



Special Educational Needs and Disability (SENDA)

Introduction

This policy incorporates the duties for schools under the Equality Act 2010 (part 6) www.legislation.gov.uk/ukpga/2010/15/part/6. It takes full notice of the code of Practice for Schools published by the Disability Rights Commission 2002 and the Every Child Matters Document 2003.

The five outcomes which mattered most to children and young people were:

- **Being healthy:** enjoying good physical and mental health and living a healthy lifestyle
- **Staying safe:** being protected from harm and neglect
- **Enjoying and achieving:** getting the most out of life and developing the skills for adulthood
- **Making a positive contribution:** being involved with the community and society and not engaging in anti-social or offending behaviour
- **Economic well-being:** not being prevented by economic disadvantage from achieving their full potential in life.

Kirkstone House School recognises that it must take positive action to prohibit all forms of illegal discrimination. This obligation is towards staff, pupils and others associated with the school (e.g. parents; users of the premises; visitors). The School aims not to treat disabled people using the school's services less favourably than able people as far as is reasonably practicable.

Definition of Disability

The Equality Act defines a disabled person as someone who has 'a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'.

- 'physical impairment' includes sensory impairments;
- 'mental impairment' includes learning difficulties and an impairment resulting from or consisting of a mental illness;
- 'substantial' means 'more than minor or trivial';
- 'long term' is defined as 12 months or more.

The definition includes a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments and Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability, but only if the effect on the person's ability to carry out normal day-to-day activities is substantial and long-term as defined above.

The Equality Act also covers those with:

- severe disfigurements;
- impairments controlled or corrected by the use of medication or prostheses;



- progressive symptomatic conditions;
- a history of impairment; and
- children under the age of 6 with impairments which, in an older person, would result in that person being covered.

Since December 2005 persons with HIV, cancer and multiple sclerosis are also covered at the point of diagnosis.

But **excluded** are those with:

- an addiction to or dependency on:
 - nicotine;
 - tobacco; or
 - other non-prescribed drugs or substances;
- seasonal allergic rhinitis (hay fever); and
- certain mental illnesses with anti-social consequences.

The School will discharge its responsibilities towards disabled staff, pupils and those using the school's services by ensuring that disabled people are not treated less favourably in the following aspects as relevant:

- accessibility to the premises and facilities;
- accessibility to the curriculum;
- accessibility of associated educational services;
- training of staff and pupils;

The school's policy is to:

- promote equality of opportunity;
- eliminate unlawful discrimination;
- eliminate disability-related harassment;
- promote positive attitudes towards disabled people;
- encourage disabled people's participation in public life; and
- take steps to take into account people's disabilities, even where that involves more favorable treatment.

Unlawful Discrimination

The school will ensure that discrimination is prohibited in:

- the selection and appointment and promotion arrangements for staff;
- staff conditions of service;
- staff training;
- the arrangements for determining pupil admission;
- the terms on which admission is offered;
- refusing or deliberately omitting to accept an admission application;
- provision of education or associated services (including educational visits and extra-curricular activities);



- exclusions;
- victimisation and harassment;
- failing to take steps to ensure that disabled pupils are not placed at a substantial disadvantage in comparison with non-disabled pupils in the arrangements for determining admission to school and in relation to the provision of education and associated services. However, alterations to buildings and the provision of auxiliary aids and services are not required under this law.

Pupils

The school values the full range of its students and seeks to ensure that its practices are fully inclusive. Every effort will be made to ensure that 'reasonable adjustments' are made to accommodate disabled pupils, while bearing in mind the interests of other pupils. The school is required to make, under the terms of SENDA 2001:

- improvements in access to the curriculum for disabled students;
- physical improvements to increase access to education and associated services (e.g. extra-curricular activities); and
- improvements in the provision of information in a range of formats for disabled students.

There is an additional requirement for schools to explore whether or not students with behaviour issues may or may not have an underlying disability leading to this. For example, the following may be underlying reasons for poor behaviour:

- mental illness, mental health problems, learning difficulties, dyslexia, diabetes, epilepsy.

The School will take into account all these requirements when considering the inclusion and treatment of disabled pupils in the school.

Admissions

The School's Admissions Policy makes provision for the disclosure of disability and special needs and the commitment of the school to deal appropriately and supportively in the admissions assessment process. The school therefore fulfils an anticipatory duty as defined by the act. A failure of a parent to divulge SEN/disability at this time constitutes a justification under the act for discrimination. Where a parent requests confidentiality regarding a SEN/disability this request would limit what the school could provide in making reasonable adjustments. Under these circumstances the school has the right to decide the balance of confidentiality and possible and reasonable adjustments for inclusion.

No child should be discriminated against on entry into the School, because of their individual needs. Every application will be considered on its merits within the School's criteria for selection on grounds of the pupil's ability and aptitude.

Kirkstone House accepts pupils who are dyslexic, who have Specific Learning Difficulties and those for whom English is not their first language (EFL). We also offer places to



pupils who have other difficulties such as physical disabilities, motor co-ordination problems, visual impairment, auditory impairment, ADD/ADHD and emotional problems. Suitability of the structure of school buildings and their limitations for each pupil has to be considered. This will be carried out in consultation with each pupil, parents and any appropriately qualified person.

