# SEND GOVERNANCE
## REVIEW GUIDE

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Whole School SEND

THE LONDON LEADERSHIP STRATEGY
SCHOOLS · PARTNERSHIP · EXCELLENCE

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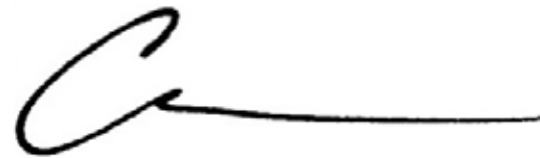
# CONTENTS

# FOREWORD

Every board[1] member is accountable for securing high quality outcomes for learners with SEND.

This review guide - developed as part of a suite of SEND Reviews and resources - aims to support the board evaluate the extent to which they can secure the high-quality outcomes learners with SEND require. It can be used as a valuable tool for both single setting and organisation-wide self-assessment and improvement, and to support a process across and between settings for review and support. We define setting as any educational establishment providing for learners up to the age of 25.

While created as part of the SEND Review Programme, run by Whole School SEND, it is important to note that this guide - like others - has a value beyond SEND learners. Understanding how the board evaluates itself and develops its professional attitudes and practices can lead to much broader improvements in performance.

The guide can be adapted to a local context, and a free white label version is available for those wishing to adjust it for specific settings. We encourage these to be shared widely, such as through the SEND Gateway.

We are very grateful to the parents and carers, governors, trustees, and sector bodies who contributed to this guide and am excited by the potential it has to transform outcomes for children and young people.

**Chris Rossiter**
**Chief Executive, Driver Youth Trust**

**Dr Adam Boddison**
**Chair of Whole School SEND**

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1. The word board in this context should be taken to mean the accountable body for the local or strategic setting. For example, in local authority maintained schools and colleges, this will be the governing body; and in a single academy trust (SAT) or MAT, it will be the board of trustees.

# INTRODUCTION

The board is responsible for securing effective outcomes for learners with SEND. Whilst the board's strategic level responsibilities may frequently be delegated to an individual board member or committee, it is important that the board does not lose sight of their corporate responsibility for SEND as a consequence.

The requirements of learners with SEND are integral to the three core functions of boards (DfE, 2017, p.9), which are:

- Ensuring clarity of vision, ethos and strategic direction;

- Holding executive leaders to account for the educational performance of the organisation and its pupils/learners, and the performance management of staff; and

- Overseeing the financial performance of the organisation and making sure its money is well spent.

Consequently, all board roles should influence SEND provision and this guide further builds on the Governance Handbook and associated Competency Framework, to more clearly define the roles and responsibilities for SEND as a corporate function.

It may be difficult for boards, particularly if they have limited expertise regarding SEND, to identify precisely what their roles might be and how they can hold the leaders of settings accountable internally. The key features of effective governance are well articulated, including by the government and other sector bodies. However, the role governance plays for learners with SEND might be less clear, especially when considering areas not directly related to these learners' outcomes. Furthermore, disentangling strategic and operational decision-making can be complicated when reviewing SEND provision owing to funding and other considerations. This guide provides a structure through which boards can evaluate their effectiveness in relation to securing high quality outcomes for learners with SEND.

The review guide is structured around the six features of effective governance (see Table 1.) which, together with other resources (see appendix), provides a starting point for boards to effectively and confidently discharge their leadership responsibilities. However, it is essential that statutory compliance is seen as the minimum expectation and should not limit the ambition and aspiration of boards in ensuring that learners with SEND access high-quality provision.

| STRATEGIC LEADERSHIP | ACCOUNTABILITY | COMPLIANCE | STRUCTURES AND PROCESSES | PEOPLE MANAGEMENT | EVALUATION |
|---|---|---|---|---|---|
| Setting direction | School/college improvement | | Systems | | Self-review and development |
| Culture, values and ethos | Data analysis | | Safeguarding | | |
| Decision-making | Finance | Statutory and contractual | | Building an effective team | Board effectiveness |
| Engaging with parents / wider community | Staffing | | Roles & Responsibilities | | |
| Risk management | External | | | | |

The guide addresses effective compliance within the five areas of strategic leadership, accountability, structures and processes, people management and evaluation. As such, compliance does not form a separate review area, but is an integral part of the other five areas.

# Using the SEND Governance Review Guide

Within our complex education system, developing an understanding of effective ways to meet the requirements of all learners is, at times, challenging. It is crucial that boards have a good knowledge of the context in which the setting operates, for example demands of different educational phases, and the operations and resources available internally and across the local area.

