

**SPECIAL EDUCATIONAL
NEEDS & DISABILITY
POLICY**

Special Educational Needs & Disability (SEND) Policy

Policy Owner: Quality & Standards
Date Approved: June 2023
Next Review: July 2026
Responsibility for Review: Head of Learner Support
Policy Review Frequency: Two years

Applicable to staff: Yes/~~No~~
 Applicable to students: Yes/~~No~~
 Publish on College website: Yes/~~No~~

Consultation:

Undertaken with:	Yes/No:	Date:
Committee/Board	Quality & Standards Board	15 June 2023 29 June 2023
ELT		
SLT		
Unions		
Students		
Employees		
Employers/Stakeholders		

Any Associated Documentation, for Reference:

Safeguarding, Child Protection & Prevent Policy, Staff Behaviour Code, Confidentiality Statement & Framework, External Support Workers Code of Conduct & Procedural Guide, Health & Safety Policy, Anti-Bullying and Harassment Procedure, Positive Behaviour Framework, Administering Medicines Procedure, Admissions Policy & Procedures, SEND and Disability Local Offer, Complaints and Compliments Procedure.

ELT SIGN-OFF: Marie Haworth – VP Quality, Teaching, Learning & Learner Support



Policy Statement

1. Preston College recognises its statutory duties under the Children and Family Act 2014 as specified in the Special Educational Needs (SEND) Code of Practice 0-25 years and the SEND reform 2022. The Code of Practice relates to children and young people with Special Educational Needs (SEND) and disabled children and young people less than 25 years of age. It provides guidance on the statutory duties which apply to Further Education Colleges to identify, assess and provide support for young people with SEND.
2. In addition, for the aforementioned age group and learners aged over 25, the College is required, under the Equality Act 2010, to make reasonable adjustments for reasons of disability. The Support for Learners Team will deliver and oversee the quality of support for learners with learning difficulties and/or disabilities and ensure the College meets the needs of learners.

Policy Aims

3. To 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 SEND including the publication of Preston College's contribution to their Local Offer.
 - To publish the Preston College SEND and Disabilities 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 SEND 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:
 - a) It would be unsuitable for the age, ability, aptitude or SEND of the young person, or
 - b) 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 and Disability Code of Practice in all our activities. To use our best endeavours to secure the special educational provision that a learner 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 and Skills Funding Agency (ESFA), Office for Students (OfS) and Student Finance England (SFE) for the Disabled Students Allowances (DSA).

Policy Principles and Context

4. To provide for an environment where our legal duties are understood, embraced by all members of the College and applied with consistency.
5. To ensure that our resources are effectively deployed in relation to SEND and disability.

6. To ensure compliance to the Equality Act 2010, Public Sector Equality Duty 2011, and SEND Code of Practice recognising the 9 protected characteristics which includes disability and the College's tenth (socio – economic). In relation to disability, the College will not discriminate on the ground of disability, and 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).
7. To support the College Teaching, Learning and Assessment strategy by promoting positive behavioural attitudes and creating an environment in which SEND learners feel safe, confident and able to make excellent progress in their learning.

Associated Policies & Procedures	Manager Responsible
Preston College Safeguarding & Prevent Policy and Procedures	Designated Safeguarding Lead
Staff Behaviour Code	HR
Confidentiality Statement and Framework	Designated Safeguarding Lead
External Support Workers Code of Conduct and Procedural Guide	Assistant Head of Learner Experience: SEND
Health and Safety Policy	Health & Safety Manager
Anti-Bullying and Harassment Procedure	Vice Principal Quality, Teaching, Learning and Learner Services
Student Discipline Procedures	Vice Principal Quality, Teaching, Learning and Learner Services
Administering Medicines Procedure	Head of Learner Experience: SEND
Admissions Procedure	Vice Principal Curriculum Delivery and Planning
SEND and Disability Local Offer	Head of Learner Experience: SEND
Complaints and Compliments Procedure	Vice Principal Quality, Teaching, Learning and Learner Services

Introduction and SEND ethos

8. Preston College is committed to ensuring the highest standards of provision for young people, adults and apprentices with SEND difficulties and or disabilities.
9. The Policy aims to recognise the key role that the Equality Act, Public Sector Equality Duty and SEND Code of Practice play in the College's legal compliance, not only to SEND legislation but also to the Equality and Diversity agenda and a range of procedures and mechanisms which underpin our inclusive ethos. This is consistent with the College's Mission to "inspire, educate and support our diverse community to reach its potential" and the vision to "transform lives through education". Effective delivery of our SEND Support provision removes barriers to learning and promotes an inclusive approach to learner achievement.

The purpose of this Policy

10. The Policy framework represents the basis for the operational procedures and practices deployed by the Preston College Learner Support Team. The Policy aims and outputs are embodied and clearly detailed in these practices, and the Policy and associated procedures are designed to support and engage all interested parties within the College, and to manage the rights and responsibilities within and between those parties. The College embraces its external partnership working with relevant

agencies (e.g. Lancashire County Council including the SEND and Social Services Departments, Young People's Service, SENDCOs in schools and NW ALS Network) and sees this as a vital source of support and guidance, as well as a means to ensure excellence in practice.

