

# **Special Educational Needs and Disability Policy**

**Policy version: January 2025**

**Policy Owner: Toni Bailey**

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## **1. The aims of the Policy**

1.1. This is the policy of **Milton Keynes Academy**

1.2. The aims of this policy are:

1.2.1. To promote good practice in the detection and management of special educational needs and/or disabilities ('**SEND**'),

1.2.2. To raise achievement by ensuring that pupils with SEND enjoy their education and achieve the best possible educational and other outcomes.

1.2.3. To explain the support the academy can provide to guarantee full inclusion for pupils with SEND by ensuring they can access a broad, balanced and differentiated curriculum so that they can fulfil their potential and enhance their self-esteem.

1.2.4. To enable pupils with SEND to access extra-curricular activities and develop as valuable members of the community, by creating a positive culture towards their inclusion.

1.2.5. To offer appropriate forms of support by the most effective use of staffing and resources.

1.2.6. To ensure that, in accordance with the Equalities Act (2010), all pupils, regardless of disability, have the right to equal educational opportunities.

1.2.7. To actively promote the well-being of pupils with SEND pupils and to ensure that they are safe in the academy.

1.2.8. To create a culture of safety, equality and protection.

1.2.9. To ensure compliance with equalities legislation and to have regard to relevant guidance and advice.

1.3. This policy details how leaders will ensure that the necessary provision is made for any pupil with SEND and that those needs will be made known to all who are likely to teach them. Leaders will take action to ensure that teachers are able to identify and provide for pupils who have SEND so that they can access the full range of activities, so far as is reasonably practical and compatible with the efficient education and safety of all of the academy's pupils.

1.4. Leaders will ensure that parents are fully involved in discussions and decisions and are notified if SEND provision is considered necessary for their child. Leaders recognise that partnership with parents is important in enabling children and young people with SEND to achieve their potential, and that parents have knowledge and experience to contribute to the shared view of their child's needs and the best ways of supporting them. All parents of pupils with SEND will, therefore, be treated as partners and supported to play an active and valued role in their child's education. Where a pupil with SEND is over the age of 16 at the beginning of an academic year, leaders will work directly with the pupil.

1.5. Leaders recognise that pupils with SEND often have a unique knowledge of their own needs, and their views about what sort of support they would like to help them make the most of their education will be ascertained. They will be encouraged and supported to participate in all the decision-making processes and contribute to the assessment of their needs, the review of these and, when relevant, transition processes between schools.

## **1. Scope and application**

1.1. This policy applies to the whole academy (including, where relevant, the Sixth Form)

## **2. Regulatory Framework**

2.1. This policy has been prepared to meet the academy's responsibilities under:

2.1.1. Education (Independent School Standards) Regulations 2014;

2.1.2. Education and Skills Act 2008

2.1.3. Children Act 1989

2.1.4. Childcare Act 2006

2.1.5. Data Protection Act 2018 and General Data Protection Regulation (**GDPR**);

2.1.6. Equality Act 2010

2.1.7. Children and Families Act 2014.

2.2. This policy has regard to the following guidance and advice:

*2.2.1. Special educational needs and disability code of practice: 0 to 25 years (DfE and Department for Health, January 2015) (Code of Practice).*

*2.2.2. What equality law means for you as an education provider: schools (Equality and Human Rights Commission, April 2014)*

**2.2.3. The Equality Act 2010 and schools (DfE, May 2014)**

*2.2.4. Reasonable adjustments for disabled pupils (Equality and Human Rights Commission, April 2015)*

*2.2.5. Supporting pupils with medical conditions at school (DfE, December 2014)*

