

*Fairway School & Children's Centre*



## Special Educational Needs & Disabilities (SEND) Policy

**September 2016**

# Contents

## Statement of intent

1. Legal framework
2. Definition
3. Objectives
4. Admissions
5. Roles and responsibilities
6. Involving pupils and parents/carers in decision-making
7. Joint commissioning, planning and delivery
8. Funding
9. Local Offer
10. Identification
11. Graduated approach
12. Assessment
13. Education, health and care (EHC) plans
14. Reviewing an EHC plan
15. SEND tribunal
16. Transitions
17. Data and record keeping
18. Confidentiality
19. Monitoring and review

## **Statement of intent**

This policy outlines the framework for Fairway School to meet its duty and obligation to provide a high quality education to all of its pupils, including pupils with special educational needs and disabilities (SEND), and to do everything it can to meet the needs of pupils with SEND.

Through successful implementation of this policy, Fairway School aims to:

- Eliminate discrimination.
- Promote equal opportunities.
- Foster good relationships between pupils with SEND and pupils without SEND.

Fairway School will work with the Local Authority (LA) within the following principles which underpin this policy:

- The involvement of children, parents/carers and young people in decision-making
- The identification of children's and young people's needs
- Collaboration between education, health and social care services to provide support
- High quality provision to meet the needs of children and young people with SEND
- Greater choice and control for young people and parents/carers over their support
- Successful preparation for KS3 and transfer to Secondary School

## 1. **Legal framework**

1.1. This policy has due regard to legislation, including, but not limited to, the following:

- Children and Families Act 2014
- Health and Social Care Act 2012
- Equality Act 2010
- Equality Act 2010 (Disability) Regulations 2010
- Education Act 1996
- Education Act 2002
- Mental Capacity Act 2005
- Children Act 1989
- Special Educational Needs and Disability (Amendment) Regulations 2015
- Special Educational Needs (Personal Budgets) Regulations 2014
- Special Educational Needs and Disability (Detained Persons) Regulations 2015
- Local Government Act 1974
- Disabled Persons (Services, Consultation and Representation) Act 1986

1.2. This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2015) 'Supporting pupils at school with medical conditions'
- DfE (2016) 'Keeping children safe in education'
- DfE (2015) 'Working together to safeguard children'
- DfE (2014) 'School admissions code'

## **2. Definition**

- 2.1. For the purpose of this policy, a pupil is defined as having SEND if he/she has a:
- Significantly greater difficulty in learning than the majority of others of the same age
  - A disability or health condition which prevents or hinders him/her from making use of educational facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.
- 2.2. Under the Equality Act 2010, a disability is a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities.
- 2.3. Sensory impairments and long-term health conditions, such as diabetes, epilepsy and cancer, are included under the definition of disability, but children with such conditions do not necessarily have SEN.
- 2.4. A pupil with a disability is covered by the definition of SEND if they require special educational provision.
- 2.5. Under the Equality Act 2010 (Disability) Regulations 2010, a pupil would not be considered to have a disability if one or more of the following conditions are met:
- A tendency to set fires
  - A tendency to steal
  - A tendency to commit physical or sexual abuse towards others
  - Exhibitionism
  - Voyeurism
  - Tattoos and piercings

### **3. Objectives**

3.1. Fairway School plans to achieve the core aims of this policy by achieving the following strategic and measurable objectives:

- To follow the graduated approach outlined in the SEND Code of Practice.
- To monitor the progress of all pupils in order to aid the earliest possible identification of SEND.

### **4. Admissions**

4.1 Fairway School will ensure it meets its duties under Fairway School Admissions Code by:

- Admitting a child that has named Fairway School in their Education, Health and Care (EHC) Plan.
- Considering applications from parents of children who have SEND but do not have an EHC plan.
- Admitting a child who has SEND but does not have an EHC plan and catering for the identified needs.
- Admitting a child even if they do not have an EHC plan.
- Adopting fair practices and arrangements in accordance with Fairway School Admissions Code for the admission of children without an EHC plan.

4.2. Arrangements for the fair admissions of pupils with SEND are outlined in the Admissions Policy and will be published on Fairway School website.

