



# Special Educational Needs and Disability Policy and Procedure

Myerscough College is committed to its responsibilities in accordance with the statutory guidance for organisations who work with and support children and young people with Special Educational Needs and Disabilities (SEND). The policy outlines the College's responsibilities as detailed in Chapter 7 of the Special Educational Needs and Disability Code of Practice: 0 to 25 years, January 2015 and Keeping Children Safe in Education 2020.

This policy aims to make students, their parents and staff are aware of the support and reasonable adjustments available at Myerscough College to students who are designated as having Special Educational Needs or Disabilities (SEND).

This policy applies to those students eligible for funding through the ESFA and via Local Authorities within the specified 0 – 25 age group who are covered by the SEND Code of Practice 2015. The policy applies across all centres and curriculum areas of the College and includes work-based learning funded by the ESFA and Higher Education students covered by Disabled Student Allowances.

## **1. Introduction**

The SEND Code of Practice provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014.

A young person is defined as having a Special Educational Need (SEN) if they have a learning difficulty or disability, which calls for special educational provision to be made for them. In this context this is a young person over compulsory school age and under 25 years.

A young person has a learning difficulty or disability if they:

- have a significantly greater difficulty in learning than the majority of others of the same age, or
- has a disability, which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

A young person who has a disability or health condition, which requires special educational provision to be made, will be covered by the Special Educational Need and Disability (SEND) definition.

Special educational provision is support, which is additional or different to support usually available to young people of the same age in mainstream education.

## **2. Related Legislation**

Provisions elsewhere in legislation cover disabled young people without SEND, including in the Children Act 1989, the Equality Act 2010 and the Health and Social Care Act 2012.

The right of young people to make a decision is subject to their capacity to do so as set out in the Mental Capacity Act 2005.

The Equality Act 2010 sets out the legal obligations post-16 institutions have towards disabled children and young people:

- They must not directly or indirectly discriminate against, harass or victimise disabled children and young people
- They must make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory.

## **3. Rights and Responsibilities and Statutory Duties**

Parents/guardians/carers have statutory rights to contribute to the decision-making process about the education of their child including in relation to assessments of SEND, provision for SEND, and the way that support is provided for SEND.

Young people over 16 also have these rights. Their views should be given due weight according to their age, maturity and capability.

Throughout the planning and provision of support, the young person and their parents/guardians/carers will be provided with information to enable them to fully participate in all decisions. Their views, wishes and feelings and the importance of them participating as fully as possible in decisions will be explicit throughout the process. Where necessary, an advocate may be involved to provide information and guidance and to support the student in their decision-making process or on-going support.

### **3.1 Management Responsibilities**

The Principal has overall responsibility for ensuring compliance with this policy and delegates authority to the Head of Inclusive Learning for implementation.

The Head of Inclusive Learning is responsible for the application of the policy in liaison with the Vice Principal, the Deputy Principals and the Assistant Principals of Further Education, Higher Education and Apprenticeships and Skills.

The Head of Inclusive Learning is responsible for maintaining and updating the Local Offer on the College and Local Authority websites.

The MIS Data Manager is responsible for data on SEND on the Individualised Learner Record (ILR) data and that this is recorded accurately and in a timely manner in line with funding rules.

Heads of Curriculum Areas and Apprenticeships and Skills have responsibility to ensure that reasonable adjustments are made in student management and teaching and learning.

The Director of Student Support is the designated senior manager with responsibilities in regard to pastoral matters and for student support and welfare issues, including safeguarding.

The Director of Student Support chairs the Admissions and Support Advisory Panel, which meets every two weeks to discuss and review applications from those with SEND, Education Health and care Plans and those in receipt of high needs funding that may require additional resources and support packages and also to monitor the on-going support for individuals.

The Admissions and Support Advisory Panel consider and review prospective, current and progressing high needs students and those with Education, Health and Care Plan requirements. An operational group will make recommendations for the writing of Integrated Support Plans, Individual Risk Assessments, Wellbeing Plans and Personal Emergency Evacuation Plans. The SEND Funding and EHCP Manager holds and monitors details of external support staff who come into College to support students with personal care or medical support needs.

The Director of Quality has responsibility for training and CPD to develop staff knowledge and understanding on teaching, learning and assessment related to SEND.

The Director of Student Support has responsibility for ensuring that students with SEND requirements who are in College residential accommodation are monitored to ensure their individual needs are met and managed.

### **3.2 Staff Responsibilities**

The Inclusive Learning teams have responsibility to provide Integrated Support Plans, which are accessible to teaching and support staff and thus minimise barriers to learning, support, progression and independence.

Specialist Inclusive Learning tutors, and in some case, external agencies, will provide guidance to colleagues in relation to students with SEND requirements on a case-by-case basis.

