

1. Introduction

1.1 School Context

City of London School ('the School') is an academically selective school that is committed to providing an environment that values and includes all pupils, staff, parents / [carers](#) and visitors regardless of their needs. The School is further committed to developing a culture of awareness, respect, and inclusion. This policy describes the provision for Learning Support in the School.

1.2 Background

The [Equality Act](#) (2010) has replaced all previous disability legislation and, in doing so, has introduced the idea of protected characteristics which cover the following:

- Sex
- Disability
- Sexual orientation
- Gender reassignment
- Religion or belief¹
- Race (including colour, nationality and ethnic or national origins)
- Pregnancy and maternity
- Age
- Marriage and civil partnership²

- 1.3 The [Children and Families Act](#) (2014) introduced new regulations and a new SEND Code of Practice. Unlike the Equality Act, which applies to all educational establishments, the Children and Families Act is not applied in the same way to the School because it is not in receipt of public funds and **the School does not have any pupils with Education Health and Care (EHC) Plans.**

Nevertheless, there are important principles and examples of good practice that can inform provision for the School's pupils:

- to ensure early and earliest identification of learning needs
- to enable all teachers to be responsible for meeting the needs of identified pupils
- to promote the views of pupils and parents in determining the most appropriate decisions
- to assist education, health and social care services to work together
- to make sure children and families know what help they can obtain for a pupil identified with special educational needs

¹ The Act defines "religion" as being any religion (e.g. all the major faith groups) and "belief" as any religious or philosophical belief (e.g. non-religious worldviews such as humanism); a lack of religion or a lack of belief are also protected characteristics.

² N.B. The last two of these protected characteristics ("Age" and "Marriage and civil partnership") **do not apply** to pupils within schools.

The [SEND Code of Practice](#) (2014, updated 1 May 2015) ('the Code') has been carefully considered, and this Learning Support and Disability Policy reflects the overarching aims of the Code, which are that:

- all children and young people are entitled to an appropriate education, appropriate to their needs, which promotes high standards and the fulfilment of potential, which should enable them to achieve their best, become confident individuals leading fulfilling lives, and make a successful transition into adulthood, whether into employment, further or higher education or training.

1.4 This policy should be read in conjunction with the following school policies:

- Equal Opportunities (Pupils) Policy
- Accessibility Policy
- Curriculum and Teaching and Learning Policy (and supporting Academic Departmental Handbooks); Able, Gifted and talented Pupils Policy; English as an Additional Language (EAL) Policy
- Admissions Policy; Exams Policy
- Behaviour Policy; Anti-Bullying Policy; Peer-on-peer abuse policy; Counselling Policy
- PSHE Policy
- Safeguarding and Child Protection Policy
- Information Sharing and Confidentiality Policy

1.5 This policy has regard to Part 1 (Quality of education provided), Paragraph 2 (Curriculum) and 32 (Provision of Information) of the Independent School Standards Regulations.

2. Aims

2.1 This policy focuses on:

- Protection for pupils by preventing discrimination against them at school on the grounds of disability
- The processes in place to identify, assess, and run interventions for pupils

2.2 The School is an academically selective school catering for pupils of high academic ability. Pupils are admitted by competitive examination and are selected on the basis that they are likely to be able to cope with an intensive academic curriculum. The School will do all that is reasonable to ensure that its culture, ethos, policies and procedures are made accessible to children who have disabilities and to accommodate the needs of applicants for places at the School.

2.3 Some pupils who are selected for places may have Special Educational Needs and / or Disabilities (SEND) identified before or after admission to the School. It is the objective of this Learning Support and Disability Policy to ensure that pupils with SEND experience equal opportunities within the school and that they benefit as fully as possible from their education.

3. Roles and Responsibilities

3.1 The Learning Support Department plays an active role in the School community and liaises closely with key departments and members of staff holding relevant positions of responsibility.

3.2 **The SENCo**

The School's Special Educational Needs Co-ordinator (SENCo) is the Head of Learning Support.

The Head of Learning Support:

- has an important role to play (with the Head and Board of Governors) in determining the strategic development of SEND policy and provision within the School to ensure the school meets its responsibilities under the Equality Act (2010), and so the post-holder reports to the Director of Studies (with the reporting chain extending up to the Senior Deputy Head, Head, and Board of Governors).
- has day-to-day responsibility for the operation of SEND policy and co-ordination of specific provision made to support individual pupils with SEND (including any pupil who has an EHC Plan).
- Provides professional guidance to colleagues (including advising on the graduated approach to providing SEND support) and works closely with staff, parents of pupils with SEND, and other agencies (including other schools, educational psychologists, health and social care professionals, and independent or voluntary bodies, as required).