This guide builds on previous work to support strategic governance provided by DfE, NCTL, and other sector bodies, examples of which are included in further reading below. It is not intended to be an introduction to SEND governance. Boards are encouraged to identify current and comprehensive evidence from a variety of sources to substantiate the strengths and areas of development for each local and strategic setting. We recommend this includes parents and carers, school staff, other professionals and sources of internal and external documentary evidence, such as externally moderated data. Access to, and insight of, key data sources, including the professional expertise from within the setting (for example the SENCO), will help ensure a more robust approach, especially when cross-referencing statistical information.

Within each section, the statements have been grouped thematically where possible, but have not been organised hierarchically. The sections can be worked through progressively or taken one at a time, depending on priority areas for development. The importance of each statement is likely to differ from board to board. As such they do not necessarily need to be worked through in the order in which they are written.

The use of shared and appropriate vocabulary is essential for understanding and communicating both roles and responsibilities. This is especially the case when discussing learners with SEND and their families because of the inherent sensitivities that this can bring. Therefore, wherever possible, this review attempts to use precise and succinct language in line with that typically used by effective boards and contained in the suite of review guides published by Whole School SEND.

A review of SEND governance is not intended to be a simplistic checklist of compliance, but instead should be considered as a developmental opportunity that promotes ongoing discussion and reflection over time, supported by external expertise and linked to clearly identified impact and outcomes for learners with SEND. Boards may need to draw on the expertise of system leaders including National Leaders of Governance (NLG) to support this review of their strategy, structures and processes.

# STRATEGIC LEADERSHIP

| AREA OF FOCUS | SUGGESTED THEMES AND AREAS TO EXPLORE | EVIDENCE OF AREAS OF STRENGTH AND DEVELOPMENT |
|---|---|---|
| Strategic Leadership | **THE SETTING DEMONSTRATES:**<br><br>A strategic approach that incorporates SEND as part of a broader aspiration for inclusion across all stakeholder groups.<br><br>An embodied vision for the education of all learners with SEND that will deliver a culture of high aspiration for all learners.<br><br>A culture, values and ethos which actively welcomes learners with SEND and successfully includes parents and carers to support high quality outcomes.<br><br>Its strategic SEND priorities and can explain how these inform short to medium term goals in support of its broader vision.<br><br>Collective ownership and responsibility of the implementation of the settings strategic plan with appropriate systems for monitoring. | |
| | **THE BOARD DEMONSTRATES:**<br><br>Up to date knowledge regarding SEND policy and practice and can hold the setting to account in line with their statutory obligations.<br><br>That it models a culture of high aspiration for all learners.<br><br>Active participation in building a culture, values and ethos which welcomes learners with SEND and includes their parents and carers.<br><br>That they monitor and evaluate progress towards the effective implementation of strategic priorities and goals for SEND.<br><br>Proportionate risk management policies and procedures are in place to support the setting's strategic SEND priorities. | |

# ACCOUNTABILITY

| AREA OF FOCUS | SUGGESTED THEMES AND AREAS TO EXPLORE | EVIDENCE OF AREAS OF STRENGTH AND DEVELOPMENT |
|---|---|---|
| Accountability | **THE SETTING DEMONSTRATES:**<br><br>SEND provision is evaluated effectively alongside other priorities in its development plan.<br><br>Data analysis specifically highlights the outcomes of learners with SEND as a cohort, across key phases and other defined characteristics, e.g. gender, socio-economic disadvantage, looked after etc.<br><br>The budget is allocated and managed effectively and transparently to ensure outcomes for learners with SEND identified in short and medium-term plans are met.<br><br>Staffing and leadership structures actively support the strategic priorities associated with SEND. | |
| | **THE BOARD DEMONSTRATES:**<br><br>Confidence that robust performance management processes underpin high quality outcomes for learners with SEND.<br><br>Changes to relevant legislation, policy and practices are reflected upon and where necessary, organisational or procedural adaptations are made.<br><br>Reporting and publication of key SEND information is made publicly available, such as relevant policies and a SEN Information Report. | |

