



**Education (Northern Ireland) Order 1996 as amended by Special Educational
Needs and Disability (Northern Ireland) Order 2005**

Supplement to the Code of Practice

on the

**Identification and Assessment of
Special Educational Needs**

Operative Date: 1 September 2005



Department of
Education

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Section 1:

INTRODUCTION

General

- 1.1 From 1 September 2005 the Special Educational Needs and Disability (Northern Ireland) Order 2005 (hereafter referred to as SENDO) makes changes to the existing legislation, as contained in the Education (Northern Ireland) Order 1996 (hereafter referred to as the 1996 Order), for children with special educational needs (SEN). In addition, new Regulations have been made to support the changes contained within the SENDO.


Status of the Supplement

- 1.2 This Supplement is issued by the Department of Education under Article 4 of the 1996 Order and is operative from 1 September 2005. The status, coverage, principles and essential practices and procedures and detailed guidance contained in existing Code of Practice on the Identification and Assessment of Special Educational Needs 1998 (hereafter referred to as the Code of Practice) are unchanged by this Supplement.
- 1.3 Schools and Education and Library Boards (hereafter referred to as Boards) and others exercising relevant statutory functions (including the extended Special Educational Needs and Disability Tribunal) will need to be able to demonstrate, in their arrangements for children with SEN, that they are fulfilling their statutory duty under Article 4 of the 1996 Order to have regard to this Supplement. Both the Code of Practice and this Supplement are designed to help make effective decisions but do not and could not tell schools, Boards and others what to do in the specific and individual circumstances they encounter.



Coverage of the Supplement

- 1.4 As defined in the 1996 Order (and summarised in paragraph 1.4 of the Code of Practice) a child has **‘special educational needs’** if he/she has a learning difficulty, which calls for special educational provision to be made for him/her. A child has a **‘learning difficulty’** if:
- He/she has significantly greater difficulty in learning than the majority of children of his/her age;
 - He/she has a disability which either prevents or hinders him/her from making use of educational facilities of a kind generally provided for children of his/her age in ordinary schools; or
 - He/she has not attained the lower limit of compulsory school age and is, or would be if special educational provision were not made for him/her, likely to fall within either of the previous two paragraphs when he/she is of compulsory school age.
- 1.5 **‘Special education provision’** means: in relation to a child who has attained the age of two years, educational provision which is additional to, or otherwise different from, the educational provision made generally to children of this age in ordinary schools, and in relation to a child under that age, educational provision of any kind which is different from, or additional to, the provision made generally for children of comparable age.
- 1.6 The Supplement aims to provide a clear understanding and consistency of approach for schools, Boards and others on the steps to be taken in carrying out their statutory functions as they relate to the special educational needs (SEN) aspects of the SENDO and to provide additional guidance in developing inclusive education in schools for children with SEN. It explains the new SEN duties and provides case studies in order to show responsible bodies what steps might be taken to meet these duties.

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- 1.7 The Supplement applies to all grant-aided schools (including grant-aided nursery schools) in Northern Ireland. A grant-aided school is one that receives a grant from the Department or a Board.

Format of the Supplement

- 1.8 This Supplement must be read in conjunction with the Code of Practice, the 1996 Order and the SENDO 2005. Cross-references to these documents are included in the Supplement as appropriate.

- 1.9 For ease of access, the Supplement is set out in 5 Sections, plus appendices, as follows:


Section 1	Introduction
Section 2	Summary of the New SEN Provisions
Section 3	Disability Discrimination in Education
Section 4	Guidance about the SEN Provisions in the SENDO
Section 5	Inclusion of Children with SEN
Appendix 1	Case Studies – Abuse of Efficient Education Caveat
Appendix 2	Case Studies – Reasonable Steps

Case Studies in the Supplement

- 1.10 The case studies appended to the Supplement aim to assist and support understanding of the legislation and illustrate how the duties might be met or breached. All of the case studies are drawn from real situations and from what is already happening in many schools. The case studies relate to a range of different schools, and different SEN needs. Whilst the case studies refer to particular circumstances, they can be used to assist schools in analogous situations and settings. However, the case studies are illustrative, not comprehensive, and they do not constitute an authoritative interpretation of the legislation.

Mainstream Schools

- 1.11 The 1996 Order and the SENDO refer to ‘ordinary school’. An ‘ordinary school’ means a grant-aided school which is not a special school. Whilst the term ‘ordinary’ school’ is used in the legislation the term



‘mainstream’ is used in this Supplement in keeping with the terminology used in the Code of Practice. A ‘mainstream school’ for the purpose of this Supplement is any grant-aided school, which is not a special school or an independent school (see Glossary on pages 87-90 of the Code of Practice).

Roles and Responsibilities

1.12 The Code of Practice includes the roles and responsibilities relating to the 1996 Order – these responsibilities continue to apply. Section 2 of this Supplement (paragraph 2.3) highlights the new or changed responsibilities required by the SENDO. Section 4 provides more detailed guidance on the roles and responsibilities relating to each of the Articles in the SENDO.


Working in Partnership with Parents

Paragraphs 2.21 to 2.27 (Partnership with Parents) of the Code of Practice continue to apply.

1.13 Partnership with parents continues to play a key role in promoting a culture of co-operation between parents, schools, Boards and others. It is therefore essential that all professionals actively seek to work with parents in a meaningful way and value the contribution that they make. The work of professionals can be more effective when parents are involved and account is taken of their wishes, feelings and perspectives on their children’s development. This is especially true when a child has SEN. All parents of children with SEN should be treated as partners within the process to identify and meet the child’s needs. The interpretation as it relates to ‘parent’ and ‘parental responsibility’ is contained in pages 87 to 90 of the glossary in the Code of Practice.

1.14 To make communications with parents effective schools, Boards and other professionals should:

- acknowledge and draw on parental knowledge and expertise in relation to their child;

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- focus on the child's strengths as well as areas of additional need;
 - be aware of the parents' feelings and the pressures which they may be under;
 - ensure that parents understand procedures for seeking information and advice, are aware of how to access support and are given any documents to be discussed in advance of meetings;
 - respect the validity of differing perspectives and seek constructive ways of reconciling different viewpoints;
 - respect the differing needs that parents themselves may have, such as disability or communication barriers;
 - recognise the need for flexibility in the timing and structure of meetings.

1.15 The school is often the first point of contact for parents. Parents should be fully involved in the school-based response for their child, understand the purpose of any intervention made and be told about the Boards' Advice and Information Service. Schools should welcome and encourage parents to participate throughout their child's career in the school and, as introduced under Article 9 of the SENDO, schools must tell parents when special educational provision is being made for a child because the child is considered by the school as having SEN. Paragraphs 4.58 to 4.63 of this Supplement refer.

1.16 Parents also have responsibilities in working effectively with schools, Boards and other professionals to support their child's education. They should:

- communicate regularly with the school and alert them to any concerns that they might have about their child's learning or provision;
- fulfil their obligations to ensure that their child receives full time education suitable to their age, ability, aptitude and any SEN they may have.



1.17 Boards need to ensure that:

- they are accessible, welcoming and value the views and involvement of parents, children and young people;
- information is accessible, as set out in paragraph 2.26 of the Code of Practice.

Views of the Child

Paragraphs 1.7, 2.28-2.29 (Involving the Child), 2.67, 3.59 & 6.37 of the Code of Practice continue to apply.


1.18 The Code of Practice (essential practices and procedures throughout all stages of the identification and assessment of SEN) highlights the importance of children and young people participating in all decisions about their education. This is in keeping with Articles 12 & 13 of the ‘United Nations Convention on the Rights of the Child’, which states that ‘Children who are capable of forming views, have a right to receive and make known information, to express an opinion, and to have that opinion taken into account in any matters affecting them. The views of the child should be given due weight according to the age, maturity and capability of the child.’

1.19 The child should, where possible, according to age, maturity and capability, participate in all the decision-making processes that occur in education. This includes the setting of learning targets, contributing to Education Plans (EP’s), discussions about choice of schools, contributing to assessment of their needs and to the annual review and transition processes. Schools, Boards and others should seek these views and they should be given due weight according to the age, maturity and capability of the child.

1.20 Ascertaining the views of the child may not always be easy. Very young children and those with severe communication difficulties, for example, may present significant challenges for education, health and other professionals. However, the principle of seeking and taking account of the ascertainable views of the child or young person is an important



one. Their perceptions and experiences can be invaluable to professionals in reaching decisions. As in paragraph 2.29 of the Code of Practice, Boards and schools should consider how best to obtain the child's views.



Section 2:

SUMMARY OF THE NEW SEN PROVISIONS

- 2.1 This Section of the Supplement provides a summary of the main changes to the existing legislation (as contained in the 1996 Order) for children with SEN. The new SEN provisions are effective from the 1 September 2005 and are contained in the SENDO Part II Articles 3 to 12 and Schedule 1.
- 2.2 The SENDO also changes the Special Educational Needs Tribunal (SENT) to the Special Educational Needs and Disability Tribunal (SENDIST) and extends its jurisdiction to hear both SEN appeals and claims of disability discrimination in schools. The SENDIST is hereafter referred to as the Tribunal.
- 2.3 The new SEN provisions:
- strengthen the rights of children with SEN to be educated in ordinary schools where parents want this and the interests of other children can be protected;
 - require Boards to make arrangements for services to provide parents of children with SEN with advice and information;
 - require Boards to provide a means of resolving disputes with schools and Boards;
 - require Boards to comply, within prescribed periods, with orders of the Tribunal and make other technical changes in support of the Tribunal appeals process and the statementing process;
 - require schools to inform parents where they are making special educational provision for their child;



- allow Boards of Governors or Proprietors of schools to formally request a statutory assessment of a pupil's SEN;
- allow parents to appeal to the Tribunal where another body has requested a statutory assessment.

2.4 Guidance to assist schools, Boards of Governors, Boards and others to fulfill the new statutory functions as contained in the SENDO is contained in Part 4 of this Supplement.




