



Special Educational Needs and Disabilities (SEND) and Learning Policy

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This policy was approved by Trustees:

Approver: Education Committee

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Executive Leadership Team (ELT) Owner:
National Director of SEND

Date of Review: July 2024

Unless there are legislative or regulatory changes in the interim, this policy will be reviewed annually. Should no substantive changes be required at that point, the policy will move to the next review cycle.

Summary of Policy:

This policy outlines how E-ACT Academies will work to ensure that all learners with SEND are provided with the best possible education to enable them to succeed and thrive at school.

Summary of changes at last review:

- Inclusion of Primary SEND Specialist to the trust central team
- Change of title for Regional Education Directors to Education Directors
- Amendments to 7.3 - Supporting our academies

Related documents:

- Equality and Diversity Policy
- Academy SEND Information Report
- Academy Equality Objectives (Academy specific)
- Pupil Mental Health and Wellbeing Policy
- Supporting Students with Medical Needs Policy
- Academy COVID-19 Risk Assessment (Academy specific)

Academic Year 2023/2024

Key Contacts

Academy Name:	E-ACT Merritts Brook Academy
Headteacher:	Joanne Hall
SENDCO:	Kaymarie Rudge
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Regional Education Director:	Kate Mann
Primary SEND Specialist	Rhian Warner
National Director of SEND	Simon Tanner
Link to SEND Information Report (SIR):	https://merrittsbrookacademy.e-act.org.uk/supporting-pupils/supporting-our-send-pupils/
Link to the Local Offer:	https://www.localofferbirmingham.co.uk/

Special Educational Needs and Disabilities (SEND) and Learning Policy

1. Introduction and Purpose

- 1.1. This policy sets out our vision and principles for children and young people with SEND and our expectations for all of our academies across the Trust. The offer in our curriculum and wider activities within each of our Academies can be found in the SEND Information Reports which are published on our academy websites.
- 1.2. These expectations will ensure we are compliant with both the requirements and the ethos of the SEND reforms and serve to improve outcomes for all learners. This policy makes reference to the Special Educational Needs and Disability Code of Practice: 0-25 years (July 2014).
- 1.3. Inclusion is a term used to describe the process of ensuring equity of learning opportunities for all children and young people. It is a process of identifying, understanding, and breaking down barriers to participation and belonging. Inclusion is about the quality of their experience; how they are helped to learn, achieve, and participate fully in the life of the school. Inclusion focuses particularly on those groups of children who have historically been marginalised or who have underachieved. Inclusion does not mean that all learners necessarily learn in the same way or together, but that practices are adapted to take account of all learners' needs – this is equity in learning.
- 1.4. Educational inclusion is about equal opportunities for all learners, whatever their age, gender, ethnicity, impairment, attainment, and background. All children, including those identified as having special educational needs and / or disabilities have the same common entitlement to a broad and balanced academic and social curriculum, which is accessible to them, and enables them to be fully included in all aspects of school life.
- 1.5. All schools in England **must** have regard to the Code of Practice (2014) as it provides statutory guidance on duties, policies and procedures relating to Part 3 of the Children and Families Act 2014 and associated regulations. Schools must fulfil their statutory duties towards children and young people with SEN (Special Educational Needs) or disabilities in light of the guidance set out.
- 1.6. Under the Equality Act (2010) all schools have duties towards individual disabled children and young people. They must make reasonable adjustments, including the provision of auxiliary aids and services required by disabled children and young people to prevent them being put at a substantial disadvantage.
- 1.7. The Teachers' Standards (2012) makes clear the expectation for all *teachers* to "adapt teaching to respond to the strengths and needs of all learners." Teachers must "have a clear understanding of the needs of all learners, including those with special educational needs; those of high ability; those with

English as an additional language; those with disabilities; and be able to use and evaluate distinctive teaching approaches to engage and support them.”
(Standard 5)

1.8 Terminology

- The Trust means E-ACT
- Academy means an academy within E-ACT
- Headteacher means the headteacher or head of school
- CEO (Chief Executive Officer) means the executive officer of E-ACT

2. Scope

2.1. This policy applies to all education staff, as well as professional services staff when considering reasonable adjustments, funding, and provision for learners with SEND.

3. Legislation and Regulation

3.1. This policy is compliant with the following legislation and regulation:

- The Special Educational Needs and Disability Code of Practice 2015¹
- The Equality Act 2010²
- The Children and Families Act 2014, Part 3³
- The Special Educational Needs and Disability Regulations 2014⁴.