*2.2.6. Mental health and behaviour in schools (DfE, November 2018)*

*2.2.7. Working Together to Safeguard Children (2018)*

*2.2.8. Keeping Children Safe in Education (2022)*

2.3. The following policies, procedures and resource materials are relevant to this policy:

2.3.1. Equal Opportunities Policy

2.3.2. PSED Statement of Intent

2.3.3. Child Protection Policy

2.3.4. Anti-Bullying Policy

2.3.5. Behaviour for Learning Policy

2.3.6. Admission Arrangements

2.3.7. Relationships Education / Relationships and Sex Education Policy

2.3.8. Accessibility Plan

2.3.9. iCreate SEND Framework

### **3. Publication and availability**

3.1. This policy is published on the academy's website.

3.2. This policy is available in hard copy on request.

3.3. A copy of the policy is available for inspection from the MKA SEND team during the school day.

3.4. This policy can be made available in large print or in another accessible format if required.

### **4. Definitions**

4.1.1. References to the **Trust** are references to Creative Education Trust (CET), the multi-academy trust.

4.1.2. References to **school days** mean Monday to Friday when the academy is open during term time. The dates of terms are published on the academy's website.

4.1.3. References to **disability** mean 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 activity.

### **4.2. Special educational needs**

4.2.1. Pupils have special educational needs if they have a learning difficulty which calls for special educational provision to be made for them.

4.2.2. Pupils have a "learning difficulty" if they:

- have a significantly greater difficulty in learning than the majority of others of the same age; or
- have a disability which prevents or hinders the child from making use of educational facilities of a kind generally provided for pupils of the same age in mainstream schools or mainstream post 16 institutions.
- are under five and fall within the definition above or are likely to do so do when of compulsory school age if special educational provision is not made for the child.

4.2.3. A pupil must not be regarded as having a learning difficulty solely because the language or form of language in which he or she is or will be taught is different from a language or form of language which is or has been spoken at home. However, pupils for whom English is an additional language will be provided with appropriate support.

4.2.4. A pupil who finds a particular subject difficult does not necessarily have a "learning difficulty" in the legal sense of that expression; there will often be disparities in the speed with which pupils learn, in their skill at solving problems and in aptitude generally.

4.2.5. The expression "learning difficulty" covers a wide variety of conditions and may include those known as dyslexia, dyscalculia, dyspraxia, attention deficit (hyperactivity) disorder, semantic processing difficulty and learning problems which result from social, emotional or mental health difficulties. The expression may also include those who have problems with their eyesight or hearing or who have an autistic spectrum disorder.

4.2.6. Learning difficulties may affect pupils who have a high IQ and academic ability as well as those of lower IQ and ability. Sometimes a child's learning difficulty becomes apparent for the first time at the age of 11+ or older, when the educational pressures tend to increase.

## **5. Roles and Responsibilities**

5.1. The roles and responsibilities of academy personnel with regard to special educational needs are in accordance with Code of Practice guidelines and academy job descriptions.

5.2. **CET Board** through the Academy Council/Academy Improvement Board:

5.2.1. Must be aware of their statutory duties regarding the co-ordination and provision of SEND, in particular to use their best endeavours to secure SEND provision for relevant pupils.

5.2.2. Provide a nominated member who is proactive in seeking out information about developments and issues related to pupils with SEND and meets termly with the SENDCo. The nominated member of the Board and the Academy Council will receive the appropriate training to carry out this role.

5.2.3. Monitor the effectiveness of the academy's SEND provision, pupils' progress and outcomes through standard reporting mechanisms.

5.2.4. Ensure that the SEND information report for the academy is reviewed annually and is published on the academy's website.

5.2.5. Ensures that this policy is reviewed annually and personalised to the academy to ensure compliance with the law and best practice.

## **5.3. Leadership Team**

5.3.1. The headteacher/principal oversees the allocation of funding provision for SEND staff and teaching assistants ('TAs') through the academy's budget, from the prescribed funding streams.

5.3.2. The line-manager for the SENDCO sets targets for the SENDCO through Performance Management to maintain the quality of provision.

