



# THE LOUGHBOROUGH Schools Foundation

---

Policy Title: **Special Educational Needs and Disability (SEND ) Policy**

Version Number: **20230115**

Approved By: **Executive Committee**

Date Approved: **15<sup>th</sup> January 2023**

Point of Contact (Reviewer): **Compliance Manager (Mr G Leeson)**

---

## **SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) POLICY**

### **1.0 INTRODUCTION**

Admission to the schools within the Loughborough Schools Foundation depends upon a prospective pupil passing the appropriate entry tests. The Schools have a duty to take all reasonable care to educate and develop the pupils/students to the best of their potential and with regards to the standard and resources of the school.

All pupils/students of LSF are entitled to an appropriate education, one that is appropriate to their needs, promotes high standards and the fulfilment of potential. Every School is required to identify and address the SEND of the pupils/students that they support by using their best endeavours to make sure that a pupil/student with SEND gets the support they need and that they engage in the activities of the School alongside pupils who do not have SEND.

### **2.0 STATEMENT**

This policy is intended to set out the procedures for ensuring that pupils/students with cognition and learning, communication, and interaction, sensory or physical, social, emotional and mental health needs are accommodated and made to feel accepted and valued, have their individual needs addressed so that they can fully participate in all school activities and to ensure equal treatment for everyone in all aspects of school life.

### **3.0 AIMS and OBJECTIVES**

The aims of this policy are;

- To promote good practice in the management of Special Educational Needs and Disability;
- To explain the learning support which can be provided for pupils/students with special educational needs and/or disabilities (SEND) and the co-operation we will need from parents/legal guardians to ensure a smooth transition through all Key Stages;
- To ensure that no pupil/student is discriminated against, in any area of school life, based on their special educational need or disability; and
- To outline the scope of the statutory duties and responsibilities.

The objectives of this policy are;

- To identify, at the earliest possible opportunity, barriers to learning and participation for pupils/students with a special educational need and/or a disability (see also the School's Curriculum Policy).
- To ensure that every pupil/student experiences success in their learning and achieves to the highest possible standard.
- To enable all pupils/students to participate in lessons fully and effectively.
- To value and encourage the contribution of all pupils/students to the life of the school.

- To work in partnerships with parents.
- To communicate with the Governing Body to enable them to fulfil their monitoring role regarding the Policy Statement.
- To work closely with external support agencies, where appropriate, to support the need of individual pupils/students.
- To ensure that all staff have access to training and advice to support quality first teaching and learning for all pupils.

#### **4.0 LEGISLATION/GUIDANCE**

The 'Special Educational Needs and Disability Code of Practice:0 to 25 years' provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations and applies to England. As a general principle, many of the requirements of the SEND Code of Practice do not have direct application to independent schools, however it provides the good practice required of schools in the management of pupils/students with learning difficulties and/or disabilities and advice and guidance concerning Equality Act 2010 duties.

Funded early year providers must have regard to the Code of Practice.

This policy follows the Code's philosophy of a graduated approach to identify and support pupils/students with special educational needs and has been written with reference to the following guidance and documents:

- Equality Act 2010: Advice for schools DfE (2013)
- Schools SEN Information Report Regulations (2014)
- The Special Educational Needs and Disability Regulations (2014)
- Statutory guidance on Supporting Pupils with Medical Conditions DfE (2015)
- Teachers Standards, Part One, section 5 (2012)
- 'Access Arrangements and Reasonable Adjustments' Joint Council for Qualifications (JCQ), (2022-23)
- 'Reasonable Adjustments for Disabled Pupils', Equality and Human Rights Commission (2015)
- LSF Safeguarding and Child Protection Policy
- LSF 'Medical Protocols'

#### **5.0 ROLES AND RESPONSIBILITIES**

The Board of Governors is ultimately responsible for the implementation of the policy. Certain key members of staff are responsible for managing the implementation of this policy. The responsibilities of these personnel are:

