



PROVISIONAL CRITERIA

FOR INITIATING STATUTORY ASSESSMENTS
OF SPECIAL EDUCATIONAL NEED AND FOR
MAKING STATEMENTS OF SPECIAL EDUCATIONAL NEED

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BACKGROUND

Context

The requirement for Education and Library Boards to make arrangements for an assessment of a child's special educational needs is prescribed by legislation – specifically the Education (NI) Order 1996 (“the 1996 Order”) and the Special Educational Needs and Disability (NI) Order 2005 (SENDO). In addition each Board has a statutory responsibility to make appropriate provision to meet the special educational needs of any child for whom it maintains a Statement of Special Educational Needs as set out in Article 15 of “the 1996 Order”.

Since 1998 the five Boards have applied guidance from the Code of Practice on the Identification and Assessment of Special Educational Needs (Department of Education 1998) (Code of Practice) and subsequently from the Supplement to the Code of Practice (2005) when making decisions about conducting Statutory Assessments and arranging special educational provision. While adhering to the same guidance it has been the case that each Board has been responsible for developing and applying its own criteria for initiating a statutory assessment of a child's special educational need (SEN). In practice Boards have liaised closely in relation to this important matter with the result that the criteria used have, in most cases, been similar across Boards. However in recognising that certain differences had developed over a period of time the Education and Library Boards' ‘Association of Chief Executives’, in November 2005, established a working group to review the criteria being used with the aim of establishing consistency of practice across all five Boards. The membership of the working group is detailed in Appendix 1.

It is important to note that while this document has been in preparation the Department of Education (DE) has undertaken a Review of Special Educational Needs and Inclusion. While the group has been mindful of this, the recommendations following the review have, at the time of completion of this document, still to be published. The criteria which are detailed in this document have therefore been termed ‘provisional’ in recognition that they may require amendment should legislative changes be proposed as an outcome of the review.

Introduction

This document describes in detail the criteria to be applied by Boards when considering requests to make a Statutory Assessment for children with Special Educational Needs (SEN). Boards interpret Special Educational Needs as defined in “the 1996 Order”. The criteria are based on guidance provided in Appendix A of the Code of Practice on the Identification and Assessment of Special Educational Needs (CoP) (Department of Education 1998). Article 4 of “the 1996 Order” places a duty on Boards to have regard to the provisions of the Code of Practice. Importantly these criteria should not be viewed as a replacement for, or a departure from, the guidance given in the Code of Practice. The intention in preparing this document is to make explicit the ways in which the Boards will put the guidance from the Code of Practice into operation.

The terms used in this document to describe the various categories of special educational need are those which are used in the Code of Practice. It is the case however that, in 2005, the Department of Education issued guidance on a common set of SEN categories for use by Boards and schools to provide for consistency in SEN information management (Appendix 2). For purposes of clarity, the terms used in the Code of Practice together with the Department's new set of terms are cross referenced in a table included as Appendix 3. All areas and categories of special educational need listed in the 2005 document can be considered using the descriptors provided in the Code of Practice.

Finally it is important to emphasise that the criteria detailed within this document should be considered in conjunction with the ‘Good Practice Guidelines’ which have been developed by the same working group and adopted by all five Boards. These are intended to support schools in providing, in a succinct format, examples of the reasonable adjustments and relevant and purposeful measures that a school may be able to provide for a pupil with special educational needs. The Guidelines are a reminder that a pupil's needs will, in the first instance, be met by the deployment of the school's own resources at Stages 1 and 2 of the Code of Practice, together with the advice and support of the Board's support services. A school will also be expected to give due regard to the wide

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range of guidance and support materials which have been provided by the Department of Education, Education and Library Boards and voluntary organisations.

The Complex Interaction of Needs

The criteria in this document are set out in separate sections reflecting eight types of special educational need but in practice it is the case that children often present with more than one type of need. In applying criteria, the Board will, in the vast majority of cases, use those relating to the primary need of the child. In some instances, however, children may present with primary special educational needs that in themselves do not meet criteria for making a Statutory Assessment, but may nevertheless present with a number of difficulties whose complex interaction may be a significant barrier to learning and to accessing the curriculum. Guidance on giving consideration to the complex interaction of needs is provided in Section 7 of this document.

In every case the Education and Library Boards will give very careful consideration on whether to make a Statutory Assessment based on the evidence provided.

Definition of Terms

For the purposes of this document the definitions used are those contained in Article 3 of the “1996 Order”.

A child has “special educational needs” if he has a learning difficulty which calls for special educational provision to be made for him.

A child has a “learning difficulty” if:

- (a) he has a significantly greater difficulty in learning than the majority of children of his age;
- (b) he has a disability which either prevents or hinders him from making use of the educational facilities of a kind generally provided for children of his age in ordinary schools; **or**
- (c) he has not attained the lower limit of compulsory school age and is, or would be if special educational provision were not made for him, likely to fall within sub-paragraph (a) or (b) when he is of compulsory school age.

A child is not taken as having a learning difficulty solely because the language (or form of language) in which he is, or will be taught, is different from a language (or form of language), which has at any time been spoken in his home.

“Special educational provision” means:

- (a) 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 for children of his age in ordinary schools **and**
- (b) in relation to a child under that age, educational provision of any kind.

“Child” includes any person who has not attained the upper age limit for school attendance.

“His”, “him” and “he” include “her” and “she” in this document

BACKGROUND

Decision making process for applying the criteria

The decision making process for determining whether or not the pupil meets the criteria for making a Statutory Assessment is set out in the flowchart below. It is a sequential process. Many children who meet the significant and/or complex threshold (criterion A) will not necessarily be candidates for Statutory Assessment. It may be that the school has not implemented relevant and purposeful measures to address the pupil's needs as required to do so as well as monitoring his/her progress towards the attainment of the targets set. It may be the case that Statutory Assessment is not necessary because the school is able to make reasonable adjustments and/or accommodations to allow the child to access the curriculum at an appropriate level and to take part in the day-to-day activities of the school.

The criteria for making a Statutory Assessment in each category of special educational need are set out in the following pattern and will be met when the balance of evidence presented to and assessed by the Board suggests that:

- A. The child's difficulties are significant and/or complex;
- B. The child's difficulties have not responded to relevant and purposeful measures taken by the school and external specialists; and
- C. The child's difficulties may require special educational provision which cannot reasonably be provided within the resources normally available to schools in the area.

Decision making process Flowchart

Criterion A

Significant and/or Complex Threshold

Does the pupil's performance meet the significant and/or complex threshold?
(In most cases evidence presented will include measurement data).

Criterion B

Relevant and Purposeful Measures and Pupil's Progress

Has the school put in place relevant and purposeful measures?
(Ref. Good Practice Guidelines)
Is the pupil making adequate progress?