5.3.3 All members of the academy's leadership team will have due regard for the CET SEND Framework for Excellence - "Every Leader, a leader of SEND"

## **5.4. SENDCO**

5.4.1. Oversees the day-to-day running of the academy's SEND Department and policies.

5.4.2. Makes efficient use of resources for pupils with SEND.

5.4.3. Liaises with the relevant Designated Teacher where a looked after pupil has SEND.

- 5.4.4. Advises all staff on the graduated approach to providing SEND support.
- 5.4.5. Makes staffing arrangements for SEND staff and TAs in line with the devolved budget.
- 5.4.6. Liaises with parents of pupils with SEND alongside class and subject teachers.
- 5.4.7. Liaises with early years providers, other schools, educational psychologists, health and social care professionals, and independent or voluntary bodies.
- 5.4.8. Is a key point of contact with external agencies, in particular the Local Authority and its support services.
- 5.4.9. Liaises with potential next providers of education to ensure a pupil and their parents are informed about options and a smooth transition is planned.
- 5.4.10. Works with the principal/headteacher and Academy Council/Academy Improvement Board to ensure that the academy meets its responsibilities under the Equality Act 2010 with regard to reasonable adjustments and access arrangements.
- 5.4.11. Maintains the SEND register to ensure that the academy keeps the records of all pupils with SEND up to date.
- 5.4.12. Tracks and reports on the progress of pupils with SEND as required by the principal/headteacher and in standard formats for the Academy Council/Academy Improvement Board and CET.
- 5.4.13. Keeps all staff up to date with the latest developments in SEND.
- 5.4.14. Supports the class and subject teachers in assessing and coordinating provision for pupils with SEND through SEND Support and Education Health Care Plans.
- 5.4.15. Liaises with subject leaders, year/phase leaders, the leadership team and outside agencies, including other schools.
- 5.4.16. Contributes to professional development for colleagues.
- 5.4.17. Supports the management and co-ordination of systems of support within the academy
- 5.4.18. Ensures that the academy provides pupils with an environment in which they can feel safe at break and lunchtimes.
- 5.4.19. Supports the class and subject teachers in delivering the intervention for pupils with SEND.
- 5.4.20. Cooperates with the special educational needs Academy Council member to enable them to carry out their role effectively.

## **5.5. SEND teaching staff**

- 5.5.1. Provide expertise in the education of pupils with SEND.
- 5.5.2. Liaise with class teachers as necessary, to ensure that they are fully informed as to the special educational needs of any pupils in their charge.

5.5.3. Support teachers to plan and deliver strategies and identify appropriate methods of access to the curriculum.

5.5.4. Support class teachers in planning and delivering individualised programs.

## **5.6. Teaching staff**

5.6.1. Provide all pupils with quality-first teaching by devising strategies and identifying appropriate methods of access to the curriculum for all pupils.

5.6.2. Work with pupils and provide help on a daily basis.

5.6.3. Plan, deliver and monitor individualised programs for pupils with SEND, involving teaching assistants as appropriate.

5.6.4. Maintain thorough records of intervention and pupils' progress.

5.6.5. Implement classroom support plans for pupils with SEND.

## **5.7. Teaching Assistants**

5.7.1. Support teachers to provide SEND pupils with the best learning opportunities.

## **6. Procedures for Pupils with Special Educational Needs**

6.1. The Academy's approach to the detection and management of SEND and/or learning difficulties will be guided by the Code of Practice.

6.2. As part of the Assess-Plan-Do-Review Model and to ensure collaborative working, leaders work closely with parents of pupils who have or may have learning difficulties to assess and review a pupil's needs and support. Parents are kept informed concerning assessment, planning, provision and review of their child's education.

### **6.3. Identification of pupils with a learning difficulty**

6.3.1. Pupil progress and engagement is monitored and if the outcome of a test or any other circumstance(s) give(s) us reason to think that a pupil may have SEND and/or a learning difficulty, we will report and consult with the pupil's parents as necessary and make recommendations about further assessment and support.

