

# Arrangements for pupils with Special Educational Needs ('SEN') and disabilities



**Please refer to each school's website for a copy of their SEN policy**

## **Duties in relation to pupils with SEN**

1. The Trustees of the Boleyn Trust must, in respect of each of their schools, comply with all of the duties imposed upon them in:
  - (1) Part 4 of the Education Act 1996 as amended from time to time;
  - (2) The Education (Special Educational Needs) (Information) Regulations 1999 as amended from time to time;
  - (3) The Education (Special Educational Needs Co-ordinators) (England) (Amendment) Regulations 2008 as amended from time to time;
2. Notwithstanding any provision in this Agreement, the Secretary of State may (whether following a complaint made to him or otherwise) direct the Boleyn Trust to comply with an obligation where the Boleyn Trust has failed to comply with any such obligation.
3. Where a child who has SEN is being educated in one of the Boleyn Trust schools, those concerned with making special educational provision for the child must ensure that the child engages in the activities of the school together with children who do not have SEN, so far as is reasonably practicable and is compatible with:
  - (1) the child receiving the special educational provision which his/her learning difficulty calls for;
  - (2) the provision of efficient education for the children with whom he/she will be educated, and
  - (3) the efficient use of resources.
4. In addition to complying with the duties imposed upon the governing bodies of maintained academies set out in The Education (Special Educational Needs) (Information) Regulations 1999 (as amended from time to time) the Boleyn Trust must ensure that the website for each School includes details of:
  - (1) the arrangements for the admission of disabled pupils;
  - (2) the steps taken to prevent disabled pupils from being treated less favourably than other pupils; and
  - (3) the facilities provided to assist access to the School by disabled pupils (disabled pupils meaning pupils who are disabled for the purposes of the Equality Act 2010)(4).

## **Admissions**

5. The Boleyn Trust must ensure that for each pupil with SEN within any of the schools that they are admitted on an equal basis with others in accordance with the School's admissions policy.
6. Where a local authority proposes to name any one of the schools in a statement of SEN made in accordance with section 324 of the Education Act 1996, it must give the Boleyn Trust written notice that it so proposes. Within 15 days of receipt of the LA's notice that it proposes to name the School in a statement, that school must consent to being named, except where admitting the child would be incompatible with the provision of efficient education for other children and where no reasonable steps may be made to secure compatibility. In deciding whether a child's inclusion would be incompatible with the efficient education of other children, the Boleyn Trust and its schools must have regard to the relevant guidance issued by the Secretary of State to maintained schools.
7. If one of the schools within the Boleyn Trust determines that admitting the child would be incompatible with the provision of efficient education, it must, within 15 days of receipt of the LA's notice, notify the LA in writing that it does not agree that the School should be named in the pupil's statement. Such notice must set out all the facts and matters the school relies upon in support of its contention that:

- (1) admitting the child would be incompatible with efficiently educating other children; and
  - (2) the Boleyn Trust and its schools cannot take reasonable steps to secure this compatibility.
8. After service by the Boleyn Trust on the LA of any notice (further to paragraph 7 above) stating that it does not agree with the LA's proposal that the School be named, the Boleyn Trust must seek to establish from the LA, as soon as is reasonably practicable, whether or not the LA agrees with the Boleyn Trust. If the LA notifies the Boleyn Trust that it does not agree with the Boleyn Trusts response, and names the School in the child's statement, then the Boleyn Trust must admit the child to the school on the date specified in the statement or on the date specified by the LA.
  9. Where the Boleyn Trust consider that the School should not have been named in a child's statement, they may ask the Secretary of State to determine that the LA has acted unreasonably in naming the School and to make an order directing the LA to reconsider.
  10. The Secretary of State's determination shall, subject only to any right of appeal which any parent or guardian of the child may have to the First-tier Tribunal (Special Educational Needs and Disability), be final.
  11. If a parent or carer of a child in respect of whom a statement is maintained by the local authority appeals to the First-tier Tribunal (Special Educational Needs and Disability) either against the naming of a School in the child's SEN statement or asking the Tribunal to name a School, then the decision of the Tribunal on any such appeal shall be binding and shall, if different from that of the Secretary of State under paragraph 9 above, be substituted for the Secretary of State's decision.
  12. Where the Boleyn Trust, the Secretary of State or the First-tier Tribunal (Special Educational Needs and Disability) have determined that it should be named, the Boleyn Trust shall admit the child to the school notwithstanding any provision of Annex 1 of the Supplemental Agreement of that School.
    - (1) Duties in relation to pupils with SEN at Special Academies are at clause 12A of the Master Funding Agreement.
    - (2) Currently these duties are in sections 313 (Duty to have regard to the Special educational needs and disability code of practice: 0 - 25 years 2014); 317 (Duties in relation to pupils with special educational needs), 317A (Duty to advise parents that special educational provision is being made); and 324(5)(b) (Duty to admit the child where an academy is named in the statement).
    - (3) These Regulations are amended by The Education (Special Educational Needs Co-ordinators) (England) (Amendment) Regulations 2009 (SI 2009 No 1387).
    - (4) For the meaning of 'disabled', see section 6 of the Equality Act 2010.
    - (5) SEN Admission's requirements for special academies are set out in the Special Academy Supplemental Funding Agreement Annex 1.

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Clive Douglas  
Chair of the Board of Trustees