- Governors will:
  - ensure that the schools are complying with their legal responsibilities
  - ensure that staff at all levels fulfil their duties regarding the SEND policy including the appointment of a qualified teacher designated as Special Educational Needs Coordinator/Head of Learning Support in each School;
  - ensure that the budgets reflect the resources necessary to implement all statutory special educational and disability needs;

- allocate a member of the Governing Body as their SEN representative on the LSF Special Educational Needs and Disability committee; and
  - annually review the SEND policy of the Foundation with the aim of continuous improvement.
- Heads of Schools will:
  - ensure that the policy is effectively implemented and understood at all levels in their respective school;
  - appoint a Special Educational Needs Coordinator (SENCO)/Head of Learning Support to lead and manage the SEND provision in their School;
  - ensure that the SENCO/Head of Learning Support has sufficient time and resources to carry out these functions; and
  - be a member of and ensure the proper functioning of the LSF Special Educational Needs and Disability committee.
- Special Educational Needs Coordinator/ Head of Learning Support will:
  - Oversee day to day responsibility for the operation and implementation of the SEND policy in their respective school;
  - co-ordinate the support of pupils/students with SEND by liaising with staff, parents/legal guardians and outside agencies;
  - assist the Heads and Governors in reviewing the SEND policy and in providing suitable SEND provision to pupils/students;
  - review and, where necessary, improve teacher' understanding of strategies to identify and support vulnerable pupils and their knowledge of the SEN most frequently encountered;
  - help to identify barriers to learning within the school context and seek means of overcoming these barriers;
  - advise on the deployment of the school's delegated budget and other resources to meet pupils' needs effectively;
  - ensure that the School keeps suitable records of all pupils with SEN up to date;
  - liaise with potential next providers of education to ensure a pupil/student and their parents are informed about options and a smooth transition is planned;
  - conduct and analyse screening;
  - liaise with the Examinations Officer ensuring that supporting evidence and appropriate access arrangements are in place;
  - implement, review and update the SEND policy in their respective school's staff handbook as required; and
  - be a member of the LSF Special Educational Needs and Disability committee.
- Teaching staff will:
  - ensure all pupils/students have access to the curriculum provided;
  - be responsible and accountable for the progress of their students in their class and high-quality teaching differentiated for individual pupils is the first step in responding to pupils who have SEND
  - be vigilant in the classroom for pupils/students with potential special educational needs and/or disability and report any such concerns to the SEN Coordinator/ Head of Learning Support for investigation;
  - be proactive in the classroom in their provision of support for pupils/students with known special educational needs and/or a disability, in line with the guidance provided by the School in the pupil's SEND documentation; and
  - take an active part in the monitoring and reviewing of a pupil's/student's support strategy.
- Parents/Legal guardians will:

- provide details of any known special educational needs and/or a disability of their prospective pupil/student and provide any relevant documentation when applying for a place for their child; and
- cooperate with the School in the management of their sons/daughters learning support.

## **6.0 DEFINITIONS**

### **6.1 Special Educational Needs**

A person has a *special educational need (SEN)* if they have a *learning difficulty or disability* which calls for *special educational provision* to be made for him or her.

At compulsory school age this means he or she:

- (a) has a significantly greater difficulty in learning than the majority of others the same age; or
- (b) has a disability which prevents or hinders him or her from making use of educational facilities of a kind generally provided for others of the same age; or
- (c) has an emotional or behavioural difficulty which is acting as a barrier to such learning; or
- (d) is under compulsory school age and falls within definition at (a), (b) or (c) above and would so do if special educational provision is made for them.

A child must not be regarded as having a learning difficulty solely because the language or medium of communication of the home is different from the language in which he or she is or will be taught.

(Education Act 1996, Section 312 (1) and (2))

A pupil/student who finds a particular subject difficult does not necessarily have a “learning difficulty” in the legal sense of the expression; there will often be disparities in the speed with which children learn, in their skill at solving problems and in their general acumen.

