Consultation

Launch Date 25 March 2008
Respond by 17 June 2008
Ref: Department for Children, Schools and Families

Consultation on Draft Education (Special Educational Needs Co-ordinators) (England) Regulations 2008

Consultation on draft regulations prescribing the qualifications and experience required of the person responsible for co-ordinating SEN provision for pupils - the SEN Co-ordinator or SENCO. The consultation also sets out associated functions in relation to governing bodies, and outlines work to develop national accredited training for all newly appointed SENCOs.
Consultation on Draft Education (Special Educational Needs Co-ordinators) (England) Regulations 2008

A Consultation

To
Schools, Governors, Teacher Associations, Local Authorities, SEN and disability organisations, and other interested bodies

Issued
25 March 2008

If your enquiry is related to the policy content of the consultation you can contact John Perryman on:

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1 Background and Context

1.1 Special educational needs co-ordinators (SENCOs) have a key role to play within schools to ensure effective provision for children with SEN and disabilities. The importance of their role was recognised in the SEN Code of Practice (November 2001) and the (first) report of the then Education and Skills Select Committee on SEN (July 2006). In that report, the Select Committee recorded, however, a number of concerns in relation to SENCOS:

- SENCOS should in all cases be qualified teachers;
- They should be in a senior management position in the school, as recommended by the SEN Code of Practice;
- SENCOS should be appropriately trained.

Ministers have also clearly indicated that they share the Select Committee’s view that teachers should have the lead SENCO role.

Until recently, there had simply been a presumption (expressed in the Code and elsewhere) that every school would have a SENCO, but no specific legal requirement to that end existed. This was corrected by section 173 of the Education and Inspections Act 2006, which amended the SEN provisions of the Education Act 1996 to require governing bodies to designate a member of staff as the person responsible for co-ordinating
SEN provision for pupils.

Section 173 of the 2006 Act came into force on 8 January 2007. The provisions now appear as sections (3A) and (3B) of section 317 of the Education Act 1996. Section (3B) provides the power to make regulations. In their response to the Education and Skills Select Committee (October 2006), Ministers declared their intention to make regulations relating to the role, responsibilities, experience and training required of SENCOs.

2 The Proposals

2.1 Draft Regulations

The draft regulations, which apply only in relation to community, foundation and voluntary schools and maintained nursery schools in England, have the following effect:

Regulation 3 requires the SENCO to be either:

- Regulation 3(2), a qualified teacher;
- Regulation 3(3), the head teacher or appointed acting head teacher; or
- Regulation 3(4), a person carrying out the role for at least six months prior to the regulations coming into force, who has shown reasonable prospect of fulfilling the conditions laid down in 3(2) within a period of two years from the date the regulations come into force;

Regulation 4 requires SENCOs to be employed, i.e. not volunteers, and employed as teachers, not members of support staff.

Regulation 5 requires the governing body to define the role of the SENCO in relation to the leadership and management of the school.

Regulation 6 requires the governing body to monitor the actions of the SENCO in relation to key areas of the role (reflecting the SEN Code and the way posts operate in practice).

Timetable

The proposed timetable for implementing the Regulations is:

- September 2008, regulations made (i.e., signed by the Minister) following consultation, and laid before Parliament;
- September 2009, regulations come into force;
• September 2011, cut-off point by which any person carrying out the SENCO role at the point the regulations were made (doing the job for at least six months prior to September 2009) has to be qualified under regulation 3.

SENCOs and senior leadership teams within schools

The DCSF had originally intended to require, through regulations, that SENCOs be members of the senior leadership teams (SLT) of schools. The SEN Code makes recommendations along those lines and the Select Committee clearly felt SENCOs needed influence within schools. However, in discussions with representatives of our social partners, concerns were raised about the practicalities of this. Ministers have now agreed that DCSF guidance would recommend that, where the SENCO was not a member of the SLT, a member should be designated as champion of SEN and disability issues within the school.

Nationally accredited training for all new appointees to the SENCO role

As a further measure to strengthen the role of the SENCO, the DCSF also intends to require all newly appointed SENCOs to undertake nationally accredited training and has commissioned the Training and Development Agency for Schools (TDA) to develop the necessary arrangements, building on the widest possible consensus. TDA have analysed the responses to their consultations and interviews with serving SENCOs, head teachers, teachers and local authority SEN and school improvement teams about the role of the SENCO and how a national scheme for accrediting SENCOs newly appointed to the role might operate. The Agency expects to submit their initial advice to DCSF shortly. This will set out initial conclusions from the opening stages of the work and outline the further work needed to progress to full implementation (target: September 2009).

We envisage that this further work will involve further discussion with teachers, head teachers, SENCOs, staff supporting teaching and learning in schools, training providers and others with an interest in a national accreditation scheme, on proposals for the content and operation of such a scheme.

Although the necessary development work on accreditation is under way, it is not possible at this stage to introduce a mandatory training requirement for SENCOs until the requirements of it are known with certainty. We will therefore consult on further regulations covering the mandatory training requirement at a later date.
3 How To Respond

3.1 You can respond on-line at [www.dcsf.gov.uk/consultations/](http://www.dcsf.gov.uk/consultations/)

or via email to SENCO.CONSULTATION@dcsf.gsi.gov.uk

or in writing to: John Perryman, Special Educational Needs & Disability Division, Department for Children, Schools & Families, Area 2A Caxton House, 6-12 Tothill Street, London SW1H 9NA, Telephone 0207 273 5054, Fax 0207 273 5303

4 Additional Copies

4.1 Additional copies are available electronically and can be downloaded from the DCSF consultation site at:

[www.dcsf.gov.uk/consultations/](http://www.dcsf.gov.uk/consultations/)

5 Plans for making results public

5.1 We hope to have the results of the consultation on the DCSF consultation website by the end of September 2008