

## Special Educational Needs and Disabilities Policy (SEND)

A policy for all Trust schools

**REVIEW November 2020**

Responsibility for this policy:	CEO
Responsibility for implementation:	Executive Headteacher/Headteacher/Head of School
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Links to other Trust policies:	Admissions Behaviour Management: Trust Principles Data protection School exclusions Safeguarding and Child Protection
Tracked changes from original policy:	<i>Further detail added for greater clarity (throughout) – a detailed and wide-ranging review</i>

*Creating futures through our shared values of excellence, partnership and perseverance*



## LIST OF CONTENTS

### Part 1: The Policy

1. Introduction	p4
2. Definition of SEND	p4
3. Aims	p4
4. Legislation and regulation	p4
5. Objectives	p5
6. Alignment with the Trust's vision	p5
7. Equality and inclusion	p6
8. The four areas of need	p6
9. Wider factors for consideration	p6
10. Transition	p7
11. Pupils with medical conditions	p7
12. Monitoring and evaluation	p7
13. Staff professional development	p7
14. Finance	p8
15. Accessibility plan	p8
16. Admissions arrangements	p8
17. The partnership with parents	p8
18. Use of remote access meetings	p9
19. Pupils' participation	p9
20. Complaints	p9
21. Storage and management of information	p9
22. Exclusion of pupils with SEND	p9

23. Part-time timetables

p10

24. Roles and responsibilities

p10

## **PART 2: The procedure**

The graduated response

p11

Identification/assessment

p11

Pupil progress meetings

p11

Accurate records (class teacher)

p12

ITPs

p12

School support

p12

Accurate records (SENDCO)

p13

School request for EHCP

p13

**Appendix A: Assess, plan, do and review cycle**

**p14**

## PART 1: THE POLICY

### 1 INTRODUCTION

Every pupil has the right to an excellent education – through a broad curriculum, a solid grasp of the core subjects and personal development opportunities - to give them the best possible start in life and reach their full potential. Those with special educational needs and disabilities (SEND) are particularly vulnerable because they may struggle with their learning or behaviour or their needs may not be met. The purpose of this SEND policy is to ensure that, as far as possible, our schools meet their needs, give them good experiences and build opportunities for them.

The Trust and the schools recognise that there is a continuum of needs and a continuum of provision which may be made in a variety of forms. The Trust is committed to meeting the needs of our pupils with SEND in our mainstream settings as far as possible but also recognises that a few pupils may have better opportunities through Special Education. All decisions place the pupil at the centre.

This is a generic policy for the Trust. The detail for each school is published on its website as the *SEND Information Report*

### 2 DEFINITION OF SEND

(taken from the Code of Practice)

A pupil has SEND if s/he has a learning difficulty or disability which calls for special educational provision to be made for her/him.

A pupil has a learning difficulty or disability if s/he has

- a significantly greater difficulty in learning than the majority of others of the same age
- a disability which prevents or hinders her/him from making use of facilities of a kind generally provided for other pupils

Special education provision in our Trust schools is educational or training provision that is additional to, or different from, that made generally for other pupils

Health care provision or social care provision which educates or trains a child is to be treated as special educational provision.

### 3 AIMS

- To provide an overview of Trust expectations and strategy with regard to SEND provision
- To ensure that the schools meet statutory requirements
- To support and encourage high levels of confidence and partnership in the systems and processes
- To ensure optimum support for all pupils with SEND

### 4 LEGISLATION AND REGULATIONS

This policy is based on the statutory Special Educational Needs and Disability (SEND) Code of Practice

and the following legislation:

- Part 3 of the Children and Families Act 2014 which sets out the school's responsibilities for pupils with SEN and disabilities
- The Special Educational Needs and Disability Regulations 2014 which set out the school's responsibilities for education, health and care (EHC) plans, SENDCOs and the SEN information report
- The Equality Act 2010: taking account of the full range of a pupil's protected characteristics but not discriminating because a pupil has one or more protected characteristics