Education and Associated Services

The School has an on-going duty to make reasonable adjustment in respect of the 'education and associated services provided'. This is a broad expression that covers all aspects of school life. The range of activities that are covered by the expression include:

- preparation for entry to the school;
- the curriculum;
- teaching and learning;
- classroom organisation;
- timetabling;
- grouping;
- homework;
- access to school facilities;
- activities that supplement the curriculum e.g. a drama group visiting the school;
- school sports;
- school policies;
- breaks and lunchtimes;
- serving school meals;
- interaction with peers;
- assessment and examination arrangements;
- discipline and sanctions;
- exclusion procedures;
- school clubs and activities;
- educational visits;
- arrangements for working with other agencies;
- preparation for the next phase of education;
- administration of medicines;
- first aid.

Action on Transfer to School

If a pupil has a form of disability, the school will liaise with the previous school in order that an effective transition can take place. A Health Plan will be drawn up if necessary and the school will maintain links with external agencies for example physiotherapists, speech therapists.

Teaching staff will be given, as relevant, advice from appropriate external agencies regarding the learning needs of disabled pupils. All staff will receive training as appropriate regarding their duties to disabled members of staff and pupils under the DDA and SENDA.

The school will ensure close liaison with families of all pupils who have a disability and there will be regular reviews held by the SENCO to ensure that a pupil's educational and other needs are being appropriately met.



Premises

The school recognises that through the provisions of SENDA it is not required to provide 'auxiliary aids' (i.e. special equipment or additional personal support), nor make 'physical alterations to the buildings, (such as provide lifts).

However, to meet its obligations, the school will ensure that the needs of disabled staff and pupils (and any adult students) are fully considered in any strategic planning for the development of the school campus.

The school will bear in mind health and safety requirements and the interests of other pupils in all the above considerations.

Staff

The development needs of disabled staff will be discussed with the member of staff on a regular basis.

Where necessary, support staff time will be allocated, relevant to the disabled member of staff's needs.

Wherever possible the timetable will be adjusted to reflect the needs of disabled members of staff.

Within the constraints of financial resources the school aims to make adjustments to the premises to enable the member of staff to teach effectively.

Off-site Activities

The school will ensure as far as reasonably practicable that pupils and staff with disabilities are given access to off-site activities organised by the school.

Harassment

The school values each member of staff for their contribution to the school and will seek to ensure that as far as is reasonably practicable no member of staff is disadvantaged by reason of his/her disability.

The School will take positive action against any employee's harassment of another employee. All employees have a duty not to harass other employees on the ground of their disability (or any other grounds recognised by the law), and to report instances of harassment to the Head (or in the case of harassment by the Head, to the Principal).

Inset

The School recognises the needs for staff INSET on issues of SENDA provision and incorporates this within the plans for full staff INSET. In addition an awareness of SENDA issues is part of all new staff induction and addressed appropriately at regular staff and pupil assessment meetings.



Accessibility Plans

The School has plans for both pupils/staff and premises which will:

- enable disabled staff to have reasonable access to premises and facilities that they need for their contracted duties;
- ensure that as far as is reasonably practicable the needs of disabled visitors to the site are taken into account;
- increase the extent to which disabled pupils can participate in the school curriculum;
- improve the physical environment of the school in order to enable disabled pupils to take advantage of education and associated services;
- improve the delivery of information to disabled pupils which is provided in writing for pupils who are not disabled.

Review

The School is committed to reviewing annually both admissions procedures and policies and issues of access to learning to ensure that a continuous responsibility is exercised. Other areas of policy and provision should in addition where appropriately be reviewed with SENDA in mind

Claims of unlawful discrimination

Any claim for unlawful discrimination under SENDA must come from the parent not the child. In the first instance the complaint should be made to the School and follow the School's Parental Concerns Policy. Procedures are in place for disabled staff to discuss problems and needs with relevant senior staff and to identify any possible areas where discrimination might occur.

Responsibilities

Responsibility for the SENDA Policy and plans lies with the Proprietors of the school and the Headmistress.

The Proprietors are ultimately responsible for the discharge of duties under the DDA 1995 and the SENDA 2001 and for the provision of education and associated services.

The Headmistress is responsible for:

- ensuring that the policy is implemented
- identifying and liaising with staff who have a disability
- identifying where adjustments can be made and informing the Proprietors of this
- implementing and maintaining procedures that identify and eliminate areas of 'less favourable treatment' for disabled staff
- identifying in consultation with appropriate staff pupils who have disabilities
- ensuring that non-discriminatory practices are developed
- training all staff in their responsibilities towards disabled pupils
- delegating responsibilities and tasks to other staff as appropriate
- liaison with parents and other agencies as necessary



All staff are responsible for knowing their responsibilities towards disabled pupils and for taking appropriate action.

Links with other policies:

Special Educational Needs
Equal Opportunities
Admissions

Authorised by

A handwritten signature in black ink that reads 'Corinne Jones'.

Mrs Corinne Jones
Headmistress
On behalf of the Proprietors

Dated 1st October 2017

Date of next review 1st October 2018