3.3 The Head of Learning Support works in conjunction with:

- The Deputy Head (Teaching & Innovation) and the Director of Studies
- The Deputy Head (Pastoral), Heads of Section, Heads of Year and Form Tutors; the Pastoral and Wellbeing Advisor
- Exams Officers and Administrators
- The EAL Co-ordinator
- The Admissions' Department

3.4 **Provision of staffing**

The Head of Learning Support is full time and is supported by:

- four part-time teachers
- a Learning Support Administrator (the Learning Support Department shares administrative support with the Exams Office)

3.5 **Additional School Resources**

The School has a School Nurse (full time during the term time) and referral can be made where there are concerns which require the nurse's involvement. The School Nurse keeps appropriate records and liaises, where appropriate, with the City of London Corporation's Medical Officer.

Three fully qualified School Counsellors and Pastoral and Well-Being Advisor are employed by the School. The Deputy Head (Pastoral) manages these roles.

4. Admissions

- 4.1 A pupil may only be admitted to the School if he has met the requirements of the selective admissions procedure and is able to access the site and curriculum after reasonable adjustments have been made to accommodate any SEND he has. Once admitted, the procedures of identification, assessment, planning, action and review (see below) will operate for a pupil with an identified SEND.
- 4.2 Further information with regard to the School's policies and procedures for supporting candidates with SEND are given in the School's Admissions Policy.

5. Curriculum

- 5.1 The School seeks to provide a supportive and caring environment in which every pupil is valued and where learning can take place in an orderly, purposeful and creative manner.
- 5.2 The School is committed to:
- providing a broad, balanced and relevant curriculum
 - promoting the pursuit of excellence by each pupil, irrespective of SEND.
- 5.3 Where a pupil has an identified SEND, the School will use its best endeavours to ensure that pupil gets the support they need and that every effort will be made to ensure they can engage in the activities of the School and make full access to the curriculum. For further information, see the School's Curriculum and Teaching and Learning Policy.

6. Pupils who qualify for support

- 6.1 As an academically selective school, the School has an inclusive admissions policy that means we are used to working with a range of pupils who are high functioning but may have additional or specific learning needs. The Learning Support Department is part of the School's provision and works across the school to help organise a coherent and consistent approach to meeting the needs of these pupils. Of particular importance to the Learning Support Department is the duty of ensuring reasonable adjustments are in place for identified pupils.
- 6.2 The Learning Support Department works with pupils who have been referred (see the *Identification and Assessment* section below) by one or more of the following:
- the pupil (self-referral)
 - the pupil's family
 - teaching staff
 - external agencies
- 6.3 A pupil may qualify as having Special Educational Needs (SEN) as defined by the Code, which states:
- A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for them.
 - A child or young person has a learning difficulty or disability if they:
 - have a significantly greater difficulty in learning than the majority of others the same age, or

- have a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.
- Special educational provision is educational or training provision that is additional to or different from that made generally for other children or young people of the same age by mainstream schools or mainstream post-16 institutions.

Learning Difficulties are identified under Four Categories of SEN as defined in the Code. These are outlined in Appendix 1.

- 6.4 A pupil may qualify as having a disability as defined by the Code, which states that a person has a disability if:
- they have a physical or mental impairment, and
 - the impairment has a long-term³ and substantial⁴ adverse effect on that person's ability to carry out normal day-to-day activities.

This definition includes sensory impairments (such as those affecting sight or hearing) and long-term health conditions (such as asthma, diabetes, epilepsy, and cancer). Further information is available in the School's Equal Opportunities (Pupils) Policy and the School's Accessibility Policy.

- 6.5 The Government's *Excellence in Schools* (1997) states:
- Whether or not a child has SEN depends both on the individual and on local circumstances. It may be entirely consistent with law for a child to be said to have special educational needs in one school, but not another.

This policy takes into consideration that most pupils at the School will not have greater difficulty learning than the majority of others the same age Nationally, but that some may have greater difficulty learning than the majority of others in the School, thus resulting in the need for targeted Learning Support interventions.

7. Identification and Assessment

7.1 Introduction

Every school is required to identify and assess the SEND of the pupils that they support. The School aims to identify SEND at the earliest point. This identification of SEND is built into the overall approach to monitoring the progress and development of all pupils.

