



# WEST STAFFORD MAT SEN STATEMENT

Arrangements for pupils with Special Educational Needs ('SEN') and disabilities at our academy schools

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

## Duties in relation to pupils with SEN (1)

1. The Directors of West Stafford MAT must, in respect of each of their academy schools, comply with all of the duties imposed upon the governing bodies of maintained academies in:
  - 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;
  - The Education (Special Educational Needs Co-ordinators) (England) (Amendment) Regulations 2008 as amended from time to time (3).
2. Notwithstanding any provision in this Agreement, the Secretary of State may (whether following a complaint made to him or otherwise) direct West Stafford MAT to comply with an obligation where West Stafford MAT has failed to comply with any such obligation.
3. Where a child who has SEN is being educated in one of the WSMAT academy schools, those concerned with making special educational provision for the child must secure that the child engages in the activities of the academy together with children who do not have SEN, so far as is reasonably practicable and is compatible with:
  - the child receiving the special educational provision which his/her learning difficulty calls for,
  - the provision of efficient education for the children with whom he/she will be educated, and
  - 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) West Stafford MAT must ensure that the website for each Academy includes details of

- the arrangements for the admission of disabled pupils;
- the steps taken to prevent disabled pupils from being treated less favourably than other pupils; and
- the facilities provided to assist access to the Academy by disabled pupils (disabled pupils meaning pupils who are disabled for the purposes of the Equality Act 2010)(4).

#### **Admissions (5)**

5. West Stafford MAT must ensure that for each pupil with SEN within any of the academy schools that they are admitted on an equal basis with others in accordance with the Academy's admissions policy.
6. Where a local authority proposes to name any one of the academy schools in a statement of SEN made in accordance with section 324 of the Education Act 1996, it must give West Stafford MAT written notice that it so proposes. Within 15 days of receipt of the LA's notice that it proposes to name the Academy in a statement, that academy 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, West Stafford MAT and its academies must have regard to the relevant guidance issued by the Secretary of State to maintained academies.
7. If one of the academies within the West Stafford MAT 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 Academy should be named in the pupil's statement. Such notice must set out all the facts and matters the academy relies upon in support of its contention that:
  - (a) admitting the child would be incompatible with efficiently educating other children; and
  - (b) West Stafford MAT and its academies cannot take reasonable steps to secure this compatibility.
8. After service by West Stafford MAT on the LA of any notice (further to paragraph 7 above) stating that it does not agree with the LA's proposal that the Academy be named, West Stafford MAT must seek to establish from the LA, as soon as is reasonably practicable, whether or not the LA agrees with West Stafford MAT. If the LA notifies West Stafford MAT that it does not agree with West Stafford MAT's response, and names the Academy in the child's statement, then West Stafford MAT must admit the child to the academy on the date specified in the statement or on the date specified by the LA.
9. Where West Stafford MAT consider that the Academy 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 Academy 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 an Academy in the child's SEN statement or asking the Tribunal to name an Academy, 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 West Stafford MAT, the Secretary of State or the First-tier Tribunal (Special Educational Needs and Disability) have determined that it should be named, West Stafford MAT shall admit the child to the academy notwithstanding any provision of Annex 1 of the Supplemental Agreement of that Academy.

(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 Admissions requirements for special academies are set out in the Special Academy Supplemental Funding Agreement Annex 1.