Section 3:

SUMMARY OF THE DISABILITY DISCRIMINATION PROVISIONS

- 3.1 This Section of the Supplement provides a summary of the new disability discrimination provisions. These are contained in Chapter 1 of Part III of the SENDO.
- 3.2 The Equality Commission for Northern Ireland has produced two separate Codes of Practice in respect of new disability discrimination duties of both schools and further and higher education institutions as outlined in Part III of the SENDO, with the exception of those duties, which place Boards and schools under a duty to plan. Accessibility Planning Guidance produced by the Department will be available by September 2005.
- 3.3 Part III of the SENDO extends similar provisions to those contained in the Disability Discrimination Act 1995 (DDA) to educational institutions in Northern Ireland for the first time. Under the DDA a person has a disability if 'he has a physical or mental impairment, which has a substantial and long term adverse effect on his ability to carry out normal day-to-day activities'.

Duties on Boards and Schools

- 3.4 Chapter 1 of Part III of the SENDO, as it relates to disability discrimination, places new disability discrimination duties on Boards and schools (including independent schools) in Northern Ireland. These duties are included in Articles 13 to 26 of the SENDO. The following points set out an overview of the new provisions:
 - a duty not to treat pupils who have a disability less favourably, without justification, for a reason which relates to their disability;

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- a duty to make reasonable adjustments so that pupils who have a disability are not put at a substantial disadvantage compared to pupils who do not have a disability; and
 - a duty to plan and make progress in increasing accessibility to schools' premises and the curriculum, and in improving ways in which information provided in writing to pupils who do not have a disability is provided to pupils with a disability.

3.5 The SENDO (Articles 27-33) also places new duties on further education and higher education institutions. The following set out an overview of the new provisions:


- a duty not to treat students with disabilities less favourably, without justification, for reason which relates to their disability; and
- a duty to make reasonable adjustments to ensure that people who have disabilities are not put at a substantial disadvantage compared to people who do not have a disability in accessing further and higher education.

3.6 The SENDO provisions prohibit schools from discriminating against disabled children in their admission arrangements, in the education and associated services provided by the school for its pupils and in relation to exclusions from the school. It should be noted that the duty of reasonable adjustments on schools does not require the provision of auxiliary aids and services or the removal or alteration of physical features. Decisions about the provision of educational aids and services for children with SEN will continue to be taken within the SEN framework.

3.7 Under SENDO, the Equality Commission has set up an independent conciliation service to promote the settlement of disputes relating to disability discrimination. Such disputes may be referred to the Equality Commission conciliation service only if both the person claiming the discrimination and the responsible body agree to this. However, the Equality Commission service does not have the power to impose a settlement. The Equality Commission conciliation service is separate to



the Dispute Avoidance and Resolution Service (DARS) set up by the Boards to resolve disputes between parents and schools and/or parents and Boards about SEN provision. The DARS is set out in paragraphs 4.33 to 4.46 of this Supplement.



Section 4:

GUIDANCE ABOUT THE SEN PROVISIONS OF SENDO

Introduction

- 4.1 This Section of the Supplement provides guidance on each of the new SEN provisions. Cross-referencing to the Code of Practice, the 1996 Order and SENDO are included as appropriate.


Article 3: Duty to educate children with SEN in ordinary schools

The new law will strengthen the right to an ordinary school place for children with a Statement, unless it is against the wishes of parents or it is incompatible with the efficient education of others.

Article 3 (1) of the SENDO 2005 amends the 1996 Order by replacing Article 7 of the 1996 Order


Code of Practice: 1.6 (Principles of the Code) & 1.7 (Essential Practices & Procedures), 4.1- 4.66 (Part IV Statements-Stage 5) 4.33-4.41 (Naming a School) 4.42-4.46 (Consultation Before Naming A School) 4.47- 4.52 (Placements other than grant-aided schools in Northern Ireland, Children Educated at Parent's expense.)

- 4.2 The Fundamental Principles and the Essential Practices and Procedures as in paragraphs 1.6 and 1.7 and paragraphs 4.1 to 4.66 (statements/stage 5) of the Code of Practice remain unaltered by this provision. Schedule 1 of the SENDO replaces Schedule 2 of the 1996 Order. This Schedule refers to the Making and Maintaining of Statements.
- 4.3 The new provision delivers a general duty to a strengthened right to a mainstream education for children with SEN. The provision seeks to enable more children, who have SEN and a Statement to be included successfully within mainstream education.

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- 4.4 Paragraphs 4.33 to 4.41 of the Code of Practice explain the Board responsibilities in naming a school in a child's Statement. The following paragraphs expand upon the approach the Boards should take in determining where a child with a Statement will be educated.

Deciding where a Child with a Statement Is Educated - The General Duty

- 4.5 The starting point is always that a child with a Statement will receive mainstream education. Where a Board is of the view that a special school placement is needed to meet the child's SEN, it must take account of this new provision. The new provision means that a child who has SEN and a Statement must be educated in a mainstream school unless this would be incompatible with:
- a. the wishes of the parents; or
 - b. the provision of the efficient education of other children.
- 4.6 These are the only reasons why mainstream education can be refused outright in favour of a special school placement. The term 'efficient education' is described in Section 5 paragraphs 5.16 to 5.19 of this Supplement. Case Studies of the abuse of the 'efficient education' caveat are provided in Appendix 1. The circumstances which Boards must consider, in naming a school in a statement are covered in paragraph 4.10 of this Supplement.
- 4.7 Boards and mainstream schools can only decide against mainstream education, contrary to parents wishes, on the grounds that it would be incompatible with the efficient education of other children. A Board or school will only be able to rely on this ground if there are no reasonable steps that could be taken to prevent the incompatibility. Clear evidence must be provided to justify why no reasonable steps can be taken. It is envisaged that it will only be possible to demonstrate this in a small number of cases. Section 5 (paragraphs 5.20 to 5.23) of this Supplement sets out the factors to be considered in identifying reasonable steps and generic steps which schools and Boards may wish



to consider as well as a number of case studies as contained in Appendix 2, which schools and Boards should consider in identifying the reasonable steps associated with each individual child.

- 4.8 Where there is disagreement between a parent and a Board, mainstream education cannot be refused on the grounds that a child's needs cannot be provided for within the mainstream sector. The general duty assumes that with the right strategies and support most children with SEN can be included successfully in a mainstream school. The Board should be able to provide a mainstream option for most children with SEN. Boards should look across all their schools and seek to provide appropriate mainstream provision wherever possible.
- 4.9 It is essential that the child, parents, schools, Boards and others including health and social services work together in meeting the educational needs of the child. It is important that the views of the child are sought and taken into account. Paragraphs 1.13 to 1.17 (Working in Partnership with Parents) and paragraphs 1.18 and 1.20 (Views of the Child) of this Supplement refer.
- 4.10 Boards must explain to parents the arrangements that allow them to express a preference for a particular grant-aided (mainstream or special) school. The Board must (in accordance with Schedule 2 of the 1996 Order as substituted by Schedule 1 of the SENDO) name the parents' preferred choice of school in the child's Statement unless:
- a. the school is unsuitable to the child's age, ability, aptitude or special educational needs; or
 - b. the child's attendance at the school would be incompatible with the efficient education of other pupils with whom he would be educated or the efficient use of resources.
- 4.11 As in paragraph 4.42 to 4.46 of the Code of Practice, (Consultation Before Naming a School), before naming a grant-aided school in a child's Statement the Board must consult the Board of Governors of the grant-aided school, including sending them a copy of the proposed Statement (this is a new provision under Article 12 of the SENDO –



paragraph 4.76 of this Supplement refers). If the school is outside the Board's area it must also consult with the Board within whose area the school is located. Schedule 2 of the 1996 Order as substituted by Schedule 1 of the SENDO determines whether a parent's choice of grant-aided school is named in the Statement. When a grant-aided school is named in a child's Statement the school must admit the child.


- 4.12 It is reasonable to expect a Board to provide a mainstream education for most children with SEN who have a Statement. However, it may not be reasonable or practicable to expect all grant-aided mainstream schools to provide for every type of SEN. When making decisions about individual schools it is right to consider: what parents want; an individual school's suitability to provide for the needs of the child; and the impact the inclusion would have on the efficient education of others and on resources.
- 4.13 The following paragraphs are aimed at assisting the understanding and application of the new provision when a parent expresses a preference for either mainstream or special school education.

PARENTS WANT A MAINSTREAM PROVISION

- Paragraph 4.14 - Parents express a preference for a particular mainstream school.
- Paragraph 4.15 - Parents do not express a preference for a particular mainstream school.
- Paragraph 4.16 - Parents express a preference for an independent school or non grant-aided institution.

PARENTS WANT A SPECIAL SCHOOL PLACEMENT

- Paragraph 4.18 - Parents express a preference for a particular special school.
- Paragraph 4.21 - Parents do not express a preference for a particular special school.



Paragraph 4.22 - Parents make representations for an independent special school.

Parents Want Mainstream Provision

PARENTS EXPRESS A PREFERENCE FOR A PARTICULAR MAINSTREAM SCHOOL


4.14 Where the parents' preferred choice of grant-aided mainstream school is not named on the child's Statement the Board must name another grant-aided school (whether mainstream or special). The Board must look across all the schools which it considers appropriate. The Board can only refuse a mainstream education where the child's inclusion would be incompatible with the efficient education of other pupils (in line with Article 3). In addition, the Board should demonstrate that there are no reasonable steps it or the grant-aided school could take to prevent the incompatibility. Parents can appeal against the Board's decision to the Tribunal. In addition, parents may make a referral to the Dispute Avoidance and Resolution Service (DARS) as outlined in paragraphs 4.33 to 4.46 of this Supplement.

PARENTS DO NOT EXPRESS A PREFERENCE FOR A PARTICULAR MAINSTREAM SCHOOL

4.15 Where parents want mainstream education, but do not indicate what their preferred choice of grant-aided mainstream school is, the Board must decide which grant-aided school (whether mainstream or special) should be named in the child's Statement. Again mainstream education can only be refused where the child's inclusion would be incompatible with the efficient education of other pupils and there are no reasonable steps to prevent the incompatibility.