7.2 Identification

This can come through a number of channels, but all should flow through the Form Tutor, who is responsible in the first instance for the pupil and communication to relevant parties. The information gathering outlined below should include an early discussion with the pupil and parents in order to develop a good understanding of the pupil's areas of strength and difficulty.

³ 'long-term' is defined as 'a year or more'

⁴ 'substantial' is defined as 'more than minor or trivial'

7.2.1 Previous Identification

- Information provided by a previous school and / or an external consultant at admissions.
- Information provided by a previous school and / or an external consultant after an offer of a place has been made and before the pupil enters the School.

7.2.2 Academic Referral

- Screening Concerns (e.g. Learning Support Screening, MIDYIS Results)
- Concerns from class / subject teachers regarding a pupil's progress in a particular subject (e.g. Referrals system, Academic Reports) where a pupil is making less than expected progress given their age and individual circumstances
- Concerns about Exam Results

7.2.3 Pastoral Referral

A referral may be made to the Learning Support Department on the basis of concerns about a pupil's personal or social development or pastoral progress identified by the:

- Form Tutor
- Head of Year or Head of Section
- Deputy Head (Pastoral)
- School Counsellor
- Pastoral and Wellbeing Advisor

7.2.4 Independent Referral

- Pupil's Concerns (self-referral)
- Parents' Concerns

7.3 Assessment

Assessments are generally recommended in order to identify the potential cause of an ongoing underlying difficulty at school. Assessments are carried out both for diagnostic purposes and for compiling evidence to support Access Arrangements for internal and public exams.

In the case there is no acceptable and / or in-date external report:

- a request for permission to assess will be sent to parents through the Form Tutor, which includes information regarding data protection.
- the Learning Support Department will not move forward with the assessment until parents have formally agreed to the assessment by sign-off or email.
- once permission has been obtained, a qualified assessor within the Learning Support Department will carry out an appropriate assessment and may then recommend further assessment by an Educational Psychologist or other external consultant.
- a brief report will be written to summarise the assessment findings.
- Access Arrangements will be recommended and put in place only if assessment scores or a professional report exist to support the arrangement and where this is supported by evidence from the teaching staff.

On entry to the School, pupils with SEND may be required to undertake a new assessment where appropriate.

Assessment results will be kept confidential and disposed of when the pupil is 25 years of age.

7.4 Involving External Specialists

The Learning Support Department and / or Parents may conclude that the pupil would benefit from being assessed by an Educational Psychologist, Occupational Therapist, Medical Specialist, Speech and Language Therapist, or another qualified professional. *(Also see the [Partnerships with Outside Agencies](#) section below).*

The School follows guidelines set out by the [Joint Council for Qualifications](#) (JCQ) regarding independent assessors, which are as follows:

- *External assessments cannot be used as evidence for access arrangements by the school unless there is an established working relationship between the external assessor and the school.*
- *Before the candidate's assessment, the SENCo must provide the assessor with background information (i.e. a picture of need has been painted). The SENCo and the specialist assessor must work together to ensure a joined-up and consistent process.*
- *An independent assessor must contact the school and ask for evidence of the candidate's normal way of working and relevant background information. This must take place before the candidate is assessed.*
- *An independent assessor must discuss access arrangements with the SENCo. The responsibility to request access arrangements specifically lies with the SENCo.*

The School reserves the right to:

- reject any reports submitted where the School has not been notified prior to the assessment and put in contact with the external assessor in order to provide a school brief.
- reject any recommended arrangements should the School disagree with the conclusions drawn by the external assessor.

If the School has recommended an external assessment:

- Parents will make the final decision regarding action on the School's recommendation for referral to an External Specialist.
- Should they choose to go ahead with the assessment, parents have the responsibility of meeting the cost of the assessment by the External Specialist.

