

Special Educational Needs and Disability (SEND) Policy

Policy Reference	LS-02		
Issue Date	23 August 2024	Review Date	23 August 2027

Document Control

Owner	Director of Student and Learning Support
Audience	All Moulton College Stakeholders
Confidentiality	Low

Version Control

Version	Description/Changes	By	Date
1.0	Initial Release		14 May 2018
2.0	Review		28 Nov. 2019
3.0	Review	DoSLS	27 Sept 2021
4.0	Review	DSEND	07/08/2024

Approval

Approved By	Meeting Date	Next Review
Senior Leadership Team	10 December 2019	July 2021
SLT	29 Sept 2021	27 September 2024
Head of Governance	23 August 2024	23 August 2027

Related Policies

Ref.	Policy
SGP-01	Safeguarding and Child Protection Policy
EDI-01	Equality and Diversity Policy
SL-01	Learning Support Policy
EDI-03	Disability Policy

Equality Impact Assessment

Equality Impact Assessment
The policy has undergone an Equality Impact Assessment (EIA) confirming that there are no negative consequences in the case of this policy.

Special Educational Needs and Disability (SEND) Policy

Legislative Framework and Definitions

Relevant legislation

- Part 3 of the Children and Families Act 2014
- Equality Act 2010

Definitions

1. A child or young person has special educational needs (SEND) if they have a learning difficulty or disability which calls for special educational provision to be made for them.
2. A child or young person has a learning difficulty or disability if:
 - they have significantly greater difficulty in learning than the majority of others of the same age or,
 - they have a disability which prevents or hinders them from making use of facilities of the kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.
3. This legislation applies to children and young people between the ages of 0 and 25 years.
4. Provision identified within this strategy applies to those young people following further education programmes at the college. The needs of young people following higher education programmes are addressed under different regulatory terms.

Statutory Duties on post-16 institutions

5. The College has the following statutory duties under Section 41 of the Children and Families Act 2014.
 - The duty to co-operate with the Local Authority on arrangements for children and young people with special educational needs,
 - The duty to admit a young person if the institution is named in an Education, Health and Care plan (EHCP)*,
 - The duty to have regard to the Code of Practice for special educational needs and disability (SEND): 0-25 years,
 - The duty to use its best endeavours to secure the special educational provision that a young person needs.

*[*Young people have the right to request that an institution is named in their EHC plan and local authorities have a duty to name that institution in the EHC plan unless, following consultation with the institution, the local authority determines that it is unsuitable for the young person's age, ability, aptitude or SEND, or that to place the young person there would be incompatible with the efficient use of resources or the efficient education of others.]*

6. The College has the following duties under the Equality Act 2010.
 - It must not discriminate against, harass or victimise disabled children or young people.
 - It must make reasonable adjustments to prevent such individuals being placed at a substantial disadvantage. This duty is anticipatory as it requires thought to be given in advance to what disabled young people might require and what adjustments might need to be made to prevent that disadvantage.
7. The College also has wider duties to prevent discrimination, to promote equality of opportunity and to foster good relations between those with protected characteristics and those without.

College Commitments

8. All existing and potential students will experience equality of opportunity and parity of treatment. No one will knowingly be disadvantaged or treated less favourably because of characteristics protected in law or requirements that cannot be justified.
9. The College will seek to make reasonable adjustments to its operation and premises with a view to avoiding disadvantages for people with protected characteristics in law. Reasonable adjustments will be made to ensure that individuals are treated equally and fairly and that decisions taken on student recruitment, curriculum delivery, student conduct or the termination of study are based solely on objective, course related criteria or – for termination - the breaching of college rules.
10. The College will seek to work collaboratively with local authorities to meet the identified needs of young people with special educational needs or disabilities.
11. The College will seek to provide study opportunities within its subject specialisms to all young people who wish to access them and will make reasonable adjustments to its operations to facilitate access for young people with special educational needs or disabilities.
12. The College will seek to comply with the requirements of the code of practice for special educational needs and disabilities.
13. The College will use its best endeavours to promote high aspirations and secure and support the achievement of positive outcomes and destinations for young people with special educational needs or disabilities.