# STRUCTURES AND PROCESSES

| AREA OF FOCUS | SUGGESTED THEMES AND AREAS TO EXPLORE | EVIDENCE OF AREAS OF STRENGTH AND DEVELOPMENT |
|---|---|---|
| Structures and Processes | **THE SETTING DEMONSTRATES:**<br><br>That comprehensive assessment supports accurate identification of need and informs classroom practice.<br><br>Systematic scrutiny of behaviour, exclusion and attendance data to ensure additional educational needs are neither missed nor disproportionately represented.<br><br>That all SEND documentation is accurate and is maintained, reviewed and updated regularly.<br><br>Safeguarding procedures are clear and accessible to all.<br><br>Specific SEND roles and responsibilities are clearly understood by all staff and volunteers. | |
| | **THE BOARD DEMONSTRATES:**<br><br>That it robustly interrogates reports from the headteacher or others specifically focusing on requirements related to learners with SEND.<br><br>Governor business is focused on priorities identified in the short and medium-term plans, including those related to SEND.<br><br>That its committee structure ensures SEND is considered strategically and effective communication supports this.<br><br>Terms of reference make clear that decision making by any sub-committee or working group must take in to account the needs of learners with SEND. | |

# PEOPLE MANAGEMENT

| AREA OF FOCUS | SUGGESTED THEMES AND AREAS TO EXPLORE | EVIDENCE OF AREAS OF STRENGTH AND DEVELOPMENT |
|---|---|---|
| People Management | **THE SETTING DEMONSTRATES:**<br><br>There are clearly defined opportunities for professional development for all staff and volunteers in relation to SEND across all phases and faculties.<br><br>Gaps are identified in SEND knowledge, skills and understanding and appropriate professional development opportunities are put in place to close these.<br><br>Roles and responsibilities for SEND provision are clear. As a result, all staff and volunteers understand and accept their responsibilities and accountabilities.<br><br>The SENCO works collaboratively alongside the headteacher, senior leaders, parents and carers, and external agencies, including the voice of learners to develop a whole setting response to SEND. | |
| | **THE BOARD DEMONSTRATES:**<br><br>All governors understand their accountabilities towards learners with SEND .<br><br>At least one member has demonstrably enhanced knowledge, skills and understanding of SEND.<br><br>Skills audits identify levels of understanding of SEND and the board has developed an action plan to address any skills or development gaps.<br><br>The Chair ensures that governor inductions include a comprehensive setting-specific introduction to SEND. | |

