Annex C

Arrangements for pupils with SEN and disabilities at The Thetford Academy

Duty to have regard to the Code of Practice and other guidance

1. The Thetford Learning Trust shall have regard to the Special Educational Needs Code of Practice (2001) and any guidance issued by the Secretary of State relating to sections 316 and 316A of the Education Act 1996.

Duties in relation to pupils with SEN

2. The Governing Body of the Thetford Learning Trust shall designate the Principal, the chair of governors or another governor to be the responsible person for the purposes of the following duties in relation to pupils with SEN.

3. The Governing Body of the Thetford Learning Trust shall:
   a. use their best endeavours, in exercising their functions in relation to the school, to secure that, if any registered pupil has special educational needs, the special educational provision which the pupil’s learning difficulty calls for is made;
   b. secure that, where the responsible person has been informed by a local authority that a registered pupil has special educational needs, those needs are made known to all who are likely to teach the pupil;
   c. secure that the teachers in the school are aware of the importance of identifying, and providing for, those registered pupils who have special educational needs; and
   d. consult Norfolk County Council and the governing bodies of other schools in the area, to the extent that this is necessary for co-ordinating provision for pupils with SEN.

4. Where a child who has special educational needs is being educated in The Thetford Academy, those concerned with making special educational provision for the child shall secure 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:
   a. the child receiving the special educational provision which his learning difficulty calls for,
   b. the provision of efficient education for the children with whom he will be educated, and
   c. the efficient use of resources.
5. The Thetford Academy prospectus shall include details of the Thetford Learning Trust's policy for pupils with SEN and in particular shall include the information specified in Schedule 1 to the Education (Special Educational Needs) (Information) Regulations 1999 as amended or re-enacted from time to time. It shall also include 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 Thetford Academy by disabled pupils (disabled pupils meaning pupils who are disabled for the purposes of the Disability Discrimination Act 1995).

Admissions

6. The Thetford Learning Trust shall ensure that pupils with SEN are admitted on an equal basis with others in accordance with its admissions policy.

7. Where a local authority ("LA") proposes to name The Thetford Academy in a statement of SEN made in accordance with section 324 of the Education Act 1996, it shall give the Thetford Learning Trust written notice that it so proposes. Within 15 days of receipt of the LA's notice that it proposes to name The Thetford Academy in a statement, the Thetford Learning Trust shall 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 Thetford Learning Trust shall have regard to the relevant guidance issued by the Secretary of State to maintained schools.

8. If the Thetford Learning 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 Thetford Academy should be named in the pupil's statement. Such notice must set out all the facts and matters The Thetford Academy relies upon in support of its contention that: (a) admitting the child would be incompatible with efficiently educating other children; and (b) the Thetford Learning Trust cannot take reasonable steps to secure this compatibility.

9. After service by the Thetford Learning Trust on the LA of any notice (further to paragraph 8 above) stating that it does not agree with the LA's proposal that The Thetford Academy be named, the Thetford Learning Trust shall seek to establish from the LA, as soon as is reasonably practicable, whether or not the LA agrees with the Thetford Learning Trust. If the LA notifies The Thetford Academy that it does not agree with The Thetford Academy's response, then the Thetford Learning Trust must immediately contact the SEN Dispute Resolution Service and attempt to resolve the disagreement with the LA through negotiation with the LA.

10. In the event that the disagreement between the Thetford Learning Trust and the LA is not resolved through the SEN Dispute Resolution, the Thetford Learning Trust may ask the Secretary of State to determine whether The Thetford Academy should be named. 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 guardian 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 The Thetford Academy in the child's SEN statement or asking the Tribunal to name The Thetford 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 10 above, be substituted for the Secretary of State’s decision.

12. Where the Thetford Learning Trust has consented to The Thetford Academy being named in a child’s statement of SEN, or the Secretary of State or the First-tier Tribunal (Special Educational Needs and Disability) have determined that it should be named, the Thetford Learning Trust shall admit the child to The Thetford Academy notwithstanding any provision of Annex B to this agreement.