## 5. Roles and responsibilities

5.1. The governing body has a responsibility to:

- Fully engage pupils with SEND and their parents/carers when drawing up policies that affect them.
- Identify, assess and make provision for all children and young people with SEND, whether or not they have an EHC plan.
- Endeavour to secure the special educational provision called for by a pupil's SEND.
- Designate a qualified teacher to be the special educational needs coordinator (SENDCO) and have responsibility for coordinating provision for pupils with SEND.
- Appoint a designated teacher for looked after children, where appropriate.
- Make reasonable adjustments for pupils with disabilities to help alleviate any substantial disadvantage they experience because of their disability.
- Take necessary steps to ensure that pupils with disabilities are not discriminated against, harassed or victimised.
- Prepare the arrangements for the admission of pupils with SEND and the facilities provided to enable access to Fairway School for pupils with disabilities.
- Prepare the accessibility plan showing how Fairway School intends to progressively improve access over time.
- Publish annual information, setting out the measures and facilities to assist access for pupils with disabilities.
- Publish annual information about the arrangements for the admission of pupils with disabilities, the steps taken to prevent pupils being treated less favourably than others, the facilities provided to assist pupils with SEND, and Fairway School's accessibility plan.
- Develop complaints procedures which, along with details about appealing to the SEND tribunal, will be made known to parents/carers and pupils through a single point of access.
- Provide suitable, full-time education from the sixth day of a fixed permanent exclusion of a pupil with SEND, in line with their EHC plan.
- Ensure arrangements are in place to support pupils at school with medical conditions.
- Cooperate with the LA in drawing up and reviewing the Local Offer.
- Appoint an individual governor or sub-committee to oversee Fairway School's arrangements for SEND.
- Prepare the SEN information report and publish it on the website.

5.2. The headteacher has a responsibility to:

- Ensure that those teaching or working with pupils with SEND are aware of their needs, and have arrangements in place to meet them.
- Ensure that teachers monitor and review pupils' progress during the course of the academic year.
- Cooperate with the LA during annual EHC plan reviews.
- Ensure that the SENCO has sufficient time and resources to carry out their functions.
- Provide the SENCO with sufficient administrative support and time away from teaching to enable them to fulfil their responsibilities, in a similar way to other important strategic roles within Fairway School.
- Support the SENDCO in their role as Designated Teacher for Looked After Children (LAC) to ensure that the needs of the pupil are fully understood by relevant school staff.
- Regularly and carefully review the quality of teaching for pupils at risk of underachievement, as a core part of Fairway School's performance management arrangements.
- Ensure that teachers understand the strategies to identify and support vulnerable pupils, and possess knowledge of the types of SEND most frequently encountered.
- Ensure that procedures and policies for the day-to-day running of Fairway School do not directly or indirectly discriminate against pupils with SEND.
- Take steps to ensure that pupils and parents/carers are actively supported in contributing to needs assessments, and developing and reviewing EHC plans.
- Establish and maintain a culture of high expectations and include young people with SEND in all opportunities available to other pupils.
- Consult health and social care professionals, pupils and parents/carers to ensure the needs of children with medical conditions are effectively supported.
- Keep parents/carers and relevant teachers up-to-date with any changes or concerns involving the pupil.
- Identify any patterns in the identification of SEND within Fairway School and compare with national data.

