

# Special Educational Needs and Disabilities and the Law

## Section 1 - What schools need to know

This document has been produced by Warwickshire County Council to support **all education settings in Warwickshire** to understand their legal responsibilities with regards to Special Educational Needs and Disabilities (SEND).

It focuses only on what is lawful and the minimum expectations. Please refer to further guidance documents for examples of additional good practice to support children and young people with SEND and their families.

The information in this document relates to both maintained schools and academies including nurseries, primaries, secondaries, grammar, specialist and alternative provision. **This document has been created in partnership with, and endorsed by, Warwickshire Legal Services.**

**The links below will take you to the legal documents that are referenced within this guidance:**

[Children and Families Act \(2014\)](#)

[Education Act \(1996\)](#)

[Equality Act \(2010\)](#)

[School Standards and Framework Act \(1998\)](#)

[Special educational needs and disability code of practice 0 to 25 years \(2015\)](#)

[The Special Educational Needs and Disability Regulations \(2014\)](#)

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
<b>Accessibility Plan</b>	A school must write, publish, and review an accessibility plan.		<b>Schedule 10 88 (3)</b> Schools must prepare, in writing, and publish, an accessibility plan. This plan must detail how they are planning on making the curriculum, physical environment, and services more accessible to pupils with a disability. This plan must be regularly reviewed.				

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
<b>Admission</b>	<p>For a child without an EHC Plan, an admission authority should admit a child upon application unless the year group in question is not able to accommodate any more pupils (in-year applications only) or the child concerned exhibits challenging behaviour within the Admission Code's definition.</p> <p>For a child with an EHC Plan, a school must admit if it is named in Section I of the Plan</p>	<p><b>Section 42</b> Any maintained or academy school must admit to the roll a child who has an EHC Plan naming their school.</p>	<p><b>Part 6</b> 1) The responsible body of a school to which this section applies must not discriminate against a person—</p> <p>(a) in the arrangements it makes for deciding who is offered admission as a pupil;</p> <p>(b) as to the terms on which it offers to admit the person as a pupil;</p> <p>(c) by not admitting the person as a pupil.</p>		<p><b>1.27</b> Where a child or young person has SEN but does not have an EHC plan they must be educated in a mainstream setting except if this is not the parental preference or doing so would be incompatible with the efficient education of others.</p> <p>The School Admissions Code of Practice requires children and young people with SEN to be treated fairly. Admissions authorities:</p> <ul style="list-style-type: none"> <li>• must consider applications from parents of children who have SEN but do not have an EHC plan on the basis of the school's published admissions criteria as part of normal admissions procedures</li> <li>• must not refuse to admit a child who has SEN but does not have an EHC plan because they do not feel able to cater for those needs</li> <li>• must not refuse to admit a child on the grounds that they do not have an EHC plan</li> </ul> <p><b>1.36</b> The presumption of mainstream education is supported by provisions safeguarding the interests of all children and young people and ensuring that the preferences of the child's parents or the young person for where they should be educated are met wherever possible.</p>		<p><b>Section 86</b> This section highlights, that an admission authority should accept a parental preference of a school place for a child unless doing so would be incompatible with the efficient education of others, either through having no space to accommodate additional pupils or (in-year applications only) the child exhibits challenging behaviour within the Admission Code's definition. Applications must be considered in line with the school's admissions arrangements and policy.</p>

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
<b>Annual Review</b>	<p>Schools must, if requested by the Local Authority, arrange and hold an annual review meeting and invite specified individuals to contribute to this, for any child with an EHC plan.</p> <p>An EHC plan must be reviewed in the period of 12 months starting with the date on which the plan was first made, then each 12-month period thereafter.</p>	<p><b>Section 44</b></p> <p>(1) A local authority must review an EHC plan that it maintains—</p> <p>(a) in the period of 12 months starting with the date on which the plan was first made, and</p> <p>(b) in each subsequent period of 12 months starting with the date on which the plan was last reviewed under this section.</p>		<p><b>Regulation 20</b></p> <p>The local authority must ensure that a school hold an annual meeting to review a child's EHC plan. A number of people must be invited (see section 20 point 2). Two weeks' notice must be given with the necessary documents shared. Additional information can be found on this process in section 20.</p>	<p><b>6.56</b> Where a pupil has an EHC plan, the local authority must review that plan as a minimum every twelve months. Schools must co-operate with the local authority in the review process and, as part of the review, the local authority can require schools to convene and hold annual review meetings on its behalf. Further information about EHC plan reviews is given in Chapter 9, Education, Health and Care needs assessments and plans.</p>		
<b>Auxiliary Aids</b>	<p>There is a requirement for schools to provide auxiliary aids and services for disabled pupils.</p>		<p><b>Part 1</b></p> <p><b>20 (5)</b> The third requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.</p>				