Criterion C

Special Educational Provision

Is the pupil unable to access the curriculum or to be included in the day-to-day activities of the school without special educational provision which cannot reasonably be provided within the resources normally available to mainstream schools in the area?

1 LEARNING DIFFICULTIES

Introduction

Many pupils, in the course of their school careers, will experience a range of learning difficulties for a variety of reasons. The severity and duration of these will depend on a number of factors including their developmental, educational, social and emotional experiences. It is expected that educational provision can be made for the majority of these pupils within their local mainstream schools without the need for Statutory Assessment. It may be that, in some cases, the school and the pupil will need to be supported by support services provided by the Board at Stage 3 of the Code of Practice. However for a small percentage of pupils it may be necessary to consider Statutory Assessment to ensure that pupils' needs are met.

Included under this heading are children with moderate learning difficulties (MLD), severe learning difficulties (SLD) and profound and multiple learning difficulties (PMLD). Boards will apply the criteria set out below to determine whether to make a Statutory Assessment.

1.1 MODERATE LEARNING DIFFICULTIES (MLD)

Pupils with moderate learning difficulties will have much greater difficulty than their peers in acquiring literacy and numeracy skills and in understanding concepts. They may also have associated speech and language delay, low self-esteem, low levels of concentration and underdeveloped social skills. All primary and post-primary schools can expect to have pupils with these sorts of difficulties. In most cases the school will provide for their needs by differentiating the curriculum; by providing special needs support from within their own resources; and, in some cases, by additional support provided at Stage 3 of the Code of Practice by Board support services.

Criteria for making a Statutory Assessment

Except in exceptional circumstances, any request for Statutory Assessment will only be considered if the Board is satisfied that attempts have been made to address the pupil's needs at Stages 1-3 of the Code of Practice (ref. Good

Practice Guidelines). It is expected that any such request will be supported by appropriate evidence, including Education Plans implemented and reviewed at Stages 2 and 3.

The Board will consider very carefully the case for a Statutory Assessment of a pupil's special educational needs where the balance of the evidence presented to and examined by the Board suggests that **all** of the following conditions are satisfied:

- the pupil's learning difficulties are significant and/or complex (see paragraph A below) **and**
- they have not responded to relevant and purposeful measures taken by the school and any external specialists and/or support services involved. (see paragraph B below) **and**
- the pupil's difficulties may call for special educational provision all of which cannot reasonably be provided within the resources normally available to mainstream schools in the area (see paragraph C below).

A. The pupil's difficulties are significant and/or complex

The determination of whether or not a pupil's learning difficulties are significant and/or complex will depend primarily, but not exclusively, on his/her performance on standardised measures of general ability and educational attainment. Pupils whose performance falls within the **lowest 2%** of his/her age group on such tests will be regarded as having difficulties which are significant and/or complex.

B. The Board will be likely to conclude that the pupil's

learning difficulties are not being met by relevant and purposeful measures if clear evidence is presented that:

- the school has employed appropriate individualised educational planning and teaching strategies **and**
- has applied advice from appropriate external specialists **and**, despite these measures
- the child is not making adequate progress (see section below on 'adequate progress') **or**
- there remain significant social, emotional or behavioural problems associated with the learning difficulty.

1 LEARNING DIFFICULTIES

Operational Indicators

Except in exceptional circumstances, it will be expected that there will be clear evidence that the school has taken the action as outlined in the Good Practice Guidelines, including that detailed below.

1. The school has obtained an assessment by an Educational Psychologist and support from other Board support services (if available) and has provided evidence that they have implemented suggestions/recommendations following such assessment/support.
2. The school has drawn up a relevant individualised Education Plan for the pupil which takes account of suggestions and recommendations made by support services and has monitored and reviewed the pupil's progress towards the attainment of the objectives detailed in the plan over two review periods.
3. The school has provided evidence that class teaching has been differentiated for the pupil.

C. The Board will be likely to conclude that the pupil requires special educational provision, which cannot reasonably be provided within the resources normally available to mainstream schools in the area, if:

- the pupil requires some forms of equipment that are not normally available to mainstream schools in the area **or**
- the pupil requires a level of support beyond that which can realistically be expected from the school **or**
- the provision required is normally only available within a special unit or special school.

Operational Indicators

1. The school has provided evidence that it has made reasonable adjustments and/or accommodations to facilitate access to the curriculum and has provided evidence that, despite their best efforts, the pupil is having major difficulty accessing the curriculum.

2. The school has provided evidence that it has made reasonable adjustments and/or accommodations to allow the pupil to take part in the day-to-day activities of the school and has provided evidence that, despite their best efforts, the pupil is unable to participate in a meaningful way in a significant number of day-to-day activities.
3. There may be evidence that the pupil is demonstrating a level of frustration or personal distress which indicates that the demands of the curriculum or inclusion in an ordinary school setting are creating significant difficulty for the pupil.

Adequate progress

The outcomes for the individual child which are chosen as indicative of adequate progress should be challenging but realistic. Within this context "adequate progress" can be defined in the following ways:

- the adequacy of a pupil's progress can be judged against progress made by his peers, ie. progress is adequate which closes the gap in attainment between the pupil and his peers, prevents the gap growing wider, or maintains his position relative to peers starting from the same attainment baseline **or**
- progress can also be judged by comparing the pupil's progress in areas of difficulty with his progress in areas of relative strength i.e. progress is adequate if the gap between the areas of difficulty and strength is closing or is not widening **or**
- progress is adequate if it matches or betters the pupil's previous rate of progress; ensures access to the Northern Ireland Curriculum; is likely to lead to accreditation and is likely to lead to participation in further education, training or employment **or**
- adequate progress is that which maintains or increases participation, social inclusion and emotional well-being and minimises or reduces the time spent away from the mainstream classroom or school.

1 LEARNING DIFFICULTIES

1.2 SEVERE LEARNING DIFFICULTIES (SLD) INCLUDING PROFOUND AND MULTIPLE LEARNING DIFFICULTIES (PMLD)

Educational provision appropriate to a child with severe learning difficulties can include mainstream education with support, special unit or special school placement. The needs of each child will be considered individually, taking account of parental preference. Children with severe learning difficulties would normally have the following characteristics:

- psychometric guidelines suggest cognitive ability/intelligence quotient/developmental quotient of less than 55 i.e. at or below the 0.1 percentile **and** any or all of the following apply:
- assessment indicates that the child is working towards or within Level 1 of the Northern Ireland Curriculum and progress suggests he is likely to remain at this level in the foreseeable future.
- the child experiences great difficulty in communication with other children and adults.
- the child has significant difficulty in the acquisition of social/emotional/physical independence.
- the child displays excesses of behaviour which will hinder his learning and/or that of his peers.