Provision to fulfil the duties outlined in the Code of Practice for SEND

14. To fulfil these commitments, the College will make the following provision.

Leadership and Management

15. We will produce and review annually a strategy, targets and milestones in relation to special educational needs and disabilities and share this with local authority partners.
16. We will develop positive, collaborative working relationships with local authorities to support the development of a local offer and the appropriate placement of young people with special educational needs or disabilities.
17. Information about the college curriculum offer and the support available for young people with special educational needs or disabilities will be clearly presented and accessible to all and will be provided to local authorities for promotion as part of the local offer.
18. We will ensure that access to specialist support services is facilitated for learners as appropriate.
19. The progress, outcomes and destinations for students with special educational needs or disabilities will be reviewed regularly and we will take action to close any identified achievement gaps between these students and the wider college population.
20. We will identify leadership and management post holders with a specific responsibility for special educational needs and disability provision and compliance with the code of practice.
21. We will ensure that sufficient, appropriately skilled and trained staff are available to support the identified needs of students with special educational needs or disabilities.
22. We will ensure that regular training is provided for staff to support their development needs in relation to special educational needs and disabilities.
23. We will seek to develop the ProMonitor student record to provide accessible and comprehensive information about an individual's needs and support requirements.
24. We will ensure that needs are assessed and responded to in four broad areas, namely communication and interaction, cognition and learning, social, emotional and mental wellbeing and sensory or physical need.

25. We will involve young people (and their parents/ carers where appropriate) in discussions and decisions about their support needs.
26. We will ensure that processes are in place to accurately assess the cost of support and reasonable adjustments in response to special educational need or disability requirements and access appropriate funding to cover these costs.
27. We will build productive working relationships with feeder schools and other organisations to support effective transition for students with special educational needs or disabilities.
28. We will maintain high aspirations for what students with special educational needs or disabilities can achieve and the curriculum will support effective preparation for adulthood (educational progression or employment, independent living, participation in society, healthy lifestyles).
29. We will implement processes to ensure that health and safety and safeguarding responsibilities are effectively addressed for students who are particularly vulnerable as a consequence of special educational needs or disabilities.
30. We will ensure that all students with special educational needs or disabilities have access to impartial information, advice and guidance to support their progression.
31. We will review all formal complaints that relate to provision for special educational needs or disabilities and take timely and appropriate action to address and resolve these.
32. We will comply with our responsibilities as identified in the guidelines for dispute resolution and attendance at tribunals as outlined in the special educational needs and disability code of practice.

The Student Experience

33. Bespoke study programmes will be created where necessary to meet the aspirations and outcomes for learners with special educational needs or disabilities.
34. Taster activities and transition days will be made available to prospective learners.
35. There will be a timely contribution to the consultation process prior to being named in an Education, Health and Care plan. Every effort will be made to accommodate the likely support needs of the individual where these are reasonable.

36. All applicants will be offered a transition interview at which their likely needs and support requirements will be discussed.
37. Where required, health care plans and personal emergency evacuation plans (PEEPs) will be put in place prior to the student starting a course and appropriate training for relevant staff will be provided.
38. Where individual risk assessments are required, learners will be identified promptly to ensure that their needs are met and that any potential risks are carefully managed.
39. A thorough and comprehensive initial assessment will be completed and the outcomes shared with all relevant staff to support the identification of individual targets.
40. Robust initial assessment of English and maths will be used to inform decisions about qualifications and/ or targets based on prior attainment and ability and to support justifications for exemptions.
41. Regular and effective communication will be established between curriculum, learning support and special educational needs and disability specialists at all stages of the learner's programme.
42. Learners with special educational needs or disabilities will have access to high quality teaching that is differentiated for their needs and, where appropriate, includes the use of assistive technology and specialist resources.
43. A student's individual learning plan (ILP) will have clear study programme related targets that are also linked to EHCP outcomes where appropriate.
44. All learners with special educational needs or disabilities will have access to a meaningful external work placement opportunity that prepares them for independence and adulthood and will be provided with appropriate support to understand their responsibilities and expected behaviour within the workplace prior to and during the placement.
45. Curriculum and support staff will work with employers to ensure work placement opportunities are safe, appropriate and have structured, tangible outcomes that are included in the learners' individual learning plans.
46. Personal, social and emotional development opportunities will be integrated into the study programme. Appropriate targets will be set that are regularly reviewed.

- 47. Curriculum, learning support and specialist SEND staff will contribute fully to the annual review process for learners with Education, Health and Care plans.
- 48. Timely and effective communication with parents and carers (where appropriate) will support regular progress monitoring and the prompt recognition and resolution of concerns.
- 49. Learners with special educational needs or disabilities will be supported to achieve their outcomes and to make positive progress.

In addition, for apprentices:

- 50. Regular and effective communication about support needs and progress will be extended to employers.
- 51. College staff will support employers in identifying any appropriate or potential adjustments required in the workplace to support the learner.
- 52. College staff will support employers in understanding how they can meet a learner's support needs in the workplace.
- 53. Apprentices and their parents/ carers will be provided with details of specialist support services available to them outside the college.
- 54. Apprenticeship teams will contribute to the annual review of Education, Health and Care plans for apprentices and to the regular review of progress for apprentices with special educational needs or disabilities.

