
- How many children are undergoing statutory assessment?
- How many children receive additional help at *School Action/Action Plus*?
- How are special needs identified and assessed?
- How are pupils with ALN spread across age groups/classes/sets?
- Do all pupils with statements, or who are at *School Action/Action Plus* have individual education plans [IEPs]?
- Do IEPs set targets that are specific and measurable?
- How and when are targets reviewed?
- Do IEP reviews enable the progress of pupils to be assessed against set targets over time?
- Do all statemented pupils have an annual (Statutory) review of their SEN?
- Do pupils participate in their annual reviews and/or IEP reviews? Are their views recorded?
- Are there any notable successes/achievements from groups or individuals?
- Are arrangements in place for supporting pupils during transition to other phases of education?
- Are there any time-tabling issues that affect pupils with SEN?
- Are there any changes in numbers and/or trends over recent years with regard to pupils with SEN?

3.3. Staffing and teaching arrangements:

“All teachers are teachers of children with ALN.” (Code of Practice, Wales 2004)

- How does school policy and practice facilitate this?
- How are staff informed about identified pupils?
- How are special needs taken into account in the school's staffing structure and staff appointments?
- How are SEN staff deployed?
- How is Good Practice disseminated?
- Does the SENCO have sufficient resources in terms, for example, of dedicated time for termly reviews of IEPs and liaison with parents/carers, colleagues and external agencies?

- Does the SENCO have sufficient status / appropriate line management to be effective in terms, for example, of being involved in senior management decisions regarding provision, budget etc?
- Does the SENCO receive support and supervision, and are there clear lines of accountability for SEN matters?
- Are there sufficient opportunities for SEN training for both teaching and non-teaching staff?

Curriculum arrangements

- Do pupils with identified needs have access to the whole curriculum, including activities, outings and events?
- Do pupils with SEN enter national tests and public examinations?
- Do any pupils follow a modified or dis-applied curriculum?
- Do the levels of achievement match the IEP targets?
- How do pupils with SEN access the curriculum?
- How does the curriculum encourage awareness and respect for difference?
- How are the small steps of progress made by some pupils recorded and recognised?
- How many pupils with SEN, in secondary schools, follow alternative Key Stage 4 programmes? How is this monitored and reported on?

Finance (SEE SECTION 4 FOR FURTHER INFORMATION)

- What amount of delegated funding is allocated for SEN for the year through budget allocation?
- What does this provide? (In addition to staff costs, provision should include administration costs; the purchase of external services; training and resources).
- What amount of funding is received for statemented pupils? Is this sufficient to meet the described needs of statemented pupils?
- What monitoring arrangements does the LA make with regard to delegated ALN funding and statemented provision?
- What additional funding is used to support the continuum of SEN? (E.g. through the general school budget; other external sources).
- How transparent is the information given to parents on SEN funding issues?

Resources

- What resources are available for SEN pupils?
- Are SEN resources available and accessible to all pupils/classes/individuals?
- Are resources differentiated for different levels and needs?
- Are there any gaps in SEN resources?
- Is full use made of ICT?
- Is there a local resource provision for SEN?

Links with external agencies

- What level of external advice is sought from the Integrated Improvement and Effectiveness Team?
- What use is made of other professionals and services? [Educational Psychology Service, Outreach from Special Schools, Behaviour Support, Health Services, etc].
- What links are made with local mainstream/special schools?
- What links are made with voluntary organisations?

Buildings

- Does the school have an accessibility plan?
- Does the accessibility plan include phased improvements for children with disabilities?
- Does the school have adequate facilities for pupils with medical needs?

Record keeping

- Are SEN records maintained and regularly updated, e.g. through regular reviews of individual education plans [IEPs]?
- Are pupils' views included in IEPs?
- Are records from previous schools incorporated into pupil planning?
- Who is responsible for the SEN record keeping system?
- Who has access to the records?

Break and lunchtime arrangements

- Does the school make any special arrangements for ALN pupils at these times?
- Do support staff/lunchtime supervisors have any training requirements in relation to SEN children?
- Is playground equipment suitable for SEN pupils?
- Are SEN pupils ever excluded at lunchtimes because of insufficient supervision?

Partnership with parents

- How all parents/carers are kept informed about SEN matters?
- How are individual parents/carers informed/consulted about the progress of their children with ALN? [E.g. through IEP reviews, parents evenings etc].
- Do parents/carers always get a copy of their child's IEP?
- Are parents/carers and pupils involved in target-setting?
- Are parents/carers involved in monitoring their child's progress and helped to help their child at home?
- Are parents aware of how to make a complaint or raise an issue about SEN in the school?