1.3 SPECIFIC LEARNING DIFFICULTIES (FOR EXAMPLE DYSLEXIA)

Specific Learning Difficulties (Literacy): Criteria for Pupils of Average or Higher Ability

Introduction

Some pupils may have significant difficulties in reading, writing or spelling, which are not typical of their general level of performance, especially in other areas of the curriculum. They may gain some skills in some subjects quickly and demonstrate a high level of ability orally, yet may encounter sustained difficulty in gaining literacy skills.

Such pupils can become severely frustrated and may also have emotional and/or behavioural difficulties.

The Board will consider very carefully the case for a Statutory Assessment of a pupil's special educational needs where the balance of the evidence, presented to and examined by the Board, suggests that the pupil's specific learning difficulties and/or disabilities:

- are significant and/or complex (see paragraph A below) **and**
- have not been met by relevant and purposeful measures taken by the school and external specialists (see paragraph B below) **and**
- may call for special educational provision all of which cannot reasonably be provided from within the resources normally available to mainstream schools in the area (see paragraph C below).

In most circumstances provision for pupils with specific learning difficulties will be made at Stages 1 to 3 of the Code of Practice with the resources normally available to mainstream schools without the need for a Statutory Assessment or Statement of Special Educational Needs.

Provision at Stages 1 and 2 of the Code of Practice

Needs will, in the first instance, be met by the deployment of the school's own resources at Stages 1 and 2 of the Code of Practice, together with the advice and support of the Board's support services. A school will also be expected to give due regard to the wide range of guidance and support materials which have been provided by the Department of Education, Education and Library Boards and voluntary organisations in addition to taking cognizance of the 'Good Practice Guidelines'. The school should facilitate the pupil's access and response to the curriculum through the use of adapted reading materials and/or alternative recording techniques including information technology, to involve the parents and pupil as fully as possible and to implement, monitor and review the pupil's Education Plans.

1 LEARNING DIFFICULTIES

Provision at Stage 3 of the Code of Practice

Where accurate and fluent word reading or reading comprehension or spelling continues to develop very incompletely and the problem remains severe and persistent, despite clear and consistently delivered support from school staff, the Board will make additional provision available to schools at Stage 3 of the Code of Practice using the following criteria.

Criteria for access to Stage 3 Provision:

In relation to ability, attainment and the degree of specific learning difficulty, Boards will expect **all** of the following criteria to be met at Stage 3 of the Code of Practice:

IQ:	Standardised test results which indicate that cognitive functioning lies at or above the 25th centile, i.e. an IQ of 90 or above.
Discrepancy:	A discrepancy is demonstrated between expected and actual attainments in standardised tests of word reading or reading comprehension or spelling* large enough to be expected to occur in only 2% or fewer of pupils of that age and intelligence.
Standardised Scores:	Standardised test scores for word reading, reading comprehension or spelling* are less than 85.
Reading or Spelling Age*:	Standardised test scores indicate that word reading age or reading comprehension age or spelling age is below 9 years.

* The major qualifying criteria for direct teaching support are word reading and reading comprehension. In circumstances where spelling attainment is the only qualifying criterion, Boards will normally offer advisory support to the school in order to help staff to formulate an appropriate spelling programme. The expectation is that additional provision, made available by the Board at Stage 3 of the Code of Practice, will be incorporated into further individualised education planning, monitoring and review provided by the school.

Criteria for making a Statutory Assessment:

It is expected that it will only be necessary for a Board to make a Statutory Assessment in exceptional circumstances i.e. where literacy has developed very incompletely and the problem has remained severe and persistent despite:

- appropriate learning opportunities **and**
- support from school staff **and**
- provision by Board support services at Stage 3 of the Code of Practice.

As access and response to the curriculum are taken to be central issues, in such cases the pupil's levels of attainment in literacy will continue to impair severely his or her ability to gain access and/or to respond to a well-differentiated curriculum.

Boards will apply criteria in line with those set out in the Code of Practice, Appendices A6 to A9, in order to determine whether a Statutory Assessment is appropriate.

A. The Board will be likely to consider the pupil's specific learning difficulties to be significant and/or complex if all of the following apply:

IQ

- Standardised test results indicate that cognitive functioning lies at or above the 25th centile, i.e. an IQ of 90 or above **and**

Reading Age

- the pupil's word reading or reading comprehension age is below 8 years **and**

Discrepancy

- a discrepancy is demonstrated between expected and actual attainments in standardised tests of word reading or reading comprehension large enough to be expected to occur in only 2% or fewer of pupils of that age and intelligence **and**

1 LEARNING DIFFICULTIES

Standardised score

- the pupil's attainment falls within the lowest 2% of his age group (i.e. a Standardised Score of 70 or less in word reading or reading comprehension).

B. The Board will be likely to conclude that the pupil's specific learning difficulties are not being met by relevant and purposeful measures if clear evidence is presented that:

- the school has employed appropriate individualised educational planning and teaching strategies (ref. Good Practice Guidelines) **and**
- has applied advice from appropriate external specialists **and** despite these measures
- the child is not making adequate progress (see section below on 'adequate progress') **or**
- there remain significant social, emotional or behavioural problems associated with the specific learning difficulty.

C. The Board will be likely to conclude that the pupil requires special educational provision, which cannot reasonably be provided within the resources normally available to mainstream schools in the area if:

- the pupil requires equipment that is not normally available to mainstream schools in the area **or**
- the pupil requires a level of support beyond that which is realistic to expect from the resources available within the school or to the school from support services provided by the Board at Stage 3 of the Code of Practice **or**
- the provision required is normally only available within a special school or special unit.

Adequate progress

"Adequate progress" will vary for different pupils according to the individual context. However, the preferred definition in any situation will be one that reflects the fact that the educational programme for the pupil is based on realistic but challenging objectives.

Progress may be judged to be adequate in **any** of the following circumstances:

- the gap in attainment between the pupil and peers is closing, the gap is prevented from growing wider, or the position relative to peers starting from the same attainment baseline is maintained **or**
- the gap between the pupil's attainments and those expected of him or her, as indicated by consensus among those who have taught and observed the pupil, including his or her parents, is reducing or at least not getting bigger **or**
- the gap between the pupil's areas of difficulty and areas of strength is closing or is not widening **or**
- progress matches or betters the pupil's previous rate of progress **or**
- the pupil's progress ensures access to the Northern Ireland Curriculum at levels appropriate to his or her Key Stage **or**
- the pupil's progress is likely to lead to accreditation and to participation in further education, training or employment.

2 SOCIAL, EMOTIONAL AND BEHAVIOURAL DIFFICULTIES

Introduction

Pupils with Social, Emotional and Behavioural Difficulties (SEBD) have learning difficulties as defined within the Code of Practice. They may fail to meet expectations in school and in some, but by no means all cases, may disrupt the education of others. Such difficulties may result, for example, from abuse or neglect, physical or mental illness, sensory or physical impairment, a specific learning difficulty or psychological trauma. In some cases they may arise from, or be exacerbated by, circumstances within the school environment. They may become apparent in a wide variety of forms, sometimes depending on the age of the child - including withdrawn, depressive or suicidal attitudes, obsessional preoccupation with eating habits, school phobia, substance misuse, disruptive, anti-social and unco-operative behaviour and frustration, anger and threat of or actual violence. They may be associated with other learning difficulties.