Learning difficulties may affect children of all abilities. Sometimes pupils/students learning difficulties may not become apparent until educational pressures increase.

### **6.2 Education, Health and Care Plans (EHC Plans);**

Where a Local Authority (LA) concludes that a child with a EHC plan should be placed into an independent school and names the school in the EHC plan, the LA retains legal and financial responsibility for ensuring that the provision specified in the child’s EHC plan is made. This may include paying the fees charged by the independent school. The day-to-day practical responsibility of making educational and welfare provision rests with the school.

If an LA is satisfied that the provision set out in a EHC plan can be made more economically in the state sector, it may decline to name an independent school in a EHC plan. This does not prevent parents from making their own arrangements to pay for a place at an independent school of their choice, so long as the LA is satisfied that the arrangements are suitable. Since

September 2014, LAs have had the discretion to make payments to assist parents to make their chosen independent school suitable.

It is not necessary for a school to obtain the consent of the DfE to accept a pupil with a EHC plan.

The EHC plans of all pupils in this category, whether placed by parents or the LA, must be reviewed annually and, if the school is named in the EHC plan, the provision specified in the EHC plan must be made. It is the responsibility of the LA and not the School to review the EHC plan, but it is good practice for the School to check that the review takes place, and the School must co-operate with the LA in the review process.

### **6.3 Disability;**

Disability under the Equality Act 2010 is defined as:

‘A physical or mental impairment, which has a substantial and long-term adverse effect, on a person's ability to carry out normal day-to-day activities’.

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- 'normal day-to-day activities' include everyday things like eating, washing and the ability to move around the school premises, participation in PE lessons and sitting examinations.

People who have had a disability in the past that meets this definition are also protected by the Act

### **6.4 Reasonable Adjustments;**

A school must make ‘reasonable’ steps to ensure that disabled pupils/students and prospective disabled pupils/students are not placed at a substantial disadvantage in comparison with those who are not disabled.

The Schools will make reasonable adjustments for individual pupils/students who need extra provision than that which is already in place to make sure that all pupils/students are involved in every aspect of school life and that all barriers to learning are removed. These may fall under the following headings: building and grounds (e.g., audio-visual fire alarms); teaching and learning (e.g., a piece of equipment, extra staff assistance); or methods of communication (e.g., a piece of equipment, readers for pupils with visual impairments).

Furthermore, a school will be deemed to have discriminated against a pupil/student if it fails, without justification or consultation with the pupil/student and their parents, to make reasonable adjustments to reflect the requirements of the pupil/student.

A school must do everything that it can to ensure that a disabled pupil/student is not placed at a substantial disadvantage. When it has decided what, if anything, could be done to achieve this result, a reasonable test should be applied to any possible action. The following factors can be considered by a school in considering reasonableness:

- The need to maintain academic, musical, sporting, and other standards;
- The financial resources available;
- The costs of taking particular action;
- The extent to which it is practicable to do so;
- The extent to which aids and services will be provided via a statement/EHC plan;
- Health and safety requirements;
- The interests of other pupils/students.

To ensure consistency across the Foundation when dealing with a test of reasonableness, all cases are to be reviewed with the designated SEND Governor.

## **7.0 ARRANGEMENTS**

To fulfil these duties Schools should have regard to the principles set out in the SEND Code of Practice but must refer to the following arrangements and specify the School's specific procedures in a set of SEND guidelines.

### **7.1 Entry Procedures**

The parents/legal guardians of all prospective pupils/students must be asked to give details of any known special educational needs and/or a disability and provide any relevant documentation when applying for a place for their child. Systems must be put in place to ensure that all applicants have equal opportunities in the entrance assessments. The Foundation and the individual Schools will be sensitive to any request for confidentiality concerning a special educational need or a disability but must ask for reports or references from relevant agencies including previous schools. Confidential information of this kind will be communicated following current data protection guidelines.