5.3. The SENDCO has a responsibility to:

- Be a qualified teacher.
- Achieve the National Award in Special Educational Needs Coordination within three years of appointment, where they have not previously acted as SENDCO at another school for longer than 12 months. The National Award must be a postgraduate course accredited by a recognised higher education provider.
- Collaborate with the governing body and Headteacher, as part of Fairway School leadership team, to determine the strategic development of SEND policy and provision in Fairway School.
- Work with Fairway School governors and the Headteacher to ensure that Fairway School meets its responsibilities under the Equality Act 2010 with regard to reasonable adjustments and access arrangements.
- Undertake day-to-day responsibility for the operation of the SEND policy.
- Coordinate the specific provision made to support individual children with SEND, including those with Statements and EHC plans.
- Liaise with the Virtual School for the appropriate LA where a looked after pupil has SEND.
- Advise on a graduated approach to providing SEND support.
- Advise on the deployment of Fairway School's delegated budget and other resources to meet pupils' needs effectively.
- Liaise with the parents/carers of pupils with SEND.
- Liaise with Early Years providers, other schools, educational psychologists, health and social care professionals, and independent or voluntary bodies.
- Be a key point of contact with external agencies, especially the LA and LA support services.
- Liaise with the potential future providers of education to ensure that the pupil and their parents are informed about options and a smooth transition is planned.
- Support Class Teachers in creating, and updating Provision Passports for pupils with SEND.
- Provide professional guidance to colleagues and work closely with staff members, parents/carers and other agencies, including SEND charities.
- Be familiar with the provision in the Local Offer and be able to work with professionals providing a supporting role to the family.
- Ensure, as far as possible, that pupils with SEND take part in activities run by Fairway School, together with those who do not have SEND.

- Ensure that Fairway School keeps the records of all pupils with SEND up-to-date.
- Inform the parents/carers of pupils with SEND that SEND provision is being made where the pupil does not have an EHC plan.
- Identify any patterns in the identification of SEND within Fairway School and compare with national data.
- Support Class Teachers and Subject Co-ordinators in the further assessment of a pupil's particular strengths and weaknesses, and advise on effective implementation of support.

5.4. Class/subject teachers have a responsibility to:

- Plan and review support for their pupils with SEND on a graduated basis, in collaboration with parents/carers, the SENDCO and, where appropriate, the pupils themselves.
- Set high expectations for every pupil and aim to teach them the full curriculum, whatever their prior attainment.
- Plan lessons to address potential areas of difficulty to ensure that there are no barriers to every pupil achieving in all areas of the National Curriculum.
- Be responsible and accountable for the progress and development of all pupils in their class.
- Be aware of the needs, outcomes sought, and support provided to any pupils with SEND they are working with.
- Keep the relevant figures of authority up-to-date with any changes in behaviour, academic developments and causes of concern. The relevant figures of authority include Key Stage Leader, Assessment Co-ordinator, SENDCo.

## **6. Involving pupils and parents/carers in decision-making**

- 6.1. Parents/carers of pupils with SEND are encouraged to share their knowledge of their child; to enable the Headteacher and SENDCO to act upon their invaluable contributions
- 6.2. Parents/carers will always be formally notified when Fairway School provides their child with SEND support.
- 6.3. Decisions on whether Fairway School will commission added provisions will be discussed thoroughly with the LA, parents/carers and, when/where appropriate, the pupil involved.
  - Decisions about education will not unnecessarily disrupt a pupil's education or any health treatment underway.
- 6.4. The planning that Fairway School implements will help parents/carers, children and young people with SEND express their needs, wishes and goals, and will:
  - Focus on the pupil as an individual, not their SEND label.
  - Be easy for children, young people and their parents/carers to understand and use clear, ordinary language and images, rather than professional jargon.
  - Highlight the pupil's strengths and capabilities.
  - Enable the pupil, and those who know them best, to say what they have done, what they are interested in and what outcomes they are seeking in future.
  - Tailor support to the needs of the individual.
  - Organise assessments to minimise demands on families.
  - Bring together relevant professionals to discuss and agree together the overall approach.
- 6.5. The class teacher, supported by the SENDCO, will meet with pupils, and parents/carers of pupils receiving SEND support a minimum of three times a year to set clear outcomes, review progress, discuss activities and support, and identify parental responsibilities.

## **7. Joint commissioning, planning and delivery**

7.1. Fairway School will collaborate with the LA in the exercise of its duty to work together with health and social care providers by:

- Identifying improved outcomes in consultation with pupils and their parents/carers by:
  - Taking early steps to prevent discrimination and hardship.
  - Ensuring early identification/recognition.
  - Enabling access to services for pupils and their families.
  - Establishing how transitions between life stages and settings will be managed, including from early years to primary education, primary to secondary.