Provision at Stages 1 to 3 of the Code of Practice

Needs will, in the first instance, be met by the deployment of the school's own resources at Stages 1 and 2 of the Code of Practice, together with the advice and support of the Board's support services. A school will also be expected to give due regard to the wide range of guidance and support materials which have been provided by the Department of Education, Education and Library Boards and voluntary organisations in addition to taking cognizance of the 'Good Practice Guidelines'.

In most circumstances therefore provision for pupils with social, emotional and behavioural difficulties will be made by schools, Boards and/or Health and Social Care Trusts at early stages of the Code of Practice without the need for a Statutory Assessment. Examples of such provision may include:

- support from the school SENCO and/or Pastoral Care Team;
- modification of the curriculum and behaviour strategies;
- an individualised Risk Management Plan informed by a detailed Risk Assessment;
- advice and/or outreach teaching from a specialist teacher for pupils with social, emotional and behavioural difficulties;
- assessment, advice and support from:-
 - an Educational Psychologist
 - the Child and Adolescent Mental Health Services (CAMHS) and/or other Health and Social Care Agencies;
- advice and support from a relevant Board service;
- short term placement in a unit or centre for pupils with social, emotional and behavioural difficulties;
- placement on an Education Otherwise than at School (EOTAS) programme;
- peripatetic teaching and/or advice from a teacher of children with learning difficulties such as literacy difficulties where this is an associated special educational need;
- an individualised Educational Plan with targets, teaching and behaviour management strategies to support the pupil's individual needs.

Criteria for making a Statutory Assessment

The Board will consider very carefully the case for a Statutory Assessment of a pupil's special educational needs where the balance of the evidence presented to and assessed by the Board (ref. Good Practice Guidelines) suggests that the pupil's learning difficulties and/or disabilities:

- are significant and/or complex (see paragraph A below)
- and**
- have not been met by relevant and purposeful measures taken by the school and external specialists (see paragraph B below) **and**
- may call for special educational provision all of which cannot reasonably be provided within the resources normally available to mainstream schools in the area (see paragraph C overleaf).

Careful consideration will, therefore, be given by Boards to the need for a Statutory Assessment in circumstances where it is clear that **all** of the following conditions are satisfied.

2 SOCIAL, EMOTIONAL AND BEHAVIOURAL DIFFICULTIES

A. The pupil's difficulties are significant and/or complex

The Board will be likely to consider the pupil's difficulties to be significant and/or complex where one or more of the following apply:

- the pupil displays a pattern of unpredictable, bizarre, obsessional, violent or severely disruptive behaviour;
- the pupil is unusually withdrawn, lacks confidence and/or is unable to form purposeful and lasting relationships with peers and adults;
- the emotional and behavioural difficulty is associated with problems such as significant difficulties with social interaction and inclusion;
- in order to participate meaningfully and safely in school activities and with minimal risk to himself and others, the pupil requires a level of support beyond that which can be reasonably provided within the resources available to the school;
- the pupil's attainments as a result of his SEBD are significantly lower than those of most pupils of similar age e.g. performance on Northern Ireland Curriculum assessments are outside the expected range;

B. The Board is likely to conclude that the pupil's learning difficulties are not being met by relevant and purposeful measures if:

- the school has employed appropriate individualised educational planning and teaching strategies and has applied advice from appropriate external specialists with necessary therapies being provided **and** despite these measures
- the pupil is not making adequate progress and any significant social, emotional or behavioural problems are not being resolved or minimised (see section below on 'adequate progress') **and**
- the pupil is likely to require long-term placement in a special school or unit or to require long-term support in a mainstream school to ensure his safety and/or the safety of other pupils and adults or to ensure access to the Northern Ireland Curriculum.

C. The Board is likely to conclude that the pupil requires special educational provision which cannot reasonably be provided within the resources normally available to mainstream schools in the area where:

- the pupil requires a level of day to day support beyond what is realistic to expect from resources within the school or to the school from external support services provided by the Board at Stage 3 of the Code of Practice.

Adequate progress

Adequate progress will vary for individual pupils according to the individual context. The preferred definition of "adequate progress" in any situation will be one that reflects an educational programme for the pupil which is based on realistic but challenging objectives. Progress may be judged as adequate in **any** of the following circumstances:

- where there is an improvement in the pupil's social and emotional development, for example, improvements in peer and/or teacher relationships and improvements in the pupil's social skills, and these improvements positively impact on the pupil's ability to learn effectively **or**
- there are reductions in the amount of time the pupil spends away from the mainstream classroom or in the use of behaviour management systems or sanctions such as suspension **or**
- the gap in attainment between the pupil and peers is closing, the gap is not getting wider, or the position relative to peers' attainment baseline is maintained **or**
- the gap between the pupil's attainments in areas of strength and areas of difficulty are closing or are not widening **or**
- the pupil's progress matches or betters his previous rate of progress **or**
- the pupil's progress ensures access to the Northern Ireland Curriculum at levels appropriate to his Key Stage **or**
- the pupil's progress is likely to lead to accreditation and to participation in further education, training or employment.

The appropriate comparison group for some children will be other children with similar histories of social, emotional and behavioural difficulties.

3 PHYSICAL OR MEDICAL DIFFICULTIES

Introduction

Some pupils who experience physical or medical difficulties have no major problems in accessing the curriculum and learning effectively. In such cases the pupil will not require a Statement of Special Educational Needs since he/she will not require provision additional to, or otherwise different from, that normally available to pupils in mainstream schools. Their needs may be adequately met by the individualised educational planning and teaching strategies which are commonly applied in schools when pupils may be making slow progress towards the attainment of the learning targets appropriate to their Key Stage in the Northern Ireland Curriculum (ref. Good Practice Guidelines).

On the other hand some pupils with a physical or medical difficulty may have difficulties which will lead the Board to make a Statutory Assessment to determine their special educational needs and the special educational provision required to meet those needs. The pupil may have difficulties such as:

- making progress within the curriculum at the expected rate because of frequent absences from school or the classroom;
- participating in the normal range of classroom or school activities;
- forming relationships with peers;
and despite these measures
- concentrating or remaining fully motivated because of the effects of medication or the nature of the physical or medical difficulty.

There may also be difficulties for the school in ensuring the pupil's access to the curriculum without extensive use of specialist materials, aids, equipment, furniture or adaptations to the physical environment of the school or additional adult support. There may also be difficulty ensuring the pupil's safety without additional adult support.

