

# **Updated Guidance for School Governing Bodies**

**Felicia Epstein, PaJeS Governors training, 11 November 2025**

# Overview

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## Key Legislation

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Children and Family Act 2014</b> | <p>Introduced major reforms to SEND provision in England. It replaced Statements of SEN with Education, Health and Care Plans (EHCPs) for children and young people aged 0–25, creating a more integrated approach across education, health, and social care. The Act emphasises person-centred planning, family involvement, and requires local authorities to publish a Local Offer of support, ensuring better outcomes and preparation for adulthood. There is a legal presumption that children including those with SEND should be educated in a mainstream school unless it meets certain exceptions as set out in the Act.</p>                                         |
| <b>SEND Code Of Practice (0-25)</b> | <p>The SEND Code of Practice was established under the Children and Families Act 2014 and outlines the responsibilities of local authorities, schools, and other educational providers in supporting children and young people with SEND. It emphasises the importance of early identification and intervention ensuring that children receive the necessary support to thrive in their educational journey.</p>                                                                                                                                                                                                                                                               |
| <b>Education Act 2011</b>           | <p>An Act to make provision about education, childcare, apprenticeships and training; to make provision about schools and the school workforce. S.19 duty places a duty on LAs to make arrangements for the provision of suitable education for children of compulsory school age who cannot attend school because of illness, exclusion from school or otherwise. The Act also includes s 496/7 SoS powers to intervene when (s496) –a LA or mainstream school governing body has acted or is proposing to act unreasonably and (s497) – a LA or maintained school governing body has failed to discharge any duty imposed or under the EA 1996 and other Education Acts.</p> |

# Key Legislation - Continued

SEN Regulations, The **Special Educational Needs and Disability Regulations 2014 (SI 2014/1530)** underpin Part 3 of the *Children and Families Act 2014*, providing detailed rules on how Education, Health and Care (EHC) assessments and plans must operate.

**Core Aim:** Enable LAs and educational providers to identify and support SEN learners effectively and in a timely manner, up to age 25.

**Regulatory Enforcement:** Failures to comply with regulations can be challenged legally—whether by tribunal, judicial review, or ombudsman complaint.

Equality Act, The **Equality Act 2010** provides a clear and robust framework to protect individuals from unfair treatment across broad aspects of life and ensure equality is considered in public sector decision making.

# Technical Guidance for Schools in England EHRC, Updated July 2024

## [Technical guidance for schools in England | EHRC](#)

This technical guidance outlines the requirements of the Equality Act 2010 for schools in relation to the provision of education and access to benefits, facilities or services, both educational and non-educational.

The guidance is aimed at those working in schools, lawyers, advocates, courts and tribunals, and everyone who needs to understand the law in depth or to apply it in practice.

The Guidance sets out the Act's requirements of schools in relation to provision of education and access to benefits, facilities or services. These cover all of the services, facilities and benefits, both educational and non-educational, that the school provides, or offers to provide, for pupils

# Reasonable adjustments for disabled pupils 1.pdf

## Guidance for Schools in England, EHRC, 2015

The duty is 'to take such steps as it is reasonable to have to take to avoid the substantial disadvantage' to a disabled person caused by a provision, criterion or practice applied by or on behalf of a school, or by the absence of an auxiliary aid or service. In the Equality Act 2010 as a whole, there are three elements to the reasonable adjustments duty that relate to:

- Provisions, criteria and practices (PCPs)
- Auxiliary aids and services
- Physical features

The physical features element does not apply to schools in relation to disabled pupils; instead, they have a duty to plan better access for disabled pupils generally, including in relation to the physical environment of the school

Reasonable adjustments for disabled pupils 1.pdf  
Guidance for Schools in England, EHRC, 2015

A school's duty to make reasonable adjustments is an anticipatory one owed to disabled pupils generally, and therefore schools need to think in advance about what disabled pupils might require and what adjustments might need to be made for them.

# Disability

The reasonable adjustments duty is owed to disabled pupils, as defined in the Equality Act 2010. The Act says that a pupil has a disability if he or she has a physical or mental impairment that has a long-term and substantial adverse effect on his or her ability to carry out normal day-to-day activities.

What are reasonable adjustments and  
how do they help disabled pupils at school?  
The Education Hub (DfE) April 2023

What are reasonable adjustments?

What are some examples of reasonable adjustments?

How to work with your child's school to make reasonable adjustments?

Can parents ask for adjustments to be made for children who aren't disabled?

## **The new series of Council for Disabled Children (CDC) with the DfE guides to the disability duties in the Equality Act**

In July 2025 CDC launched new guides to the disability duties in the Equality Act. The new guides set the more strategic duties, the Public Sector Equality Duty and the accessibility planning duties, alongside the day-to-day duties and draw on recent case law. All the guides place an emphasis on a whole setting approach to the duties.

Equality Act 2010 and disabled pupils  
A guide for governors and trustees.pdf,  
July 2025, CDC and the DfE

2. What's in this guide?
3. Equality Act duties in the context of the overall responsibilities of schools.
- 4, 5. short summary of schools' duties towards disabled pupils;
6. reflects on some of the issues that schools find more challenging to implement;
7. what happens if a school does discriminate and how to avoid any disadvantage that might lead to a claim;
- 8, 9. overlap with other duties.
10. key requirements to provide information, advice, guidance and support to children, young people and their families.

