

**2009 No. 1387**

**EDUCATION, ENGLAND**

**The Education (Special Educational Needs Co-ordinators)  
(England) (Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>8th June 2009</i>
<i>Laid before Parliament</i>		<i>16th June 2009</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 sections 317(3B) and 569(4) of the Education Act 1996(a).

**Citation and commencement**

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

**Amendment of the Education (Special Educational Needs Co-ordinators) (England) Regulations 2008**

2.—(1) Regulation 3 of the Education (Special Educational Needs Co-ordinators) (England) Regulations 2008(b) is amended as follows.

(2) After paragraph (4), insert—

“(5) Paragraph (6) applies to a person—

- (a) who is the SENCO at a relevant school on 1st September 2009, and who on that date has not been the SENCO at that or any other relevant school for a total period of more than twelve months; or
- (b) who becomes the SENCO at a relevant school after 1st September 2009, and who has not previously been the SENCO at that or any other relevant school for a total period of more than twelve months.

(6) The governing body of the school must ensure that, if the person is the SENCO at the school at any time after the required date, that person holds the qualification mentioned in paragraph (7).

(7) The qualification referred to in paragraph (6) is the qualification for the time being known as “The National Award for Special Educational Needs Co-ordination”.

(8) In paragraph (6), “the required date” means—

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(a) 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).

(b) S.I. 2008/2945.

- (a) in respect of a person falling within paragraph (5)(a), 1st September 2012, or
- (b) in respect of a person falling within paragraph (5)(b), the third anniversary of the date on which that person becomes the SENCO.”

8th June 2009

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

### EXPLANATORY NOTE

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

These Regulations amend regulation 3 of the Education (Special Educational Needs Co-ordinators) (England) Regulations 2008 (“the Principal Regulations”).

The amendments affect the designation of a person as the SENCO of a community, foundation and voluntary school or a maintained nursery school in England, where the person is designated as the SENCO on the coming into force of the Principal Regulations on 1 September 2009 but has less than a year’s experience of being the SENCO. They also affect the designation of a person who is designated as the SENCO after that date and who does not have at least 12 months previous experience of being a SENCO when the designation is made. As amended, the Principal Regulations require the governing body to ensure that, if the person is designated as the SENCO at any time after “the required date”, the person holds the qualification for the time being known as “the National Award for SEN Co-ordination”. In the case of persons who are SENCOs on 1st September 2009, “the required date” is 1st September 2012. In any other case it is the third anniversary of the date on which the person is designated as the SENCO.

A full impact assessment of the effect that this instrument will have is available on the Department for Children, Schools and Families consultation website and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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£4.00