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
<b>Code of Practice</b>	Schools must follow the SEND Code of Practice.	<b>Section 77</b> All schools must have regard to the SEND Code of Practice issued by the Secretary of State			Whole document		
<b>Education, Health and Care Plan</b>	Schools must put in place all of the provision specified in the EHC plan.	<b>Section 42</b> The school has a duty to ensure that provision specified in an EHC Plan is put into place for a child.			<p><b>9.2</b> The purpose of an EHC plan is to make special educational provision to meet the special educational needs of the child or young person, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood. To achieve this, local authorities use the information from the assessment to:</p> <ul style="list-style-type: none"> <li>• establish and record the views, interests and aspirations of the parents and child or young person</li> <li>• provide a full description of the child or young person's special educational needs and any health and social care needs</li> <li>• establish outcomes across education, health and social care based on the child or young person's needs and aspirations</li> <li>• specify the provision required and how education, health and care services will work together to meet the child or young person's needs and support the achievement of the agreed outcomes.</li> </ul>		

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
<b>Identification of SEND</b>	<p>Schools are responsible for early identification of a child with SEND and responding to a child's SEND.</p> <p>Schools should work closely with parents to identify and meet a child's SEND.</p>	<p><b>Section 67</b> Requirement to appoint a SEN Co-Ordinator, responsible for co-ordinating provision for children in the school with special educational needs.</p>		<p><b>Regulation 49</b> Details of a SENCOs role and responsibilities in identifying SEND outlined.</p>	<p><b>6.14</b> All schools should have a clear approach to identifying and responding to SEN. The benefits of early identification are widely recognised – identifying need at the earliest point and then making effective provision improves long-term outcomes for the child or young person.</p> <p><b>6.20</b> For some children, SEN can be identified at an early age. However, for other children and young people difficulties become evident only as they develop. All those who work with children and young people should be alert to emerging difficulties and respond early. In particular, parents know their children best and it is important that all professionals listen and understand when parents express concerns about their child's development. They should also listen to and address any concerns raised by children and young people themselves.</p> <p><b>6.45</b> In identifying a child as needing SEN support the class or subject teacher, working with the SENCO, should carry out a clear analysis of the pupil's needs. This should draw on the teacher's assessment and experience of the pupil, their previous progress and attainment, as well as information from the school's core approach to pupil progress, attainment, and behaviour. It should also draw on other subject teachers' assessments where relevant, the individual's development in comparison to their peers and national data, the views and experience of parents, the pupil's own views and, if relevant, advice from external support services. Schools should take seriously any concerns raised by a parent. These should be recorded and compared to the setting's own assessment and information on how the pupil is developing.</p> <p><b>6.59</b> Schools may involve specialists at any point to advise them on early identification of a SEN and effective support and interventions. A school should always involve a specialist where a pupil continues to make little or no progress or where they continue to work at levels substantially below those expected of pupils of a similar age despite evidence-based SEN support delivered by appropriately trained staff.</p>		

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
<b>Inclusion</b>	<p>Children with SEND in mainstream schools are expected to be educated alongside those children who do not have SEND and be given the same opportunities.</p> <p>Schools must have a policy in place to support pupils with medical conditions.</p>	<p><b>Section 35</b></p> <p>Children educated in mainstream schools with special educational needs must be educated with pupils who do not have special educational needs unless this is incompatible with their special educational needs, the efficient education of others or the efficient use of resources.</p>	<p><b>Section 15</b></p> <p>An organisation would discriminate against a person if they treat them unfavourably as a consequence of a reason arising out of a disability, unless such conduct amounted to a 'proportionate means of achieving a legitimate aim'. As such if a child with a disability is sanctioned for behaviour linked to that disability, or misses out on opportunities as a consequence, then that would be unlawful conduct by the school unless it was the only thing that could be done to keep pupils and/or staff safe.</p>	<p><b>Regulation 50</b></p> <p>(b) A role of the SENCo is to: 'promote the pupil's inclusion in the school community and access to the school's curriculum, facilities and extra-curricular activities;</p>	<p><b>1.31</b> The leaders of early years settings, schools and colleges should establish and maintain a culture of high expectations that expects those working with children and young people with SEN or disabilities to include them in all the opportunities available to other children and young people so they can achieve well.</p> <p><b>Additional DfE Statutory Guidance:</b></p> <p>Supporting pupils at school with medical conditions</p> <p>All schools, Academies etc must have regard to the guidance that pupils with medical conditions may be regarded as disabled.</p> <p>"The governing body must ensure that arrangements are in place to support pupils with medical conditions. In doing so it should ensure that such children can access and enjoy the same opportunities at school as any other child".</p> <p>"Governing bodies must make arrangements to support pupils with medical conditions in school, including making sure that a policy for supporting pupils with medical conditions in school is developed and implemented. They should ensure that sufficient staff have received suitable training and are competent before they take on responsibility to support children with medical conditions".</p>		