# Equality Act 2010 and disabled pupils A guide for governors and trustees.pdf, July 2025, CDC and the DfE

## **Accessibility Plans**

Schools must put in writing an accessibility plan that shows how the school is going to:

- increase the participation of disabled pupils in the curriculum;
- improve the physical environment to increase disabled pupils' access to education and the benefits, facilities and services provided or offered by the school; and
- make information more accessible to disabled pupils. When the responsible body prepares an accessibility plan, they must have regard to the need to allocate adequate resources for implementing the plan

**Public Sector Equality Duty (PSED)** The Public Sector Equality Duty (PSED) requires a wide range of public bodies, including state-funded schools, to have due regard to certain needs.

## **How do the disability and SEN responsibilities overlap?**

Part 3 of the CFA sets out the SEN responsibilities of schools, LAs and other agencies. These duties include disability duties, for example, the CFA requires the governing body of a maintained school or maintained nursery school, and the proprietor, that is, the academy trust, of an academy to publish, on their website, a SEN Information Report.

## SEN Information Report

This report must include information as to:

- the arrangements for the admission of disabled pupils;
- the steps taken to prevent disabled pupils from being treated less favourably than other pupils;
- the facilities provided to assist access to the school by disabled pupils; and
- the school's accessibility plan, required under the Equality Act.

Section 19 of the CFA sets out key principles that govern how LAs work with disabled pupils and their parents and those with SEN.

Disabled children and the Equality Act 2010  
What teachers need to know and  
what schools need to do.pdf  
July 2025, CDC and the DfE

The guide includes examples illustrating practices that may amount to discrimination or that may help schools to avoid discrimination. Many of these examples are drawn from the decisions of the First-tier Tribunal (SEND) or the Upper Tribunal, both referred to in this guidance simply as the Tribunal. Other examples are drawn from schools and have been used to show how the Equality Act duties work in different situations

# Accessibility plans and the Equality Act 2010

A handbook for schools.pdf

July 2025, CDC and the DfE

The Accessibility Planning Handbook adopts a wider school improvement approach to the disability duties. It takes a school-wide approach to the preparation of their new accessibility plan for 2027 when the next ones are due.

# Special educational needs (SEN) and disabilities: guidance for school governing boards - GOV.UK

February 2025

This guidance is intended to:

- support school governing boards' understanding of their role and responsibilities in relation to children and young people with special educational needs (SEN) and disabilities
- empower governors and trustees to hold their schools to account

Special educational needs (SEN) and disabilities:  
guidance for school governing boards - GOV.UK

February 2025

There is a close connection between the duties relating to SEN and equality duties relating to disability. For example, equality objectives and information should typically include matters relating to the experience of disabled pupils and their education and employment outcomes. Some disabled pupils will also have SEN.

Special educational needs (SEN) and disabilities:  
guidance for school governing boards - GOV.UK

February 2025

The maintained school governance guide and academy trust governance guide provide information on the knowledge, skills and effective behaviours required by the board. This guidance should be used in conjunction with the SEN and disability information in the compliance section of the guides.

# Special educational needs (SEN) and disabilities: guidance for school governing boards - GOV.UK

February 2025

- **SEN and Disability Checklist**
- **Data Use**
- **Further Resources including:**

[SEND Governance Review Guide](#), May 2025 has information on the 6 features of effective governance and a framework on how to ensure that pupils with SEN and disabilities access high-quality provision

[Early Years SEND Review Guide](#), May 2025 helps early years settings evaluate the effectiveness of their provision for children with SEN and disabilities - useful for boards of maintained nursery schools

[SEND Review Guide 2025.pdf](#), May 2025

# Cost of school uniforms - GOV.UK

## Statutory Guidance, October 2025

- This updated statutory guidance replaces previous statutory guidance on the cost of school uniforms.
- It contains statutory guidance, as well as draft statutory guidance.
- The draft statutory guidance relates to the proposed limit on the number of branded items of school uniform and PE kit that schools can require.
- The government intends to make this a legal requirement from September 2026 through the Children's Wellbeing and Schools Bill.

# Cost of school uniforms - GOV.UK

## Statutory Guidance, October 2025

The purpose of the statutory guidance is to ensure the cost of school uniforms is reasonable and provides the best value for money.

It outlines the cost considerations for schools when they are:  
developing and implementing their uniform policies  
managing their uniform supply arrangements

It also covers:

- the provision of second-hand uniform
- other support available to help with the cost of school uniform
- the information schools should provide to parents about their uniform requirements
- the limit on the number of compulsory branded items of uniform and PE kit that schools can require

## Cost of school uniforms - GOV.UK

### Statutory Guidance, October 2025

Draft Statutory Guidance: From September 2026:

- schools should limit the number of compulsory branded items of uniform and PE kit to 3 or fewer
- secondary and middle schools should limit the number of compulsory branded items of uniform and PE kit to 4 or fewer, if one is a tie

The government is currently pursuing legislation to make this limit mandatory.

Cost of school uniforms - GOV.UK  
Statutory Guidance, October 2025

- Actions for schools
- Compulsory branded items
- Optional, loaned and gifted branded items

# Uniform – Non Statutory Guidance

## Developing school uniform policy - GOV.UK

### November 2025

Introduction

Our policy on school uniform

Requirements for governing boards

PE kit

Uniform and attendance

Non-uniform days

Cost considerations

Human rights, equality and discrimination considerations

Pupil non-compliance

Complaints and challenges to school uniform policy

# Questions?