### **6.4. Formal assessment**

6.5. A variety of formal assessments will be used to identify need. These may typically include Year 6 SATS tests, Cognitive Ability Tests, Baseline Tests done on transfer from Primary School, Word Reading, Spelling and Comprehension Tests, Dyslexia Screening Tests, Scotopic Sensitivity Testing, Access Arrangements Tests and reports from Specialist Outside Agencies

### **6.6. Learning support**

6.6.1. If there are indications that a pupil may have a learning difficulty, but the circumstances are not such as to indicate an immediate formal assessment or a course of additional specialist teaching is required, the school may suggest that the pupil's curriculum diet is adjusted or augmented with specialist support provision

6.6.2. The pupil's progress and needs will be monitored and, if necessary, leaders will recommend a formal assessment if the learning support does not appear to be meeting the pupil's needs or where it is required for the purposes of applying for exam access arrangements (see 6.7)

## **6.7. Examinations**

6.7.1. Pupils who have been diagnosed as having a learning difficulty may be eligible for extra time and / or other "access arrangements" to complete internal examinations and public examinations. The exams access arrangements will be done by a qualified assessor working in the Academy or has a close working relationship with the Academy in accordance with the JCQ AAR which states that - ***a privately commissioned assessment cannot be used to award access arrangements and cannot be used to process an application using Access arrangements online. This would be where the assessor has not contacted the centre, has not established a working relationship with the centre, has not been approved by the head of centre and has not received as a minimum a 'skeleton' Part 1 of Form 8 from the SENCo. (JCQ Access Arrangement Regulations 23/24: section 7.3.6)***

6.7.2. Parents are asked to liaise with their child's Head of Year/Pastoral Lead and the SENDCo in good time with respect to this.

## **6.8. Information sharing and parent involvement**

6.8.1. New parents who have accepted an offered place for their child at the academy will be asked to provide copies of any report or recommendations which have been made in relation to special educational needs at their child's previous school or elsewhere within the last 12 months. Confidential information of this kind will only be shared within the Academy on a "need to know" basis.

6.8.2. Leaders will do all that is reasonable to report and consult with parents about their child's SEND and to ensure that teachers are given any necessary information about a child's SEND and that teaching practices are appropriate.

6.8.3. Parents should notify the Academy immediately if their child's progress or behaviour causes concern so that the academy can devise and agree a strategy with the parents.

6.8.4. Parents bear the overall responsibility for taking decisions about the management of their child's SEND. A parent who would prefer to have an assessment instead of learning support should make arrangements accordingly with the academy or notify the Academy if they are seeking an external professional assessment or making a request for a statutory assessment from the local authority. In these circumstances, parents must ensure that the academy and the SENDCO is given copies of all advice and reports received.

## **7. Education health and care plans (EHC plan)**

7.1. Parents and the academy have the right under section 36(1) of the Children and Families Act 2014 to ask the local authority to carry out an assessment with a view to drawing up an EHC plan. Leaders will always consult with parents before exercising this right. If the local authority refuses to make an assessment, the parents (but not the academy) have a right of appeal to the First-tier Tribunal (Special Educational Needs and Disability).

7.2. Where a prospective pupil has an EHC plan, leaders will consult the local authority and, where appropriate, the parents to ensure that the provision specified in the EHC plan can be delivered by the Academy. Leaders will co-operate with the local authority to ensure that relevant reviews of EHC plans are carried out as required.



## **8. Additional welfare needs**

8.1. The Academy recognises that pupils with SEND may be at risk of being bullied. The academy's Anti-Bullying Policy makes it clear that bullying behaviour of any kind is not acceptable and will be taken very seriously.

8.2. The Academy will tackle inappropriate attitudes and practices through staff leading by example, through the personal, social and health education program (**PSHE**), relationships education / relationships and sex education programmes, through the supportive academy culture and through the academy's policies.

8.3. If parents are concerned about their child's welfare, they can approach the pupil's form or class teacher or any senior member of staff to arrange a time to discuss their concerns in private.

8.4. Additional barriers can exist when detecting the abuse or neglect of pupils with SEND creating additional safeguarding challenges for those involved in safeguarding and promoting the welfare of this group of pupils. Leaders are mindful, in particular, that:

8.4.1. indicators of possible abuse such as behaviour, mood and injury should not be assumed to relate to the pupil's SEND without further exploration;

8.4.2. pupils with SEND can be disproportionately impacted upon by bullying without outwardly showing any signs; and

8.4.3. there may be communication barriers which are difficult to overcome to identify whether action under this policy is required.