Context and general principles

11. The welfare of the young person or vulnerable adult is paramount and all, regardless of age, gender, ability, culture, race, language, religion or sexual identity and have equal rights to protection.
12. Under this policy the College will discharge its responsibilities:
 - a) To identify SEND Support 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.
 - b) To use its best endeavours to put appropriate support in place and keep support under review by:
 - supporting learners to articulate their aspirations, needs and the support which helps them best.
 - providing support which promotes independence and enables each student to progress towards employment, higher education and adulthood.
 - keeping the needs of learners under review using a cyclical approach (assessing, planning, reviewing and evaluating). For learners 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 learner is required.
 - providing a person centred approach which includes parents/carers and other external agencies as applicable to the individual student's circumstances.
 - c) 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 learner.
 - refer to specialist assessments where outside of our level of expertise and incorporate into our delivery any guidance received, e.g. adult social care, health services and other specialists.
 - d) To plan the right support by:
 - discussing with the learner their ambitions, nature of support, how this will impact on their progress and the review processes.
 - develop an individualised support programme of specialist support via the SEND Team.

- ensuring learners know how to access support.
- e) To evidence the SEND Support interventions by accurate record keeping throughout the duration of the learner's time in college including the effectiveness of the delivery by:
- accurate recording in the Individualised Learner Record (ILR) and ProMonitor
 - regular discussions with the learners and where applicable their parents/carers or external agencies around progress, outcomes and planned next steps.
- f) To utilise resources effectively and efficiently to deliver high quality SEND support by:
- providing support up to the agreed annual threshold
 - securing funding from the learner's home local authority for funding in excess of this threshold
 - for non-government funded (subcontracted) provision make the necessary adjustments and where appropriate charge for the provision of this support (as part of the project delivery costs)
 - supporting eligible HE students to access the Disabled Student's Allowances funding, providing interim support and reasonable adjustments wherever necessary
 - To provide an informal and formal complaints and compliments procedure.

Corporation Board responsibilities for SEND Support

13. The Corporation Board holds the overall responsibility for ensuring that the College has policies, procedures and structures in place to support and promote the inclusion of all learners, especially those with SEND support requirements. In practical terms this means:
- the Board should ensure that all staff interact appropriately and inclusively with learners who have a SEND and should ensure that they have appropriate expertise within their workforce to support them
 - nominate a named Governor for SEND
 - curriculum staff are able to develop their skills and are aware of effective practice and keep their knowledge up to date in relation to SEND
 - ensure that the College has procedures and policies which are consistent with legal guidelines and local needs
 - ensure that each year the Governing Body is informed of how the College and its staff have complied with the Policy
 - have an awareness of how much SEND Support is carried out at the College, to ensure that the College's statutory responsibilities are adequately resourced.
14. **The Board must ensure that the College complies with the Code in terms of the provision of SEND support, in particular:**
- the effectiveness and appropriateness of SEND Support Policies and Procedures;
 - assess and review the policy and procedures in relation to SEND Support to ensure compliance with the associated legal frameworks and the rights and responsibilities of staff and learners within the College with the emphasis on:

- admissions
- steps taken to prevent less favourable treatment
- facilities to be provided to assist access to disabled students
- accessibility plan for facilities (Schedule 10 of the Equality Act).

Key College staff with management responsibilities for SEND Support

15. All College employees have a responsibility to provide an inclusive environment where learners with SEND 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.

Principal and Vice Principals (VP) responsibilities:

- To ensure that all learners with SEND requirements are supported in line with the appropriate procedures, and that these are adhered to and reviewed on a regular basis.
- To be responsible to the Board for any actions taken.

Head of Learner Experience: SEND responsibilities:

- Head of Learner Experience, Kat Fawcett has lead responsibilities for SEND Support.

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This includes:

- To report to and advise the Board on SEND Support
- To report to and advise the Principal and/or VP Quality Teaching, Learning and Learner Support on SEND Support issues
- To ensure that parents or carers of young people or vulnerable adults within the College are aware of the College's SEND Support Policy
- To be responsible for producing an annual report to the Board 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
- To be consulted prior to the College being named in an EHC plan.
- 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 Education Health and Care plan.

SEND Leader responsibilities:

- To drive effective SEND Support in and outside of the classroom ,and to provide effective line management in developing high quality support to all learners including adults,apprentices and HE
- To support where the College is named in an EHC Plan and co-ordinate the provision and reviews.

- To establish clear lines of accountability, and oversee the quality assurance and impact measures within the SEND structure, to ensure all individual learner support requirements meet legal requirements and are effective and efficient
- To work in conjunction with all other SEND leaders to ensure all learner support requirements meet legal requirements and are effective and efficient.

Conclusion

16. Compliance with this Policy in a timely manner will ensure that the College discharges its legislative duties under the SEND Code of Practice and Equality legislation. Operationally, the associated procedures listed 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.
17. Compliance with this policy will ensure that the College avoids:
 - complaints received under the College's Complaints Policy
 - legal challenges under the SEND Code of Practice 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 (SEND Disability)
 - reputational damage of negative publicity.
18. In implementing this policy and associated procedures, the College will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with the principles outlined in the General Data Protection Regulation and supplementary Data Protection Legislation. The College is committed to being transparent about how it collects and processes the personal data of its learners, employees, visitors and other stakeholders to meet its data protection obligations. The College will ensure all processing is lawful, fair and transparent and individuals are informed of the legal basis for processing their data. Further information relating to the College's compliance of the General Data Protection Regulation can be found in the College's Data Protection Policy.