The Board will give careful consideration to making a Statutory Assessment when the evidence supplied by medical officers, teachers, psychologists or therapists indicates that:

- the pupil's difficulties are significant and/or complex (see paragraph A below) **and**
 - the pupil's needs have not been met by relevant and purposeful measures taken by the school and external specialists (see paragraph B below) **and**
 - may call for special educational provision all of which cannot be provided within the resources normally available to mainstream schools in the area (see paragraph C below).
- A. The pupil's difficulties are likely to be significant and/or complex if they have impaired or are likely to impair his progress in educational, social or emotional development and/or his ability to take part in particular classroom activities and/or aspects of school life.**
- B. The Board is likely to conclude that the pupil's needs are not being met by relevant and purposeful measures if clear evidence is presented that:**
- the school has employed appropriate individualised educational planning and teaching strategies **and**
 - has applied advice from appropriate external specialists **and**
 - necessary therapies are being provided **and** despite these measures
 - the pupil is not making adequate progress (see section below on 'adequate progress') **and**
 - significant social, emotional or behavioural problems associated with medical or physical difficulties are not being resolved or minimised.
- C. The Board is likely to conclude that the pupil requires special educational provision which cannot reasonably be provided within the resources normally available to mainstream schools in the area, if the evidence presented to and examined by the Board indicates that:**
- the school will require additional adult assistance to facilitate the pupil's safety in school or to assist the pupil to move around the school or to facilitate access to the curriculum **or**

3 PHYSICAL OR MEDICAL DIFFICULTIES

- the pupil requires specialist equipment that is not normally available to mainstream schools in the area **or**
- major adaptations are required to the school environment to enable the pupil to access the curriculum or to facilitate the pupil's safety **or**
- the pupil is likely to require placement in a special school or unit for pupils with medical or physical difficulties.

Adequate progress

In this context “adequate progress” can be defined in **any** or all of the following ways:

- as with general learning difficulties, the adequacy of a pupil's progress can be judged against progress made by his peers, i.e. progress is adequate which closes the gap in attainment between the pupil and his peers, prevents the gap growing wider, or maintains his position relative to peers starting from the same attainment baseline;
- progress can also be judged by comparing the pupil's progress in areas of difficulty with his progress in areas of relative strength i.e. progress is adequate if the gap between the areas of difficulty and strength is closing or is not widening;
- progress is adequate if it matches or betters the pupil's previous rate of progress, ensures access to the Northern Ireland Curriculum, is likely to lead to accreditation and to participation in further education, training or employment;
- adequate progress is that which increases participation, social inclusion and emotional well-being and reduces the time spent away from the mainstream classroom or school.

4 SENSORY IMPAIRMENTS

4.1 HEARING DIFFICULTIES

Introduction

A significant number of children have some degree of hearing difficulty. Temporary hearing losses are usually caused by the condition known as 'glue ear' and occur most often in the early years; such hearing losses fluctuate and may be mild or moderate in degree. They can seriously compound other learning difficulties. Schools should be alert to such signs as persistently discharging ears.

Permanent hearing losses are usually sensori-neural and vary from mild through moderate, to severe or profound. Children with severe or profound hearing loss may have severe or complex communication difficulties. Early recognition, diagnosis and treatment and specialist support for pupils with hearing difficulties are essential to ensure that the child's language acquisition, academic achievement and emotional development are not adversely affected.

Provision at Stage 3 of the Code of Practice

Needs will, in the first instance, be met by the deployment of the school's own resources at Stages 1 and 2 of the Code of Practice, together with the advice and support of the Board's support services. A school will also be expected to give due regard to the wide range of guidance and support materials which have been provided by the Department of Education, Education and Library Boards and voluntary organisations in addition to taking cognizance of the 'Good Practice Guidelines'.

In most circumstances therefore provision for pupils with hearing impairments will be made by schools, Education and Library Boards, and/or Health and Social Care Trusts at early stages of the Code of Practice without the need for a Statutory Assessment. Examples of such provision may include:

- peripatetic teaching and/or advice from a specialist teacher of the hearing impaired;
 - peripatetic teaching and/or advice from a teacher of children with learning difficulties such as literacy difficulties;
 - hearing aids and other equipment;
 - speech and language therapy;
 - the individualised educational planning and teaching strategies which are commonly applied in schools where pupils may be making slow progress towards attainment of the learning targets in the Northern Ireland Curriculum.
- #### Criteria for making a Statutory Assessment
- The Board will consider very carefully the case for a Statutory Assessment of a pupil's special educational needs where the balance of the evidence presented to and examined by the Board (ref. Good Practice Guidelines) suggests that the child's learning difficulties and/or disabilities:
- are significant and/or complex (see paragraph A below) **and**
 - have not been met by relevant and purposeful measures taken by the school and external specialists (see paragraph B below) **and**
 - may call for special educational provision all of which cannot reasonably be provided within the resources normally available to mainstream schools in the area (see paragraph C below).
- A. The Board will be likely to consider the pupil's difficulties to be significant and/or complex if one or more of the following apply:**
- there is a medical diagnosis of profound or severe hearing impairment as opposed to a diagnosis of mild or moderate hearing impairment and the hearing impairment is likely to be long term;
 - medical intervention has not resulted in the pupil having sufficient ability to cope with the talking and listening demands of normal mainstream school environments and the pupil cannot access the curriculum through the methods of instruction which are normally used in mainstream classes;

4 SENSORY IMPAIRMENTS

- the pupil's attainments (e.g. literacy skills or talking and listening skills) are significantly lower than those of most children of the same age e.g. performance on Northern Ireland Curriculum assessments are outside the expected range or on standardised tests are in the first or second centile;
- some of the pupil's attainments (e.g. literacy skills or talking and listening skills) are significantly lower than expected for children of the same age and general ability;
- in order to participate adequately in school activities the child requires a level of support beyond what is realistic to expect from a school;
- the hearing difficulty is associated with additional developmental problems such as significant difficulties with social interaction and inclusion or emotional or behavioural problems.

B. The Board is likely to conclude that the pupil's learning difficulties are not being met by relevant and purposeful measures if:

- the school has employed appropriate individualised educational planning and teaching strategies (ref. Good Practice Guidelines) **and**
- has applied advice from appropriate external specialists **and**
- any necessary speech and language therapy is being provided **and** despite these measures:
- the child is not making adequate progress (see section below on 'adequate progress') **or**
- there remain significant social, emotional or behavioural problems associated with the hearing impairment.

C. The Board is likely to conclude that the pupil requires special educational provision which cannot reasonably be provided within the resources normally available to mainstream schools in the area if:

- the pupil requires equipment that is not normally available to mainstream schools in the area **or**

- the pupil requires a level of day to day support beyond that which it is realistic to expect from the resources available within the school or to the school from support services provided by the Board at Stage 3 of the Code of Practice **or**
- the provision required is normally only available within a special school or special unit. (This would apply, for example, if the pupil needs to use communication systems such as signing or total communication or needs access to very specialised equipment which can only be provided in a specialised unit/school).