All teachers and Inclusive Learning staff have the responsibility to read, apply and review student support information and respond to changing circumstances.

### **3.2 Institutional Responsibilities**

Section 41 of the Children and Families Act 2014 lists the statutory duties of Colleges as follows-

- The duty to have regard to the Code of Practice
- The duty to co-operate with the local authority on arrangements for children and young people with SEND
- The duty to admit a young person if the institution is named in an Education Health and Care (EHC) plan.
- The duty to use their best endeavours to secure the special educational provision that the young person needs.

### **3.2 Statutory Responsibility and Funding**

Changes to the levels of funding and criteria for support are reviewed annually and detailed in the appropriate funding guidance documents.

Students deemed High Needs Funded, by the Local Authority (LA) in which they reside, will be supported in accordance with the funding provided from their LA and detailed in their Education Health and Care Plan.

Students with a SEND Action Plan who are not deemed as 'High Needs' will be supported from the Disadvantage Funding via The Education and Skills Funding Agency (ESFA), up to the age of 25.

Students on an FE programme who are over 19 years who do not have an Education, Health and Care Plan but do have additional learning needs are funded by the 19+ ESFA budget.

Students on Apprenticeships receive funding via the Education Skills Funding Agency (ESFA).

Students over 19 years who apply for Higher Education courses can apply for a Disabled Student Allowance (DSA) via Student Finance England, or equivalent.

Students over 25 years on a level 2 or 3 course can apply for a 25+ learning loan to cover any support required in their learning.

#### **4. Disclosure**

The College actively promotes pre-enrolment disclosure of SEND. This may be by one or more of the following:

- SEND Reviews in Schools
- Local Authority Panel Meetings
- Meetings with SEND Officers
- Special Educational Needs Coordinators (SENCO's) in School
- Meetings with Students and Parents at Open Events
- Application Process
- Student Interview
- Education Health and Care Plans
- Enrolment Process
- Self-Referral
- Child and Adolescent Mental Health Services (CAMHS) Information
- Other documentation

#### **5. Learning, Teaching and Support on Course**

Support for learning is intrinsic in all course delivery at Myerscough College, offering an inclusive approach to learning and teaching, with high quality teaching, which is differentiated for individuals.

All teaching and learning support staff must make reasonable adjustments in order to provide differentiated and personalised learning and teaching to meet the needs of students.

The College will provide a graduated response to support, which includes group in-class support, mentor support, supported study sessions, specialist tutor support, specialist support, in-class support and support throughout the College day, where appropriate. Support will be subject to regular reviews in order to adjust the level of support in accordance with need.

Support will focus on supporting young people so they can progress and reach positive destinations in adult life. Personal targets will be put in place to support SEND learners to reach their personal goals.

The College will collaborate with health and social care services to provide support for those with SEND needs that are more complex, and in liaison with the student and their parents or employer develop a support package. Transition programmes will be put in place, according to individual needs.

For further details regarding learning support provision, see the Myerscough College Inclusive Learning Policy and Procedure.

## **6. Assistive Technology (AT)**

Assistive and adapted technology is offered, where appropriate, to effectively promote engagement in College and independence in learning. The College encourages 'bring your own device' so students have access to their personal technologies.

A student may require the loan of equipment, e.g. a laptop or tablet as part of their support package. Priority will be given to those students for whom a laptop or tablet is essential in order for them to be able to access the curriculum and for whom open access computers are not appropriate. It will normally be expected that the laptop/tablet is kept on College premises, if supplied by the College.

## **7. Screenings and Assessments**

Screenings and assessments to identify a possible SEND requirement can be provided. The specialist SEND tutors will determine when these are required and the type of assessment that is needed in order to make informed decisions about appropriate support.

Assessments to facilitate exam access arrangements are arranged / carried out by the Inclusive Learning team. For further information please see the Myerscough College Examination Access Arrangements Policy and Procedure.

Guidance will be provided for students progressing on to Higher Education about the process for applying for additional support at University/Higher Education level via Disabled Students Allowance (DSA) administered by Student Finance England or equivalent.

## **8. Data Protection, Confidentiality and Sharing of Information**

All information disclosed is subject to the General Data Protection Regulations Act 2018 and common law on confidentiality.

Disclosed information will be processed sensitively, and the educational implications of the difficulty or disability will be passed on to teaching staff. This is with the informed consent of students. Teaching staff will be informed of the reasonable adjustments through the student's electronic Individual Learning Plan and curriculum team meetings. A student may choose not to disclose their difficulty or disability, however, if they choose not to disclose or give consent, this may mean there is a less satisfactory reasonable adjustment.