4. Definitions within this Policy

4.1. Definition of SEND (Special Educational Needs and Disabilities)

4.1.1. There is a clear distinction between ‘underachievement,’ often caused by a poor early experience of learning, and ‘special educational needs. Some learners may be underachieving but will not necessarily have a special educational need; it is our responsibility to identify this quickly and ensure that appropriate support is put in place to help these learners ‘catch up.’

4.1.2. 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.

4.1.3. A child of compulsory school age or a young person has a learning difficulty if they:

- Have a significantly greater difficulty in learning than the majority of others of the same age; or

¹ [SEND Code of Practice 2015](#)

² [Equality Act 2010](#)

³ [Children and Families Act part 3, 2014](#)

⁴ [Special Educational Needs and Disability Regulations 2014](#)

- Have 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.

4.1.4. For children aged two or more, special educational provision is educational or training provision that is additional to or different from that made generally for other children and young people of the same age by mainstream schools and early years' settings.

4.2. Definition of Disability

4.2.1. Many children and young people with SEND may also have a disability. A disability is described in law (the Equality Act 2010) as 'a physical or mental impairment, which has a long-term (a year or more) and substantial adverse effect on their ability to carry out normal day-to-day activities.' This includes, for example, sensory impairments such as those that affect sight and hearing, and long-term health conditions such as asthma, diabetes or epilepsy.

4.2.2. The Equality Act requires early years' providers, schools, colleges, other educational settings, and local authorities to:

- Not directly or indirectly discriminate against, harass, or victimise disabled children and young people;
- Make reasonable adjustments, including the provision of extra aid services (for example, tactile signage or induction loops), so that disabled children and young people are not disadvantaged. This duty is known as 'anticipatory.'

5. Learners with SEND

5.1 The Code of Practice (2014, updated May 2015) makes clear the four broad areas of Special Education Need, these are:

- Communication and Interaction
- Cognition and Learning
- Social, emotional, and mental health difficulties
- Sensory and/or physical needs

5.2 In line with the Code of Practice, all schools follow the graduated approach to a learners' special educational needs. This support should take the form of "a four-part cycle through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the learner's needs and of what supports the learner in making good progress and securing good outcomes." This is referred to as Assess, Plan, Do, Review (APDR):



- 5.3 The Responsibility and leadership of SEND is well evidenced when there is a clear strategic approach to SEND provision across the school, with key personnel identified and recognised, and where continuing professional development (CPD) and performance management are successful in improving outcomes for learners with SEND.
- 5.4 Enjoyment and innovation for learners with SEND is well evidenced through high quality teaching and intervention, which is targeted and appropriate and which enthuses and engages, resulting in consistently high expectations and aspirations of all and a belief that learning is without limits.
- 5.5 The Aspiration and development of learners with SEND is well evidenced through robust tracking and monitoring processes, which ensure levels of achievement and attainment are substantial and sustained, based on individual starting points, and where all learners are well-prepared for the next stages of their educational journey.
- 5.6 Collaboration and inclusion is well evidenced when the provision for learners with SEND is well developed and innovative, with opportunities available for personalisation and flexibility; providing a curriculum offer which is different from and/or additional to that already offered and which secures effective partnership working for all involved – including parents / carers.
- 5.7 Honesty and integrity is well evidenced in the appropriate and early identification of learners' needs; where the SEND register is an accurate and regularly updated 'live document' and where specialist support is available 'at the right time'.

6. Children with health needs who cannot attend school

- 6.1** E-ACT aims to ensure that all children who are unable to attend school due to medical needs, and who would not receive suitable education without such provision, continue to have access to as much education as their medical condition allows, to enable them to reach their full potential.
- 6.2** Due to the nature of their health needs, some children may be admitted to hospital or placed in alternative forms of education provision. We recognise that, whenever possible, students should receive their education within their school and the aim of the provision will be to reintegrate students back into school as soon as they are well enough.
- 6.3** We understand that we have a continuing role in a student's education whilst they are not in school and will work with local authorities, healthcare partners and families to ensure that all children with medical needs receive the right level of support to enable them to maintain links with their education.
- 6.4** Initially, the school will attempt to make arrangements to deliver suitable education for children with health needs who cannot attend school. The Headteacher and SENDCo/DSL will be responsible for making and monitoring these arrangements.
- 6.5** A meeting will be made with parents/carers to discuss arrangements for working from home or hospital. A modified curriculum plan (MCP) will be drawn up detailing agreed actions from the discussion, the plan will be signed by the academy and parents/carers. The plan will then be carried out to deliver education to the child. The attendance team will conduct home visits throughout as agreed on the MCP.
- 6.6** Arrangements could include sending work home or attending a hospital school. Work will be prepared by class teachers.
- 6.7** The student will be slowly integrated back into school with either alternative arrangements to make it possible such as alternative spaces for break or lunch times or the student may come back into school on a reduced timetable until their health needs have been met.
- 6.8** We will work in partnership with the Local Authority, health services and other organisations to maintain links to support the child to ensure they have access to the appropriate education provision.