8.5. Any safeguarding concerns will be dealt with in accordance with the procedures set out in the academy's Child Protection Policy

## **9. Disability**

9.1. Leaders recognise that some pupils with SEND may also have a disability.

9.2. Leaders will make all reasonable adjustments in order to afford opportunity to disabled pupils. The reasonable adjustments duty is an anticipatory one owed to disabled pupils generally.

9.3. Conditions which may amount to disability include:

9.3.1. severe disfigurements, scarring conditions and birthmarks (but not including tattoos or piercings);

9.3.2. progressive conditions which will result in a substantial long-term adverse effect on day-to-day activity

9.3.3. a controlled impairment, i.e. a person with a prosthesis, or a person with drug- controlled epilepsy or diabetes; and

9.3.4. a history of impairment, for example a person who used to be disabled and has recovered, or a person with a previous mental illness.

9.4. Disability does not include:

9.4.1. hay fever sufferers

9.4.2. a person with anti-social tendencies such as paedophilia

9.4.3. a person who has a behavioural difficulty, for a reason other than a disability, for example, arising from social or domestic circumstances; and

9.4.4. a person who is addicted to nicotine, alcohol and other non-prescribed substances unless the addiction was originally the result of administration of medically prescribed drugs or other medical treatment.

9.5. Discrimination arising from disability occurs when a disabled person is treated unfavourably because of something connected with their disability and the treatment cannot be shown to be a proportionate means of achieving a legitimate aim.

9.6. We will not discriminate against a disabled person

9.6.1. in the arrangements for determining admission

9.6.2. in the terms on which a place at the academy is offered

9.6.3. by refusing or deliberately omitting to accept an application for admission

9.6.4. in the provision of education and associated services

9.6.5. in the way the academy affords access to any benefit, service or facility offered or provided by the academy:

9.6.6. by excluding a person on the grounds of his or her disability

9.6.7. by harassing a person with a disability

9.6.8. by victimising a person with a disability; or

9.6.9. by failing to take reasonable steps to ensure that disabled persons are not placed at a substantial disadvantage in comparison with non-disabled persons.

## **10. Education and associated services**

10.1. Leaders have an ongoing duty to make reasonable adjustments in respect of the education and associated services provided by the academy, including:

10.1.1. the curriculum

10.1.2. classroom organisation and timetabling

10.1.3. access to school facilities

10.1.4. school sports

10.1.5. school policies

10.1.6. breaks and lunchtimes

10.1.7. the serving of school meals

10.1.8. assessment and examination arrangements

10.1.9. school discipline and sanctions

10.1.10. exclusion procedures

10.1.11. school clubs, educational visits and other activities; and

10.1.12. preparation of pupils for the next phase of education.

## **11. Reasonable adjustments for pupils**

11.1. When providing educational services to a pupil, leaders are legally required to make reasonable adjustments in order to cater for a pupil's disability.

11.2. Leaders will inform the pupil and parents of the reasonable adjustments that they are able to make for that pupil, which may typically include:

11.2.1. making arrangements for a child in a wheelchair to attend an interview in an accessible ground floor room

11.2.2. allowing extra time for a dyslexic child to complete an academic test

11.2.3. providing examination papers in larger print for a pupil with a visual impairment

11.2.4. rearranging the timetable to allow a pupil to attend a class in an accessible part of the building; or

11.2.5. arranging a variety of accessible sports activities

11.2.6. providing a time-out card, use of a time-out room or allowing a pupil to sit in a particular place or on the floor in class, for a pupil with a behavioural disability.

11.3. Leaders are not legally required to make adjustments which include physical alterations such as the provision of a stair-lift or new ground floor facilities, such as a new library.

11.4. The Equality Act 2010 requires all schools to provide auxiliary aids and services for disabled pupils as part of the duty to make "reasonable adjustments". This would, for example, include the provision of a wobble cushion, fiddle aid or time-out card. The Academy will carefully consider any proposals and will not unreasonably refuse any requests for such aids and services to be provided.

