

## **SPECIAL EDUCATIONAL NEEDS AND DISABILITY POLICY FOR FURTHER EDUCATION**

### **1. PURPOSE**

The Policy's purpose is to recognise the key role that the Equality Act, Public Sector Equality Duty and the Special Educational Needs and Disabilities (SEND) Code of Practice play in defining the College's legal compliance, not only to SEND legislation, but also to the Equality, Diversity and Inclusion agenda. In addition, this policy is underpinned by the Ofsted Inspection Framework which covers these aspects primarily for SEND under the heading 'Provision for learners with high needs'.

The Policy framework represents the basis for the operational procedures and practices deployed by Blackburn College's Additional Learning Support Team (ALS). The Policy and associated procedures are designed to support and engage all interested parties within the College and to set out the rights and responsibilities within and between those parties. The College embraces its external partnership working with relevant agencies for example: Blackburn with Darwen Council and Lancashire County Council including the SEND and Social Services Departments and Special Educational Needs Co-ordinators (SENCOs) in schools and sees these as vital sources of support and guidance, as well as a means of ensuring excellence in practice.

Strategically, in recognition of our statutory obligations, the College demonstrates its commitment to SEND through the College's mission statement:

"Transforming students' lives and our community through outstanding education, training and support"

### **2. SCOPE**

The College has a statutory duty under the Children and Family Act 2014 as specified in the SEND Code of Practice 0-25 years 2014 which was updated January 2015. This SEND Code of Practice relates to children and young people with Special Educational Needs and Disabilities (SEND) and disabled children and young people less than 25 years of age and provides guidance on the statutory duties that apply to Further Education Colleges to identify, assess and provide support for young people with SEND. In addition to the aforementioned age group and students aged over 19 years, our responsibilities under the Equality Act 2010, to make reasonable adjustments, due to their disability is paramount. The ALS team will oversee the quality of support for students with SEND.

Under the SEND Code of Practice, the legislation covers young people from the age 0-25 years. The College has also included within the policy all adults funded under Further Education (FE) including Advanced Learner Loans, as the Equality Act and Public Sector duty widens the scope to cover all disabled people.

The welfare of the young person or a vulnerable adult is paramount and all, regardless of age, gender, ability, culture, race, language, religion or sexual identity, have equal rights to protection.

**2.1** Under this policy the College will discharge its responsibilities:

**2.1.1** To identify ALS requirements via:

- The transition planning stage with schools or other agencies to ensure a smooth transition into education.
- The opportunity for all applicants before or at entry and subsequent points, to declare a learning need, a disability or a medical condition that will affect their learning.
- Diligent addressing of SEND needs where they emerge after a programme has commenced irrespective of the level of course.

**2.1.2** To use its best endeavours to put appropriate support in place and keep support under review by:

- Supporting students to articulate their aspirations, needs, and the support that helps them best.
- Providing support that promotes independence and enables each student to make good progress towards employment and /or Further/Higher Education, independent living, good health participating in the community and working on the transition from College.
- Keeping the needs of students under review using a cyclical approach (assessing, planning, reviewing, and evaluating). For students with an Educational Health and Care Plan this is required 12 monthly as a minimum and co-operation with the home local authority for each student is required.
- Provide a person-centred approach that includes Parents/Carers and other external agencies as applicable to the individual student's circumstances.

**2.1.3** To assess what support is required by:

- Collating relevant information from transitional activities, external agencies, and internal screening or specialist assessments and discuss this with the student.
- Refer students for specialist assessments internally within the boundaries of our expertise, or externally where this is outside of our level of expertise and incorporate into our delivery any guidance received. E.g., Adult social care, health services, and other specialists.

**2.1.4** To plan the right support by:

- Discussing with the student their ambitions, the nature of support, how this will impact on their progress and the review processes.
- Developing an individualised support programme of specialist support via the ALS Team, as appropriate to the individual student ensuring that all students know how to access support.

**2.1.5** To evidence the ALS interventions by accurate record keeping throughout the duration of the student's time in college including the effectiveness of the delivery by:

- Accurate recording in the Individualised Learner Records (ILR).

- Regular discussions with the students and where applicable their parents/carers or external agencies around progress, outcomes and planned next steps.

**2.1.6** To utilise resources effectively and efficiently to deliver high-quality SEND support by:

- Provide support up to the agreed annual threshold for Element 2.
- Securing funding from the student home local authority for funding more than this threshold is referred to as Element 3 or Top Up funding.