7 Policy Statement

- 7.1** E-ACT's three core values are at the heart of all we do, and this policy strongly advocates:
 - Partnership working across academies and utilising Trust expertise, local, and specialist agencies, as well as a meaningful child and family centred approach ('Team Spirit');
 - High aspirations and opportunity ('Think Big');

- A commitment to legal compliance; and A genuine desire to support all children and young people ('Do the right thing' and do everything we can to make sure that a child with SEND gets the support they need).

7.2 We will ensure that:

- All academies have regard for the voice of the child or young person with SEND as well as those of the parent or carer, and take into account their feelings, wishes and views;
- Academies will work closely with local authorities including the local authority in which the academy is located, and the home local authority of children with SEND to assist them in fulfilling the obligations under Part 3 of the Children and Families Act 2014 and its associated guidance;
- All academies have procedures and professionals in place to enable them to fulfil their statutory duties and to drive the ethos and vision that runs through the SEND Code of Practice.

7.3 Support for our Academies

7.3.1 The National Director of SEND and Primary SEND Specialist will ensure that the strategic direction of SEND is followed across all of the academies as well as developing and sustaining effective systems and structures to maximise outcomes for learners with SEND. This will include training for all staff and direct support for SENDCo's, deputy SENDCo's and teaching assistants.

7.3.2 Education Directors work with the National Director of SEND, Primary SEND Specialist, Headteacher and SENDCo's to ensure support and training are of the same high standard across the region and share specialist expertise with other regions.

7.3.3 The services offered to academies may include:

- Training for senior leaders;
- Training, guidance, coaching and mentoring for SENDCo's;
- SEND reviews;
- Support in identification and intervention;
- Specialist assessment;
- Legal advice;
- Whole staff training and conferences;
 - SEND audits and reviews of provision;
 - Brokering of support services within regions;
 - Pre-Ofsted or JCQ inspection preparation;
 - Cluster meetings to inform and share best practice;
 - Parent consultation groups.

7.4 Education and Health

7.4.1 All academies must work jointly with education and health care professionals and agencies to secure the best possible outcomes for the children and young people in their setting. Academies will work with local and national providers to secure the services needed to improve outcomes

for children and young people with SEND. These services might include speech and language therapy, physiotherapy, occupational therapy, educational psychology assessment, mental health services, and other health and social care professionals.

7.4.2 All academies will make reasonable adjustments for disabled children and young people and will make arrangements to support those with medical conditions.

7.4.3 Each E-ACT school will cooperate with the relevant Local Authority in developing and reviewing its local offer.

7.5 What our academies will do

7.5.1 Academies will designate a qualified teacher to be responsible for coordinating SEND provision (the designated SENDCo) who will have completed the National Award in Special Educational Needs Coordination within three years of taking up the position.

7.5.2 Academies will designate an appropriate professional to support the SENDCo (Deputy SENDCo) and if a qualified teacher, will have completed the National Award in Special Educational Needs Coordination within three years of taking up the position.

7.5.3 Academies will prepare a SEND Information Report in accordance with paragraphs 6.79 onwards of the DfE (Department for Education) *SEND Code of Practice* and publish their Information Reports on their website. This report will set out the details regarding the implementation of the E-ACT SEND and Learning Policy. This will be reviewed and updated every September to coincide with the start of the academic year.

7.5.4 Academies will ensure that all teachers accept that SEND is their responsibility and in particular that class and subject teachers take full responsibility for the progress of the children and young people with SEND whom they teach.

7.5.5 Academies will ensure that learners with SEND acquire the knowledge and cultural capital they need to succeed in life. They will have the same opportunity to partake in all areas of school life. Reasonable adjustments, where possible, must be made to ensure equal opportunity to participate.

7.5.6 Academies will ensure there is high ambition for learners with SEND and ensure they are not provided with a reduced curriculum. It will be broad and balanced and support progression to the next phase of education.