Admissions (Particularly Voluntary Aided and Foundation Schools)

- How does the admissions criteria impact on the admission of children with SEN?
- How do admissions of children with SEN compare with those at other schools in the area?
- Does the school work with the LA to take a fair share of pupils with emotional and behavioural difficulties who may have been excluded from other schools i.e through the Managed Transfer policy?

Discipline

- How many pupils with SEN have been excluded?
- Does the discipline committee review exclusions of children with SEN in line with WG exclusion guidance?
- Has the school policy changed as a result of such reviews?

4. Information on local funding arrangements

The Local Authority (**LA**), has sought to implement an inclusive approach towards the education of pupils with special educational needs (**SEN**). Wherever possible, pupils are taught in their local mainstream schools with the LA supporting schools in helping to meet the needs of **SEN** pupils. Schools are responsible for drawing up and implementing individual education plans (**IEPS**) for their pupils with **SEN**. A range of services and provisions are made available to support these pupils and to complement the school based work provided by the school from their delegated monies.

Primary Schools have traditionally paid into a pooled scheme to fund ALN needs in their school. The principle of this scheme was that they paid into a pot which could be drawn on when needing additional support for a pupil. A moderation panel made up of School, LA and other Professional representatives was established to provide advice and make decisions in relation to how this money would be allocated in response to requests from schools. The reasons for reviewing this system and the rationale for the decision to close this scheme are well documented.

In November 2015 Denbighshire Schools Budget Forum following a detailed consultation with all Primary Schools decided to end this pooled scheme as of the 31st March 2016. They also decided to replace this arrangement with a new arrangement and revised formula for funding the needs of pupils with ALN.

Following a Pilot Project in Denbighshire Secondary Schools which was completed in 2014 it became apparent that the way in which funding was allocated to schools including the Primary Sector needed to be reviewed to ensure that funding for children with special educational needs was more fairly distributed.

This coincided with a consistent overspend over a number of years on the pooled scheme that all Primary schools participated with and which resulted in these schools needing to pay back money to the scheme at the end of each financial year.

Denbighshire County Council delegate the second highest funding to their schools in Wales.

There have been no cuts in the allocated ALN budget to Primary Schools. Schools have elected to manage this funding for themselves going forward. The Primary SEN Budget has notionally and consistently been overspent each year and this has risen again in 2015/2016. The School Budget forum discussed this in detail and decided that they would prefer to call upon all resources available to the school to meet the need of the pupil. Therefore monies schools will receive is based on a formula which has been agreed with schools and provides a notional SEN budget for pupils with High and Exceptional needs for schools to spend as they deem most appropriate as well as using all other resources available to the school.

Funding through the Age Weighted Pupil Unit

Mainstream schools in Denbighshire receive the majority of their funding through the pupil driven funding element: the Age Weighted Pupil Unit (**AWPU**). This means that every pupil of the same age in a mainstream school receives an equivalent level of resource to fund a broad range of educational activities which all schools are reasonably expected to provide. This includes the school's response to the additional learning needs which children may have for some time in their school career. These activities will need to be undertaken to some degree in all schools though the size and scope of this provision may be varied. All children, including those with additional learning needs are full members of the school community. This means that schools have to be prepared to meet the needs of all their pupils when they plan the broad activities of school life.

Provision for SEN in AWPU

The **AWPU** funding allocates an equal amount to all schools for each pupil of the same age and is the method by which schools receive the majority of their funding. The Local Authority generally expects that 5% of each **AWPU** is notionally intended to support **SEN**.

This funding is expected to cover the following activities:

- i. The curriculum activities for all pupils, including both organisation and delivery;
- ii. Specific arrangements to match teaching styles, content and assessment to pupil needs;
- iii. Planning that takes account of the needs of all pupils;
- iv. Modification /differentiation of some materials for an individual pupil;
- v. Preparing all students to live in a diverse society;
- vi. Support to modify pupil behaviour;
- vii. Access to school based resources;
- viii. Monitoring and review of progress;
- ix. Arrangements for communication between staff;
- x. Enhanced home/school contact;
- xi. Developing and implementing a clear whole school policy for ALN that: -
 - o **Describes how needs are identified and met;**
 - o **Makes it explicit how children's needs are recorded and communicated to all other staff as well as parents and students if appropriate;**
 - o **Outlines arrangements for establishing and maintaining links with other agencies;**
 - o **Explains how staff training needs in relation to ALN will be identified and met;**
 - o **Makes it clear how complaints and disagreements are managed;**

Glossary

The following is an explanation of some of the abbreviations and terminology that you may come across throughout this document.