PARENTS EXPRESS A PREFERENCE FOR AN INDEPENDENT SCHOOL OR NON GRANT-AIDED INSTITUTION

4.16 Parents may express a preference for an independent or non grant-aided school to be named in their child's Statement. Articles 10 to 12 of the 1996 Order and paragraphs 4.47 to 4.52 (Placements Other Than at



Grant-aided Schools in NI and Children Educated at Parents own Expense) of the Code of Practice refer. The Board is responsible for ensuring that the particular interests of the child require that such arrangements be made and that those arrangements are compatible with the efficient use of resources. Where the Board intends to name an independent or non grant-aided school in Northern Ireland in a child's Statement the Board must seek prior consent from the Department (Articles 10 to 12 of the 1996 Order refer) unless it is a school already approved by the Department under Article 26 of the 1996 Order. The Board must consult the school concerned and Article 12 of the SENDO also requires the Board to provide a copy of the proposed Statement to the school concerned. Where the Board does not agree to name the parents' preference of school in the child's Statement the Board is required to name a grant-aided school (whether mainstream or special). Again mainstream education can only be refused where the child's inclusion would be incompatible with the efficient education of other children and there are no reasonable steps to prevent the incompatibility. Parents can appeal against the Boards decision to the Tribunal. In addition, parents may make a referral to the DARS service as outlined in paragraphs 4.33 to 4.46 of this Supplement.

Parents Want A Special School

4.17 Where a child has a Statement, and parents do not wish the child to be educated in a mainstream school the Board may educate the child in a special school. The general duty outlined earlier provides that a child with a Statement should be educated in a mainstream school. However the Board is not bound by this duty where a child has a Statement and the parents want a special school placement. There should be clear reasons for the Board to go against the parents' wishes for a special school placement. These reasons may include where there is strong evidence from those providing advice during the child's statutory assessment, or where the parents' choice is incompatible with the efficient education of other children. In these cases, parents can appeal the Board's decision to the Tribunal. In addition, parents may make a



referral to the DARS service as outlined in paragraphs 4.33 to 4.46 of this Supplement.

PARENTS EXPRESS A PREFERENCE FOR A PARTICULAR SPECIAL SCHOOL

- 4.18 Where parents express a preference for a particular grant-aided special school the Board must name the parents' preferred choice of school in the child's Statement unless:
- a. the school is unsuitable to the child's age, ability or aptitude or to his/her special educational needs; or
 - b. the child's inclusion at the school would be incompatible with the efficient education of other pupils or the efficient use of resources.
- 4.19 Before naming a grant-aided special school in the child's Statement the Board must consult with the school and send them a copy of the draft Statement. Where a grant-aided special school is named in the child's Statement the school must admit the child.
- 4.20 Where a parent's preferred choice of a special school is not named in the child's Statement the Board must consider the request for special school education. In doing this, the Board must have regard to the need to arrange suitable special educational provision imposed by Article 16 of the 1996 Order. Parents can appeal the Board's decision to the Tribunal. In addition, parents may make a referral to the DARS service as outlined in paragraphs 4.33 to 4.46 of this Supplement.

PARENTS DO NOT EXPRESS A PREFERENCE FOR A PARTICULAR SPECIAL SCHOOL

- 4.21 Where parents have already indicated to the Board that they do not want mainstream provision but have not indicated their preferred choice of special school, the Board must decide which special school is to be named in the child's Statement. The Board must consider the parents' preference of special school education having regard to Article 16 of the 1996 Order. Parents can appeal the Board's decision to the Tribunal. In



addition, parents may make a referral to the DARS service as outlined in paragraphs 4.33 to 4.46 of this Supplement.

PARENTS MAKE REPRESENTATIONS FOR AN INDEPENDENT SPECIAL SCHOOL

4.22 Parents can make representations to have an independent special school named in their child's Statement. Where parents have asked for an independent special school to be named in their child's Statement, the Board must consider the request. In doing so, they must have regard to Article 44 of the Education and Libraries (NI) Order 1986 and the duty to arrange suitable special educational provision as in Article 16 of 1996 Order. Where the Board does not agree to name the independent special school in the child's Statement, they must name another school (mainstream or special). Parents can appeal against a Board's decision. In addition, parents may make a referral to the DARS service as outlined in paragraphs 4.33 to 4.46 of this Supplement.


Article 3: Education Otherwise than in Ordinary Schools

Children who have special educational needs but do not have a Statement must, except in the specific circumstances outlined below, be educated in an ordinary school

Article 3 (1) of the SENDO 2005 amends the 1996 Order by introducing Article 7A to the 1996 Order

Deciding Where Children Who Do Not Have A Statement Are Educated

4.23 Children who have SEN, but do not have a Statement must, except in the specific circumstances outlined below, be educated in a mainstream school. In considering where a child who has SEN but does not have a Statement should be educated, the first principle is that such pupils must be treated as fairly as other pupils seeking admission. Therefore:

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- a. admissions authorities must not refuse a child who has SEN without a Statement because they feel unable to cater for their SEN;
 - b. admissions authorities must consider applications from parents of children who have SEN but no Statement on the basis of the schools published admissions criteria. Such children should be considered as part of the normal admissions procedures;
 - c. admissions authorities cannot refuse to admit a child because the pupil is currently undergoing a statutory assessment.

Placement in a Special School Without a Statement

4.24 In exceptional circumstances a child without a Statement can be educated in a special school. These exceptional circumstances are when:

- a. the child is admitted for an assessment of his/her educational needs and his/her admission to that school is with the agreement of: the Board; the Board of Governors of the school; his parent; and any person whose advice is to be sought in accordance with Schedule 1 of the SENDO;
- b. the child is admitted following a change in circumstances with the agreement of the Board, the Board of Governors of the school and the parent;
- c. the child is admitted to a special school in a hospital because he/she is a patient at that hospital.

4.25 It must be emphasised that this kind of intervention will only be appropriate in a small number of cases. Wherever possible children should remain at their mainstream school whilst they are being assessed.

4.26 This Article seeks to enable greater inclusion and safeguard the efficient education of all pupils by strengthening the right of children with SEN to be educated in mainstream schools.



Article 4: Advice and Information for Parents

A Board must arrange for the parent of any child in their area with special educational needs to be provided with advice and information about matters relating to those needs.

Boards must take whatever steps they consider appropriate to make the advice and information service known to parents, head teachers, schools and others they consider appropriate.

Article 4 of SENDO 2005 amends the 1996 Order by inserting a new Article 21A to the 1996 Order Code of Practice: 2.21 to 2.27(Partnership with Parents)

- 4.27 All Boards have a statutory duty to make arrangements for Advice and Information services. Boards must therefore inform parents, schools and others about the arrangements for the service and how they can access it. In doing so, Boards should have regard to any guidance given by the Department of Education.
- 4.28 The aim of the Advice and Information Service is to ensure that parents of children with SEN know where and how to access information and advice in relation to the needs of their children so they can make appropriate and informed choices and decisions.
- 4.29 The Advice and Information Service should provide advice to parents of children at all Stages of the Code of Practice, including not only those undergoing assessment, or those already with a Statement, but also to parents of children who are under compulsory school age (see Part V of the Code of Practice). It should take into account the views of parents at what can be a very stressful time for them and deal positively with any enquiries for assistance or information.



Ensuring Equality of Access to the Service

4.30 Certain groups of parents may have difficulty in gaining access to the Advice and Information Service. Such groups may include those from ethnic minorities, those for whom English is not their first language and those who themselves may have SEN and/or disabilities. Boards should try to reach out to those parents who, for one reason or another, may not seek to use the service. They should also be mindful of parents who may not have equality of access. Information should be available as in paragraph 2.26 of the Code of Practice.

Working with Schools

4.31 In delivering the Advice and Information Services, Boards should seek to:

- support school staff in the development of their awareness of SEN;
- encourage school staff to liaise closely with parents;
- liaise with Boards of Governors and inform them of the Advice and Information Service;
- support schools in developing parent friendly policies and practices;
- encourage schools to make parents aware of the Advice and Information services available in their area (see also paragraph 4.58 to 4.63 of this Supplement relating to the duty to inform parents that they are making SEN provision for their child).

4.32 In delivering an effective Advice and Information Service Boards are expected to follow the minimum standards laid out below:

- take responsibility for setting the overall standards of the Service and ensuring consistency and compatibility with other Boards;
- ensure adequate resources to meet the information and advice needs of parents in their area;



- ensure that the Service is flexible and responsive to local needs;
- ensure the provision of impartial, accurate information for parents on all SEN procedures as set out in SEN legislation, the Code of Practice and this Supplement;
- ensure that parents are informed about other relevant agencies, such as Health and Social Services and voluntary organisations, which can offer information and advice about their child's particular SEN;
- ensure that details about the Service are publicised widely in the Board area using a variety of means;
- ensure that information is provided about the structure and range of SEN provision within their Board area;
- develop co-operative links with the voluntary sector to ensure the mutual exchange of information and expertise;
- work closely with schools to deliver an effective Service for parents;
- ensure that arrangements are in place for overseeing and regularly monitoring the Service, taking account of best practice across the Boards;
- actively seek feedback from the Service users in order to improve communication and minimise the potential for misunderstandings and disagreements.



Article 5: Resolution of Disputes

Boards must make arrangements that include the appointment of independent persons, with a view to avoiding or resolving disagreements between themselves or Boards of Governors (on the one hand) and parents of children in their area (on the other) about the way in which they carry out their responsibilities towards children with special educational needs.

Boards must also make arrangements with a view to avoiding or resolving disagreements between parents and schools about the special education provision made for their child.

Boards must take whatever steps they consider appropriate to make the disagreement resolution services known to parents, head teachers, schools and others they consider appropriate.