# EVALUATION

| AREA OF FOCUS | SUGGESTED THEMES AND AREAS TO EXPLORE | EVIDENCE OF AREAS OF STRENGTH AND DEVELOPMENT |
|---|---|---|
| Evaluation | **THE SETTING DEMONSTRATES:**<br><br>There is a comprehensive understanding of strengths and areas of development for strategic planning of SEND informed by the SENCO and other professionals.<br><br>That it seeks meaningful involvement from stakeholders, including learners with SEND and their families and carers, which is used to reflect critically on progress and outcomes.<br><br>An openness to change policies and practices where necessary to foster inclusion and meet the needs of learners with SEND.<br><br>Rigorous self-evaluation processes demonstrate a commitment to continuous improvement for SEND provision. | |
| | **THE BOARD DEMONSTRATES:**<br><br>The setting's vision, ethos and values including SEND are reviewed and updated as necessary.<br><br>How their decision-making impacts on learners with SEND.<br><br>That it compares internal data with external sources of information to challenge the improvement of the setting's SEND provision.<br><br>A willingness to provide peer support and proactively identifies opportunities to share effective SEND governance with other settings and boards.<br><br>An understanding of the views of learners with SEND to enable it to check information provided by the setting's leaders. | |
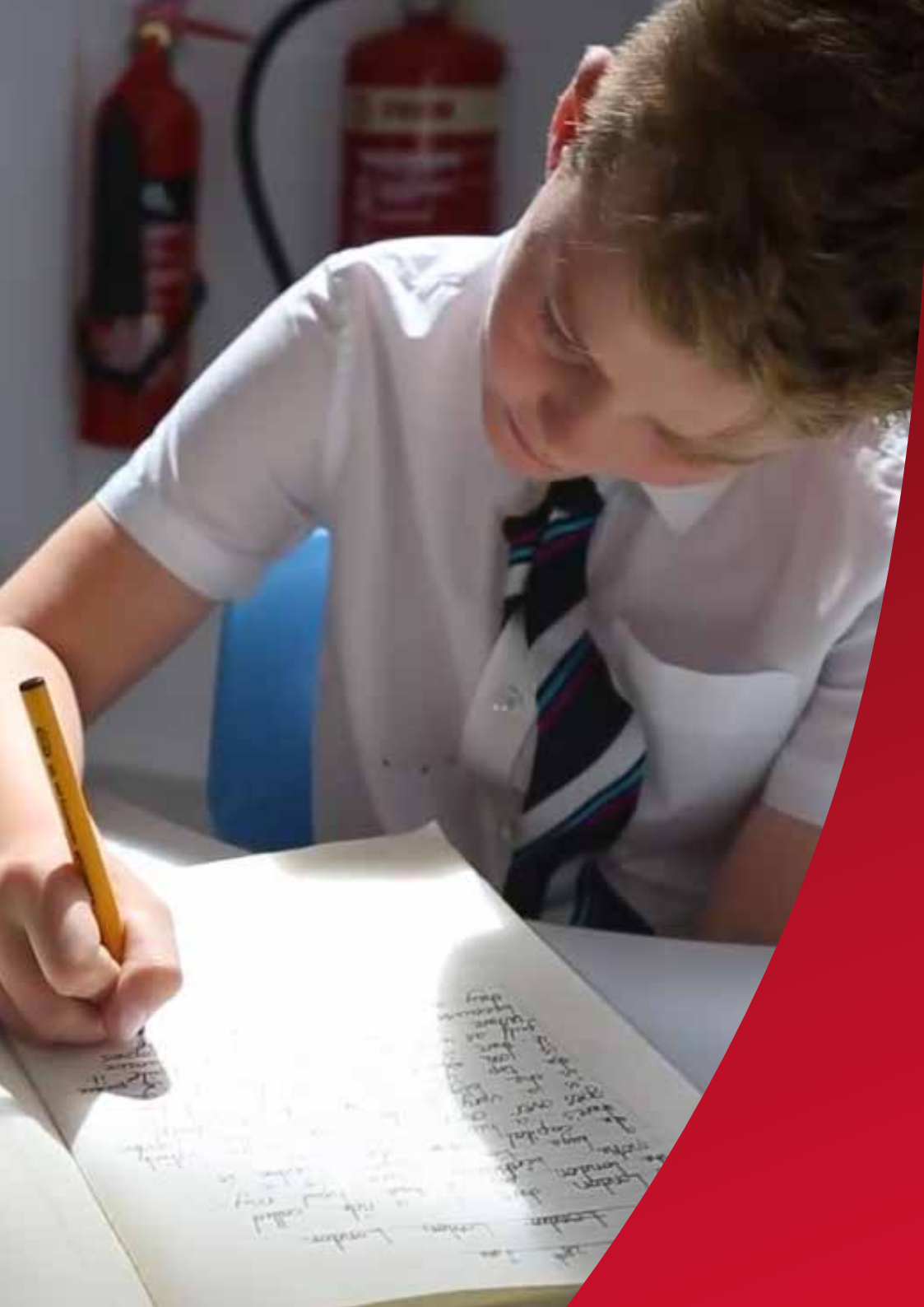
## Next steps

Boards wishing to use this guide to review their practice may wish to take the following action after completing a review:

- Create an action plan in line with existing strategic plans and update them where necessary.

- Review policies to ensure they are both compliant and signpost where SEND provision might be affected by changes and developments elsewhere, for example with budgets and resourcing.

- Actively engaging in peer reviews with other settings in your local area, federation or multi-academy trust.

- Engage the expertise of a National Leader of Governance. Further information about NLGs in your area is available online in the school-to-school support directory.[2]

**2.** School-to-school support support directory, National College of Teaching and Leadership. apps.nationalcollege.org.uk/s2ssd_new/index.cfm

# CONTRIBUTORS

An essential step to completing this work was working in collaboration with school governors, academy trustees, national leaders of governance and sector bodies, which provided representation from across many different educational settings. We would like to take this opportunity to specifically thank the following individuals:

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## Appendix

### Further reading:

- Equalities Act (2010)
- Children and Families Act (2014)
- The Special Educational Needs and Disability Code of Practice (2015)
- Health and Social Care Act (2012)
- Salamanca Statement (1994)
- United Nations Convention on the Rights of the Child (UNCRC [1992])
- The Convention on the Rights of Persons with Disabilities (UNCRPD [2006])
- SEND Review Guide (2016)
- SEND Reflection Framework (2017)
- Teaching Assistant deployment review guide (2017)
- Preparation for Adulthood review guide (2017)

## References

Governance handbook for academies, multi-academy trusts and maintained schools (2017). Department for Education, UK.

A Competency Framework for Governance (2017). Department for Education, UK.

A Framework for Governance: A flexible guide to strategic planning, (2015). National Governance Association, UK.

Special educational needs and disabilities and the governing board guidance, (2017). National Governance Association, UK.

Special educational needs and disability code of practice: 0 – 25 years (2015). Department for Education and Department for Health, UK.

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