



**Isle of Man
Government**

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Special Educational Needs Policy

Department of Education Sport and Culture
Rheynn Ynsee, Spoyrt as Cultoor

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1. INTRODUCTION

This policy document revises and restates the Department of Education, Sport and Culture's approach with regards to meeting the Special Educational Needs of pupils attending maintained and provided settings. It prescribes the arrangements that must be implemented to ensure that any barriers to learning for pupils with Special Educational Needs are addressed so they are able to make appropriate progress. This document replaces the 1995 Special Educational Needs Policy.

2. THE LEGISLATION WITH REGARDS TO SPECIAL EDUCATIONAL NEEDS

The policy is produced in accordance with the following legislation and regulations:

- Education Act 2001
- The Education (Special Educational Needs) Regulations 2004
- Education (Miscellaneous Provisions) Act 2009
- The Equality Act 2017

The Education Act 2001 places a duty upon the Department to secure all pupils opportunities for education as may be desirable in light of their age, aptitude and ability. In performing this duty the Department has particular regard of the need to secure suitable education provision for pupils assessed as having Special Educational Needs.

In order to fulfil this duty the Department takes reasonable steps to identify children with Special Educational Needs.

The Department also has regard to the general principle laid out in s1(2) of the Education Act 2001 that, so far as is compatible with the provision of efficient education and the efficient use of resources, pupils are to be educated in accordance with parental wishes.

Additionally, s24(1) of the Education Act 2001 places a duty on parents to cause their child of compulsory school age to receive suitable education, where suitable education means efficient full-time education suitable to age, aptitude, ability and any special educational needs they may have. The Department is required under s24(2) of the Education Act 2001 to enforce the duty imposed upon parents, where it appears to the Department that a child of compulsory school age is not receiving suitable education.

2.1 Defining Special Educational Needs and Disability

The Education Act 2001 s18(1) states:

a child has special educational needs if he [or she] has a learning difficulty which calls for special educational provision to be made for him [or her]

For the purposes of the Act, a child has a learning difficulty if he or she:

- a) has a significantly greater difficulty in learning than the majority of children of his [or her] age;
- b) has a disability which prevents or hinders him [or her] from making use of educational facilities of a kind generally provided for children of his [or her] age in provided schools; or

- c) is below compulsory school age and is, or if special educational provision were not made for him [or her] would be, likely to fall within paragraph (a) or (b) when he [or she] is of compulsory school age

A person is considered to have a disability for the purposes of the Equality Act 2017 s7(1)(a) and (b) if he or she has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

2.2 Public Sector Equality Duty

The Department has regard for the duty to promote equality prescribed in the Equality Act 2017 with regards to; eliminating conduct prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it.

The interpretation of the legislation is a matter for the courts.

3. THE SPECIAL EDUCATIONAL NEEDS POLICY

The Department's Special Educational Needs Policy is that:

- 3.1 Children and young people identified with Special Educational Needs are to be educated in mainstream, in their catchment school, alongside children who do not have Special Educational Needs, so far as is reasonably practicable and compatible with:
 - Parental wishes
 - The child's age, aptitude and ability
 - The efficient education of other children
 - The efficient use of resources
- 3.2 Reasonable steps are taken to ensure early identification and assessments of any Special Educational Needs a child may have
- 3.3 Children with Special Educational Needs experience inclusive quality first teaching, and have access to quality support, interventions and provision as needed
- 3.4 Support and provision is provided in a graduated response to need
- 3.5 Resources to meet Special Educational Needs are delegated to maintained and provided settings in a fair and transparent manner
- 3.6 Parents have access to suitable information, advice and guidance with regards to the Department's Special Educational Needs policies, procedures, services and provision arrangements
- 3.7 The views, wishes and feelings of children and young people identified with Special Educational Needs, and their parents / carers, are taken into account
- 3.8 Parents are to be fully involved in any decisions regarding additional provision, support or assessments proposed for their child

- 3.9 Reaching agreement with parents regarding effective provision to meet a child's Special Educational Needs, rather than creating a tribunal or appeals procedure to enforce one view over another, is the preferred way of working and the usual working practice
- 3.10 Departmental professionals and officers work, where appropriate and with parental consent, in co-operation with partner agencies to assess Special Educational Needs and plan provision
- 3.11 All necessary Special Educational Needs provision is to be made on-island, such that there will be no requirement for a child to be educated off-island because of their Special Educational Needs

4. Implementing the Special Educational Needs Policy

The Department will provide, and keep under regular review, a range of guidance documentation to assist maintained and provided settings with implementing the policy. This will include guidance on the identification and assessment of Special Educational Needs, along with the broader arrangements the Department has in place to deliver related services and provision.

5. Responsibilities to implement the SEN Policy

5.1 It is the Department's responsibility to:

- Provide strategic leadership for the development of Special Educational Needs practice, provision and services across maintained and provided settings
- Provide appropriate Special Educational Needs guidance for schools, parents and other stakeholders
- Ensure that suitable provision, with sufficient capacity, is available to meet needs
- Arrange mainstream transfers and placements for pupils with Special Educational Needs when appropriate
- Agree and manage admissions to Special Units
- Delegate Special Educational Needs funding to maintained and provided settings using a consistent and transparent model that makes efficient use of resources
- Maintain appropriate specialist educational services to provide advice, support and training to schools and UCM
- Monitor the quality of Special Educational Needs provision
- Develop multi-agency partnership working to assess Special Educational Needs and plan appropriate provision

5.2 It is the responsibility of Headteachers to:

- Develop an inclusive approach to meeting children and young people's Special Educational Needs
- Ensure the school publishes and regularly reviews a Special Educational Needs policy containing the procedures for meeting children's Special Educational Needs in that setting
- Ensure pupils' Special Educational Needs are identified and assessed as appropriate, as early as possible

- Maintain a Special Educational Needs register and ensure individual records are accurate, appropriate and up to date
- Ensure that pupils with Special Educational Needs continue to have routine classroom targets set and progress monitored, but those with more significant learning needs have their targets and progress recorded in an individual education plan
- Utilise Inclusion and Safeguarding resources provided to the school for the purpose intended – i.e. to meet pupils' Special Educational Needs
- Deploy and manage Education Support staff, teachers (in Units) and Lunchtime Ancillaries as appropriate
- Make available appropriate staff INSET opportunities
- Support staff to develop effective teaching strategies to meet pupils' Special Educational Needs
- Ensure staff follow the school's processes and procedures regarding Special Educational Needs
- Evaluate the impact of strategies, interventions and support – providing evidence as requested
- Make available to parents information concerning Special Educational Needs processes and provision within school
- Liaise with partner agencies as appropriate to meet pupils' Special Educational Needs