Article 5 of the SENDO 2005 amends the 1996 Order by inserting a new Article 21(B)

Code of Practice: 3.28 –3.29 (Decision Not To Make a Statement), 4.12-4.15 (Decision Not To Issue a Statement), 4.33-4.41 (Naming A School), 4.57-4.59 (The Final Statement), 6.28-6.29 (Ceasing to Maintain a Statement)

- 4.33 Under this new Article Boards have a statutory duty to make arrangements for avoiding and resolving disagreements between parents and Boards or parents and a school about the special education provision made for their child, which are independent of the Board's SEN decision-making area. Boards must inform parents, schools and others about these arrangements and how they can access them. In doing so, Boards should have regard to any guidance given by the Department of Education.




Existing Arrangements for Dealing with Parent/Board Disagreements

- 4.34 Under the Code of Practice, within Board branches responsible for Special Education, there are existing arrangements for considering areas of disagreement with parents eg about a Board's decision: not to make an assessment; not to issue a Statement; on a proposed or final Statement; amendments to a Statement; or ceasing to maintain a Statement. This existing arrangement involves officers from the SEN decision-making area engaging with parents in order to explain the decision, the supporting evidence and the rationale for the Board decision. This arrangement remains unchanged by this Article.
- 4.35 Within the school-based stages in the Code of Practice, the school has the responsibility for liaising closely with parents on the SEN of the child. If there is a disagreement between parents and a school about the child's progress at school or about the need for an assessment, the Board may consider arranging a meeting between the school and the parents. This Article means that the Boards have to provide, where requested, an independent route for parents for avoiding or resolving areas of disagreement with a school.

Avoidance of Areas Of Disagreement


- 4.36 Good communication and the sharing of information between parents and schools and parents and Boards is the key to good relationships and for avoiding or minimising areas of disagreement. The partnership approach with parents, as set out in paragraphs 1.13 to 1.17 of this Supplement and 2.21 to 2.27 of the Code of Practice, has an important role to play in this. The views of parents should be actively sought and valued, with Boards and schools encouraging dialogue as soon as difficulties arise. Different options should be considered at an early stage. This will help to avoid or prevent potential problems from developing into major disagreements. Boards and schools should ensure that delays in addressing parents' concerns and children's needs are avoided at all stages of the Code of Practice and also at those times before a child is placed at Stage 1 of the Code of Practice. The aim



must always be that practical educational solutions are reached as quickly as possible, ensuring the minimum of disruption to the child's education.

Dispute Avoidance and Resolution Service

- 4.37 To facilitate this new duty a cross-Board independent Dispute Avoidance and Resolutions Service (DARS) is available to deal with any disputes relating to special education provision. This is separate from the conciliation service provided by the Equality Commission, which is aimed at promoting the settlement of disputes relating to disability discrimination (paragraph 3.7 of this Supplement refers). The DARS provides an informal forum for exploring differences, identifying points of agreement and disagreement and finding a way forward that all parties accept. Each Board will provide a DARS Officer independent of the SEN branch decision-making area with the required mediation skills to facilitate the DARS. The DARS Officer may be used to provide the DARS within the particular Board, or for another Board area.
- 4.38 In providing the 'independence' element of the DARS those appointed must: have the appropriate skills, knowledge and expertise in disagreement resolution/mediation; have knowledge of SEN processes, procedures and legislation; have no role in the decisions taken about a particular child's case; have no vested interests in the terms of the agreement; be unbiased; maintain confidentiality; and conduct the DARS quickly and according to an agreed timetable.
- 4.39 In practice, those involved in the SEN decision-making area in Boards and schools, in the first instance, will give proper consideration to the views and feelings of the parent with the aim of achieving an accommodation (as in paragraph 4.36 of this Supplement and under the Code of Practice). If, however, following such engagement the parent or the school or Board remain dissatisfied they may wish to access the DARS as an independent means of resolving the disagreement. It is important that the Boards make arrangements to ensure that parents and schools are made fully aware of the DARS and the arrangements to access it.




4.40 In that the aim of the DARS is to resolve differences quickly and in an informal manner (thereby removing the need for a parent to go to the Tribunal), access to DARS should take place well within the two-month statutory time limit for appeal to the Tribunal, but can also take place once an appeal has been lodged.

4.41 In entering into DARS, the following principles should be followed:

- all parties are agreeable to a referral to DARS;
- any agreement has to be to the satisfaction of all parties concerned;
- the process is voluntary and confidential;
- the facilitator is seen to be independent and impartial (see paragraph 4.38 of this Supplement);
- those involved have the authority to make decisions to settle the disagreement;
- the process does not interfere with or prejudice any rights of a parent to appeal to the Tribunal.

4.42 In delivering an effective DARS, Boards are expected to set in place and follow the minimum standards laid out below:

- take responsibility for the overall standards of the Service;
- have clear funding and budgeting plans for the Service;
- ensure that the Service is neutral and contains an independent element;
- ensure that the arrangements for the Service and how it will work are known to parents, schools and others they consider appropriate;
- ensure that parents are formally informed of the Service at the time that the proposed statement is issued and that entering into disagreement resolution does not affect their right of appeal to the Tribunal;

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- establish protocols and mechanisms for referring parents to the Service;
 - regularly monitor and review the Service.

4.43 Meetings with parents under the DARS should be arranged at a suitable location. At the first meeting, it is beneficial if the parties decide timescales and attendees for any future meetings. Each referral is different, but it will usually help if participants attend all meetings. This is helpful in ensuring that all parties feel equal in the process.

Limitations to the DARS

4.44 There may be occasions when the DARS route may not be appropriate or possible, and in such cases it may be more appropriate to seek recourse to the Tribunal. The Service may also be inappropriate if: either side does not wish to engage in the process; matters of policy are at stake; the main issue is one that would set a precedent on which the Board is not willing to concede without direction from a higher authority eg the Tribunal; there is a substantial change in the relationship between the parents and the Board or school eg the parents are moving to another Board area or the child has or is about to move to a different school.

4.45 It must be borne in mind that the DARS arrangements are not the vehicle by which complaints about matters relating to issues other than SEN can be taken to Boards or schools. In these instances, Boards and schools will have their own procedures for handling complaints.

4.46 As part of the arrangements for DARS, Boards should actively seek feedback from parents and the facilitators on completion of DARS for each referral. This feedback should include information on the reasons that gave rise to the disagreement in the first instance so that Boards and schools can identify ways of improving their policies, practices and skills to avoid similar disagreements in the future. This will also give DARS officers the opportunity to transfer skills to Board officers and schools in respect of avoiding and resolving disputes.



Article 6: Compliance with orders of the Tribunal

If the Tribunal (SENDIST) makes an order, the Board concerned MUST comply with the order before the end of the prescribed period beginning with the date on which it is made.

Article 6 of the SENDO 2005 amends the 1996 Order by inserting a new Article 23A

- 4.47 The Code of Practice does not include guidance on the procedures associated with the Tribunal. These are included in “The Special Educational Needs and Disability Tribunal – “How To Appeal” booklet.
- 4.48 Under this new Article, Boards must ensure that they have suitable arrangements in place to comply with the orders of the Tribunal within the time prescribed. Regulations prescribe the time limits within which a Board must comply with Orders of the Tribunal.

Article 7: Appeal Against the Content of a Statement

Article 7 gives parents the right of appeal to the Tribunal when a Statement of SEN is made, amended or when, following an assessment, the Board decides not to amend a Statement.

Article 7 of SENDO 2005 amends the 1996 Order by rewording of Article 18

Code of Practice 3.13 (Formal Request By a Parent For a Statutory Assessment), 4.57- 4.59 (The Final Statement)

- 4.49 The Code of Practice highlights instances throughout the 5 stage process where parents may lodge an appeal to the Tribunal against the content of a Statement and guidance on this can also be found in “The Special Educational Needs and Disability Tribunal – “How To Appeal” booklet.



4.50 Article 18 restates the circumstances where parents can appeal against the content of a Statement. These instances are when:

- a Statement is made;
- a Statement is amended or,
- following an assessment, the Board decides not to amend a Statement.

4.51 Specifically, as it relates to an appeal against the content of a Statement, the appeal can be against any of the following:

- the description in the Statement of the Board's assessment of the child's SEN (Part 2 of the statement);
- the special educational provision specified in the Statement including the name of a school so specified (Parts 3 & 4 of Statement);
- the fact that no school is specified in the Statement (Part 4 of Statement).

4.52 When issuing a final Statement, as in 4.58 of the Code of Practice, Boards must inform the parents of their right of appeal to the Tribunal with regard to the provision specified in the Statement, including the named school, and the procedures to be followed if they wish to do so. However, Boards also have the responsibility to inform the parent of their right to appeal about the description in the Statement of the Board's assessment of the child's SEN and, if appropriate, the fact that no school is named on the Statement. In addition, parents may make a referral to the DARS service as outlined in paragraphs 4.33 to 4.46 of this Supplement.

4.53 It should be noted that the other instances when a parent has a right to make an appeal to the Tribunal remain unchanged.




Article 8: Unopposed Appeals

If an appeal is lodged and the Board does not oppose the appeal, then the appeal is treated as having been determined in favour of the appellant. In these cases the Board will be required to meet the parents' wishes before the end of the prescribed period set by the Tribunal.

Article 8 of the SENDO 2005 amends the 1996 Order by inserting a new Article 18A to the 1996 Order

- 4.54 This Article adds a new provision to the 1996 Order and states if a parent lodges an appeal to the Tribunal and the Board notifies the Tribunal that it does not wish to oppose the appeal, then the appeal will now be treated as determined in favour of the parent. Boards must ensure that they have suitable arrangements in place to comply with the parent's wishes within the time prescribed by the Tribunal. Regulations prescribe the time limits in which Boards must comply with the parent's wishes in the event of an unopposed appeal.
- 4.55 This applies only to the following types of appeals to the Tribunal:
- the Board's decision not to make a Statement (Article 17 of 1996 Order);
 - the Board's decision not to make an assessment irrespective of whether the request for the assessment came from a parent or a responsible body (Articles 20 and 20A of the 1996 Order as amended by SENDO);
 - the Board's decision not to substitute a school named in a Statement for a different school named by parents (paragraph 11(3) of the Schedule 2 of the 1996 Order as substituted by Schedule 1 of the SENDO).