## **12. Reasonable adjustments for the public**

12.1. The Academy may provide services to the public, for example at:

12.1.1. open days

12.1.2. parents' evenings

12.1.3. concerts and plays

12.1.4. use of sports facilities

12.2. Where a physical feature (for example steps, entrances, exits, toilet facilities) makes it impossible or unreasonably difficult for a disabled person to access the service, schools are required to take reasonable steps to:

12.2.1. remove the feature; or

12.2.2. alter it so it no longer has that effect; or

12.2.3. provide reasonable means of avoiding the feature; or

12.2.4. provide a reasonable alternative method of making the service available.

12.3. Where an auxiliary aid or service would enable a disabled person to make use of a service, schools are required to take reasonable steps to provide it. An auxiliary aid or service could be

something as simple as extra assistance from a member of staff or a large print sign, or it might be a temporary ramp where steps are preventing wheelchair access.

### **13. Accessibility plans**

13.1. Leaders have prepared an accessibility plan which is available, on request, to all parents and staff.

13.2. The accessibility plan includes consideration of how the academy proposes to:

13.2.1. increase the extent to which disabled pupils can participate in the academy's curriculum

13.2.2. improve the physical environment of the academy for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and benefits, facilities or services provided or offered by the academy; and

13.2.3. improve the delivery to disabled pupils of information which is readily accessible to pupils who are not disabled.

13.3. The plan will be reviewed on a regular basis, to ensure that the plan is up to date and covers all aspects of Academy life.

### **14. Additional welfare needs**

14.1. The Academy recognises that pupils with a disability may be at risk of being bullied. The academy's Anti-Bullying Policy makes it clear that bullying behaviour of any kind is not acceptable and will be taken very seriously.

14.2. The academy will tackle inappropriate attitudes and practices through staff leading by example, through the personal, social and health education (**PSHE**) programmes, through the supportive academy culture and through the academy's policies.

14.3. If parents are concerned about their child's welfare, they can approach the pupil's form or class teacher, or any senior member of staff, to arrange a time to discuss their concerns in private.

14.4. Additional barriers can exist when detecting the abuse or neglect of pupils with a special educational need or disability creating additional safeguarding challenges for those involved in safeguarding and promoting the welfare of this group of pupils. The Academy is mindful in particular that:

14.4.1. assumptions that indicators of possible abuse such as behaviour, mood and injury relate to the pupil's special educational need or disability without further exploration

14.4.2. pupils with a special education need or disability can be disproportionately impacted by bullying without outwardly showing any signs; and

14.4.3. there may be communication barriers which are difficult to overcome to identify whether action under this policy is required.

14.5. Any safeguarding concerns will be dealt with in accordance with the procedures set out in the academy's Child Protection Policy and procedures.

### **15. Training**

15.1. Leaders ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.

15.2. The level and frequency of training will be tailored to the roles of individual members of staff.

15.3. The Academy maintains written records of all staff training.

## **16. Risk assessment**

16.1. Where a concern about a pupil's welfare is identified, the risks to that pupil's welfare will be assessed and appropriate action will be taken to reduce the risks identified.

16.2 The format of risk assessment may vary and may be included as part of the Academy's overall response to a welfare issue, including the use of individual pupil welfare plans (such as behaviour, healthcare and education plans, as appropriate). Regardless of the form used, the Academy's approach to promoting pupil welfare will be systematic and pupil focused.

## **17. Record keeping**

17.1. All records created in accordance with this policy are managed in accordance with the Academy's policies that apply to the retention and destruction of records.

17.2. The information created in connection with this policy may contain personal data. The Academy's use of this personal data will be in accordance with data protection law. The Academy has published privacy notices on its website which explain how the Academy will use personal data.

## **18. SEND INFORMATION REPORT (SIR)**

18.1 The Academy team/SENDCo will review the SEND information report (SIR) annually and make the report available on the Academy website.

18.2 The SIR will include a link to the local authority offer for SEND.

18.3 The SENDCo and senior staff will ensure that the views of parents and pupils with SEND are sought and included in the SIR.

## **19. CONTACT**

The SENDCo for **Milton Keynes Academy** is: **Mrs Ena Akinsoyinu** (Director of SEND)

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