In the case that an Educational Psychologist (EP) or other external report is commissioned:

- the Head of Learning Support will carefully review the report and discuss implications with the pupil and his parent(s).
- the assessment and agreed recommendations will be summarised for the teaching staff.
- the agreed relevant information about the pupil will be included in the Individual Learning Plan, which is made available to teaching staff only.
- the recommended Access Arrangements will be put in place only if [substantiated by teacher evidence](#), the JCQ guidelines are adhered to and [assessment](#) scores exist to support the arrangement. *(Also see the [Access Arrangements](#) section below).*

8. Provision (Graduated Approach)

8.1 Day to day practice within the School aims to follow the guidelines on the approach to interventions and Learning Support outlined in the Code. *In particular, the School will ensure that pupils and parents are actively involved in decision-making regarding the desired outcomes and throughout the approaches adopted.*

8.2 Graduated Approach

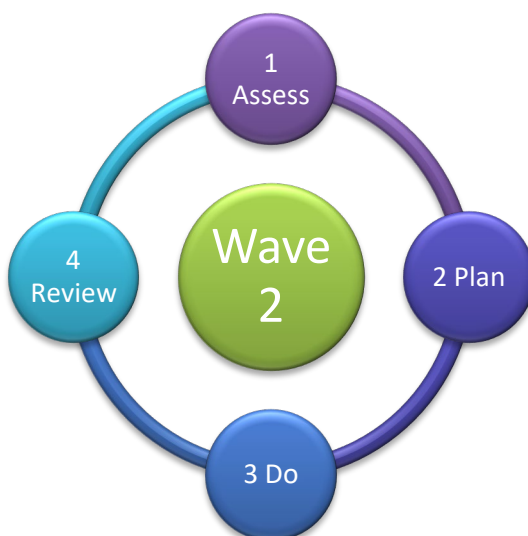
There is a ‘two wave’ approach to provision in place at the School that follows the ‘Assess, Plan, Do, Review’ process outlined in the Code.

8.2.1 Wave 1: Quality provision by Teaching Staff, led by Form Tutor and Head of Year



The first response is to ensure high quality teaching in normal lessons, differentiated for individual pupils and targeted at a pupil’s particular areas of SEND. If, on review, the pupil has made inadequate progress, Wave 2 is implemented.

8.2.2 Wave 2: Learning Support Intervention, led by qualified Learning Support Department staff



8.3 Reasonable adjustments

The School accepts its responsibility to make reasonable adjustments to meet the physical and educational needs of pupils **and to prevent them being put at a substantial disadvantage**. In order to facilitate this, the following expectations should be considered by all teachers:

- When planning, teachers will need to set high expectations and provide opportunities for all pupils to succeed, including pupils with SEND. They should plan their approaches to teaching and learning so that all pupils can take part in lessons fully and effectively.
- Teachers must take account of potential barriers to learning and, where necessary, make provision to support individuals or groups of pupils to enable them to participate effectively in the curriculum and assessment activities.
- Curriculum planning and assessment for pupils with SEND must take account of the type and extent of the difficulty experienced by the pupils.
- Disabled pupils may need access to specialist equipment and approaches or to alternative or adapted activities, consistent with school-based intervention augmented by advice and support from external specialists.

8.4 Exceptional Resources (for pupils with EHC Plans)

Where pupils with SEND require specialist teaching beyond that which is normally provided by the School, this will be discussed and agreed on a case-by-case basis. If parents request such support in School, any additional cost and who will bear that cost, are considerations for the School (or, in the case of a pupil with an Education Health Care (EHC) Plan, with and by the pupil's home Local Authority⁵) in determining whether the provision of such support is reasonable. If the School is informed that provision is being made outside school, the Head of Learning Support will be responsible for ensuring that teachers are aware of the needs of pupils, as identified in any reports received by the School. Parents will be responsible for the cost of support outside School.

9. Access arrangements

- 9.1 Some candidates who have SEND may be entitled to special arrangements for public examinations. The criteria for access arrangements is set out by the [Joint Council for Qualifications](#) (JCQ) and updated annually. These updates are consulted by the School when considering the formal application for arrangements each year.
- 9.2 A diagnosis of a SEND is no longer sufficient in itself in order to qualify for an Access Arrangement, and the examining boards will only award extra time if specific conditions affect a pupil's function(s) in a measurable way.
- 9.3 The School must compile for Exam Boards a history of **the candidate's SEND and their remediation and / or accommodation, including evidence of the need from teachers and information about the pupil's normal way of working in routine lessons (i.e. not only in exams)**. To this end, pupils' use of special arrangements is **routinely** monitored by class

⁵ Guidance from the Independent School Standards Regulations (ISSRs): Where a Local Authority (LA) concludes that a child with a Statement of Special Educational Needs or an EHC Plan should be placed into an independent school and names the school in the EHC Plan, the LA retains legal and financial responsibility for ensuring that the provision specified in the child's EHC plan is made. This will include paying the fees charged by the independent school.

teachers and the Learning Support Department, and pupils' use of these arrangements is also carefully observed during internal and public exams. Pupils and their parents are both required to sign off a data protection form to acknowledge and agree that this information is shared with the exam boards as necessary.