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
Parents	The school has a duty to inform parents if they are delivering SEND provision to their child / young person. The school should work in partnership with them in delivering the educational provision.	<p><b>Section 68</b></p> <p>The school has a duty to inform parents/ carers that SEND provision is being provided by the school, regardless of an EHCP being in place. If a child is registered by the school as SEND, parents must be informed.</p>			<p><b>6.48</b> Where it is decided to provide a pupil with SEN support, the parents must be formally notified, although parents should have already been involved in forming the assessment of needs as outlined above. The teacher and the SENCO should agree in consultation with the parent and the pupil the adjustments, interventions and support to be put in place, as well as the expected impact on progress, development or behaviour, along with a clear date for review.</p> <p><b>6.65</b> Where a pupil is receiving SEN support, schools should talk to parents regularly to set clear outcomes and review progress towards them, discuss the activities and support that will help achieve them, and identify the responsibilities of the parent, the pupil and the school. Schools should meet parents at least three times each year.</p>		

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
<b>Provision Expectations</b>	A school must do all it can to meet a child / young person's SEND in their setting, regardless of whether they have an EHC plan or not.	<p><b>Section 66</b></p> <p>(2) A legal obligation is imposed on the Governing Bodies of maintained schools, and the Academy Trust for academies, that "if a registered pupil or a student at a school ... has special educational needs, [the Governing Body / Academy Trust] must ... use its best endeavours to secure that the special educational provision called for by the pupil's or student's special educational needs is made". As a consequence of this duty all schools (primary, secondary, maintained, academy, grammar) has to use its best efforts to ensure that any child with additional needs (whether or not they have an EHC Plan) has their needs met in their setting. The duty does recognise that these efforts may not be sufficient, but the school still has to take those efforts.</p>	<p><b>Section 20</b></p> <p>Schools are under an obligation to make reasonable adjustments, which means that they must take steps to take all necessary reasonable adjustments to avoid a child being placed at a disadvantage in school as a consequence of their disability (most special educational needs will be categorised as a disability).</p>		<p><b>1.25</b> Early years providers, schools and colleges should know precisely where children and young people with SEN are in their learning and development. They should:</p> <ul style="list-style-type: none"> <li>• ensure decisions are informed by the insights of parents and those of children and young people themselves</li> <li>• have high ambitions and set stretching targets for them</li> <li>• track their progress towards these goals</li> <li>• keep under review the additional or different provision that is made for them</li> <li>• promote positive outcomes in the wider areas of personal and social development, and</li> <li>• ensure that the approaches used are based on the best possible evidence and are having the required impact on progress</li> </ul> <p><b>6.44</b> Where a pupil is identified as having SEN, schools should take action to remove barriers to learning and put effective special educational provision in place. This SEN support should take the form of a four-part cycle through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes. This is known as the graduated approach. It draws on more detailed approaches, more frequent review and more specialist expertise in successive cycles in order to match interventions to the SEN of children and young people.</p>		



Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
Quality of Provision	Schools are expected to provide high standards of education and provision to meet the needs of all children and young people with SEND.	<p><b>Section 42</b></p> <p>For those children with EHC Plans – the LA has a duty to ensure that provision is in place as set out in the EHC Plan. The LA are directly responsible for ensuring that schools have implemented that provision for those children and young people.</p>		<p><b>Regulation 50</b></p> <p>The duties of the SENCO may include the following of the school's duties:</p> <p>a) in relation to each of the registered pupils who 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;</p> <p>(b) in relation to each of the registered pupils who have special educational needs –</p> <p>(i) identifying the pupil's special educational needs, and co-ordinating the making of special educational provision which meets those needs,</p> <p>(ii) monitoring the effectiveness of any special educational provision made,</p> <p>(iii) securing relevant services for the pupil where necessary,</p> <p>(iv) ensuring that records of the pupil's special educational needs and the special educational provision made are maintained and kept up to date,</p> <p>(v) 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,</p>	<p><b>6.12</b> All pupils should have access to a broad and balanced curriculum. The National Curriculum Inclusion Statement states that teachers should set high expectations for every pupil, whatever their prior attainment. Teachers should use appropriate assessment to set targets which are deliberately ambitious. Potential areas of difficulty should be identified and addressed at the outset. Lessons should be planned to address potential areas of difficulty and to remove barriers to pupil achievement. In many cases, such planning will mean that pupils with SEN and disabilities will be able to study the full national curriculum.</p> <p><b>6.37</b> High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have SEN. Additional intervention and support cannot compensate for a lack of good quality teaching. Schools should regularly and carefully review the quality of teaching for all pupils, including those at risk of underachievement. This includes reviewing and, where necessary, improving, teachers' understanding of strategies to identify and support vulnerable pupils and their knowledge of the SEN most frequently encountered.</p>	<p><b>Section 13A</b></p> <p>The Local Authority must ensure that they are exercising their functions to promote high standards, ensure fair access to opportunity and to promote the fulfilment of learning potential by all children in Warwickshire.</p> <p>This may be through challenging schools if they consider that suitable provision is not available, and also ensuring that they operate the Fair Access Protocol.</p>	

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
				<p>(vi) 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 is conveyed to the new setting, and</p> <p>(vii) promoting the pupil's inclusion in the school community and access to the school's curriculum, facilities and extra-curricular activities;</p> <p>(c) selecting, supervising and training learning support assistants who work with pupils with special educational needs;</p> <p>(d) advising teachers at the school about differentiated teaching methods appropriate for individual pupils with special educational needs;</p> <p>(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</p> <p>(f) preparing and reviewing the information required to be published by the school.</p>			

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
<b>SEND Information Report</b>	The governing body of a school must prepare and publish a report containing specific information relating to SEND in their setting.	<p><b>Section 69</b></p> <p>(2) A governing body or proprietor must prepare a report containing SEND information</p> <p>(3) Further information is given on what to include in this report in this section.</p>			<p><b>6.79</b> The governing bodies of maintained schools and maintained nursery schools and the proprietors of academy schools must publish information on their websites about the implementation of the governing bodies or the proprietor's policy for pupils with SEN. The information published should be updated annually and any changes to the information occurring during the year should be updated as soon as possible.</p> <p>More detailed information on what should be included in this report can be found towards the end of this section.</p>		
<b>SEND Governor</b>	A member of the governing body should have oversight of SEND in the school.				<p><b>6.3</b> There should be a member of the governing body or a sub-committee with specific oversight of the school's arrangements for SEN and disability. School leaders should regularly review how expertise and resources used to address SEN can be used to build the quality of whole-school provision as part of their approach to school improvement.</p>		

Aspect	School's Legal Responsibility	Legal Document Links					School Standards and Framework Act (1998)
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	
<b>Special Educational Needs Co-ordinators (SENCo)</b>	All schools must have a SENCO in place with particular roles and responsibilities. The SENCO must have the appropriate qualifications and experience, to co-ordinate SEND provision. It is expected (but not a legal requirement) that a SENCO is part of the schools SLT.	<p><b>Section 67</b></p> <p>(2) The appropriate authority must designate a member of staff at the school (to be known as the "SEN co-ordinator") as having responsibility for co-ordinating the provision for pupils with special educational needs.</p> <p>(3) Regulations may—</p> <p>(a) require appropriate authorities which are subject to the duty imposed by subsection (2) to ensure that SEN co-ordinators have prescribed qualifications or prescribed experience (or both);</p> <p>(b) confer other functions relating to SEN co-ordinators on appropriate authorities which are subject to the duty imposed by subsection (2).</p>		<p><b>Regulation 49</b></p> <p>The SENCo is required to be a qualified teacher, complete an induction period and be working at the school. If a person was not a SENCo before 1st September 2009, for at least 12 months, they must hold the SENCo qualification within 3 years of their appointment.</p> <p><b>Regulation 50</b></p> <p>The functions and duties related to the SENCo role are given here in more detail. This section highlights that it is the SENCO's role to identify the pupils needs and co-ordinate the educational provision to meet those needs. This involves liaising with parent/carers. This includes advising and providing training to staff.</p>	<p><b>6.85</b> The SENCO must be a qualified teacher working at the school. A newly appointed SENCO must be a qualified teacher and, where they have not previously been the SENCO at that or any other relevant school for a total period of more than twelve months, they must achieve a National Award in Special Educational Needs Coordination within three years of appointment.</p> <p><b>6.87</b> The SENCO has an important role to play with the headteacher and governing body, in determining the strategic development of SEN policy and provision in the school. They will be most effective in that role if they are part of the school leadership team.</p> <p><b>6.90</b> A SENCO's key responsibilities are listed here.</p> <p><b>6.92</b> It may be appropriate for a number of smaller primary schools to share a SENCO employed to work across the individual schools, where they meet the other requirements set out in this chapter of the Code.</p>		