Disclosed information will not be shared other than as stated above unless there is imminent or grave danger to the student or someone else, or where the College is required to do so by law.

The Individual Learning Plan will give strategies for learning and reasonable adjustments in negotiation with the student and provide details of learning support interventions.

Teachers are encouraged to contact Inclusive Learning to liaise with the Inclusive Learning Tutors/Coordinators/Mentors/Transition team and/or the Inclusive Learning Advisors for a discussion on individual students and the reasonable adjustments required. Teaching staff can view individual support details on the individual learning plan and access student files kept in Inclusive Learning Offices by arrangement with the Inclusive Learning Teams.

Students who are at risk or a cause for concern may be discussed at the regular Area Support Meetings in order to meet academic and holistic needs and support requirements. Details of concerns and interventions are held on the College management system and can be accessed by staff on a limited access basis.

Representatives of Inclusive Learning will be present at student progression and induction/enrolment events.

Inclusive Learning will work in liaison with the Exams Office, sharing information about students who require exam access arrangements, in line with the JCQ guidelines.

Support for students on trips and residential programmes will be implemented in accordance with the Health and Safety Policy.

## **9. Personal Care and Medication**

The College provides personal care or medical support through its own staffing provision and also works with local authorities and Health and Care professionals to facilitate this support, where appropriate.

Students with personal care needs or medical intervention requirements will have a discreet interview in order to plan for their needs whilst at College, in accordance with the College Health and Safety Procedures and the Personal Care Policy.

## 10. Preparation for Progression

Students with SEND requirements are signposted to the College Careers team for Information, Advice and Guidance (IAG) and from external professionals. Careers Advice is available to all students.

## 11. Procedure for Educational Health Care Plans

The Inclusive Learning Policy and Procedure details the learning support provision for students who have disclosed SEND requirements on Further Education, Apprenticeships and Skills, 14-16 programmes and for HE students who are supported through a Disabled Student Allowance.

The procedure for supporting young people who have or who need an Education, Health and Care Plan is detailed below:

“A local Authority must conduct an assessment of education, health and care needs when it considers that it may be necessary for special educational provision to be made for a child or young person in accordance with an EHC Plan”. (SEND Code of Practice).

The assessment and planning process must have the child or young person’s views, aspirations and desired outcomes at the heart of all processes i.e. follow person-centred planning guidelines.

A Local Authority must follow the processes and timescales set out in the Children and Families Act 2014 and the SEND regulations 2015.

The College has a duty to cooperate with a Local Authority in regard to any young person with an Education Health and Care Plan (EHC Plan) and to facilitate the holding of an annual EHCP reviews.

Outcomes should always enable children or young people to move towards the long-term aspirations of employment or higher education, independent living and community participation.

If a child’s parent or a young person makes a request for a particular post 16 institution, the local authority must comply with that preference and name the school or College in the EHC Plan unless:

*“It would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources” – SEND Code of Practice: 0 to 25 Years.*

The local authority must consult the Principal of the College, or representative, and consider their comments very carefully before deciding whether to name the college in the young person’s EHC Plan, sending the College a copy of the draft plan.



Where a College is named in an EHC plan the College should ensure that those teaching or working with the young person are aware of their needs and have arrangements in place to meet them and monitor them.

The EHC plan will remain in place until identified outcomes have been achieved or the young person no longer requires the special educational provision specified in their EHC plan.

The EHC plan can be maintained until the end of the academic year in which they turn 25 years.

## **12. Documents Associated with this Policy**

### **Related Documents:**

Admissions and Support Advisory Panel Terms of Reference  
Inclusive Learning Policy and Procedure  
Personal Care Policy and Procedure  
Exam Access Arrangement Policy and Procedure  
Health and Safety Policy  
Child Protection and Safeguarding Policy and Procedure

### **Related Guidance:**

The Children and Families Act 2014  
Special Educational Needs and Disability Code of Practice: 0-25 years January 2015  
The Equality Act 2010  
Mental Capacity Act 2005  
Keeping Children Safe in Education 2020

## **13. Glossary of Terms:**

### **Additional Support**

Additional support as detailed in the SEND Code might include:

- assistive technology
- personal care (or access to it)
- specialist tuition
- note-takers
- British Sign Language Communicators
- one-to-one and small group learning support
- independent living training
- accessible information such as symbol-based materials

### **Admissions and Support Advisory Panel**

This is a College based panel consisting of senior members of academic and support staff who review applications for applicants with educational needs requiring specific interventions and those with criminal convictions. The Panel also monitors support provision regarding these students.

### **Assistive Technology (AT)**

Assistive Technology refers to any product, equipment or service designed to enable independence for those with a difficulty or disability.