Key Responsibilities

- 55. The Governing Body is responsible for ensuring that the college effectively discharges its duties in relation to the Equality Act 2010 and the Children and Families Act 2014 as outlined in the statutory guidance relating to special educational needs and disability.
- 56. The Senior Leadership team (SLT) is responsible for ensuring that the special educational needs and disability strategy is fully implemented and that children and young people with special educational needs or disabilities thrive and achieve at the college.
- 57. The Vice Principal of Curriculum and Quality is responsible for reviewing special educational needs and disability provision and outcomes for learners and ensuring that the college complies with the SEND code of practice.
- 58. The Director for SEND is the identified, operational lead for special educational needs and disability.

59. All college managers are responsible for ensuring that the college special educational needs and disability strategy is fully implemented through operational processes and practice within their areas of responsibility.
60. The Learning Support team are responsible for assessing and defining the support needs of students applying to and taking up courses at the college.
61. The EHCP/SEND Coordinator – Funding is responsible for the accurate costing of additional support and for providing the detail to support claims for funding.
62. The Director for SEND and EHCP/SEND Coordinator are responsible for monitoring and reviewing the experience and progress of all learners for whom high needs (Element 3) funding is claimed.
63. The Head of School is responsible for ensuring that risk assessments and personal emergency evacuation plans are in place for all students that require these. The H&S advisor is also available to support the school with this function.
64. Teaching staff are responsible for planning and delivering high quality teaching that is differentiated to meet individual needs.

Monitoring and Evaluation of Impact

65. The impact of the strategy will be evaluated in terms of its success in delivering positive outcomes for young people with special educational needs or disabilities.
66. Monitoring mechanisms will include:
 - Regular review of student performance data
 - Auditing of operational processes
 - Analysis of complaints
 - Analysis of student destinations
 - Collection and analysis of stakeholder feedback

Equality Impact Assessment (EIA)

Please complete both sides of this Equality Impact Assessment and ensure that the latest copy of this is recorded as part of the appendices of the specific policy.

Policy Reference and Name	Special Educational Needs and Disability (SEND) Policy
Assessment date	07 August 2024
Completed by	Director of SEND
What are the aims of the policy?	The policy aims that all existing and potential students will experience equality of opportunity and parity of treatment. No one will knowingly be disadvantaged or treated less favourably because of characteristics protected in law or requirements that cannot be justified.
Who does the policy affect?	Students and prospective students
Who is involved in implementing the policy?	DoSEND/HOS/SLT
What information is currently available about the impact of this policy and its associated procedures?	The college remains mindful of its duty of care and of its obligations under the Equality Act 2010, including its duty to make reasonable adjustments to teaching and learning, assessment and other activities, as appropriate. In dealing with cases the college also remains mindful of its duties under the Data Protection Act 2018 and the college's Data Protection Policy.
Do you need more information to help you make an assessment about the impact of this policy and its associated procedures?	No
Do you have any examples that show how this policy will have a positive impact on any of the equality characteristics listed in the table below?	When responding to individual issues, protected characteristics and other Equality factors will be clearly observed.
Which other policies does this policy link with?	Safeguarding and Child Protection, Equality and Diversity Policy, Learning Support Policy and Disability Policy
What consultation has taken place in the development of this policy?	SLT, Supported Learning and Learning Support Colleagues

Use the table below to assess the impact of this policy on each of the listed characteristics. Your decision must be evidence based. Sources of evidence might include success rates, achievement gaps, application and enrolment data, student voice, consultation outcomes, recruitment and employment data, customer feedback or complaints, meeting minutes.

Characteristic (These characteristics are protected under the Equality Act 2010)	Negative impact? Y / N	Evidence to support your impact assessment decision	Requires further action? Y/N
Age	N		N
Disability	N		N
Race	N		N
Gender, inc. re-assignment	N		N
Sexual orientation	N		N
Religion / belief	N		N
Pregnancy / maternity	N		N
Marriage / civil partnership	N		N
Socio-economic	N		N

Overall EIA judgement

Select	
✓	No change required - The assessment is that the policy is/will be robust. There is no evidence of potentially unlawful discrimination and all reasonable opportunities to advance equality and foster good relations have been taken, subject to continuing monitoring and review
	Adjust the policy or practice - This involves taking steps to remove any barriers, to better advance equality and/or to foster good relations. This may involve removing or changing the aspect of the policy that creates any negative or unwanted impact. It may also involve introducing additional measures to reduce or mitigate any potential negative impact
	Continue the policy - This means adopting/continuing with the policy despite the potential for adverse impact. Set out the rationale for this decision, including how the decision is compatible with our legal obligation. Where there is discrimination, but it is considered not to be unlawful – the objective justification must be recorded
	Stop the policy - If there would otherwise be unlawful discrimination or adverse effects that are not justified and cannot be prevented/mitigated