4.56 The following types of appeal to the Tribunal have been excluded and must go to a hearing:

- appeals against the content of a Statement;
- appeals against a decision to cease to maintain a Statement.

4.57 This is because in these types of appeal, the Statement could be amended in a number of different ways and deciding the appeal without a hearing may not be suitable. Where the Board has not contested the appeal in these circumstances, the appeal will go to hearing at which the parent will be present. In these circumstances the Board cannot attend the Tribunal.


Article 9: Duty to Inform Parent where Special Educational Provision is made


The Board of Governors of the school shall inform the child's parents that special educational provision is being made for him at the school because it is considered that he has special educational needs.

Article 9 of the SENDO 2005 amends the 1996 Order by inserting Article 8A

Code of Practice: Part II School based stages of assessment and provision, 2.5 (Duties of Boards of Governors), 2.21-2.27 (Working in partnership with parents)

4.58 This Article places a new statutory duty on Boards of Governors of grant-aided schools (including nursery schools) to inform parents of children without Statements that special education provision is being made for their child because it is considered that the child has SEN and the parents have not previously been informed of this.

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- 4.59 The definition of special educational provision is set out in paragraph 1.5 of this Supplement. In the event of a school identifying that SEN provision is appropriate at stages 1-3 of the Code of Practice, a school should advise parents that SEN provision is being made, if this has not already happened. Paragraph 2.47 of the Code of Practice states that a child should be placed on the SEN register if there is a concern that the child has special educational needs.
- 4.60 The roles and responsibilities of Boards of Governors are already outlined in the Code of Practice paragraphs 2.3 to 2.6. This new, and the existing duties, should be adhered to at all school-based stages as outlined in the Code of Practice.
- 4.61 As schools are in regular contact with parents, they are best placed to judge how to tell parents that, because their child is considered to have SEN, he/she is receiving special educational provision. It should be done in a way that encourages parents to contribute their knowledge and understanding of their child, and to raise any concerns they may have about their child's needs and the provision being made for them. Paragraphs 1.13 to 1.17 of this Supplement and paragraphs 2.21 to 2.27 Code of Practice (Working in partnership with parents) refer.
- 4.62 Although it is the responsibility of the Board of Governors to inform parents, they may delegate this to the principal, who will decide the most appropriate way to inform parents, and the extent to which other staff should be involved.
- 4.63 Schools should also at this time inform parents of the Advice and Information Service provided by the Boards and how they may access it. They should also inform parents of the name of the relevant Board Officer in their area.



Article 10: Review or Assessment of Educational Needs at the Request of a Responsible Body

Schools and relevant nursery education providers have a statutory right to ask the Board to conduct a statutory assessment or reassessment of a child's educational needs.


If it is necessary for the Board to make an assessment or further assessment, it shall comply with this request.

Article 10 SENDO 2005 amends the 1996 Order by inserting Article 20A to 1996 Order

Code of Practice: 2.68 – 2.71 (Review), 2.72 – 2.75 (Consideration of referral for Statutory Assessment) 3.4 (Routes for Referral), 3.5-3.7 (Referral By School or Other Agency), 3.13-3.16 (Formal Request From a Parent)

Formal Request For a Statutory Assessment By A School

- 4.64 As laid out in paragraphs 3.5 of the Code of Practice (Referral by Schools or Other Agencies), in some cases, schools will conclude that the child's needs remain so substantial that they cannot be effectively met within the resources normally available to the school. In these circumstances the school can 'draw the child to the attention of the Board'. A parent already has a right to formally request a Board to carry out a statutory assessment (paragraph 3.13 to 3.16 of the Code of Practice refer). This new Article gives the 'responsible body' the formal right to ask the Board to carry out a statutory assessment or reassessment of a child's needs.
- 4.65 In this context 'schools' include grant-aided schools (mainstream, units attached to mainstream and special) and grant-aided nursery schools. 'Responsible bodies' mean the Board of Governors in relation to grant-aided schools and the Proprietor in relation to independent schools. It is likely that Boards of Governors and Proprietors of schools will delegate the responsibility for making a formal request to the Board for an assessment to the school Principal.

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- 4.66 It remains the case that a formal request for a statutory assessment, made by a school on behalf of the Boards of Governors or the Proprietor, should normally occur following the review of progress at Stage 3 (paragraphs 2.68 to 2.75 of the Code of Practice refer), although exceptionally a school may consider that a statutory assessment may be necessary even though no action has been taken at Stages 1 to 3 of the Code of Practice.
- 4.67 Both in keeping with working in partnership with parents and the statutory duty, schools must consult the parents before making a formal request for a statutory assessment.
- 4.68 A Board must comply with the formal request for a statutory assessment unless it has made a statutory assessment within 6 months prior to the date of the formal request from a school, or unless it concludes, after having examined the evidence before it (referred to in paragraph 3.7 of the Code of Practice) or representations made to it, that a statutory assessment is not necessary. The Board will determine whether it considers a statutory assessment is required in line with Part 3 of the Code of Practice.
- 4.69 Before making a decision in response to a formal request for a statutory assessment from a school, the Board has a duty to send a notice to the parents informing them:
- that a request from the school has been made;
 - that it is considering whether to make an assessment or reassessment of the child's SEN;
 - of the procedure to be followed when making a statutory assessment;
 - the name of an officer from the Board who can provide further information;
 - a specified period, which may not be less than the minimum of 29 days beginning with the date the notice was served; and



- the availability of the DARS and the fact that making use of DARS does not affect their right of appeal to the Tribunal and the time limits for appeal should the Board refuse to carry out an assessment.
- 4.70 Should the Board decide to carry out a statutory assessment of the child's needs, it is required to notify the child's parents and the school principal that made the formal request of that decision.
- 4.71 Should the Board decide not to assess, it is required to notify both the parents and school principal of that decision and the reasons for reaching that decision.


Article 11: Duty to Specify Named School in a Statement

Boards will not have to name a school in a statement where the parents have chosen to make suitable alternative arrangements for the child's education.

Article 11 of SENDO 2005 inserts a new Paragraph 4A to Article 16A of 1996 Order

Code of Practice; Part 4 – Statements, 4.47 – 4.51(Naming a School), 4.52(Child Educated at Parents Expense)

- 4.72 This new provision allows that where a child's parents have made suitable alternative arrangements (typically by paying for a place at an independent school), the Board will now be permitted not to name a particular school in the child's final Statement. As under 4.34 and 4.52 of the Code of Practice the Board will have to satisfy itself that the school or other institution named by the parents is able to meet the special educational provision specified in the Statement. It remains the case that the Statement should specify the type of school or other institution, which it considered appropriate for the child.

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- 4.73 In these circumstances, this avoids the Board naming a particular school in the child's Statement and having to keep a place open for him at that school, thereby potentially freeing up that place for another child.
- 4.74 Paragraph 4.52 of Code of Practice outlines circumstances where a child may be educated at a parents' expense, if that is their wish.


Article 12: Statements of Special Educational Needs

Parents will have increased rights of appeal to the Tribunal when the Board makes an assessment. Statements must be maintained until the outcome of an appeal is known.

Article 12 - Schedule 1 substitutes Schedule 2 of the 1996 Order

Code of Practice; 4.33 (Naming of a school), 4.60 (Keeping, Disclosure and Transfer of Statements), 6.26 (Amending Statements), 6.28 (Ceasing to maintain a Statement)

- 4.75 The new Schedule 2 of the 1996 Order as substituted by Schedule 1 of SENDO, (referred to as Schedule 2), revises the procedures that must be followed by Boards when making, maintaining and amending a Statement of special educational needs. It gives parents new rights to:
- a meeting with the Board when it proposes to amend a Statement (further to paragraph 6.26 Code of Practice);
 - express a preference for a grant-aided school whether mainstream or special when the Board propose to amend a Statement after a re-assessment (further to paragraph 6.27 Code of Practice);
 - a meeting with the Board when changes are proposed relating to the type or name of a school or non-school provision in the Statement (further to paragraph 4.33 Code of Practice).



4.76 In addition, Schedule 2 also requires Boards to send a copy of the proposed Statement to grant-aided schools (mainstream or special) that the Board is considering naming in a child's Statement, and to other Boards if the grant-aided schools are in its area. Paragraph 4.42 Code of Practice refers. Prior to this Article, the Board had only a duty to consult the other Board and/or school being considered.

4.77 Under paragraph 11 of the new Schedule 2 regulations will prescribe the time within which the Board must inform a parent of his right of appeal against the refusal to substitute a grant-aided school (mainstream or special) named in a Statement.

4.78 In this instance the Board must also inform the parents of the availability of DARS (as in paragraphs 4.33 to 4.46 of this Supplement) and the fact that these do not affect the parents right of appeal to the Tribunal.

Maintaining A Statement

4.79 One of the grounds on which parents can appeal to the Tribunal is where a Board proposes to cease maintaining a Statement of SEN (paragraph 6.28 Code of Practice 1998 refer). Under paragraphs 12 and 13 of the new Schedule 2, Boards must continue to maintain the child's Statement until the outcome of the appeal to the Tribunal is known.