### **Child and Adolescent Mental Health Services (CAMHS):**

These services assess and treat children and young people with emotional, behavioural or mental health difficulties. They range from basic pastoral care, such as identifying mental health problems, to specialist 'Tier 4' CAMHS, which provide in-patient care for those who are severely mentally ill.

### **Disclosure of SEND**

Disclosure is the act of informing the College of an SEN, disability or medical condition so appropriate reasonable adjustments may be discussed. There are multiple opportunities for disclosure through pre-enrolment, enrolment and on course.

It is the student's responsibility to disclose but it is likely to be harder to make reasonable adjustments if no disclosure is made.

### **Disabled Students Allowance (DSA):**

An allowance for undergraduate or post-graduate students who have a disability or long-term health condition, mental health condition or specific learning difficulty such as dyslexia or dyspraxia, which affects their ability to study. It can be used to pay for things such as special equipment, a specialist tutor, mentor or note-taker.

### **Education and Skills Funding Agency (ESFA):**

The agency is part of the Department for Education and manages the funding for learners between the ages of 3 and 19 years and for those with SEND between the ages of 3 and 25 years.

### **Education, Health and Care Plan (EHC plan):**

An EHC plan details the education, health and social care support that is to be provided to a child or young person who has SEN or a disability. It is drawn up by the local authority after an EHC needs assessment of the child or young person. Once it has been determined that an EHC plan is necessary, then consultation with relevant partner agencies will take place.

### **Examination Access Arrangements:**

These arrangements cover the provision of changes to the normal arrangements for examinations for individual students with a learning difficulty, disability or medical condition, for which evidence is provided.

### **Graduated Approach:**

This is a model of action and intervention for young people who have special educational needs. The approach recognises that there is a continuum of special educational needs and that, where necessary, increasing specialist expertise should be sought to meet the individual needs of the child or young person.

**Inclusive Learning Team:**

The Inclusive Learning team at Myerscough College have responsibility for assessing SEND requirements and providing the necessary support packages to promote inclusion for students.

**Local Offer:**

Local Authorities in England are required to set out in their Local Offer information about provision they expect to be available across education, health and social care for children and young people in their area who have SEN or are disabled, including those who have Education, Health and Care (EHC) plans. Local Authorities must consult locally on what provision the Local Offer should contain regarding educational provision from 0 – 25 years and beyond which is available in each local authority.

**Parent:**

Under section 576 of the Education Act 1996, the term 'parent' includes any person who is not a parent of the child but has parental responsibility or who cares for him or her.

**Reasonable Adjustments:**

The duty to make reasonable adjustments is an anticipatory duty. These are reasonable steps to avoid substantial disadvantage where a provision, criterion or practice puts a student with a difficulty or disability at a substantial disadvantage. Making adjustments provides the opportunity for every student to be fully involved in all aspects of College life.

**Special Educational Needs and Disabilities (SEND):**

A child or young person has SEND if they have a learning difficulty or disability which calls for special educational provision to be made for him or her. A child of compulsory school age or a young person has a learning difficulty or disability if he or she has a significantly greater difficulty in learning than the majority of others of the same age, or 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 in mainstream schools or mainstream post-16 institutions.

**Special Educational Needs Co-ordinator (SENCO):**

This is a qualified teacher in a school or maintained nursery school who has responsibility for co-ordinating SEN provision. In a small school, the head teacher or deputy may take on this role. In larger schools there may be a team of SENCOs. In FE provision this is usually the Head of Learning Support or equivalent.

**Transition Planning:**

Inclusive Learning staff may attend reviews in school for potential new students with learning difficulties and disabilities and take part in the planning and transition process from school to College.

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Quality Assurance			
This Policy and Procedure maps to the following external quality assurance frameworks			
Framework		Framework Section Reference(s)	
Education Inspection Framework			
MATRIX			
QAA			
QIA			
ESFA			
Key Changes to Document			
Minor amendments			

**All Myerscough College Policies are subject to screening for Equality Impact Assessment**

Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a negative impact on grounds of: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage or civil partnership, sex or sexual orientation

Myerscough College not only fulfils its legal position in relation to current and future equality legislation, but additionally goes beyond compliance in providing and promoting “Opportunities for all to succeed”, free from any aspect of discrimination, harassment or victimisation.

All staff have a duty of care to look after the interests of and support their colleagues. *This policy takes account of our commitment to eliminating discrimination, identifying and removing barriers and providing equal opportunities for our learners, staff and visitors to ensure that no one feels excluded or disadvantaged.*

**Safeguarding, Learner Protection and Prevent**

All staff have a responsibility to support and promote the College’s commitment to providing a safe environment for students, staff and visitors. Additionally, all staff have a responsibility to report any safeguarding or Prevent issues to the Designated Senior Lead for Safeguarding and Prevent.