- The Disability Discrimination Act 2005: the Disability Equality Duty

and it complies with

- The Trust's Master Funding Agreement and Articles of Association

## 5 OBJECTIVES

Ensure that Trust schools implement robust and efficient systems to support pupils with SEND that:

- Identify their needs at the earliest opportunity
- Create learning environments that meet their needs
- Request, respond to and monitor the views of parents'/carers and pupils
- Have the right level of staff expertise through recruitment, coaching or supervision and training
- Support pupils towards full access to and inclusion in all school activities
- Work in cooperation with external agencies and localities to access resources and ensure the best possible provision

## 6 ALIGNMENT WITH THE TRUST'S VISION

### Supporting key objectives

The Trust has four key objectives summarised in this diagram, all of which to some extent, are reflected in this policy.



**GROW:** the sustainable growth of the Trust - developing a business growth model which includes a range of schools so that all feel supported and challenged, can grow professionally and make outstanding progress

**IMPROVE:** School improvement - developing a systematic model with clear accountability structures, using our collective strengths to demonstrate consistently high performance in terms of safeguarding, leadership, teaching, curriculum and assessment

**SUPPORT:** early intervention and improved transition – meeting the needs of pupils so that barriers to learning are quickly identified and removed as soon as possible, especially for the most vulnerable pupils and their families

**LEAD:** Staff recruitment, retention, leadership development and succession planning – providing a strategic approach which invests in the staff, building their skills so that they, the schools and the Trust strengthen.

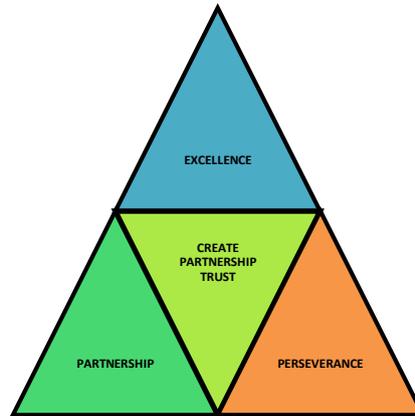
### Contributing to the Trust's values

This SEND Policy contributes to our Trust core values:

**EXCELLENCE** (setting the highest possible standards and expectations),

**PARTNERSHIP** (working collaboratively) and

**PERSEVERANCE** (responding to difficult challenges).



## 7 EQUALITY AND INCLUSION

- All learners are equally valued in our schools.
- We have a duty to avoid discrimination, promote equality and foster good relations.
- Many of our pupils come from disadvantaged backgrounds but this is not to be automatically equated with SEND. Pupils with SEND are from all backgrounds.
- While pupils with SEND may require more support to enable them to grasp the core subjects of reading, writing and mathematics, they remain entitled to a broad and balanced curriculum.
- The schools are expected to undertake a full analysis of SEND data (quantitative and qualitative) to enable good tracking of individual and school performance.
- Pupils whose difficulties are solely to do with the fact that they speak a community language which is not English (i.e. they have English as an additional language – EAL) are *not* identified as having SEND.
- We understand that all pupils may meet some difficulties in learning at some point in their school lives or in some subjects, but that this does not mean that they have SEND

## 8 THE FOUR AREAS OF NEED

<p><b>Communication and interaction difficulties:</b> Speech and language delay; impairments or disorders; specific learning difficulties e.g dyslexia, dyspraxia; hearing impairments or autistic spectrum disorder</p>	<p><b>Cognition and learning difficulties:</b> Moderate, severe or profound learning difficulties; specific difficulties such as dyslexia or dyspraxia which require specific programmes to aid progression in in cognition and learning</p>
<p><b>Social, mental and emotional health difficulties:</b> Withdrawn or isolated; disruptive and disturbing; hyperactive and lack concentration; present with immature social skills or challenging behaviour</p>	<p><b>Sensory and/or physical difficulties:</b> Profound and permanent hearing or visual impairment or lesser temporary levels of loss; physical impairments arising from physical, neurological or metabolic causes requiring access to specific facilities or equipment; emotional stress; physical fatigue</p>

Pupils do not always fit neatly into these categories. They may be entered on the school’s medical register or the SEND register, or both.