Adequate progress

The key test of how well a pupil's learning needs are being met will be whether the pupil is making adequate progress. "Adequate progress" will vary for different pupils according to the individual context. Different definitions will be appropriate in different cases. However the preferred definition in any situation will be one that reflects an educational programme for the pupil which is based on realistic but challenging objectives. Progress may be judged to be adequate in **any** of the following circumstances:

- the gap in attainment between the pupil and peers is closing, the gap is prevented from growing wider, or the position relative to peers starting from the same attainment baseline is maintained. (The appropriate comparison group for some pupils will be other pupils with similar histories of hearing impairment) **or**
- the gap between the pupil's attainments in areas of strength and areas of difficulty is closing or is not widening
- the pupil's progress matches or betters his previous rate of progress
- the pupil's progress ensures access to the Northern Ireland Curriculum at levels appropriate to his Key Stage
- the pupil's progress is likely to lead to accreditation and to participation in further education, training or employment.

4 SENSORY IMPAIRMENTS

4.2 VISUAL DIFFICULTIES

Introduction

Visual difficulties may take many forms with widely differing implications for a child's development and education. They may range from relatively minor and remedial conditions that are fairly common to partial sight or total blindness. Some children are born blind; others lose their sight, partially or completely, as a result of accidents or illness. With some children their visual impairment is one aspect of a multiple disability. Whatever the cause of the child's impairment, the major issue in identifying and assessing the child's special educational needs will relate to the degree and nature of his or her functional vision, partial sight or blindness, and his or her ability to adapt socially and psychologically as well as to progress in an educational context.

Provision at Stage 3 of the Code of Practice

Needs will, in the first instance, be met by the deployment of the school's own resources at Stages 1 and 2 of the Code of Practice, together with the advice and support of the Board's support services. A school will also be expected to give due regard to the wide range of guidance and support materials which have been provided by the Department of Education, Education and Library Boards and voluntary organisations in addition to taking cognizance of the 'Good Practice Guidelines'.

In most circumstances therefore provision for pupils with visual difficulties will be made by schools, Boards and/or Health and Social Care Trusts at the early stages of the Code of Practice without the need for a Statutory Assessment. Examples of such provision may include:

- peripatetic teaching and/or advice from a specialist teacher of the visually impaired;
- low vision aids and other equipment;
- peripatetic teaching and/or advice from a teacher of children with learning difficulties such as literacy difficulties;
- the individualised educational planning and teaching strategies which are commonly applied in schools where pupils may be making slow progress towards attainment of the learning targets in the Northern Ireland Curriculum.

Criteria for making a Statutory Assessment

The Board will consider very carefully the case for a Statutory Assessment of a pupil's special educational needs where the balance of the evidence presented to and examined by the Board suggests that the pupil's learning difficulties and/or disabilities:

- are significant and/or complex (see paragraph A below) **and**
- have not been met by relevant and purposeful measures taken by the school and external specialists (see paragraph B below) **and**
- may call for special educational provision all of which cannot reasonably be provided within the resources normally available to mainstream schools in the area (see paragraph C below).

Careful consideration will, therefore, be given by the Board to the need to make a Statutory Assessment in circumstances where it is clear that **all** of the following conditions are satisfied:

A. The pupil's difficulties are significant and/or complex

The Board will be likely to consider the pupil's difficulties to be significant and/or complex where there is a medical diagnosis of partial sight or blindness **and** one or more of the following apply:

- medical intervention has not resulted in the child having sufficient ability to cope with the visual demands of normal school environments and the pupil cannot access the curriculum through the methods of instruction which are normally used in mainstream classes;
- in order to participate adequately in school activities the pupil requires a level of support beyond what is realistic to expect from a mainstream school;

4 SENSORY IMPAIRMENTS

- the visual difficulty is associated with additional developmental problems such as significant difficulties with social interaction and inclusion or emotional or behavioural problems;
- some of the pupil's attainments are significantly lower than those of most pupils of similar age and ability e.g. performance on assessments is outside the expected range.

B. The Board is likely to conclude that the pupil's learning difficulties are not being met by relevant and purposeful measures if:

- the school has employed appropriate individualised educational planning and teaching strategies (ref. Good Practice Guidelines) **and**
- has applied advice from appropriate external specialists **and**
- any necessary therapies are being provided **and** despite these measures
- the pupil is not making adequate progress (see below section on 'adequate progress') **or**
- there remain significant social, emotional or behavioural problems associated with the visual difficulties which are not being resolved or minimised.

C. The Board will be likely to conclude that the pupil requires special educational provision which cannot reasonably be provided within the resources normally available to mainstream schools in the area where:

- the pupil requires equipment that is not normally available to mainstream schools in the area **or**
- the pupil requires a level of support beyond what is realistic to expect from the resources available within the school or to the school from support services provided by the Board at Stage 3 of the Code of Practice **or**
- the provision required is normally only available within a special school or special unit.

Adequate progress

The key test of how well a pupil's learning needs are being met will be whether he is making adequate progress. "Adequate progress" will vary for individual pupils according to the individual context. Different definitions will be appropriate in different cases. However, the preferred definition in any situation will be one that reflects an educational programme for the pupil which is based on realistic but challenging objectives. Progress may be judged as adequate in **any** of the following circumstances:

- the gap in attainment between the pupil and peers is closing, the gap is not getting wider, or the position relative to peer attainment baseline is maintained. (The appropriate comparison group for some children will be other children with similar histories of visual impairment) **or**
- the gap between the pupil's attainments in areas of strength and areas of difficulty is closing or is not widening **or**
- the pupil's progress matches or betters his previous rate of progress **or**
- the pupil's progress ensures access to the Northern Ireland Curriculum at levels appropriate to his Key Stage **or**
- the pupil's progress is likely to lead to accreditation and to participation in further education, training or employment.

5 SPEECH AND LANGUAGE DIFFICULTIES

Introduction

Some pupils may have significant difficulties in speech and language which are not typical of their general level of performance, especially in other areas of the curriculum. They may gain some skills in some subjects and demonstrate ability in other areas, yet may encounter sustained difficulty in gaining speech and language skills. Such pupils can become severely frustrated and may also have social, emotional and/or behavioural difficulties. They may also have attendant social difficulties or pragmatic language difficulties. Whilst speech and language difficulties may be evident in children experiencing a wide variety of other conditions, for example hearing impairment, moderate learning difficulties, Autistic Spectrum Disorder etc, these criteria are intended for those pupils whose primary area of difficulty is speech and language.