- 9.4 For information about Access Arrangements in the School's entrance examinations, please see the School's Admissions Policy.

10. Behaviour and SEND

- 10.1 Where a pupil has an emotional and / or behavioural difficulty, the aim of the School is to support the pupil where possible. The pastoral work of all subject teachers, Form Tutors, Heads of Year, Heads of Section, the Pastoral and Wellbeing Advisor, the School Counsellors and other staff underpins this aim. The Deputy Head (Pastoral) has overall responsibility for pupil welfare and oversees the pastoral and disciplinary aspects of school life. The School's Pastoral Handbook outlines the systems in operation in the School.
- 10.2 However, where the behaviour of a pupil is a serious barrier to his own or other pupils' learning, the School may recommend an assessment in order to identify any SEND. If reasonable adjustments can be made, the progress of that pupil will be regularly reviewed. Should the reasonable adjustments put in place prove ineffective, the decision may be taken, in consultation with the parents, the Deputy Head (Pastoral) and the Head, that their needs would be better met in a different academic environment.

11. Transition to other schools and Post-Secondary education

- 11.1 Support for pupils with SEND should include planning and preparation for the transitions between phases of education and preparation for adult life. The Learning Support Department will support identified pupils through transition as follows:
- transition to University
 - transition to other schools
 - communication with SENCOs at other educational institutions as necessary
 - sharing of information (including copies of files) with the school, college or other setting the pupil is moving to, in accordance with data protection requirements⁶.
- 11.2 The Learning Support Department provides the following services for transition to post-secondary education:
- Access Arrangements applications for admissions tests carried out within school for both local and international Universities
 - A copy of the history of provision, relevant assessment results, and access arrangements granted during the pupil's time at school
 - Advice on Disabled Students' Allowances (DSA) applications

⁶ All communication with outside parties will require the agreement of the pupil and / or parents, as necessary, confirmed in writing prior to any data sharing, and pupils and parents will be consulted as part of the planning process.

12. Partnerships with Outside Agencies

- 12.1 The School encourages staff to liaise with outside agencies if it is in the best interest of a pupil, either by correspondence or by a member of the outside agency visiting the School. *The pupil's parents would always be involved in any decision to involve specialists.*
- 12.2 The School has links with the City of London Corporation's Education Service, and this includes informal links with the Principal Officer (Children's Education Services). The Local Offer from relevant Boroughs is also available. In addition, to offer advice to parents and staff, the School has access to:
- recommended Educational Psychologists with whom the school has a joined up and working relationship
 - Occupational and Physio Therapists with whom the school has a joined up and working relationship
 - Speech and Language and Behavioural Therapists with whom the school has a joined up and working relationship
 - Child and Adolescent Psychiatrists with whom the school has a joined up and working relationship
 - a handwriting specialist with whom the school has a joined up and working relationship
 - Child and Adolescent Mental Health Services (CAMHS)
 - a variety of organisations representing specific difficulties including vision and hearing difficulties
 - a range of medical professionals

13. Documentation, Record Keeping and Data Protection

- 13.1 Documentation regarding identified SEND and approved access arrangements is available to teaching staff through the School's Information Management System (iSAMS). All teaching staff are provided with information and updates regarding relevant pupils, as necessary, through a confidential internal communication system. Parents and pupils are notified that this information will be stored on the School's Information Management System and Learning Support Database and made available to teaching staff.
- 13.2 **SEND Register**
Each year, a formal SEND Register is generated for the census from the Learning Support Database.
- 13.3 For pupils who have SEND, the School holds an Individual Learning Profile that lists the identified difficulties, strengths, weaknesses, targets, teaching strategies, and approved access arrangements for that pupil.
- 13.4 Under the Data Protection Act (2018) (which incorporates the General Data Protection Regulations):
- Parents and pupils will be clearly informed of the Learning Support Department's data policy prior to any data collection. (Please see the School's Privacy Policy for information about the information we hold, the legal basis for holding that information, how this information is processed.)