Section 5:

INCLUSION OF CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Introduction

- 5.1 This Section of the Supplement primarily focuses on the inclusion of children with SEN and not inclusion in its wider definition. Inclusion is a process by which schools, Boards and others develop their cultures, policies and practices to include pupils. Whilst this is the case many of the principles outlined below can be applied to address inclusion in its wider context.
- 5.2 The practical guidance in this Section is aimed at promoting improvement in inclusive practices, to assist schools and Boards make effective decisions and to encourage schools to develop a whole school acceptance of including children with SEN in the work and life of the school.
- 5.3 The 1996 Order sets out the context for educating children with Statements of SEN alongside their peers in a mainstream school. The special educational provision should address their particular learning difficulties, as well as facilitating the provision of efficient education for other children with whom they will be educated, whilst ensuring the efficient use of resources. The challenge of inclusion has been recognised in the Programme for Government Northern Ireland and the SENDO further strengthens the right to a mainstream education for children with SEN. This clearly means that where parents want a mainstream education for their child all reasonable steps should be taken to provide it. Equally where parents want a special school place their wishes should be listened to and taken into account. The Department of Education and the Education and Training Inspectorate are committed to promoting inclusive practices.



Key Principles Of Inclusion

5.4 In seeking to develop inclusive schools, Boards and others should keep the following principles in mind at all times:

- inclusion is a process by which schools, Boards and others develop their cultures, policies and practices to include pupils;
- with the right training, strategies and support the majority of children with SEN can be successfully included in mainstream education;
- an inclusive education service offers choice and incorporates the views of parents and children;
- the interests of all children must be safeguarded;
- schools, Boards and others should actively seek to identify and remove barriers to learning and participation;
- all children should have access to an appropriate education that affords them the opportunity to achieve their personal potential.

5.5 Mainstream education will not always be right for every child, all of the time. Equally, just because mainstream education may not be right for a child at a particular time, this does not mean the child cannot be successfully included whenever it is appropriate.

Developing Effective Inclusion

5.6 Schools, supported by Boards and others, should actively seek to identify and remove the barriers to learning and participation that can hinder or exclude a child with SEN. Schools and Boards that are successful at including pupils with SEN meet them in a positive and proactive way. They also approach inclusion as part of their overall improvement strategy.

5.7 Inclusion is far more than just about the location of a child's school placement. Inclusion is about engendering a sense of community and belonging and encouraging the collaboration of mainstream and special



schools and others to support pupils with SEN. Inclusive schools and Boards have:

- an inclusive ethos;
- a broad and balanced curriculum for all pupils;
- systems for early identification of barriers to learning and participation; and
- high expectations and suitable targets for children.

Each of these is set out in more detail below.

An Inclusive Ethos


5.8 Schools and Boards should proactively seek to identify and remove the barriers to learning and participation. This includes the development and implementation of self-evaluation practices. Schools that have adopted this sort of approach have seen standards rise for all of their pupils.

A Broad and Balanced Curriculum

5.9 The Northern Ireland Council for the Curriculum, Examinations and Assessment (CCEA) will ensure that the statutory requirements of the revised Northern Ireland Curriculum will be prefaced by a statement which makes clear that efforts must be made to ensure that all pupils, irrespective of their individual circumstances or characteristics, should have access to their stipulated entitlement. This Access Statement will outline how teachers can modify the Northern Ireland Curriculum as necessary to provide all children with relevant and challenging work.

Access Statement

5.10 Schools have a responsibility to provide a broad and balanced curriculum for every child. The Northern Ireland Curriculum provides the basis for planning a school curriculum that meets the diverse needs of all children. All children are entitled, in each year of Key Stages 1 and



2, to worthwhile experiences, which help develop their knowledge, skills and understanding across each of the six areas of learning.

Flexibility to Modify the Curriculum

5.11 In order to overcome potential barriers to learning and assessment and to keep to a minimum the need for aspects of the Northern Ireland Curriculum to be dis-applied for individual pupils, teachers should endeavour as far as possible to take account of each child's cultural, ethnic, linguistic and social background, gender and SEN. In catering for individual needs, teachers should work closely with representatives of other agencies who may be supporting the child. In many cases the action necessary to respond to an individual child's requirements for curriculum access will be met through greater differentiation of tasks. Curriculum planning and assessment for children with SEN should take account of the nature, extent and duration of the difficulty experienced by the child. Teachers should:

- present materials and activities that are appropriate to the age and maturity of the child, taking account of gaps in children's learning resulting from missed or interrupted schooling;
- identify aspects of learning that may present specific difficulties and adapt these as necessary, providing appropriate time to allow children to complete tasks satisfactorily;
- where necessary:
 - provide additional materials and resources, including adaptive technologies and access devices to assist learning;
 - modify tasks, (or the environment in which they are presented), or provide alternative activities to facilitate the development of practical skills.



Systems for Early Identification of Barriers to Learning and Participation

5.12 The Code of Practice provides schools and Boards with a framework for the identification and assessment of SEN. One of the main points in the essential practices and procedures as outlined in paragraphs 1.6 and 1.7 of the Code of Practice states that ‘children with SEN should be identified as early as possible and assessed as quickly as is consistent with thoroughness’. The Code of Practice supported by this Supplement, will provide advice on the day-to-day issues and practical examples and case studies on particular issues.

High Expectations and Suitable Targets for Children

5.13 The Code of Practice requires schools and Boards to set suitable targets for inclusion in education plans for each child with SEN. The ongoing review of the child’s progress against, and the effectiveness of the individualised Education Plan (EP), is of particular importance in ensuring that the targets are suitably pitched to meeting the child’s potential and his/her inclusion.

Safeguarding the Needs of Pupils with Special Educational Needs

5.14 Summarised below are the existing safeguards, which protect the interests of children with SEN. The provisions stated are designed to make sure that pupils’ needs are identified and action is taken to ensure they make progress towards reaching their personal potential.

5.15 The safeguards, which protect the interests of pupils with SEN are:

- **Parents** must ensure their children receive full-time education suitable to their age, ability, aptitude and any special educational needs they may have. This means that parents need to consider what type of provision is most appropriate for meeting their child’s needs. The Advice and Information Service provided by the Boards and information from schools will assist parents to consider the available options and empower them to make informed decisions.




(Article 45 of the Education and Libraries (Northern Ireland) Order 1986 and Article 4 of the SENDO)

- **Boards** must have regard to the general principle that pupils must be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure. **(Article 44 of the Education and Libraries (Northern Ireland) Order 1986)**
- **Boards** must ensure that sufficient schools are available for their area and in doing so must have regard to the need to secure special educational provision. **(Article 6 of the Education and Libraries (Northern Ireland) Order 1996)**
- The **Boards of Governors** of mainstream schools must use their best endeavours to secure that any pupil who has SEN receives the special educational provision his learning difficulty calls for. This includes ensuring that teachers are aware of the importance of identifying, and providing for, pupils with special educational needs. **(Article 8 of the Education (Northern Ireland) Order 1996)**
- Where necessary, Statements of SEN should be maintained by **Boards**. Statements specify the provision to be made for a child's SEN and Boards then have a statutory duty to arrange for it to be made. **(Article 16 of the Education (Northern Ireland) Order 1996 as amended by Article 11 of SENDO 2005)**
- The **Department of Education** can intervene and give certain directions where Boards or schools are acting or proposing to act unreasonably in the exercise of their powers or duties **(Article 101 of the Education and Libraries (Northern Ireland) Order 1986)**
- The individual needs of the child (who has SEN) must be taken into account in deciding whether to name a parent's choice of grant-aided school (mainstream or special) in a Statement. **(Schedule 2 of the Education (Northern Ireland) Order 1996 as substituted by Schedule 1 of SENDO)**



Efficient Education of Other Children

- 5.16 Where a child has a Statement, mainstream education can only be refused, against parental wishes, where the child's inclusion would be incompatible with the efficient education of other children. Efficient education means providing for each child access to an appropriate education that affords them the opportunity to achieve their personal potential in terms of age and ability, aptitude and any SEN that he/she may have. When a Board is considering whether mainstream education is appropriate for a child with a Statement the term 'other children' means children with whom the child with the Statement would be likely to come into contact on a regular basis. It does not mean children in other schools, or pupils who will only occasionally come into contact with the child.
- 5.17 When considering an individual school 'other children' is intended to mean the children with whom the child who has a Statement will come into contact on a day-to-day basis. For example, in a primary school it would often be the child's class or literacy/numeracy group. It would not necessarily mean children in other classes or year groups. In a secondary school it would be likely to mean the pupil's form or tutor group, pupils in the subject classes or even the entire year group.
- 5.18 The efficient education caveat should not be abused. As explained in paragraph 5.38 of this Supplement the Education and Training Inspectorate will monitor and evaluate how effective schools and Boards are in providing for inclusion of children with SEN. Appendix 1 provides examples of case studies where the 'efficient education' caveat has been used inappropriately to block a child's inclusion. It is important to note as outlined in paragraph 1.10 that the case studies contained in this Supplement are illustrative, not comprehensive and do not constitute an authoritative interpretation of the legislation. The case studies also explain how the barriers to learning and participation were overcome. The following paragraphs set out the approach to reasonable steps in order to prevent incompatibility with the efficient education of others, as well as providing for the inclusion of a child with SEN.




5.19 As highlighted earlier, the general duty where a child has a Statement is that mainstream education can only be refused, against parental wishes, where the child's inclusion would be incompatible with the efficient education of other children. Trivial and inappropriate reasons should not be used to deny children, who should and could benefit from the opportunity to be educated at a mainstream school.

Reasonable Steps

5.20 If reasonable steps can be taken to prevent a child's inclusion being incompatible with the efficient education of others, then mainstream education cannot be refused against the parents' wishes. The law does not set out what should be taken into account when deciding if a step is reasonable. What is reasonable will depend on each particular child's circumstances. The following are some of the factors that should be taken into account when considering what is reasonable:

- whether taking the step would be effective in overcoming the incompatibility;
- the extent to which it is practical for the grant-aided school or Board to take the step;
- the extent to which steps have already been taken to facilitate the child's inclusion and their effectiveness;
- the financial and other resource implications of taking the step; and
- the extent of any disruption taking the step would cause.

5.21 When it comes to considering what is reasonable – ie what are the reasonable steps that could be taken by a grant-aided school or Board or both, the cost implications will be a factor. It will often be reasonable to spend some money. However, it will not always be reasonable to spend large amounts of money. Ultimately, in cases of appeal, the Tribunal will determine what is considered as 'reasonable' in each individual case.



