

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 headings Support for Learners and High Needs Provision. The policy will cover the range of procedures and mechanisms, which underpin and promote our inclusive ethos.

The Policy framework represents the basis for the operational procedures and practices deployed by Blackburn College's Additional Learning Support Team (ALS) in relation to Further Education. 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, Young People's Service, Special Educational Needs Co-ordinators (SENCOs) in schools and North West ALS Network 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 and moral obligations, the College demonstrates its commitment to SEND through the College's mission and the student ambition statement respectively:

“Transforming lives through outstanding education”

“Deliver outstanding teaching, learning assessment and support to our students enabling them to progress positively”.

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 which came into force on the 1st September 2014. This SEND Code of Practice relates to children and young people with special educational needs (SEN) and disabled children and young people less than 25 years of age and provides guidance on the statutory duties which apply to Further Education Colleges to identify, assess and provide support for young people with SEN. In addition to the aforementioned age group and students aged over 25, 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 Learning Difficulties and /or Disabilities and ensure compliance with our legal duties.

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.

Students on Higher Education, commercial and international courses are outside of the scope of this specific policy. The Special Education Needs Code of Practice in relation to Further Education Colleges excludes Higher Education students funded under the Higher Education Funding Council.

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 which 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 which helps them best
- providing support which promotes independence and enables each student to make good progress towards employment and /or further/higher education, independent living, good health and participating in the community and working on the transition from the 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
- providing a person centred approach which 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
- referring 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, 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:

- providing support up to the agreed annual threshold for Element 2
- securing funding from the student home local authority for funding in excess of 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 August 2014, as follows:

- To co-operate with the local authorities on arrangements for young people with SEN 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 (EHC) plan, subject to, the two conditions outlined in the SEN and Disability Code of Practice. The College must comply with the parent's preference to be the named College of choice in the EHC plan unless:

It would be unsuitable for the age, ability, aptitude or SEN 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 Funding Agency (EFA), and Skills Funding Agency (SFA).

3.1.2 The outputs of the Policy are to:

- Provide for an environment where our legal duties are understood, embraced by all members of the College and applied with consistency.
- Ensure that our resources are effectively deployed in relation to SEN and disability.
- Ensure compliance with the Equality Act 2010, Public Sector Equality Duty 2011, and SEN 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 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, Curriculum Centres, 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 line with legal and inspection requirements pertaining to FE by the Head of Student Support. In the light of any changes in year the policy would be reviewed and updated in advance of the renewal date.

The ALS team participate in the Service Areas - Self Assessment Report (SAR) process and the ALS Curriculum – SAR for the FE provision. These reports ensure that a detailed review of the area is undertaken annually and the strengths and areas for improvement are identified. The areas for improvement are collated into the Quality Improvement Plans (QIP) which are reviewed three times a year to monitor the progress being made towards the reduction/removal of the identified areas for improvement. These reviews will be provided to the Service Standards Committee and the Performance Review Panels respectively by the Head of Student Support and appropriate team members.

The SAR process will encompass feedback informally and formally from our customers for example students, centre staff, external agencies, 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 Learning Difficulties and or Disabilities and especially for those in receipt of support from the ALS team. This process will support the identification of areas for improvement and the resulting QIP.

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 SEN code which 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 (SEN Disability)
- Reputational damage of negative publicity

6. RELATED POLICIES/ PROCEDURES

Associated policies and procedures	Manager responsible
Safeguarding Policy and Procedures	Assistant Principal, Student Support and Engagement
Staff – Code of Conduct	Head of Human Resources
Privacy and Confidentiality Policy	Assistant Principal, Student Support and Engagement
Health & Safety Policy	Health & Safety Manager
Disclosure of Disability Policy	Head of Student Support
Student Disciplinary Procedures	Assistant Principal, Student Support and Engagement
Administering Medicines Procedure	Head of Student Support
Admissions Policy (Students)	Head of MIS/IT
SEN and Disability Local Offer – Blackburn College	Head of Student Support
Teaching Learning and Assessment Strategy (FE)	Head of Quality of Education

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 SEN or learning difficulties and/or disabilities. This means:

- The Governing Body should ensure that all staff interact appropriately and inclusively with students who have an SEN or learning difficulty and/or disability and should ensure that they have appropriate expertise within their workforce to support them.
- Nominate a named Governor for SEN
- Curriculum staff are able to develop their skills and are aware of effective practice and keep their knowledge up to date in relation to SEN and learning difficulties and /or disabilities.
- Ensuring that the College has procedures and policies which are consistent with legal guidelines and local needs
- Considering the College's SEND Policy for Further Education on an annual basis
- 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 ALS's SAR the Governing Body must confirm that the College complies with the Code 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 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 Key College staff with management responsibilities for SEND:

All College employees have a responsibility, to provide an environment where students with SEN and learning difficulties and /or disabilities 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.

7.3 Principal and Vice Principals (VPs) responsibilities:

- To ensure that the College fulfils its responsibilities, to ensure that all students with SEN or disabilities 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 EHC plan subject to the two conditions as outlines in Section 3. Objectives (deferred to the Head of Student Support).
- 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 EHC plan.

7.4 Head of Student Support responsibilities:

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

- 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 ensure that parents or carers of young people or vulnerable adults within the College are aware of the College's SEND/Additional Learning Support Policy.
- To produce an annual report SAR to the Governing Body setting out how the College has discharged its duties.
- To be accountable 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 Student Support is supported by ALS team who also have clearly defined responsibilities in line with this Policy as outlined in their individual job descriptions.

7.5 Teacher responsibilities:

All teachers 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. They must ensure that their delivery ensures full engagement and appropriate challenge which embeds and promotes our College's inclusive ethos.

8. 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.

Author:	Becky Skarratts Head of Student Support
Owner:	Becky Skarratts Head of Student Support
Date last approved:	11 December 2018
Date of review:	December 2020
Consulted with:	N/A
Consultation date/s	N/A
Date of approval:	3 February 2021
Approved by:	Chairs Action on behalf of the Policies and Procedures Committee
Next Review date:	February 2023