



Transcribed Text of Stephen Kingdom, Deputy Director of SEND at Department for Education speaking at Optimus Education SEND implementation conference 11-3-14

First can I say we obviously are very hopeful and very confident that it will [pass]

There is a precedent and the current code was initially voted down or withdrawn because it obviously wasn't going to go to Parliament. And for that reason we have been considering the consultation responses very carefully. We've been talking to representative groups to be sure we're understanding the consultation responses.

It's a difficult document to write the code of practice because if you set a document you wonder, "What's my audience?" and it must have one of the widest audiences for a document you can write, so we've been talking to representatives of the audience groups.

We're doing a lot of work following the consultation to try to ensure it lands in a place that Parliament thinks is right we've had lots of steers through the passage of the Bill of what parliament would think this right. So when I say what happens next, I say this is the worst case scenario because I hope we won't be there will be there but potentially would have to delay implementation because we would need to consider whether we could implement without a Code of Practice in place or whether we delayed or whatever. It will be a bridge we'd have to cross if it came to it but I'm hopeful that won't be position we are in.



What's Best Endeavours? Firstly what IS Best Endeavours? It's quite interesting hearing Lord Nash who was the Minister in the House of Lords who took the bill through talk about Best Endeavours because he spent in life buying and selling businesses and so on and dealing with lawyers. And he said you spend your whole time in business trying not to get best endeavours written into your contracts and having reasonable endeavours instead because Best Endeavours is a very strong legal definition in terms of doing everything you can deliver. So in that sense Best Endeavours is not "We'll have a bit of a go", it's a very strong responsibility.

In terms of what Best Endeavours means, well that's what the Code does, that's what the Assess, Plan, Do, Review talks about. It is saying, in practice what a school should be doing to deliver that Best Endeavours duty. What a school should be doing, what a college should be doing, what an early years provider should be doing