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STATUTORY INSTRUMENTS

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**2008 No. 2945**

**EDUCATION, ENGLAND**

**The Education (Special Educational Needs  
Co-ordinators) (England) Regulations 2008**

<i>Made</i>	- - - -	<i>13th November 2008</i>
<i>Laid before Parliament</i>		<i>21st November 2008</i>
<i>Coming into force</i>	- -	<i>1st September 2009</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by section 317(3B) of the Education Act 1996<sup>(1)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Education (Special Educational Needs Co-ordinators) (England) Regulations 2008 and come into force on 1st September 2009.

**Interpretation**

2. In these Regulations—

“relevant school” means a community, foundation or voluntary school or a maintained nursery school;

“relevant services” means—

- (a) special educational provision, or advice or assistance in relation to such provision or its management,
- (b) assessment of special educational needs, or advice or assistance in relation to such needs or in relation to the management of pupils with such needs;

“the SENCO”, in relation to a relevant school, means the person who has been designated by the governing body to be the special educational needs co-ordinator for the school.

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(1) 1996 c. 56. For the meaning of “prescribed” and “regulations”, see section 579(1) of the Act. Subsection (3B) was inserted by section 173 of the Education and Inspections Act 2006 (c. 40).

### **Prescribed qualifications and experience of SENCOs**

3.—(1) The governing body of a relevant school must ensure that the SENCO appointed under section 317(3A) of the Education Act 1996 meets each of the requirements in one of paragraphs (2), (3) and (4).

- (2) The requirements in this paragraph are that the SENCO—
- (a) is a qualified teacher<sup>(2)</sup>,
  - (b) if required to complete an induction period under regulations made under section 19 of the Teaching and Higher Education Act 1998<sup>(3)</sup>, has satisfactorily completed such an induction period, and
  - (c) is working as a teacher at the school.

(3) The requirement in this paragraph is that the SENCO is the head teacher or acting head teacher of the school and meets the requirements of regulations made under section 135 of the Education Act 2002 if required to do so<sup>(4)</sup>.

- (4) The requirements in this paragraph are that the SENCO—
- (a) has had responsibility for co-ordinating the making of special educational provision for pupils with special educational needs at the school for a period of at least six months ending on the 31st August 2009, and
  - (b) the governing body is satisfied that—
    - (i) the SENCO is taking steps to meet the requirements in paragraph (2), and
    - (ii) there is a reasonable prospect that the SENCO will meet those requirements by 1st September 2011.

### **Governing body's functions relating to the leadership and management role of the SENCO**

4. The governing body of a relevant school must determine the role of the SENCO in relation to the leadership and management of the school.

### **Governing body's functions relating to the key responsibilities of the SENCO**

5.—(1) The governing body of a relevant school must determine the key responsibilities of the SENCO and monitor the effectiveness of the SENCO in undertaking those responsibilities.

(2) The key responsibilities referred to in paragraph (1) may include the carrying out, or arranging for the carrying out, of the following tasks—

- (a) in relation to each of the registered pupils whom the SENCO considers may have special educational needs, informing a parent of the pupil that this may be the case as soon as is reasonably practicable;
- (b) in relation to each of the registered pupils who have special educational needs—
  - (i) identifying the pupil's special educational needs,
  - (ii) co-ordinating the making of special educational provision for the pupil which meets those needs,
  - (iii) monitoring the effectiveness of any special educational provision made for the pupil,
  - (iv) securing relevant services for the pupil where necessary,

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(2) "Qualified teacher" has the meaning given by section 132(1) of the Education Act 2002 (c. 32) for the purposes of the Education Acts.

(3) 1998 c. 30. See the Education (Induction Arrangements for School Teachers) (England) Regulations (S.I. 2008/657).

(4) 2002 c. 32. Regulations made under this section are the Education (Head Teachers Qualifications) (England) Regulations S.I. 2003/3111 as amended by S.I. 2005/875 and 2005/3322.

- (v) ensuring that records of the pupil's special educational needs and the special educational provision made to meet those needs are maintained and kept up to date,
- (vi) liaising with and providing information to a parent of the pupil on a regular basis about that pupil's special educational needs and the special educational provision being made for those needs,
- (vii) ensuring that, where the pupil transfers to another school or educational institution, all relevant information about the pupil's special educational needs and the special educational provision made to meet those needs is conveyed to the governing body or (as the case may be) the proprietor of that school or institution, and
- (viii) promoting the pupil's inclusion in the school community and access to the school's curriculum, facilities and extra-curricular activities;
- (c) selecting, supervising and training learning support assistants who work with pupils who have special educational needs;
- (d) advising teachers at the school about differentiated teaching methods appropriate for individual pupils with special educational needs;
- (e) contributing to in-service training for teachers at the school to assist them to carry out the tasks referred to in paragraph (b); and
- (f) preparing and reviewing the information required to be published by the governing body pursuant to the Education (Special Educational Needs) (Information) (England) Regulations 1999<sup>(5)</sup>, the objectives of the governing body in making provision for special educational needs, and the special educational needs policy referred to in paragraph 1 of Schedule 1 to those Regulations.

13th November 2008

*Sarah McCarthy-Fry*  
Parliamentary Under Secretary of State  
Department for Children, Schools and Families

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are the first to be made under the powers contained within section 317(3B) of the Education Act 1996.

They provide that the governing bodies of community, foundation and voluntary schools and maintained nursery schools in England must ensure that the SENCO at the school – the member of the staff at the school whom they have designated as having responsibility for co-ordinating the provision for pupils with special educational needs – is a qualified teacher who has completed induction (as required) and is working as a teacher at the school, or is the head teacher (*regulation 3(2) and (3)*). It is permissible for a person to be the SENCO, even though they do not meet these requirements, where the person co-ordinated the provision for pupils with special educational needs at the school for at least 6 months up to the 31<sup>st</sup> August 2009; the governing body is satisfied that the person is taking steps to meet the requirements and there is a reasonable prospect of their being met on or before the 1<sup>st</sup> September 2011 (*regulation 3(4)*).

The governing body must determine the leadership and management role and the key responsibilities of the SENCO, and monitor the SENCO's effectiveness in undertaking those responsibilities. The key responsibilities may include carrying out specified tasks, or making arrangements for those tasks to be carried out (*regulations 4 and 5*).