5.22 Appendix 2 of this Supplement sets out some case studies of the sorts of reasonable steps that schools and Boards could take to prevent a child's inclusion being incompatible with the efficient education of other children. The reasonable steps listed are by no means exhaustive or definitive. The case studies are designed to help schools and Boards to think about the sorts of reasonable steps that they could take to ensure the inclusion of children with SEN.

5.23 Each of the case studies displays common or generic steps, which schools and Boards should consider when addressing the continuum of a child's individual and changing circumstances:

- **Information gathering** about the child - researching the history of the child, educational psychology reports, the Statement, collaboration with parents and external agencies, previous school etc.
- **Identify and set in place strategies and suitable targets** - On entry baseline the child after 4-6 weeks. Involve all those who will be working with the child (including the parents), give consideration to other professional involvement/advice from eg speech and language therapy, physiotherapy, outreach teachers, advisors or Curriculum Advisory Support Service (CASS). Decide on strategies including staff training and development.
- **Monitor progress** - on a regular basis.
- **Evaluate and Review** - outcomes.

5.24 This is an constant process to ensure that the child's inclusion is not incompatible with the efficient education of others. It is recognised that in a minority of cases it may not be possible to include (or continue to include) specific children. The following paragraphs provide guidance on instances where it may not be possible to include specific children with SEN.




Instances Where It May Not Be Possible To Include Specific Children In a Mainstream School

This section only applies to pupils who have Statements.

- 5.25 In admitting a child admission authorities should not make subjective judgments. If a child, once admitted, is found to be seriously and persistently disruptive, then the school may consider disciplinary action, including suspension or expulsion procedures. It is also unacceptable for a school to refuse to admit a child thought to be potentially disruptive, or to exhibit challenging behaviour, on the grounds that the child ought first to be assessed for SEN.


Strategies To Support Specific Children

- 5.26 Behaviour Support Plans and other strategies should be used by schools and Boards to tackle occasional, spasmodic or frequent inappropriate behaviour. Schools and Boards also need to consider whether their policies and practices may act as barriers to some learners thus leading to inappropriate or challenging behaviour. For example, where a child finds it difficult to access the curriculum or other aspects of the school's life this could lead to poor behaviour. Teaching styles may also need to be adjusted to manage the child more effectively removing the barriers and therefore addressing the child's poor behaviour. Where a child's primary needs are normally supported in mainstream schools and he/she is presenting challenging behaviour, this may be due to a variety of reasons which could include the child being bullied, he/she not being fully engaged in or challenged by the school's curriculum or problems at home. In such cases the school and Board should take all reasonable steps to prevent the child's inclusion or continuing inclusion being incompatible with the efficient education of other pupils. Boards have a statutory duty to prepare plans relating to children with behavioural difficulties. These plans may be linked to or included in a child's education plan (EP).
- 5.27 Learning Support Units or short-term use of Educational Guidance Centres/Behaviour Support Units can also play a significant part in



ensuring that children with serious behavioural problems are able to remain in mainstream education, or make a successful return to mainstream following suspension. Schools and Boards need to share good practice in supporting children who present challenging and disruptive behaviour. Schools can draw on the expertise of the Behaviour Support Team in each Board, special schools – particularly those who cater for children with emotional and behavioural problems, and Pupil Referral Units.

- 5.28 The DE booklet “Pastoral Care in Schools : Promoting Positive Behaviour”, provides practical guidance on dealing with behaviour. This includes advice on handling signs of disaffection and managing disruptive behaviour to help ensure children can continue within mainstream schools. It also contains advice on the appropriate use of suspension and expulsion. Further guidance on the suspension and expulsion of pupils, including where necessary, Statemented pupils, will be issued by DE in 2006, as a follow up to the current review of suspension and expulsion procedures.
- 5.29 All reasonable steps must be taken to enable children to be included without compromising the efficient education of other pupils. The decision not to educate a child in a mainstream school – against their parent’s wishes – should not be taken lightly. It is important that all cases are judged on the individual circumstances. There may be instances where it may not be possible to prevent a child’s inclusion being incompatible with the efficient education of others. For example:
- a child’s behaviour systematically, persistently and significantly threatens the safety/learning of others; and,
 - a child’s medical/mental health condition requires alternative provision on part-time basis to support the child.
- 5.30 An extreme incident may be sufficient to make the child’s inclusion incompatible with the efficient education of others where it is highly likely that it would occur again and there are no reasonable steps that could be taken to prevent this.



5.31 There may also be cases where a child's inclusion would mean, even with other support – for example from a classroom assistant – that the teacher had to spend a greatly disproportionate amount of time with the child, in relation to the rest of the class. For example, a child who constantly seeks attention from the teacher that persistently and significantly impacts on others learning and cannot be circumvented by alternative strategies. Again, pupils who occasionally require more time should not be refused a mainstream education as it should be possible to take reasonable steps to address the issue (see paragraphs 5.20 to 5.24 of this Supplement) and safeguard the efficient education of others (see paragraph 5.15 of this Supplement).


Special schools

5.32 The important role special schools play in providing for children with SEN is recognised and valued. Special schools have a continuing and vital specialist role to play within an inclusive education system. Notwithstanding the special schools' role of providing education for those children whose SEN are more effectively addressed in the special schools setting, all special schools must be outward looking centres of excellence working with their mainstream partners and other special schools to support the development of inclusion.

5.33 The strengthened right to a mainstream education, and the drive for inclusion, does not make it any harder for parents whose children have Statements, to obtain a place in a special school, if that is what they want. It is important that what parents and children want is listened to and taken account of. See paragraphs 1.13 to 1.17 (Working in Partnership with Parents) and 1.18 to 1.19 (Views of the Child) of this Supplement.

Independent schools

5.34 The arrangements by which a child with a Statement can be placed and funded by a Board in an independent school approved by the Department to cater for children with SEN have not been changed. (Paragraph 4.48 of the Code of Practice and paragraph 4.16 of this



Supplement refer). Parents whose children have Statements, and those for whom a Statement is being drawn up, continue to be able to make representations for their child's Statement to name an independent school. Paragraphs 4.47 to 4.51 of the Code of Practice (Placements Other Than at Grant-aided Schools in NI) and paragraph 4.16 of this Supplement refer. The Board must give full consideration to the parent's representations. Paragraphs 4.53 to 4.56 of the Code of Practice and paragraph 4.22 of this Supplement refer.

- 5.35 In placing children at independent schools, the Board must seek prior consent of the Department (Articles 10 to 12 of the 1996 Order refer) unless it is a school already approved by the Department under Article 26 of the 1996 Order. Article 12 will apply if the Board is satisfied that the child's interests require education at a non-grant-aided independent school and that education at the particular school is appropriate. Where a Board disagrees with what parents want and does not name the independent school in the child's Statement, the parents have the right of appeal to the Tribunal. In addition, parents may make a referral to the Dispute Avoidance and Resolution Service (DARS). Paragraphs 4.33 to 4.46 of this Supplement refer.
- 5.36 Nothing in the inclusive policies affects a Board's duties in respect of funding non-grant-aided independent placements. Where appropriate, Statements should name independent non grant-aided schools approved to cater for children with SEN. Parents whose children have SEN continue to have the right to educate their child, at their own expense, at an independent non grant-aided special school if they so choose.

Education Otherwise Than At School

- 5.37 The inclusion policies do not affect parents' right to educate their children otherwise than at school. Paragraph 4.47 to 4.52 of the Code of Practice reminds Boards of their responsibilities when considering placements.



Monitoring

5.38 Inspections by the Education and Training Inspectorate (ETI) will monitor how the inclusive policies that schools and Boards have in place, are working in practice. In particular ETI will verify externally the internal monitoring carried out by schools on its inclusion practices and will also assess a school against the effectiveness of the educational programme for individual pupils with SEN ie or both those children with SEN and a Statement and those without, using the following as a basis:

- use made of professional advice from psychologists, Curriculum Advisory Support Service (CASS) officers, outreach or peripatetic teachers in designing the pupil's individual programme;
- the appropriateness of the arrangements for meeting the pupil's needs;
- quality of teaching in relation to the Statemented pupil;
- degree of meeting the needs of the child, the outcomes and effectiveness of the teachers assessment of the pupils progress;
- level of expertise of the class teacher and classroom assistant (if appropriate) in working with the child;
- the school's provision for special needs in general, with particular reference to the quality of the SENCO's work in disseminating information, leading curricular initiatives and supporting class, subject and form teachers with individual planning.

CASE STUDIES

ABUSE OF EFFICIENT EDUCATION CAVEAT

The three case studies below are just some of the examples where minor reasons have been used to block a child's inclusion. The examples explain how the barriers to learning were overcome. It must be noted that these case studies do not in any way constitute an exhaustive list.

Case study 1

A child with a hearing impairment who had been successfully included in a mainstream primary school moved into a new Board area. The boy and his parents wanted the child to continue education in a mainstream school. They expressed a preference for the school nearest to their home. In order to allow the child to access lessons his classroom teacher needed to wear a microphone. The school claimed that this would be disruptive and would compromise the efficient education of other children. Refusing the child mainstream education on these grounds would be an abuse of the efficient education caveat. In this case the Board argued that wearing the microphone would not disrupt other pupils. Rather it required the teacher to take a modest reasonable step to allow the child to access mainstream education. The Board provided training to staff at the school. They also arranged for someone from a local organisation for the deaf to come and talk to the class and explain why their teacher would now be using a microphone. This allowed pupils to discuss the issues in a supportive environment. The child was welcomed into the school and has been included successfully.