**2.1.7** Provide a complaints procedure.

### **3. OBJECTIVES**

**3.1** The Policy aims to:

**3.1.1** Comply with the specific statutory duties which apply to the College under the Equality Act 2010, Public Sector Equality Duty 2011 and the SEND Code of Practice, as follows:

- To co-operate with the local authorities on arrangements for young people with SEND including the publication of Blackburn College's contribution to the Blackburn with Darwen Local Offer.
- To publish the Blackburn College, SEND Local Offer and maintain its currency.
- To admit a young person if the institution is named in an Education Health and Care Plan (EHCP), subject to, the two conditions outlined in the SEND Code of Practice. The College must comply with the parent's preference to be the named College of choice in the EHCP unless:

**It would be unsuitable for the age, ability, aptitude or SEND of the young person,**

**Or**

**The attendance of the young person would be incompatible with the efficient education of others or the efficient use of resources.**

- To have regard to the SEND Code of Practice in all our activities.
- To use our best endeavours to secure the special educational provision that the young person requires.
- To ensure our compliance with the Equality Act 2010 and Public Sector Equality Duty 2011.
- To record learning support in line with the requirements of our funding bodies e.g. Education Skills Funding Agency (ESFA).

**3.1.2** The outputs of the Policy are to:

- Provide an environment where our responsibilities are understood, embraced by all members of the College and applied with consistency.
- Ensure that our resources are effectively deployed in relation to SEND.

- Ensure compliance with the Equality Act 2010, Public Sector Equality Duty 2011, and SEND Code of Practice recognising the 9 protected characteristics which includes disability. In relation to disability, the College will not discriminate on the grounds of disability, will make anticipatory reasonable adjustments to prevent disabled people from being placed at a substantial disadvantage (e.g. physical environment, auxiliary aids, services, policies and procedures, and create opportunities for disclosure).
- Support the College's Teaching, Learning and Assessment strategy by promoting positive behavioural attitudes and creating an environment in which SEND students feel safe, confident and able to make excellent progress in their learning.

#### **4. STAKEHOLDER CONSULTATION**

This policy has been shared with the Heads of School, HE Disability, ALS Team, and students in receipt of ALS support to ascertain feedback and agreement to the content.

#### **5. MONITORING AND REVIEWING**

The policy will be reviewed annually to ensure that the College is operating in a fully inclusive manner. In the light of any changes in year, the policy would be reviewed and updated in advance of the renewal date.

The ALS team participates in the Service Areas - Self Assessment Report (SAR) process and the ALS Curriculum – SAR for the FE provision. The SAR process will encompass feedback informally and formally from our customers for example students, teaching staff, external agencies and employers. This will be supported by the analysis of our performance data evaluating the impact of the service towards the levelling of any identified achievement gaps for students with SEND especially for those in receipt of support from the ALS team. This process will support the identification of areas for improvement.

Compliance with this Policy will ensure that the College discharges its legislative duties under the SEND Code of Practice and Equality legislation. Operationally, the associated policies and procedures listed below, will ensure that staff at all levels discharge their own duties at the appropriate level of responsibility in accordance with, and with reference to this Policy.

Compliance with this policy will ensure that the College avoids:

- Complaints received under the College's Complaints Policy.
- Legal challenges under the SEND code initially will be referred to the appropriate Local Authority's Disagreement Resolution Arrangements which provides an impartial mediation service, but ultimately could result in an appeal to the Tribunal (SEND).
- Reputational damage of negative publicity.

#### **6. RELATED POLICIES/ PROCEDURES**

<b>Associated policies and procedures</b>	<b>Manager responsible</b>
Safeguarding Policy and Procedures	Executive Director of Student Support and Experience
Staff – Code of Conduct	Head of Human Resources
Privacy and Confidentiality Policy	Executive Director of Student Support and Experience
Health, Safety and Welfare Policy Statement	Director of Facilities and Estates
Student Disciplinary Procedures	Executive Director of Student Support and Experience
Administering Medicines Procedure	Head of Inclusion
Admissions Policy (Students)	Director of MIS/IT
SEND Local Offer –Blackburn College	Head of Inclusion
Teaching Learning and Assessment Strategy (FE)	Director of Quality Innovation

## **7. MANAGEMENT RESPONSIBILITY**

The effective operation of the policy is the responsibility of the personnel listed below with their specific role/s identified:

### **7.1 Governor responsibilities for SEND:**

The Governing Body holds the overall responsibility for ensuring that the College has policies, procedures and structures in place to support and promote the inclusion of all students especially those with SEND. This means:

- Nominate a named Governor for SEND.
- Ensuring that each year the Governing Body is informed of how the College and its staff have complied with the Policy.
- Having an awareness of how much SEND/ALS is carried out at the College, to ensure that the College’s statutory responsibilities are adequately resourced.