Without such information no adjustments will be made.

A disclosure after an entrance assessment has been completed will not be considered as a reason to review a decision to award a place, or reward, and all marks will be considered equal.

### **7.2 Identification and Assessment**

The Schools should have a clear approach to identifying and responding to SEND. Identifying need at the earliest point and then making effective provision improves long-term outcomes for the pupil/student. Making higher quality teaching differentiated for individual pupils/students available to all is likely to mean that fewer pupils/students will require such support.

Building on information from previous settings and key stages where appropriate, Schools should consider evidence that a pupil/ student may have a disability under the Equality Act 2010 and, if so, what reasonable adjustments may need to be made for them.

Class and subject teachers, supported by the senior leadership team, should make regular assessments of progress of all pupils and this should include progress in areas other than attainment e.g., social skills required to make a successful transition to adult life.

Once in School, a pupils/students special educational needs, or disability, may also become apparent through:

- (a) performance within the classroom or in the wider curriculum;
- (b) expression of parental or pupil concern; or
- (c) screening/testing/tracking procedures.

Reasonable care will be taken to identify all pupils/students with special educational needs as early as possible.

### **7.3 Medical Conditions**

The Children and Families Act 2014 places a duty on schools to support pupils with medical conditions, so that they have full access to education, including physical education and educational visits. A pupil's/student's medical needs can be either short-term or long-term and some medical conditions may class a pupil/student as disabled. The School must assess and manage risk and minimise disruption to the learning of the pupil/student and others who may be affected. Individual healthcare plans are required to specify the type and level of support required to meet the medical needs of such pupil's/student's. Where they also have SEND, their provision should be planned and delivered in a co-ordinated way with the healthcare plan (see LSF 'Medical Protocols').

### **7.4 Training and Staff Qualifications**

The SENCO/Head of Learning Support must be a qualified teacher working at the School. The role of the SENCO/Head of Learning Support will be most effective in that role if they are part of the School's senior leadership team. The SENCO should attend relevant SEN courses and facilitate/signpost relevant SEN focused training opportunities, delivered as internal CPD or external courses as appropriate. This is with an aim to keep staff up to date with relevant training and developments in teaching practice, in relation to the needs of pupils/students with SEN. Training opportunities should be matched to the School's development priorities and needs.

### **7.5 Support Register**

If the outcome of a screening test or any other circumstance (see Identification and Assessment above) suggests the possibility that the pupil/student may have a learning difficulty which calls for special educational provision to be made for them, the School must report and consult with the pupils/students' parents/legal guardians as necessary and make recommendations. The SEND Code of Practice sets out four broad areas of need: communication and interaction; cognition and learning; social, emotional and mental health difficulties; sensory and/or physical needs. The system, used by the School on how pupils/students are entered onto the Support Register, the level of learning support to be given and how they are monitored, must be identified in the Schools' 'Learning Support' guidelines.

Provision for any pupil/student with special educational needs and/or a disability must be made in the most appropriate way within the constraints of available resources. If the School recommends a course of additional focused teaching by a qualified specialist or a referral to an appropriate outside agency, the School is permitted to ask parents/legal guardians to bear the cost of this.



All reasonable care must be taken to report and consult with parents/legal guardians about their child's learning difficulties and/or disability and to ensure that teachers are given necessary information about the pupils/students special educational needs and/or disability.

The School's references to another educational institution and/or agency must include relevant information on the pupils/students learning difficulties.

## **7.6 Examinations**

The Schools shall follow a whole centre approach to access arrangements in line with the JCQ Regulations. The School must lead on the access arrangements process. Separate examination accommodation will not be guaranteed by the Schools for pupils granted additional time in public/internal examinations.

Within the terms of current JCQ Regulations, the arrangement(s) put in place must reflect the support given to the candidate in each School, e.g.