## 9 WIDER FACTORS FOR CONSIDERATION

Although it is important to make an accurate assessment of a pupil’s needs at the earliest opportunity, it is also necessary to consider a range of factors before automatically entering a pupil on to the SEND register. There is no advantage for the pupil or the school if a decision is made too quickly and if it turns out to be inaccurate or incorrect. This is particularly important for pupils in the early years or those who are new arrivals to the country (i.e. new to English) where there might be a lack of background information.

Factors which could impact on pupils’ achievement and should be taken into account, include:

- Age and previous history
- Attendance and punctuality
- Behaviour
- Disability – *reasonable adjustment*
- Previous experiences at home or in other settings
- EAL
- Health and welfare
- Looked After or previously Looked After
- Matters relating to safeguarding or involvement with social care or police

However, there are times when a pupil new to the school presents with severe challenges and the school has to expedite external support.

## 10 TRANSITION

Pupils with SEND require a smooth transition to a new teacher, class, phase, building or school. Meetings take place between relevant staff to ensure that information is handed over well. As pupils make the transition to a new school (e.g. Secondary or Special), the school supports the pupil and the family in making preliminary visit and prioritises the handover of good educational records.

## 11 PUPILS WITH MEDICAL CONDITIONS

The Trust has a number of policies relating to pupils with medical conditions to ensure they given good support in order to have full access to the curriculum including educational visits and PE. Some may be disabled and the school ensures that it meets its duties under the Equality Act 2010. The point of an Education and Health Care Plan (EHCP) – [see page 10](#) - is to bring together a pupil's needs in relation to health and care as well as education.

## 12 MONITORING AND EVALUATION

- Monitoring and evaluation generally takes place at school level via Pupil Progress Meetings, SEND reviews and general observations, learning walks, scrutiny of pupils' books, oversight of planning and feedback from pupils and parents. It follows the same pattern for the monitoring of all pupils; however, it is likely to be more frequent for pupils with EHCPs or those presenting with undiagnosed but potentially serious issues.
- Support for SEND monitoring may also be provided in some Trust schools by the Senior Leader for School Improvement.
- Discussions about SEND may also take place with the CEO and the School Performance Partner.
- Reporting on SEND is via the School Profile, a termly report from the EHT/HT/HoS to the CEO, Local Advisory Board (if in place), Curriculum and Resources Committee and the Board.
- The school's senior leaders also take part in an annual or biannual discussion with Trustees at the Board's Scrutiny Committee.

## 13 STAFF PROFESSIONAL DEVELOPMENT

- It is the responsibility of senior leaders to ensure that the right level of training is provided, especially for new staff as part of their induction and for NQTs or others with limited experience.
- Ongoing CPD is provided to meet need and each School Improvement Plan includes provision for staff training and development
- Pupil Progress Meetings also provide professional support to assist teachers' understanding of appropriate strategies.
- Pupil Support Assistants (PSAs), Learning Mentors or other support staff who might be allocated to specific roles with pupils who have SEND are given intensive training and supervision to ensure that they are fully aware of the specific needs and the way that they should focus their work.

- The Trust is aware that it can be difficult to appoint qualified SENDCOs and is piloting other strategies including working collaboratively across the Trust, providing supervision and considering its own funding of SENDCO training to develop succession.

## **14 FINANCE**

- All funding for SEND is directed to the schools and is managed by the Executive Headteacher, Headteacher or Head of school (EHT/HT/HoS) working with the Office Manager and SENDCO.
- Create Central does not retain any SEND funding.
- The EHT/HT/HoS is responsible for ensuring that the funds are allocated appropriately to the right pupils and not only those with an EHCP.
- The Trust Accountant provides further support in tracking income and expenditure to assist the school in making the right spending choices.
- The monthly Operational Meetings between Create Central and the schools enable close tracking of spending and highlighting of any queries.
- The school may also use Pupil Premium funding or COVID-19 Catch-up funding if the pupil fulfils the criteria.
- Pupils with SEND may require further funds from the main school budget for additional human or curriculum resources.