7.2. Fairway School will draw on the wide range of local data-sets about the likely education needs of children and young people with SEND to forecast future need, including:

- Population and demographic data.
- Prevalence data for different kinds of SEND and disabilities among children and young people at the national level.
- Numbers of local children with EHC plans and their main needs.
- The numbers and types of settings locally that work with or educate children with SEND.
- An analysis of local challenges/sources of health inequalities.

7.3. Fairway School will plan, deliver and monitor services against how well outcomes have been met, including, but not limited to:

- Improved educational progress and outcomes for children and young people with SEND.
- Increasing the proportion of children with SEND whose needs are identified prior to school entry.

7.4. Where pupils with SEND also have a medical condition, their provision will be planned and delivered in coordination with the healthcare plan.

7.5. SEND support will be adapted and/or replaced depending on its effectiveness in achieving the agreed outcomes.

## **8. Funding**

- 8.1. Fairway School will allocate the appropriate amount of core per-pupil funding and notional SEND budget outlined in the Local Offer for the SEND provision of its pupils.
- 8.2. Personal budgets are allocated from the LA's high needs funding block; Fairway School will continue to make SEND provision from its own budgets, even if a pupil has an EHC plan.

## **9. Local Offer**

- 9.1. Fairway School will cooperate generally with the LA and local partners in the development and review of the Local Offer.
- 9.2. <https://www.barnet.gov.uk/citizen-home/children-young-people-and-families/the-local-offer-and-special-educational-needs/education-in-the-local-offer.html>

## **10. Identification**

- 10.1. To identify pupils with SEND, Fairway School will assess each pupil's current skills and levels of attainment on entry.
- 10.2. Class teachers, supported by the senior leadership team, should seek to identify pupils making progress:
  - Significantly slower than their peers.
  - Which fails to match or better their previous rate of progress.
  - Which fails to close an attainment gap between the pupil and their peers.
  - Which widens the attainment gap.
- 10.3. Where a pupil's progress meets the above criteria, or is less than expected, the Class Teacher and the SENDCO will assess whether the pupil has SEND, and this assessment will be reviewed termly.
- 10.4. The identification of SEND is also built into the overall approach to monitoring the progress and development of all pupils, as outlined in our Assessment Policy.
- 10.5. If a parent/carer believes their child may have SEND, they should make Fairway School aware.
- 10.6. Fairway School will provide extra support to pupils falling behind or making inadequate progress given their age and starting point.
- 10.7. Where pupils continue to make inadequate progress, despite high-quality teaching targeted at their areas of weakness, Fairway School will assess whether a pupil has a significant learning difficulty.

## **11. Graduated approach**

- 11.1. Fairway School will, once a potential SEND has been identified, employ the graduated approach to meeting the pupil's needs by:
- Establishing a clear assessment of the pupil's needs.
  - Planning, with the pupil's parents/carers, the interventions and support to be put in place, as well as the expected impact on progress, development and behaviour, along with a clear date for review.
  - Implementing the interventions, with the support of the SENDCO.
  - Reviewing the effectiveness of the interventions, and making any necessary revisions.

## **12. Assessment**

- 12.1. Fairway School will, in consultation with the pupil's parents/carers, request a statutory assessment of SEND where the pupil's needs cannot be met through the resources normally available within Fairway School.
- 12.2. Consideration of whether SEND provision is required, and thus an EHC plan will start with the desired outcomes and the views of the parents/carers and pupil.
- 12.3. Fairway School will meet its duty to respond to any request for information relating to a statutory assessment within six weeks of receipt.
- 12.4. Fairway School will gather advice from relevant professionals about the pupil concerned, including their education, health and care needs, desired outcomes and any special education, health and care provision that may be required to meet their identified needs and achieve desired outcomes.
- 12.5. In tracking the learning and development of pupils with SEND, Fairway School will:
- Base decisions on the insight of the pupil and their parents/carers.
  - Set pupils stretching targets.
  - Track their progress towards these goals.
  - Review additional or different provision made for them.
  - Promote positive personal and social development outcomes.
  - Base approaches on the best possible evidence, and ensure that they are having the required impact on progress.
- 12.6. Detailed assessments will identify the full range of the individual's needs, not just the primary need.