- Data collected and stored using networked software will also be kept digitally on school staff accounts available only to Learning Support Staff, Teaching Staff and the System Administrator.
- The School will take all reasonable steps to ensure third parties who process personal data on the School's behalf (e.g. exam boards and assessment companies) are compliant with the Act.
- Data will not be shared with external parties without explicit permission from the parent / guardian or pupil if he is 13 years of age or older.
- Data will be kept in a secure environment, usually archived, and kept on file for at least until the pupil is 25 years of age when it may be destroyed. (Please see the School's Data Retention Policy.)
- Parents / carers and pupils 13 years of age or older can request copies of data, but once the pupil has left the school, the relevant data release paperwork must be filled in and submitted. Forms requesting copies of data may be requested from the School's Data Coordinator at dataprotection@cityoflondonschool.org.uk.

14. Staff Training

- 14.1 A programme of general staff training is in operation within the School, including:
- Regular sessions for all teachers related to awareness of, and provision for, pupils with SEND.
 - The Head of Learning Support delivers training sessions at Heads of Department Meetings, Heads of Year Meetings, and Department meetings.
 - The Learning Support Department offers teachers the opportunity to have lessons observed for SEND coaching and feedback.
 - The Learning Support Department offers teachers personalised training specific to their subjects and classes, *as well as bespoke advice on specific cases*.

Feedback will be sought from pupils, parents, teaching staff and the Senior Management Team to identify areas of training need.

- 14.2 *Further information regarding staff training is available on request from the Head of Learning Support.*

15. Complaints

- 15.1 The School takes complaints from parents seriously and seeks to ensure that they are dealt with thoroughly at the appropriate level. Parents who wish to raise a concern or complaint about any aspect of their son's education, including the management of any SEND, may do so using the School's published Complaints Policy and Procedure, which is published on the School's website and available on request from the School.

16. Review of Policy

16.1 Over the course of the year, comments and suggested improvements to the policy will be logged. The policy will be reviewed annually, taking into account the comments that have been collated. If necessary, changes are deemed time-critical, this Learning Support and Disabilities Policy will be updated as and when required.

16.2 The Policy will be reviewed annually prior to approval by the Board of Governors.

Policy last reviewed by:	Andrea DiStefano (Head of Learning Support) and Richard Brookes (Senior Deputy Head)
Date last reviewed:	October 2019 (changes as indicated)
Approved on behalf of Governors by:	Board of Governors
Date approved:	11 December 2019

Appendix 1: Four Categories of SEND⁷

1.1 Communication and Interaction Difficulties

- Autism Spectrum Disorder (ASD), including Asperger's Syndrome and Autism
 - pupils may have particular difficulties with social interaction, and may experience difficulties with language, communication and imagination, which can impact on how they relate to others
- Speech, Language, and Communication Needs (SLCN)
 - pupils may have difficulty saying what they want to, understanding what is being said to them or they do not understand or use social rules of communication

1.2 Cognition and Learning Difficulties

When children learn at a slower pace than their peers, even with appropriate differentiation. Learning Difficulties cover a wide range of needs, including:

- Moderate Learning Difficulties (MLD)
- Severe Learning Difficulties (SLD)
 - pupils are likely to need support in all areas of the curriculum and associated difficulties with mobility and communication
- Profound and Multiple Learning Difficulties (PMLD)
 - pupils are likely to have severe and complex learning difficulties as well as a physical disability or sensory impairment
- Specific Learning Difficulties (SpLD), including Dyslexia, Dyscalculia and Dyspraxia

1.3 Social, Emotional, and Mental Health Difficulties

Difficulties that manifest themselves in many ways, including through becoming withdrawn or isolated, as well as displaying challenging, disruptive or disturbing behaviour which may reflect underlying mental health difficulties including anxiety, depression, self-harming, substance misuse, eating disorders or physical symptoms that are medically unexplained. Other disorders include:

- Attention Deficit Disorder (ADD)
- Attention Deficit Hyperactivity Disorder (ADHD)
- Attachment Disorder

1.4 Sensory and/or Physical Needs

Some pupils require special educational provision because they have a disability which prevents or hinders them from making use of the educational facilities generally provided. These difficulties may be age related and may fluctuate over time. These may include:

- Vision Impairment (VI)
- Hearing Impairment (HI)
- Multi-sensory Impairment (MSI), where a pupil has a combination of vision and hearing difficulties
- Physical Disability (PD)

Such pupils may require specialist support and / or equipment, or habilitation support, to access their learning. Some pupils with a PD require additional ongoing support and equipment to access all the opportunities available to their peers.

⁷ These categories of SEND are as defined in the Code.