Through the High Needs SAR the Governing Body must confirm that the College complies in terms of:

- The effectiveness and appropriateness of SEND Policy and other related ALS Policies and Procedures.
- Assessing and reviewing the policy and procedures in relation to SEND to ensure compliance with the associated legal frameworks and the rights and responsibilities of staff and students within the College with the emphasis on:
  - admissions
  - steps are taken to prevent less favourable treatment
  - facilities provided to assist access to disabled students
  - accessibility plan for facilities (Schedule 10 of the Equality Act)

## **7.2 Principal and Vice Principals (VPs) responsibilities:**

- To ensure that the College fulfils its responsibilities, to ensure that all students with SEND are supported in line with the appropriate procedures which are, adhered to, and reviewed on a regular basis.
- To be responsible to the Governing Body for any actions taken.
- For consultation on the potential admission of student with SEND prior to the College being named in an EHCP subject to the two conditions as outlines in Section 3. Objectives (deferred to the Head of Inclusion).
- To consider whether the College will agree to the core and support funding (Element 1,2 and 3) being used as part of the young person's Personal Budget (to pay for learning support/specialist support) where they request this under their EHCP.

## **7.3 Executive Director of Student Support and Experience:**

- Considering the College's SEND Policy for Further Education on an annual basis.
- To report to and advise the Governing Body on SEND/ALS.
- To report to and advise the Principal and VPs on SEND/ALS issues.
- To produce an annual report SAR to the Governing Body setting out how the College has discharged its duties.

## **7.4 Head of Inclusion responsibilities:**

The Head of Inclusion has lead responsibilities for SEND/Additional Learning Support which include:

- To have overall accountability for the quality and performance measures for the service, ensuring that all individual student's support requirements meet legal requirements and are effectively and efficiently discharged.
- The Head of Inclusion can support with sourcing training to ensure that all staff interact appropriately and inclusively with students who have SEND and should ensure that they have appropriate expertise within their workforce to support them.

The Head of Inclusion is supported by a specialist Management Team who also have clearly defined responsibilities as outlined above and are in line with this Policy as outlined in their individual job descriptions.

## **7.5 Key College staff with management responsibilities for SEND:**

All College staff have a responsibility, to provide an environment where students with SEND are fully included. There are, however, key people within the College who have specific

responsibilities under SEND and Equality legislation and procedures. The roles of those carrying these responsibilities for this policy are listed below.

Inclusion and ALS Manager – The primary aim of this role is...

- Ensures that the transitional information from schools is received in a timely way, shared and results in effective transitional activities and initial/support assessments to enable the planning and delivery of bespoke, holistic support packages.
- Ensures high quality and effective support is in place, which will contribute to the achievement of each students' aspirational goals and outcomes.
- Ensures that barriers to a successful learning experience are overcome for learners with SEND.
- Ensure students with an EHCP have a timely review of their targets and individual support needs, ensuring they have high quality support to enable them to meet their individual support needs.
- Ensure we fulfil our duties and responsibilities relating to SEND support.
- Ensure personalised and specialist assessment and deploy all reasonable adjustments required e.g., Access arrangements.
- To ensure all out of class support is planned in an effective and efficient way.

## **7.6 Academic staff responsibilities:**

All staff within Further Education are responsible for ensuring that all their students participate in teaching, learning and assessment that are appropriately differentiated to meet the needs of all students in their class/under their supervision, including those with SEND. Advisory Teachers are in place to advise and guide staff to ensure that their delivery includes full engagement and appropriate challenge for all students in the session.

## **EQUALITY IMPACT ASSESSMENT**

Blackburn College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of age, disability, gender (including gender identity), race, religion or sexual orientation and meets our obligations under the Equality Act 2010. Therefore, this policy has no adverse impact on any of the above protected groups.

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