- 12.7. Where possible, pupils' needs will be defined under the SEND Code of Practice broad areas of need:
- Communication and interaction
  - Cognition and learning
  - Social, emotional and mental health difficulties
  - Sensory and/or physical needs
- 12.8. Where a pupil continually makes little or no progress, or is working substantially below expected levels, Fairway School will consult with parents/carers before involving specialists.

### **13. Education health care (EHC) plans**

- 13.1. Fairway School will fully cooperate with the LA when research about the pupil is being conducted.
- Fairway School will provide the LA with any information or evidence needed.
  - All relevant teachers will be involved in contributing information to the LA.
- 13.2. If Fairway School decides to implement an EHC plan, the parents/carers and the pupil will be informed, including the reasons for this decision.
- 13.3. Fairway School will meet its duty to provide parents/carers or the individual pupil with 15 calendar days to consider and provide views on a draft EHC plan.
- 13.4. If the decision is taken not to issue an EHC plan, Fairway School will consider and implement the recommendations of feedback from the LA regarding how the pupil's outcomes can be met through Fairway School's existing provision.
- 13.5. If the LA decides not to issue an EHC plan, the parents/carers of the pupil, or the pupil themselves, will be informed within a maximum of 16 weeks from the initial request of an EHC assessment.
- 13.6. Fairway School will admit any pupil that names Fairway School in an EHC plan or EHC needs assessment process.
- 13.7. Fairway School will ensure that all those teaching or working with a pupil named in an EHC plan are aware of the pupil's needs and that arrangements are in place to meet them.
- All reasonable provisions will be taken by Fairway School in order to provide a high standard of education.
  - Relevant staff members will keep up-to-date with any necessary training.

- Staff will be briefed about any potential problems and a procedure will be put into place to deal with certain situations.
- 13.8. Fairway School will specify the outcomes sought for a pupil in terms of specific, measurable, achievable, realistic and time scaled (SMART) outcomes.
- 13.9. Fairway School will ensure that each pupil's EHC plan includes the statutory sections outlined in the SEND Code of Practice, labelled separately from one another.
- 13.10. If a pupil's needs significantly change, Fairway School will request a re-assessment of an EHC plan at least six months after an initial assessment.
- Thereafter, the governing body or Headteacher will request the LA to conduct a re-assessment of a pupil whenever they feel it is necessary.
  - Following the re-assessment, a final EHC plan will be issued within 14 weeks from the request being made.
- 13.11. Fairway School will ensure that any EHC plan information is kept confidential and on a need-to-know basis.
- 13.12. Information regarding a pupil's EHC plan will only be shared with other educational institutes if the pupil is transferring there, in order for the institution to meet an individual's specific learning needs.
- 13.13. Fairway School will take steps to ensure that pupils and parents/carers are actively supported in developing and reviewing EHC plans.
- 13.14. Where necessary, Fairway School will provide support from an advocate to ensure the pupil's views are heard and acknowledged.
- 13.15. Fairway School will ensure that parents/carers are consistently kept involved throughout the implementation of an EHC plan.
- 13.16. Fairway School will ensure that the whole process of an EHC needs assessment and development takes no longer than 20 weeks from when the initial request was received.

## **14. Reviewing an EHC plan**

### 14.1. Fairway School will:

- Cooperate to ensure an annual review meeting takes place, including convening the meeting on behalf of the LA if requested.
- Ensure that the appropriate people are given at least two weeks' notice of the date of the meeting.
- Contribute any relevant information and recommendations about the EHC plan to the LA, keeping parents/carers involved at all times.
- Ensure that sufficient arrangements are put in place at Fairway School to host the annual review meeting.
- Cooperate with the LA during annual reviews.
- Lead the review of the EHC plan in order to create the greatest confidence amongst pupils and their family.
- Seek advice and information about the pupil prior to the annual review meeting from all parties invited, and send any information gathered to all those invited, at least two weeks in advance of the meeting.
- Prepare and send a report of the meeting to everyone invited within four weeks of the meeting, which sets out any recommendations and amendments to the EHC plan.
- Provide the LA and parents/carers with any evidence to support the proposed changes and giving those involved at least 15 days to comment and make representations.
- Clarify to the parents and pupil that they have the right to appeal the decisions made in regards to the EHC plan.