ALN	Additional Learning Needs. This refers to a child’s need for extra provisions to be made to ensure a child can learn effectively according to their needs. ALN is a term that is increasingly being used instead of Additional Learning Needs (ALN) in Wales.
CDC	Child Development Centre. A specialist health centre which children attend for assessment and support if there are concerns about their development. Many different child health professionals work together there, such as paediatricians, physiotherapists, occupational therapists and speech and language therapists.
Children’s Centres	These are being developed to help all families with young children access services and information they need close to home. These centres aim to provide joined up services such as health, education, family support and childcare. Families can also access help from multi-disciplinary teams of professionals.
DDA	Disability Discrimination Act 1995.
BESD	Behavioural, emotional and social difficulties.
EP	Educational psychologist. A person who assesses a child or young person’s learning and emotional needs.
ESTYN	A government department responsible for the inspection of all schools in Wales, see www.estyn.gov.uk for more information.
ESW	Education social worker (also known as EWO Education welfare officer). A person employed by a local authority to help parents and local authorities meet their responsibilities on school attendance.
IEP	Individual Education Plan. A document for schools to record short-term targets and strategies for an individual pupil that is different from, or additional to, other pupils in the class.
LA	Local authority. Local government body with a wide range of responsibilities for children’s education. Local authorities are now integrating all services for children and young people under one department. Please note the ALN Code of Practice for Wales still refers to the local education authority (LEA).
LSA	Learning support assistant. A person who provides support for an individual pupil, or a group of pupils with special educational needs or disabilities.
MLD	Moderate learning difficulties.
NAfW	National Assembly for Wales
PMLD	Profound and multiple learning disabilities.
ALNCO	Special educational needs co-ordinator. A qualified teacher in a school or early years’ settings, who has responsibility for coordinating ALN provision for children. This includes the training of other staff, coordination with other agencies, contact with families and teaching and support of children and the maintenance of their



records. In Wales the term Additional Learning Needs Coordinator (ALNCO) may be used instead of ALNCO.

Glossary(cont'd)

ALNTW	Special Educational Needs and Disability Tribunal Wales.
SLD	Severe Learning Difficulties.
SpLD	Specific learning difficulties. This term may be used to describe dyslexia, Dyspraxia, dyscalculia, dysgraphia and related difficulties, although often taken to mean dyslexia.
WG	Welsh Government.

Further Information and Advice

Useful Organisations: - The following organisations can provide further advice for parents with children with special educational needs. As well as these, most of the large charities and national support groups that deal with specific disabilities have their own education advisers or produce guides about various aspects of education. Your local parent partnership service may also be able to advise and support you. For further details about these organisations and how to contact them, ring our free phone helpline on **0808 808 3555**.

<p><u>Welsh Government</u></p> <p>Additional Learning Needs, Cathays Park, Cardiff, CF10 3NQ.</p> <p>Tel: (Welsh) 0845 010 4400 Tel: (English) 0845 010 3300 www.wales.gov.uk</p> <p>Publishes statutory guidance on education.</p>	<p><u>SNAP Cymru</u></p> <p>Central Office, 10 Coopers Yard Curran Road, Cardiff, CF10 5NB.</p> <p>Helpline: 0845 120370 www.snapcymru.org</p>
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Useful Documents: - There are a number of key documents produced by the Welsh Government that you may find useful. The majority of the documents listed here are aimed at LAs and education settings, but are still useful for parents as they outline the responsibilities of LAs and education settings.

The following documents are available, free of charge from the Welsh Government Publications Centre on **029 2082 3683** or email: wag-en@mailuk.custhelp.com. Alternatively you can access them and find out more about them by clicking on the Subject headings below.

- **[Early Support Wales](#)**: - This program can help families to access support and services. It is designed to work through resources and training providers, and put parents at the heart of the process for accessing services.
- **[Access to Education and Support for Pupils with Medical Needs](#)**: - The Welsh Government has developed this guidance document primarily to provide advice to schools and LAs on meeting the educational needs of pupils with medical needs. It emphasises the need for continuity in education and the impact medical conditions can have on a pupil's education, health and well-being.
- **[Inclusion and Pupil Support](#)**: - This document contains guidance for schools, local authorities and their Partners relating to inclusion and pupil support. It aims to provide a framework for inclusion, including key documents to assist in developing LA's and school's approaches to planning, supporting and meeting the needs of all learners.
- **[Special Educational Needs: Information for parents and carers of children and young people who may have Special Educational Needs](#)**: - This guide provides information on the stages of assessment and the statementing process, as well as information about further sources of information.
- **[Special Educational Needs Code of Practice for Wales](#)**: - The code of practice gives practical guidance to local authorities, maintained schools, early years' settings and others on carrying out their statutory duties to identify, assess and make provision for children's special educational needs.
- **[Exclusion from Schools and Pupil Referral Units Circular 1/2012](#)**: - This guidance covers the exclusion of pupils from schools and pupil referral units (PRUs), the procedures for



appealing against an exclusion, and steps to take to maintain the education of excluded pupils.