Case study 2

A child with **Down Syndrome** had been attending a mainstream secondary school successfully. However, following an annual review it was agreed that a classroom assistant should support the girl in some of her lessons. One of the girl's subject teachers claimed that having another adult in the classroom would be disruptive and make the child's inclusion incompatible with the efficient education of other children. Refusing the child mainstream education on these grounds would be an abuse of the efficient education caveat. Where a child's statement specifies they should receive support from a classroom assistant, the assistant must be allowed into the classroom. Reasonable steps can be taken to ensure the teacher and classroom assistant work effectively together and support each other. The child was included successfully.

Case study 3

A young child with **brittle bones** who walks using a rollator had been successfully included in a mainstream primary. Both the girl and her parents wanted a transfer to a mainstream post primary school. The school's Victorian accommodation had narrow walkways. For her own safety, the girl's parents asked if she could leave class five minutes before the end of lessons in order to miss the rush in the corridors. It was claimed that this would disrupt lessons and therefore her inclusion at the school would be incompatible with the efficient education of other children. Refusing the child mainstream education on these grounds would be an abuse of the efficient education caveat. It is reasonable to allow the child in these circumstances to leave lessons five minutes early. Reasonable steps can be taken to prevent the disruption this might cause. In this case the school carefully timetabled classes, breaks and meals to ensure the young girl was able to avoid crowded corridors. They also created safe environments for her to mix with her peers during lunch and other breaks. The child's inclusion has been successful.

CASE STUDIES


REASONABLE STEPS

Set out below are some case studies of the sorts of reasonable steps that schools and Boards could take to prevent a child's inclusion being incompatible with the efficient education of other children. These case studies do not in any way constitute an exhaustive list. Rather the case studies are designed to help schools and Boards think about the sorts of reasonable steps that they could take. Whilst each example relates to either primary or post primary, schools should consider the same types of reasonable steps regardless of setting.

Case Study 1

The reasonable steps to ensure that the inclusion of a pupil currently attending Primary School and with Asperger's Syndrome is not incompatible with the efficient education of other children MAY include:

- Setting appropriate targets for his/her needs and clearly displaying them in his/her individualised Education Plan (EP);
- Using specialist advice provided by Curriculum Advisory Support Services (CASS) officers and Educational Psychologists in designing the pupil's EP;
- Making use of Board support and knowledge of autism;
- Identifying the need for significant additional support from classroom assistance;
- Including the pupil in every aspect of school life (i.e. Both curricular and non curricular activities);

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- Ensuring and encouraging a sense of tolerance and understanding of the pupils needs from all involved (teaching staff and peers);
 - Providing the child with an individual workstation where distractions are kept to a minimum and the work to be done arranged in order and sequence;
 - Identifying potential trigger points that may bring on challenging behaviour and ensuring that all staff are briefed on the warning signs and how to deal effectively in these situations.

Case study 2

The reasonable steps to ensure that the inclusion of a primary school pupil with bilateral sensorineural hearing loss is not incompatible with the efficient education of other children MAY include:

- Establishing and maintaining close links with the speech and language unit based at the school and with the very experienced SENCO;
- Furnishing the classroom with a specific hearing system best suited to the child's needs;
- The teacher/classroom assistant using a microphone to speak with the child;
- Ensuring that the child joins in the activities with other children and is included in all areas of the school day;
- Ensuring that realistic and suitable targets are set for the child to enable him/her to complete tasks independently and on time;



Case study 3

The reasonable steps to ensure that the inclusion of a primary school pupil with literacy/numeracy and social interaction difficulties, is not incompatible with the efficient education of other children MAY include:

- Setting achievable and challenging targets associated with reading, spelling and maths;
- Developing a plan to ensure that socialisation is being encouraged in order to raise the child's self-esteem, eg encouraging him/her to work in different groups within the class;
- Celebrating child's successes to improve self-esteem and building in a reward system at year/departmental and class level;
- Involving the parents and making them aware of progress at all stages and inviting them to partake in parenting programmes which will highlight the role that they can play in their child's learning;
- Planning regular weekly sessions with the SENCO to improve reading and spelling;
- Encouraging participation in after school maths/language clubs;
- Encouraging the pupil to talk to the class on behalf of groups in order to raise confidence;
- Designing a specific support programme for literacy and ensuring that this is shared and understood by all staff, including the classroom assistant;
- Planning 'outside hours' support for children with these difficulties with teachers who are willing to tutor and have dedicated time to work with those who require SEN support;
- Ensuring that there are regular sessions on SEN for the full staff of the school.



Case study 4

The reasonable steps to ensure that the inclusion of a year 10 pupil with cerebral palsy and ADHD is not incompatible with the efficient education of other pupils MAY include:

- Supporting the pupil by providing detailed targets in each subject, laying out clear objectives and targets;
- Ensuring that additional support is given in practical subjects such as science and technology to ensure the safety of all those involved in the class;
- Being proactive and making good use of information from professionals eg pupil was supported by individual assessment for ICT and used laptop to complete written work;
- Providing clear guidance on organising daily tasks/homework/school routines etc to minimise problems during school day to ensure that these instructions are clear;
- Distributing information regularly by way of staff briefings, for example, to ensure that all staff are fully involved and understand the needs of the pupil;
- Ensuring that the pupil is well integrated in lessons with appropriate work etc. and that all those involved with the pupil understand and appreciate his/her condition.


Case study 5

The reasonable steps to ensure that the inclusion of a year 7 pupil with Down Syndrome working towards level 1 of the National Curriculum who is moving to Post Primary School is not incompatible with efficient education of other pupils MAY include:

- Post Primary SENCO and form tutor attending final term review in primary school;



- Post Primary SENCO/form teacher/Learning Support Assistant visiting pupil in the primary school before the move to post primary (to observe in a familiar and secure setting);
- Inviting the parents to Post Primary School to discuss issues of concern to them;
- Setting up regular meetings between Primary and Post Primary staff to discuss progress of transition plan;
- Personal Profile: gathering useful information about the pupil to improve Post Primary staff's understanding of the child, contributions eg from the child, the parents, primary teacher, classroom assistant, Speech and Language therapist, advisory teachers etc;
- Planning for appropriate training on issues relating to pupils in Post Primary with Down Syndrome eg curriculum, learning profile, behaviour, social etc;
- Planning class placement referring to all information known prior to entry eg friendships, class size, etc;
- Regularly reviewing with year heads/Form teachers curriculum issues etc;
- Planning for on-going support from Board Advisory Services or other services;
- Planning a level of support from peers. Learning Support Assistant or Learning Support Teacher, which will lead to a greater level of independence;
- Ensuring access to appropriate ICT resources;
- Teaching rules, routines and timetable explicitly and allowing pupils time to learn;
- Encouraging peer support and co-operative learning strategies;

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- If necessary providing for alternative means of access to tasks and assessment of tasks;
 - Adjusting the balance of the curriculum to allow for additional time to be spent on such areas as expressive and receptive language, personal, social and life skills;
 - Ensuring all subject teachers understand the EP targets and thus plan for appropriate intervention strategies and resources to help address the targets;
 - Planning an individualised and differentiated curriculum by identifying links between the content of whole class work and the learning objectives appropriate at pre-level 1;
 - Regularly reviewing with parents/professionals the provision for, and progress of the pupil.

Case study 6

The reasonable steps to ensure that the inclusion of a pupil with behavioural difficulties moving from primary to post primary is not incompatible with the efficient education of other children MAY include:

- Gathering all relevant information from the primary school attended by the pupil in P7 and ensuring that all teachers and those to be involved with the child post primary are aware of his situation;
- Inviting parents to an open day at the new school and ensuring that they have an opportunity to see the child's new setting and ask questions;
- Holding regular interviews with parents to discuss their concerns;
- Holding meetings with Form Tutor and Head of Year to discuss best way forward;




- Sending “behavioural profile form” and “cause for concern” form to relevant subject teachers to prepare them for the child being in their class;
- Holding a pupil conference to set realistic and attainable targets;
- Ensuring that all staff who teach the pupil have shared, and are briefed on effective strategies to deal with overt challenging behaviour;
- Identifying a key worker in the school whose role is to meet regularly with the pupil to build a relationship, monitor progress and pass on relevant information to staff;
- Ensuring that an emergency plan is in place through which all staff can summon assistance if needed.

Case study 7

The reasonable steps to ensure that the inclusion of a primary school pupil with ADHD and ‘traits’ of Asperger’s Syndrome is not incompatible with the efficient education of other children MAY include:

- Differentiating lessons in line with school policy to suit the needs of the pupil;
- Setting up appropriate groups for literacy and numeracy and allowing the pupil access to these;
- Using a clear reward system eg praise, stickers, certificates, credits towards using computer etc;
- Circle time outside lessons to address emotional and literacy issues;
- Setting clear time limits for tasks. Perhaps giving the pupil his/her own timer and instilling a sense of responsibility;
- Minimising distractions by seating him appropriately within the classroom eg with his back to the window;

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- Making a screen available for him/her to put up around his/her work when he/she knows he/she is being distracted;
 - Providing a visual timetable to give structure to the day and a sense of control;
 - If possible, reorganising a general classroom assistant's timetable to allow him/her to help him/her during numeracy where he/she lacks confidence rather than ability;
 - Increasing access to ICT to aid learning;
 - Providing a sloping tray to help with posture when writing;
 - Availing of all appropriate information, support and advice on the presenting condition eg Voluntary Groups, advice centres. Perhaps have an organised speaker from a centre to give whole school inset training.

Case study 8

The reasonable steps to ensure that the inclusion of a primary school pupil with severe speech and language difficulties is not incompatible with the efficient education of other children MAY include:

- Meeting with the teacher / SENCOS and parents to discuss concerns and best way forward for the child, ensuring agreement on all aspects;
- Providing a classroom assistant who has experience of dealing with children with similar problems;
- Using professional advice from Speech and Language outreach support worker to ensure that a programme of learning is drawn up to suit the child's ability;
- Appropriately using funding and resources to ensure that provision is secured for the child;



- Effectively using outreach support and advice, which can be cascaded, throughout the school to ensure a “whole school” approach to working with the child and others with similar conditions;
- Regularly reviewing and monitoring progress.

