

Factsheet 9

School duties and questions to ask

Under Part 3 of the Children and Families Act 2014 local authorities (LAs) must carry out all their duties with regard to children and young people with SEN, and every school

'...must use their best endeavours to make sure that a child with special educational needs gets the support they need – this means doing everything they can to meet children and young people's special educational needs'.

Schools should identify and support children with SEN and/or a disability. This can happen in two ways:

- From within the school's own resources under SEN Support (which can include external services such as speech and language therapy), or
- Through an Education, Health and Care plan (EHC)

Schools should:

- Identify and record what SEN they have identified a child as having
- Identify what outcomes are expected for the child with special educational provision
- Identify what provision is being put in place to reach agreed outcomes for the child

If a child's needs cannot be met, whether through lack of expertise or funding, the school should request an EHC needs assessment to identify the provision/support the child needs. They should also do this when they know what the child's needs are and what provision should be put in place, but they cannot make that provision. The LA must consider the request and carry out an EHC needs assessment if they think it likely that the child needs more, or different help than ordinary schools (or early years settings) can provide (Paragraph 9.55 of the Code).

The same criteria as above apply to Colleges of Further Education and other post 16 settings.

Schools and other settings have clear duties under the SEN and Disability Code of Practice and they must comply with its contents or be able to explain why they have not done so and why they have put an alternative into place.

In addition, The Children and Families Act 2014 brings in a new category of school called a 'Section 41 school'. This is a new



category of independent schools or post-16 provision for pupils with SEN. Parents or young people may request that such a school be named in an EHC plan and you can check which schools have chosen this status at www.gov.uk/government/publications/section-41-secretary-of-state-approved-list

As well as knowing about 'School duties' it will also be helpful to find out as much information as you can about the support individual schools offer for children and young people with SEN. Below are some sample questions you may wish to ask:

- Who is the school's Special Educational Needs Coordinator (SENCO)?
- How will my child's school/teacher know if my child has special educational needs?
- What provision does the school make for children with special educational needs?
- How does the school develop its teaching and adapt the curriculum for children with special educational needs?
- How do they know if my child is making progress towards his/her targets?
- How does the school ensure that my child has a successful transition between key stages and schools?
- How does the school secure additional services and expertise e.g. speech and language therapy?
- How can I get in touch with these services?
- What additional expertise and training do the staff have on speech, language and communication needs?
- What does the 'School SEN Information Report' look like?