## **15 ACCESSIBILITY PLAN**

Each school has published its three-year accessibility plan on its website.

## **16 ADMISSIONS ARRANGEMENTS**

The Trust's Admissions Policy identifies:

- A child with an EHCP, where the particular school is named, will be admitted as the first priority.
- Pupils with particular educational needs who have not been formally assessed or supported prior to starting school, may find the routines of school to be challenging. The school retains the right to limit the pupil's attendance to part-time in such special circumstances and if the pupil has not reached compulsory school age (the fifth birthday). These decisions are always made after seeking other solutions and in dialogue with parents/carers.

## **17 THE PARTNERSHIP WITH PARENTS**

The partnership with parents plays a key role in enabling pupils with SEND to achieve their potential. Parents hold key information and have knowledge and experience to contribute to the shared view of their child's needs.

The schools encourage an open and honest relationship with parents/carers at all stages and recognise the crucial importance of this partnership in supporting a pupil with SEND and steering through the procedure.

Parents are contacted early, their views are respected and taken into account and, if they are unsure of how to best help their child, they are supported and guided to do so.

Parents/carers are guided to the Birmingham Local Offer and SEND Information Report on the school's website. This is a formal requirement of the school.

Where the school feels it appropriate to refer the family for wider support, it guides the parents/carers to make links with other external agencies. However, it is important that school staff do not get pulled into wider social care matters that do not relate directly to the pupil concerned or which impact significantly on school resources (including staff time).

## 18 USE OF REMOTE ACCESS MEETINGS

The Trust encourages face to face meetings with parents and external agencies. However, sometimes this is impossible. The Trust therefore approves of the use of online meetings if the following conditions can be satisfied:

- All parties can agree to the use of remote access
- All parties can access the technology which allows them to hear and speak through the meeting and to see and be seen if a live video link is being used
- All parties will be able to put across their point of view or fulfil their function
- The meeting can be held fairly and transparently via remote access

DfE guidance states: *though all participants must have agreed to the use of remote access, where a parent... has given their agreement..., the other participants must make reasonable efforts to accommodate that preference unless there is a reasonable reason not to do so.*

## 19 PUPILS' PARTICIPATION

Pupils with SEND have a unique knowledge and understanding of their own requirements. They are encouraged **at every stage** to contribute to the assessment of their needs, the review and the transition process. This may include being invited to join part of a review meeting, inviting the pupil to comment on the provision through the appropriate medium or implementing strategies to develop their self-confidence and self-esteem

## 20 COMPLAINTS

- The school website makes it clear to whom a parent/carer should direct a complaint about SEND.
- Further advice is in the Trust's Complaints Policy which applies to all its schools.
- The parents/carers can be signposted to SENDIASS (parent support agency) for further advice.
- The Local Authority has additional measures for preventing and resolving disagreements.

## 21 STORAGE AND MANAGEMENT OF INFORMATION

- It is crucial that all staff are aware of the importance of confidentiality in respect of pupil and family data and sensitive information
- Data relating to pupils and families is filed, archived, transferred or deleted in line with data protection arrangements and the Trust's Data Protection Policy.

## 22 EXCLUSION OF PUPILS WITH SEND

- Exclusions are illegal if they occur for non-disciplinary reasons; eg for reasons of a pupil's low academic ability or achievement or if the school is unable to meet a pupil's additional needs
- The EHT/HT should, as far as possible, avoid permanently excluded any pupil who has an Education, Health and Care (EHC) Plan or is a Looked after Child (LAC)
- In line with the SEND Code of Practice (2015), our schools are expected to have clear processes to support pupils, including managing the effect of any disruptive behaviour, so it does not adversely affect other pupils.
- The Statutory Guidance (2017) states that early intervention to address disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Particular regard should be paid as to whether disruptive behaviour is an indicator of an underlying social, emotional or mental health (SEMH) need.

## 23 PART-TIME TIMETABLES

- As a general rule, our schools are not permitted to place a pupil of statutory school age on a part-time timetable for behavioural reasons, except in very exceptional circumstances where temporary arrangements are made to meet a pupil's needs. In these cases, there must be written clarification from the EHT/HT to the CEO and the Board (via the School Profile), giving the reasons for the decision and the expected length of time.
- Pupils on part-time timetables for behavioural reasons are viewed as being *unofficially excluded*.