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
<b>Teachers' responsibilities</b>	The class teacher / subject teacher has day-to-day responsibility for the education of the SEND child.				<b>6.52</b> The class or subject teacher should remain responsible for working with the child on a daily basis. Where the interventions involve group or one-to-one teaching away from the main class or subject teacher, they should still retain responsibility for the pupil. They should work closely with any teaching assistants or specialist staff involved, to plan and assess the impact of support and interventions and how they can be linked to classroom teaching. The SENCO should support the class or subject teacher in the further assessment of the child's particular strengths and weaknesses, in problem solving and advising on the effective implementation of support.		

Aspect	School's Legal Responsibility	Legal Document Links					
		Children & Families Act (2014)	Equality Act (2010)	The Special Educational Needs & Disability Regulations (2014)	SEND Code of Practice 0-25 Years (2015)	Education Act (1996)	School Standards and Framework Act (1998)
<b>Working with the Local Authority</b>	<p>Schools have an obligation to work co-operatively with the Local Authority to:</p> <ul style="list-style-type: none"> <li>• identify children / young people with SEND.</li> <li>• keep provision in the local area.</li> <li>• educate children with EHC plans in mainstream schools.</li> </ul>	<p><b>Section 29 (3)</b></p> <p>The Governing Body or Academy Trust is also under an obligation to co-operate with the local authority in relation to the authority's undertaking of it's own duties. That includes the duty to identify children with special educational needs (Section 22); the duty to keep provision in the local area under review (Section 27)); the duty to ensure that children with EHC Plans are educated in mainstream schools, except where this is incompatible with the wishes of parents or the efficient education of others (Section 33); the duty to ensure that children without EHC Plans are educated in mainstream schools</p> <p><b>PLEASE ALSO REFER TO THE 'QUALITY OF PROVISION' ASPECT IN THIS DOCUMENT.</b></p>					<p><b>Section 96 and 97</b></p> <p>The Admissions Code requires all local authorities to have a Fair Access Protocol to help with ensuring that 'hard to place' children have a school place. Admission Authorities are required to admit any child placed under the Protocol (which may include those with special educational needs) and refusal to do so can lead to a direction being made – either by the local authority to a maintained school or by the Secretary of State under the Education Act 1996.</p>

## Section 2 - What Happens if the Local Authority Consider a School to be Acting Unlawfully

If the local authority (LA) has reason to believe that a school is acting unlawfully they will, in the first instance, contact the school with the intention of highlighting this and offering support if appropriate.

### Maintained schools

If maintained schools are failing to co-operate and work with the LA and any of the following apply, then a 'Performance Standards and Safety Warning Notice' can be issued:

- the standards of performance of pupils at the school are unacceptably low, and are likely to remain so unless the authority exercise their powers under this Part, or
- there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance, or
- the safety of pupils or staff of the school is threatened (whether by a breakdown of discipline or otherwise).

The Warning Notice sets out how the Governing Body is expected to remedy the situation, with a time-limit set for those steps. If the Governing Body fails to comply in time, then the LA can formally intervene in the school, which means it can take steps to take over aspects of the governance of the school such as by appointing additional governors, replacing the governing body with an 'Interim Executive Board' or suspending the school's delegated budget. These are extreme steps but warranted in some serious cases.

### Academies

For academy schools the same applies, but the LA would have to apply to the Secretary of State/Regional Schools Director, asking them to intervene, rather than doing this themselves.

---

**If any school is not providing the support outlined in a child's education, health and care Plan (EHCP) and receiving the funding, the LA could seek a judicial review of the failure of a school to comply with their legal obligations.**