The Board will consider very carefully the case for a Statutory Assessment of a pupil's special educational needs where the balance of the evidence, presented to and examined by the Board (ref. Good Practice Guidelines), suggests that the pupil's speech and language difficulties:

- are significant and/or complex (see paragraph A below) **and**
- have not been met by relevant and purposeful measures taken by the school and external specialists (see paragraph B below) **and**
- may call for special educational provision which cannot reasonably be provided from within the resources normally available to mainstream schools in the area (see paragraph C below).

In most circumstances provision for pupils with speech and language difficulties will be made at Stages 1 to 3 of the Code of Practice by the resources normally available to mainstream schools without the need for a Statutory Assessment or Statement of Special Educational Needs.

Criteria for making a Statutory Assessment

Except in exceptional circumstances, any request for Statutory Assessment will only be considered if the Board is satisfied that attempts have been made to address the pupil's needs at Stages 1 to 3 of the Code of Practice (ref. Good Practice Guidelines). It is expected that any such request will be supported by appropriate evidence, including Education Plans implemented and reviewed at Stages 2 and 3 of the Code of Practice.

A. The Board will be likely to consider a pupil's speech and language difficulties to be significant and/or complex if the following apply:

- The pupil's primary need is in the area of speech and/or language difficulties and not one of the other categories, for example, moderate learning difficulties or hearing difficulties. **and**
- The pupil's expressive and/or receptive language skills are at or below the 2nd percentile; however, it is recognised that there may be some children who will be marginally outside this criterion. These children will be considered if there is evidence of a complex interaction of needs (ref Section 7), including an interaction with persistent and severe difficulties with the intelligibility of speech.

B. The Board is likely to conclude that the pupil's needs are not being met by relevant and purposeful measures if clear evidence is presented that:

- the school has employed appropriate individualised educational planning and teaching strategies **and**
- has applied advice from appropriate external specialists such as speech and language therapists and/or language support teachers **and** despite these measures
- the child is not making adequate progress (see section below on 'adequate progress') **or**
- there remain significant social, emotional, behavioural or pragmatic difficulties associated with the speech and language difficulty.

5 SPEECH AND LANGUAGE DIFFICULTIES

C. The Board is likely to conclude that the pupil requires special educational provision, which cannot reasonably be provided within the resources normally available to mainstream schools in the area where:

- the pupil requires a level of support beyond that which it is realistic to expect from the resources available within the school or available to the school from support services provided by the Board at Stage 3 of the Code of Practice **or**
- the provision required is normally only available within a special unit or special school.

Adequate progress

The key test of how well a pupil's learning needs are being met will be whether the pupil is making adequate progress. "Adequate progress" will vary for different pupils according to the individual context. Different definitions will be appropriate in different cases. However the preferred definition in any situation will be one that reflects an educational programme for the pupil which is based on realistic but challenging objectives. Progress may be judged to be adequate in **any** of the following circumstances:

- the gap in speech and language skills between the pupil and peers is closing, or the gap is not widening;
- the pupil's progress ensures access to the Northern Ireland Curriculum at levels appropriate to his Key Stage; the pupil's progress is likely to lead to accreditation and to participation in further education, training or employment.

6 PRE-SCHOOL CHILDREN

Introduction

The Education (N.I.) Order 1996 requires Boards to identify those children of pre-school age who have or are likely to have special educational needs which will require a Board to make special educational provision for them. "Special educational provision" means –

- (a) in relation to a child who has attained the age of two years, education provision which is additional to or otherwise different from, the educational provision made generally for children of his age in ordinary schools, and
- (b) in relation to a child under that age, educational provision of any kind. (Article 3, Par 4, Education (NI) Order 1996)

Boards will wish to assess and make provision for such children in accordance with the stages of the Code of Practice on the Identification and Assessment of Special Educational Needs. In most circumstances provision for children of pre-school age will be made by Boards, Health and Social Care Trusts and, possibly, by voluntary bodies, at the earlier stages of the Code of Practice and without the need for a Statutory Assessment. Examples of such provision may include:

- pre-school learning/advisory support provided by Board support services;
- support and therapy from Allied Health Professionals;
- specialist playgroup/nursery placement provided by Boards or voluntary agencies;
- placement in mainstream nursery schools or nursery classes provided by Boards.

Northern Ireland Curriculum

Children at nursery schools and units and in pre-school provision generally, have had experience of a play-based developmental curriculum and nursery schools and units have successfully accommodated the needs of children with a wide range of disabilities and special educational needs.

With the introduction of the revised primary curriculum in September 2007, the capacity to continue to meet these children's needs in the early years of primary school has been strengthened. The Foundation Stage (Nursery, Years 1

and 2) of the curriculum is a developmental, play-based curriculum which is designed to accommodate a wide range of abilities; a wide range of learning styles; a wide range of rates of learning. Children who, for example, have cognitive and learning difficulties, communication difficulties, difficulties with motor development etc. which may, in the past, have required them to be considered for alternative placement or additional support in mainstream schools and which may have required the Board to make a Statutory Assessment with a view to maintaining a Statement of Special Educational Needs, should now, ordinarily, be able to be accommodated within the Foundation Stage of the curriculum.

Under the requirements of the Special Educational Needs and Disability (NI) Order (2005), schools are expected to make reasonable adjustments and accommodations to ensure that this takes place. If a school or nursery school feels that it is unable to cope with a child's difficulties within the Foundation Stage of the Northern Ireland Curriculum, it will be expected to provide a **clear and explicit case** setting out why it is unable to do so.

The Board will expect such a case to detail the areas of the curriculum with which the child cannot cope; the teaching strategies which have been adopted to accommodate his/her difficulties; the reasonable adjustments which the school has made; and a detailed account of the child's progress towards the targets set out in the curriculum.

Implications for Board Practice

Given the issues addressed above, it is the view of the Boards that the vast majority of children with special educational needs will be able to be accommodated within nursery schools and units and within the Foundation Stage of the curriculum in mainstream primary schools and will not require provision which is additional to or otherwise different from the provision made generally for children of their age in mainstream schools. It will therefore not be necessary for the vast majority of children at this stage to be assessed with a view to the Board maintaining a Statement of Special Educational Needs.

6 PRE-SCHOOL CHILDREN

Boards recognise that there may be children who, because of:

- physical or medical difficulties **or**
- severe social, emotional or behavioural difficulties **or**
- severe social and communication difficulties **or**
- severe development delay which is likely to indicate severe learning difficulties **or**
- severe sensory difficulties **or**
- a complex interaction of needs,

may require provision additional to or otherwise different from that generally available to children of their age in school or nursery. Such children are likely to be identified by medical officers and/or educational psychologists. Boards will continue to consider the needs of such children for a Statutory Assessment with a view to the Board maintaining a Statement of Special Educational Needs. Boards will also give consideration to exceptional circumstances drawn to its attention in respect of children outside these categories and consider whether the special educational needs of these children require the Board to carry out a Statutory Assessment. Boards will also consider carefully requests for Statutory Assessment made by parents who believe that their child requires provision which is not likely to be available in mainstream schools.