## 24 ROLES AND RESPONSIBILITIES

### Class teachers

- All teachers are also teachers of SEND and this is built into job descriptions and staff guidance

### SENDCO

The SENDCO has a specialist job description (consistent across the Trust) and has a number of core responsibilities which include:

- Leading the day-to-day operation and coordination of the school's provision for pupils with special educational needs and disabilities (SEND) under the line management of the EHT/HT/HoS
- Overseeing the implementation of the school's SEND strategy and policy
- Agreeing with the EHT/HT/HoS, the systems for communication and task management
- Actively promote inclusive provision as a right for all pupils and the responsibility of all staff
- Providing professional guidance and support for all staff in terms of pupils' academic achievement and pastoral welfare

### The EHT/HT/HoS

- The EHT/HT/HoS is responsible for the day to day management of all aspects of the school's work, including provision for special educational needs and compliance with legislation and best practice. Much of this may be delegated to another senior leader or the SENDCO but the EHT/HT/HoS remains accountable.

### The CEO

- The CEO is in regular discussion with the schools in terms of pupils' performance and school improvement generally including SEND.
- The CEO chairs the monthly MAT Leadership Group which brings all Trust schools together and where common issues are discussed and joint decisions are made.

### The Board of Directors (Trustees)

- In consultation with the CEO, the Board determines Trust policy, approves the appropriate funding arrangements and maintains a general overview.

## PART 2: THE PROCEDURE

This section outlines the Trust’s broad approach but there may be some differences between the schools. The SEND Information Report on each school’s website gives more specific detail.

### The graduated response: *assess/plan/do/review*

The SEN Code of Practice sets out a graduated response to meeting pupils’ special educational needs. This involves a cycle of *assess/plan/do/review*. (See Appendix A) Broadly, this means taking a step at a time, continually checking, reviewing and adapting so that information is gathered systematically and strategies are monitored. This approach is recommended because pupils’ needs are different and often it takes time to establish what those needs are or to recognise that they are changing. As the cycle progresses, there is greater involvement of more senior staff, the SENDCO and external specialists.

### Identification/assessment

A pupil’s needs may be identified by the school, the parent/carer, a previous school or an outside agency. Sometimes this is the result of a formal diagnosis (e.g. by a Doctor) or a concern raised by the parent or teacher where no formal assessment has yet been undertaken. These include:

- Attention Deficit/ Hyperactivity Disorder
- Medical difficulties (e.g. vision, hearing, physical difficulties)
- Speech, language and communication difficulties
- Behavioural/emotional difficulties
- Diagnosed disability (e.g. Dyslexia, Dyspraxia, Autistic Spectrum Disorder)

and/or

- Low concentration levels
- Poor coordination
- Language/reading/writing difficulties
- Pace of work - processing and completion
- Lack of motivation

As part of regular, good, day to day teaching and assessment, the pupil’s performance is noted and adaptations are made to meet the pupil’s needs. This may include small group support, extra time with a Pupil Support Assistant (PSA) or Learning Mentor.

Where symptoms persist despite adapted teaching techniques, other assessments are implemented, such as:

- Checking with parents/carers about behaviour and experiences at home
- Hearing and vision checks
- Sharing information and asking for advice from other school colleagues and leaders and the SENDCO.
- Arranging a Pupil Progress Meeting, either as part off the school’s regular schedule or specifically called to discuss the concern that the pupil may be struggling.

### Pupil Progress Meeting

The meeting with senior leaders and the SENDCO considers the evidence available (quantitative and qualitative) and the strategies that have been used to support the pupil so far.

### Outcome

A decision is made to do one of the following:

Progress satisfactory or requires further evidence	Progress assessed to be broadly good	Progress assessed to be unsatisfactory
Continue with the current intervention because it appears to be working and needs more time to provide good evidence	Discontinue intervention strategy due to good progress	Acknowledge that difficulties appear more complex and that outside agency involvement should be sought.

