

The Best Endeavour's Duty

Section 66 of the Children and Families Act 2014 says:

“If a registered pupil or a student at a school or other institution has special educational needs, the appropriate authority must, in exercising its functions in relation to the school or other institution, 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.”

This duty applies to:

- mainstream schools (including mainstream academies)
- maintained (state-funded) nursery schools
- 16-19 academies
- alternative provision academies
- Further Education institutions
- Pupil referral units

It does not apply to special schools or independent schools.



Using best endeavours means doing everything they can to meet the child or young person's SEN. There are further details of what this might include in the ***SEN and Disability Code of Practice 2015***.

It is a proactive duty that requires the appropriate authority to enquire and make sure that the nursery, school or college is making the special educational provision that children and young people require. It is not enough to accept the word of a

school's head teacher, for example, that an adequate record-keeping process is in place – the school governors should make sure that it is.

The best endeavours duty can require schools or other settings to obtain specialist help, such as speech and language therapists or educational psychologists.

The Code also includes a requirement that “where a pupil continues to make less than expected progress, despite evidence-based support and interventions that are matched to the pupil's area of need, the school should consider involving specialists, including those secured by the school itself or from outside agencies” (paragraph 6.58 for schools, or 5.48 for early years settings)



If you do not feel that nursery, school, or college are meeting their best endeavours duty, you can use the template letter below, provided by IPSEA to raise your concerns:

<https://www.ipsea.org.uk/complaining-when-the-school-is-not-using-its-best-endeavours-model-letter-21>

Alternatively, contact your local SENDIASS service for information, advice or support.