

## Meeting special educational needs

Saturday 18 May 2013 saw the first NGA conference for governors of special schools. Delegates had the opportunity to discuss their unique challenges and roles, and talk about the future of governance in special schools, particularly with regards to the expected changes in legislation which should be of interest to governors in all schools.

The conference was opened by the vice chair of the NGA, Siddique Hussain, who thanked Glenda Baum, a special school governor from London, for her work in setting up the Special School Governors' Forum (SSGF), and their request for this conference. Andrew Walker, chair of the SSGF, explained the origins of the forum which has now been running for two years and in effect acts as a special interest group of the NGA. The group meets termly in NGA's offices in Birmingham and its minutes are available on the website.

Lorraine Petersen, Chief Executive of Nasen (National Association for Special Educational Needs) spoke about the reforms to special educational needs (SEN), including the impact that the Children and Families Bill will have once it has been passed into legislation. Of the 3% of pupils who have a statement, almost 40% attend an LA maintained special school (DfE, January 2012). At that time a further 17% of pupils were identified as having SEN (School Action and School Action Plus) with no statement.

Lorraine pointed out that the DfE's new governors' handbook published that week has four pages on SEN, with just one paragraph on special schools. But the governors' responsibilities have not changed, and you still have a duty to make 'reasonable adjustments' to avoid substantial disadvantages. The only addition is the requirement to 'provide auxiliary aids and services as part of the reasonable adjustments duty.' As of last year, this is the responsibility of the governors, not the local authority.

One of the biggest changes in the new legislation is the extension of provision to cover pupils aged 0 to 25 years, and the implementation of an Education, Health and Care Plan (EHCP) to replace statements. However, although some authorities are already providing an EHCP, a statement must also be supplied until the Bill becomes law. Nasen is concerned that the original proposals have been watered down to a largely education process, and that although there is a very welcome duty on Health services to make provision in a EHC plan, it may be difficult to ensure all services work together to deliver the EHCP to the young person. There will also be no proactive duty to assess SEN which is not going to improve while local authorities are still losing funding.

All local authorities will be required to design a 'local offer', detailing what services are available in the area. Lorraine suggested it's important for schools to have a school offer as well, which can feed into the local offer. Nasen is concerned that lack of both an enforceable base line for the local offer and any national criteria for the EHCP will lead to very different services for children and young people across the country.

The twenty pathfinder groups set up to test a range of proposals - including the EHCP process, personal budgets, local offers and the move to adulthood - are still running, and will report in September 2014. So far, only a small number of families have been involved and it is unclear with personal budgets where this money will come from, and who will be given it; it could go directly to

the parents, or parents may just be consulted and the money goes to organisations. With top up funding also shrinking, there is concern that the criteria for extra money for high needs pupils will change. The pathfinders only cover thirty local authorities, so nine of them will be working with the other 120 local authorities to help them prepare to implement the changes.

Nasen welcomed the extension of direct SEN legal obligations to academies and the inclusion of non-maintained special schools under the same obligations to admit a child if named in a plan. The continuing right of a child to attend a mainstream school means special schools have a role in supporting those mainstream schools with the provision of therapies. Lorraine predicted that special school governors are going to be called upon much more by their colleagues in mainstream schools to share their knowledge, expertise and resources and will need to think about what services their schools can sell to others.

Andrew Farren, a former headteacher of an outstanding special school, led a discussion on how to govern special schools. Even at first glance, it was apparent how different special schools are, not only from mainstream schools, but also from each other. With so many different specialisms, from Severe Learning Difficulties, or Speech and Communication Difficulties, to Profound Multiple Learning Difficulties, special schools deal with a range of needs that might also include complex medical conditions.

Despite the additional considerations they have to make for their pupils (including negotiating additional funding on a child by child basis), special schools consistently perform better in Ofsted inspections than their mainstream counterparts. That said, headteachers are becoming increasingly worried about their next inspection and keeping up their reputation with parents, pupils, staff, and the local community. Ofsted inspectors should not lower their expectations of the pupils in special schools, but given the difficulties of using progress data to benchmark special schools, governors may need to monitor pupils' progress using a sample of case histories. Working with other schools can help governors assess your school's evidence about how children are achieving and encouraging staff to be involved in peer observation between schools can strengthen their evaluation of teaching standards and assure governors of the validity of their own school's assessments. One delegate had tried to set this up, but other schools hadn't wanted to be involved.

The pupils in special schools form one of the most vulnerable groups of children, so safeguarding is regarded very highly. Depression and mental illness are more common, and emotional support vitally important; pupils can often watch their friends struggle and lose against the same illness, attending other pupils' funerals. Bereavement counselling should be offered. But Andrew stressed that your staff should not be forgotten: if your staff aren't happy, how can you expect your pupils to be? As well as these emotional and health challenges, staff deal with frequent changes to staff and pupils, and often more challenging pupil behaviour. School leaders – and governors – need to foster a self-challenging ethos.

There is a different relationship with the parents of the pupils in special schools. Sometimes they are very passionate and have fought tooth and nail to get their child in, they might be tired and struggling to look after their child at home, and most probably very concerned about their child's future. It is important to maintain a professional relationship with them, while providing them with some support and help and absorbing their frustrations. Although parent governors were difficult to find, they are important in understanding the needs of the pupils. Andrew spoke about developing

the interface between governors and the school: as well as building strategic planning time into your meetings, do you have protocols for meeting with pupils, staff and families? Governors need to decide what your aims are, and how you plan to get there, and these conversations will help you assess what's been achieved. Andrew stressed that good governance mustn't become too hard-nosed: respect and dignity were essential.

The conference finally heard from Victoria McIntosh, a solicitor for Browne Jacobson (part of the NGA legal service for GOLD members) and a chair of governors at a special school. All schools need to work together to improve provision, building on the benefits of clusters and developing local solutions. Like Lorraine, Victoria believed that special schools have a pivotal role in helping mainstream schools manage SEN.

There are several options for formal and information collaborations:

- Federations
- Foundations or trust schools, where a company is set up to support the school
- Academy sponsorship
- Collaboration companies: a company limited by shares or guarantee is set up to ring-fence liability and responsibility.
- Academy groups, including multi-academy trusts, umbrella trusts, and collaborative partnerships.
- Partnerships supported by formal agreement

Victoria stressed it should be 'vision first, model later;' choose something that will help you achieve your goals, and work the model around that.

You can read more about each of these models on the NGA website.

Delegates discussed the challenges facing them, particularly on changes to funding and negotiating with a number of local authorities for top-ups, and in ensuring the range of therapies and nursing staff were available to their pupils. Many left having met other special school governors from their regions and determined to keep in touch.

*[ We are delighted to include this article and to see a focus on the needs of Special Schools – our thanks to Laura Owen, Communications Officer at the National Governors' Association for making it available to us]*