- in the classroom; or
- working in small groups for reading and/or writing; or
- literacy/numeracy support lessons; or
- literacy/numeracy intervention strategies; and/or
- in internal school tests and mock examinations.

This is commonly referred to as 'normal way of working'.

## **7.7 Early Years: Guide to the SEND Code of Practice**

Where an independent school offers funded early year's provision, it must have regard to the SEND Code of Practice. Systems must be put in place to ensure there are arrangements in place to identify and support children with SEN or disabilities and to promote equality of opportunity for children in their care. These requirements, as well as the steps to ensure that children with medical conditions get the support required, are also set out in the 'EYFS Statutory Framework'.

## **8.0 ALTERNATIVE ARRANGEMENTS**

### **8.1 Withdrawal**

The Schools reserve the right, following consultation with parents/legal guardians, to ask or require parents/legal guardians to withdraw the pupil/student from the school if, in the School's opinion:

- (a) the pupil/student needs a formal assessment, specialist teaching, learning support or medication to which parents/legal guardians do not consent; and/or
- (b) parents/legal guardians have withheld information from the School which, had the information been provided, would have made a significant difference to the school's management of the pupil's/student's learning difficulties; and/or
- (c) the pupils/students learning difficulties require a level of support or medication which, in the professional judgement of the Head, the School is unable to provide, manage or arrange; and/or

- (d) the pupil/student has special educational needs that make it unlikely he/she will be able to benefit sufficiently from the mainstream education and facilities which the School provides.

## **8.2 Alternative placements**

In any of these circumstances the School will do what is reasonable to help parents/legal guardians find an alternative placement which will provide their son/daughter with the necessary level of teaching and support.

## **8.3 Financial**

Withdrawal of a pupil in these circumstances will not incur a charge to fees in lieu of notice. The deposit paid in respect of the child will be credited to the account.

## **9.0 ACCESSIBILITY PLANS**

Increased access to the curriculum, physical access to the school and access to information are particular to pupils/students with SEND. To show how the school will manage this part of the SEND provision, the Schools are obliged to prepare accessibility plans to:

- Increase the extent to which disabled pupils can participate in a school's curriculum;
- Improve the physical environment of a school to increase the extent to which disabled pupils can take advantage of education and associated services offered by the school; and
- Improve the delivery to disabled pupils of information which is already provided in writing to non-disabled pupils.

There is a duty to implement, review and revise these plans, which will be policed on behalf of OFSTED by the Independent Schools' Inspectorate as part of the existing school's inspection program. (See Annex for the Accessibility Plan, 2021-24).

## **9.1 Key Features of the Plans**

The accessibility plans:

- Must be in writing;
- Deal with the strategic issues such as timetabling, educational practices and making the learning and recreational environment more accessible;
- Consider what reasonable action can be taken to overcome a barrier and give as a guide a priority for the urgency for incorporating any recommendations/changes;
- Will include any areas of the School that is let to, or visited by members of the public;
- Will not cover private areas not open to members of the public, or pupils, such as offices and staff areas;
- Must cover a minimum period of three years- the latest version of the Plan must cover the period April 1<sup>st</sup> 2021 to March 31<sup>st</sup> 2024.

- Must be made available to interested parties on request to the Schools.

The following principles have been adopted by the Governing Body of LSF to improve disabled access at the Schools within the Foundation:

- New buildings constructed at the Schools will be designed to provide for access by disabled pupils;
- Parents will be encouraged to disclose any disability experienced by a prospective pupil prior to entry to the Schools;
- Whenever a prospective pupil is declared to be disabled, a review will be undertaken by the School concerned to determine whether there are physical improvements which could be viewed as 'reasonable adjustments' and which should be made to enable the pupil to attend the School;
- A proportion of each School's minor capital funds will be allocated each year to minor alterations and adaptations which have the aim of improving the physical environment for disabled pupils; and
- A list of improvements will also be reviewed each year by the Operations Committee and agreed as part of the Schools' Development Plans and the minor capital programme.