## **15. SEND tribunal**

- 15.1. All disagreements about an EHC plan will be attempted to be resolved as quickly as possible, without the pupil's education suffering.
- 15.2. In all cases, Fairway School's written complaints procedure will be followed, allowing for a complaint to be considered informally at first.
- 15.3. Following a parent's/carer's serious complaint or disagreement about the SEND provisions being supplied to a pupil, Fairway School will contact the LA immediately in order to seek disagreement resolution advice, regardless of a EHC plan being place or not.

- Where necessary, the Headteacher will make the relevant parties aware of the disagreement resolution service.
  - Parents/carers are made aware that Ofsted can consider complaints relating to whole school SEND early years provision, if the problem has not been resolved informally.
- 15.4. Fairway School will meet any request to attend a SEND tribunal and explain any departure from its duties and obligations under the SEND Code of Practice.
  - 15.5. Following the use of informal resolutions, the case will be heard in front of three people, who are independent of the management and running of Fairway School.
  - 15.6. If disagreements are not resolved at a local level, the case will be referred to the Education Funding Agency.
  - 15.7. Fairway School will fully cooperate with the LA by providing any evidence or information that is relevant.
  - 15.8. All staff involved in the care of the pupil will cooperate with parents/carers in order to provide the pupil with the highest standard of support and education.

## **16. Transitions**

- 16.1. Fairway School will ensure that the pupil is supported to make a smooth transition to wherever they will be going next.
- 16.2. Fairway School will engage with Early Years Providers and Secondary Schools as necessary to help plan for any transitions.
- 16.3. Fairway School will transfer all relevant information about the pupil to any educational institution that the pupil is transferring to.
- 16.4. If the pupil has been excluded, Fairway School has a duty to arrange suitable, full-time education from the sixth day of a fixed period exclusion and to provide full details of any SEND provisions necessary, in accordance with Fairway School's Exclusion Policy.
- 16.5. If it is in the best interest of the pupil, Fairway School may work with Northway School to enable access to alternative provision, in line with any EHC plans in place, for pupils who face barriers to participate in mainstream education.

## **17. Data and record keeping**

17.1. Fairway School will:

- Include details of SEND, outcomes, action, agreed support, teaching strategies and the involvement of specialists, as part of its standard management information system to monitor the progress, behaviour and development of all pupils.
- Maintain an accurate and up-to-date register of the provision made for pupils with SEND.
- Show all the provision Fairway School makes which is different or additional to that offered through Fairway School curriculum on a provision map.

17.2. Fairway School keeps data on the levels and types of need within Fairway School and makes this available to the LA.

17.3. The SEN information report will be prepared by the governing body, and will be published on Fairway School website; it will include all the information outlined in paragraphs 6.79 and 6.83 of the SEND Code of Practice.

## **18. Confidentiality**

18.1. Fairway School will not disclose any EHC plan without the consent of the pupil's parents/carers, with the exception of disclosure:

- To a SEND tribunal when parents/carers appeal, and to the Secretary of State under the Education Act 1996.
- On the order of any court for the purpose of any criminal proceedings.
- For the purposes of investigations of maladministration under the Local Government Act 1974.
- To enable any authority to perform duties arising from the Disabled Persons (Services, Consultation and Representation) Act 1986, or from the Children Act 1989 relating to safeguarding and promoting the welfare of children.
- To Ofsted inspection teams as part of their inspections of schools and LAs.
- To the Headteacher (or equivalent position) of the institution at which the pupil is intending to start their next phase of education.

## **19. Monitoring and review**

- 19.1. The policy is reviewed on an annual basis by the Headteacher in conjunction with the governing body; any changes made to this policy will be communicated to all members of staff.
- 19.2. All members of staff are required to familiarise themselves with this policy as part of their induction programme.