### Accurate records (class teacher)

It is crucial in this early stage that good records are maintained by the class teacher and that any concerns about the pupil are highlighted in the pupil progress meetings held with leaders. There should be no surprises when any monitoring activity is undertaken because discussions about the pupil's performance will have already started to take place. All class teacher, SENDCO and leader records may be required if the pupil requires an Education and Health Care Plan (EHCP) at some point in the future or should there be concerns/complaints about how the school has handled the matter.

The school ensures that the least experienced teachers are given the greatest support in assessing their pupils and identifying appropriate intervention strategies. This is a key role for an NQT mentor or CPD leader and should take place at least half-termly.

Records may include:

- Relevant medical information
- Lesson planning or guidance for PSAs working with the pupil
- Minutes of Pupil Progress Meetings
- Minutes of meetings with parents/carers

### Outcome



Progress assessed to be unsatisfactory:	Progress assessed to be broadly good:
Following discussion with the parents/carers, the pupil may be formally identified as requiring SEND support. An Individual Target Plan (ITP) is drawn up.	The support is not escalated to an ITP but it may be adjusted as the result of what has been learned about the pupil's needs.

### ITPs

Individual targets are monitored and reviewed termly. Parents/carers are invited to attend review meetings and their views about future provision are sought.

The Trust uses the Birmingham Language and Literacy Continuum to assist in identifying the appropriate level of SEND provision – universal, targeted or specialist support for those with literacy difficulties.

For pupils with difficulties other than in language and literacy, the *assess, plan, do and review* cycle (See Appendix A) informs the need for the appropriate levels of support.

### School support

Where the level of intervention is raised, the class teacher develops strategies which are additional to and different from those provided as part of the usual differentiated curriculum.

The SENDCO may take advice from outside agencies e.g. Access to Education, educational psychologist, speech therapist, occupational therapist, specialist teachers, social care, early help, etc. Referral forms for external advice are completed by the SENDCO and signed by the parent/carer.

External support services usually see a pupil in school if that is appropriate and practicable, so that they can:

- Advise teachers on new ITPs with fresh targets and accompanying strategies
- Provide specialist assessments that can inform planning and the measurement of progress
- Give advice on the use of specialist resources
- Provide support (in some cases) for particular activities

As a result of the external advice received, the provision may be adapted. Monitoring continues, including through Pupil Progress Meetings, and review dates are planned for sharing of outcomes with parents/carers and relevant staff.

## Outcome



A decision is made to do one of the following:

Progress satisfactory or further evidence required	Progress assessed to be broadly good	Progress assessed to be unsatisfactory
Continue with support at this level	Reduce the level of support	Progress to more intensive support

If more intensive support is required:

- the parents/carers are asked to agree to the initiation of a full assessment
- the school decides whether to apply for a full Education Health Care Plan (EHCP) and makes the appropriate application

### Accurate records (SENDCO)

The accuracy of record keeping remains crucial at both class teacher and school level. SENDCO records include the following, all of which are shared with the class teacher.:

- The SEND register
- Copies of completed referral forms
- Reports from outside agencies
- Minutes of Pupil Progress Meetings
- Minutes of meetings with external agencies
- Minutes of meetings with parents/carers
- Medical information
- Observations of the pupil or their work
- Assessment data

### School request for an Education, Health and Care Plan (EHCP)

An EHC Plan is for pupils where an assessment of needs has been agreed by a multi-agency group of professionals. It is a way of providing support that puts the pupil and the family at the centre of the process to make sure that their views are heard and understood.

The request to the Local Authority for an EHCP is only made (in most cases) if the pupil has demonstrated significant cause for concern over time and that additional resources or a change of school placement is required to meet the pupil's needs. The application includes information about the pupil's progress over time and the various actions already undertaken by the school. If the correct information is not provided or has not been collated appropriately, the application will not be successful. It is crucial therefore, that accurate record-keeping is a key feature of the procedure from start to finish.

**Appendix A: ASSESS, PLAN, DO AND REVIEW**