7.5.7 Academies will employ a variety of assessment and screening tools to assess a child or young person's skills and attainment to identify and build on information received from previous settings in consultation with their parents and carers. This could lead to learners being placed on 'SEND

support' (see Appendix 1)

- 7.5.8** As part of the screening process, academies will consider any evidence that the young person may have a disability under the Equality Act 2010 and make reasonable adjustments for them.
- 7.5.9** In their settings, academies will ensure that children and young people with SEND engage in all activities alongside those who do not have SEND unless a particular provision or arrangement is agreed with the parents or carers, and the child or young person.
- 7.5.10** Class and subject teachers, supported by the SENDCo, Deputy SENDCo and Senior Leadership Team, will make regular assessments of the progress for all learners and identify appropriate actions, particularly those making less than expected progress, given their age and prior attainment.
- 7.5.11** Academies will inform parents and carers when they are making special provision for their child and shall then work in partnership with them to establish support needed and specialist input, to secure best outcomes, taking full account of their views and wishes. For all children and young people on 'SEND Support,' academies will make arrangements for an appropriate member of staff, with input from the SENDCo and Deputy SENDCo as appropriate, to meet with the parents or carers at least three times a year to review progress and support.
- 7.5.12** Academies will ensure that a graduated approach using the 'Assess, Plan, Do, Review' cycle (as set out in paragraphs 6.44-6.56 of the SEND Code of Practice, see Appendix 1) is in place for all young people on 'SEND Support'.
- 7.5.13** After consultation with the parent or carer and the child or young person, an academy will request the local authority to undertake an Education, Health, Care needs assessment for any child or young person for whom we believe this is necessary.
- 7.5.14** Academies will do everything they can to meet the needs of young people with SEND including delivering the elements of an EHCP (Education, Health, and Care Plan).
- 7.5.15** Academies will work with relevant local authorities in a timely manner to undertake annual reviews of EHCPs (Education, Health, and Care Plan), so that they are conducted within the statutory timeframes and so that they take into account the views of the child or young person and those of the parent or carer.

8 Training

- 8.1** Academies will ensure training is provided to all staff on identifying special educational needs. They will learn about and develop best practice in supporting

learners with SEND both inside and outside of the classroom. The collaboration within and across our E-ACT academies will support the sharing of best practice for SEND.

8.2 E-ACT will provide training for SEND staff to ensure they are skilled in completing evidence-based interventions both in small groups and 1-2-1 where applicable. Where possible, this will also include the sharing of best practice from local E-ACT academies.

9. Learners with English as an Additional Language (EAL) and Learners from Minority Ethnic Groups (MEG)

9.1 The term EAL learner is often used interchangeably with ‘bilingual learner’ (DfES 2007); the government definition of a bilingual learner is that it refers to ‘all learners who use or have access to more than one language at home or at school – it does not necessarily imply full fluency in both or all languages. (DfES 2003)

9.2 To ensure equity of learning for our EAL and MEG learners, it is important that recognition and respect is given to the value and significance of the first language and the associated cultural expectations and norms. “EAL learners, their families / carers and communities are not homogenous groups; it is important to know and understand who they are, in order to effectively support their needs.”

9.3 English as an Additional Language (EAL) is not considered a Special Education Need. Differentiated work and individual learning opportunities must be provided for children who are learning English as an Additional Language as part of the E-ACT’s provision for vulnerable learners; this may be underpinned by the approaches highlighted for the disadvantaged and more-able, where appropriate.

9.4 The Office of National Statistics (2003) states that ‘in British government research, minority ethnic groups are differentiated based on a combination of categories including ‘race’, skin colour, national and regional origins and language...this is based on the assumption of an ‘ethnic majority’ that is white, of British origin, and English-speaking’.

9.5 Responsibility and leadership, which enhances provision for EAL and MEG learners is evidenced when there is a clear strategic approach, with key personnel identified and recognised, and where CPD and performance management are successful in improving outcomes for EAL and MEG learners.

9.6 Enjoyment and innovation for EAL and MEG learners is well evidenced through high quality teaching and intervention, which is targeted and appropriate and which enthuses and engages, and actively promotes a safe environment where risk taking is encouraged to enhance independence.

9.7 The Aspiration and development of EAL and MEG learners is well evidenced through robust tracking and monitoring processes, which ensure levels of achievement and attainment are substantial and sustained, based on individual starting points, and where all learners and all languages are equally valued and respected.

9.8 Collaboration and inclusion is well evidenced when the provision for EAL and MEG learners is well developed and innovative, with opportunities available for personalisation and flexibility; providing a curriculum offer which capitalises on opportunities for active and practical learning experiences and which secures effective partnership working for all involved. This actively includes parents / carers so that they feel confident that their home and community language, and the narratives and culture in which their language is embedded, is respected by the school.

9.9 Honesty and integrity is well evidenced in the appropriate and accurate identification of needs specific to EAL and MEG learners, where an ethos of *Respect for All* is promoted and where all languages are equally valued and central to the development of identity and belonging in contemporary British society.

10. Responsibilities

The following responsibilities apply in relation to this policy:

- Headteachers are responsible for ensuring an appropriately qualified member of staff is the designated SENDCo within their academy, and that each SENDCo is supported by an appropriately qualified Deputy SENDCo. Headteachers are responsible for enabling the SENDCo to work strategically within their academy to ensure the best possible education for learners with SEND.
- SENDCo's are responsible for ensuring the education within the academy is compliant with the E-ACT SEND and Learning Policy, as well as supporting parents and carers and the learners in meeting their responsibilities.
- Teachers are responsible for working in line with the DfE Teachers' Standards⁵ and providing appropriate education for all the learners within their class(es) as outlined in Section 6 of the SEND Code of Practice 2015.
- Trustees and the Executive Leadership Team have overall responsibility for the implementation and approval of this policy.

All academies are *committed* to providing:

- High Quality Teaching (HQT) which meets the needs of all learners, and which is appropriately differentiated
- Effective systems for tracking and monitoring progress, so that early intervention can address gaps in learning; this includes, but is not exclusive to, monitoring and evaluation through learning walks and work scrutiny, across all learner groups

⁵ <https://www.gov.uk/government/publications/teachers-standards>

- Opportunities to extend and challenge all learners, so that they can achieve their potential
- Effective lines of communication between home and school, so that through collaboration, a shared understanding of 'what success looks like' is achieved for each learner and their family

It is *best practice, but not a requirement*, for all schools to also have the following:

- SEND Action Plan for Improvement
- A coordinated provision map, which identifies additional support / strategies by learners, and which can be filtered according to learner characteristics
- Links to disadvantaged, SEND and more-able learners in the whole-school Improvement Plan

11. Monitoring and Compliance

11.1 Headteachers will monitor compliance with this policy within their academies. Through the agreed assurance activities, the National Director of SEND / Primary SEND specialist along with the Education Director will scrutinise the impact of this policy in supporting SEND learners and in meeting the SEND Code of Practice. The Education Director will report to the Executive Leadership Team at the challenge days.

Appendix 1

The Graduated Approach

Academies will adopt a 'Waves model' to outline, audit and develop support and provision available within their setting. This is known as the *Graduated Approach* or *Response*.

Wave 1: Teaching learners with differing needs requires a whole academy approach and teachers will plan, teach, assess, and evaluate in ways that will meet the range of abilities, aptitudes, and interests of the learners. A whole academy sanctions and rewards system that provides structure, boundaries and opportunities for success is an example of a whole academy provision that is carefully designed to support the range of learners within an academy. Wave 1 provision may also be in the form of training such as sessions on supporting children and young people with a diagnosis of ADHD (Attention Deficit and Hyperactivity Disorder.)

Wave 2: Targeted support within class from a learning support assistant, slightly adapted timetables (for example being allowed to leave a lesson 5 minutes early in order to have more time to get changed) or small group teaching and intervention are examples of Wave 2 provision. A learner on 'SEND support' whose needs have been identified will often have a learner profile sheet or support plan document that outlines some of the Wave 2 provision that is in place to enable them to access learning and achieve success.

Wave 3: Despite receiving Wave 2 support and provision, a learner might still struggle to make progress and access learning. Specialist support, guidance, training and one to one provision may then be applied for or put in place. This is known as Wave 3 provision.

SEND Support and Assess Plan Do Review

The Code of Practice 2015 outlines the 'Assess, Plan, Do, Review' cycle. The SENDCO and other appropriate teachers within the academy will use a range of assessment tools, which can include summative assessments (conventional tests), screenings such as a dyslexia portfolio screening, learner and parent voice, observations, external reports and Learning Support Assistant input, to decide on the level of support a child or young person might need [**'Assess'**].

Appropriate provision is then planned (for example a phonics intervention, adapted resources or additional 1:1 support at key transition points of the day) [**'Plan'**].

This support plan is then delivered over a set period of time [**'Do'**], with a review date at the end of a delivery cycle (for example after an 8-week period) [**'Review'**].

At the Review meeting, there will be reassessment information to inform those supporting the child or young person regarding whether the support plan is effective. Provision will either be continued, changed, or increased (see the Waves model) depending on progress made. Additional assessment may also be sought such as input from a specialist assessor or a specialist advisory team.

If a learner is unable to make progress or access learning, despite being supported via SEND Support, then it might be appropriate for a request for an EHC needs assessment (EHCNA) to be submitted to the local authority.