The Board will give careful consideration to making a statutory assessment when the evidence supplied by medical officers, teachers, psychologists, therapists etc. indicates that:

- the child has a recognised medical or physical condition which is likely to require special educational provision to be made for him;
- the child has a sensory disability which is likely to require special educational provision to be made for him;
- there is evidence of a developmental delay or a developmental anomaly which is likely to require special educational provision to be made for him.

Evidence of these difficulties will normally be brought to the attention of the Board by the designated medical officer of the appropriate Health and Social Care Trust, by the principal of a nursery school or primary school with a nursery unit, by parents or by an educational psychologist. In circumstances where a request for a Statutory Assessment is made because the child is thought to have a learning difficulty, the Board will, ordinarily, require a report from an educational psychologist. Referrers will be asked to provide prima facie evidence indicating that the child requires, or is likely to require, special educational provision which is additional to, or otherwise different from, that normally provided for children of his age in mainstream nursery and primary schools.

Guidelines for staff in Education and Library Boards and Health and Social Care Trusts referring pre-school children for Statutory Assessment

A referral for Statutory Assessment at Stage 4 of the Code of Practice may be appropriate:

- a) if the child has a learning difficulty which means that he will be unable to access the Foundation Stage of the curriculum supported by the resources normally available to mainstream schools and nursery schools **or**
 - the child is likely to require additional adult assistance to ensure access to the curriculum or to the social and play opportunities normally available in nursery or primary schools;
- b) if a child has a physical disability which clearly means that he will require:
 - additional adult assistance to ensure the child's safety in school or to assist the child's movement around the school or to ensure access to the curriculum or to the social and play opportunities normally available in nursery or primary schools (If additional adult assistance is required it is important to specify the reasons for the recommendation). It should be noted that account will be taken of existing adult assistance present in the class. **or**
 - placement in a school for children with physical disabilities;

6 PRE-SCHOOL CHILDREN

- c) if the child has a moderate to severe medical difficulty: which is likely to have a significant impact on his educational development because he may be unable to engage in normal activities; that there will be significant interference with normal development; that he will have difficulty attending school or nursery school on a regular basis; or may not be able to participate fully in the curriculum and the wider social and play activities of the school or nursery school. A Statutory Assessment may be required where it is likely that the child will need:
- additional adult assistance to ensure the child's safety and well-being in school/nursery school or to assist the child's movement around the school or to ensure access to the curriculum or to the social and play experiences normally available to children in nursery/primary schools **or**
 - a placement in a school or unit for pupils with medical difficulties;
- d) if the child has a moderate to severe hearing loss which clearly means that he will require:
- additional adult assistance to ensure access to the curriculum or to the social and play opportunities normally available in nursery and primary schools **or**
 - placement in a school for pupils with hearing impairment or in a partially hearing unit;
- e) if the child has a moderate to severe visual impairment which clearly means that he will require:
- additional adult assistance to ensure the child's safety in school/nursery school or to assist the child's movement around the school or to ensure access to the curriculum and to the social and play opportunities normally available in nursery and primary schools **or**
 - placement in a school or unit for pupils with visual difficulties;
- f) if the child has a severe speech and language difficulty which is likely to impede the child's access to the curriculum or to the social and play opportunities normally available in nursery and primary schools and/or
- is likely to impede the development of relationships with other children or adults. The child is likely to require:
- additional adult assistance to ensure access to the curriculum or to the social and play opportunities normally available in nursery and primary schools **or**
 - placement in a school or unit for pupils with speech and language difficulties;
- (NB.** A severe speech and language difficulty is normally indicated where the child has delayed or disordered language development causing significant difficulty in communicating or being communicated with outside the home).
- g) if the child has severe social, emotional or behaviour problems or a developmental anomaly which is likely to impede his ability to have full access to the curriculum or to the social and play opportunities normally available in nursery and primary schools, or impede his ability to develop appropriate relationships with other children and adults, and to take part safely in the activities of the school/nursery school **or**
- the child is likely to require additional adult assistance to ensure his safety or that of other children or adults **or**
 - the child is likely to require placement in a unit for children with social and communication difficulties or ASD.
- (NNB.** Severe social, emotional and behavioural problems are normally taken to mean long term behaviour difficulties which make it difficult for the child to function safely without risk to himself or other children or adults without special provision or supervision e.g. severe attention deficit/hyperactivity disorder [ADD/ADHD], severe pervasive developmental disorders such as Autistic Spectrum Disorder (ASD) or conduct disorders).

7 COMPLEX INTERACTION OF NEEDS: GUIDANCE ON STATUTORY ASSESSMENT

Introduction

The preceding criteria are set out in separate sections but in practice pupils often present with more than one difficulty. In applying criteria, the Board will, in the vast majority of cases, use those relating to the primary need of the child or young person. In some instances, however, children and young people may present with primary special educational needs that in themselves do not meet criteria for making a Statutory Assessment, but may nevertheless present with a number of difficulties whose complex interaction may be a significant barrier to learning and to accessing the curriculum.

The following section provides guidance to assist in making decisions about those pupils whose primary needs do not meet the individual criteria but whose needs are showing a complex interaction and may be a significant barrier to their learning and to accessing the curriculum.

Guidance for making a Statutory Assessment

The Board will consider very carefully the case for Statutory Assessment of a pupil's special educational needs where the balance of evidence, presented to and examined by the Board (ref. Good Practice Guidelines), suggests that the pupil's special educational needs:

- show a complex interaction which may be a significant barrier to learning and to accessing the curriculum;
- have not been met by relevant and purposeful measures or reasonable adjustments taken by the school and external specialists (ref. Good Practice Guidelines);
- may call for special educational provision which cannot reasonably be provided from the resources normally available to mainstream schools in the area.

Needs will, in the first instance, be met by the deployment of the school's own resources at Stages 1 and 2 of the Code of Practice, together with the advice and support of the Board's support services. A school will also be expected to give due regard to the wide range of guidance and support materials which have been provided by the Department of Education, Education and Library Boards and voluntary organisations in addition to taking cognizance of the 'Good Practice Guidelines'.

In most circumstances therefore provision for pupils with a complex interaction of needs will be made at Stages 1, 2 and 3 of the Code of Practice by the resources normally available to mainstream schools without the need for a Statutory Assessment (ref. Good Practice Guidelines).

Careful consideration will, therefore, be given by Boards to the need for a Statutory Assessment in circumstances where it is clear that the following conditions are met:

Complex interaction of needs

The Board may consider a case where:

- Clear evidence is presented which shows that the pupil has more than one of the following difficulties whose levels of significance are close to the threshold for Statutory Assessment in any of the recognised areas of special educational need, i.e.

- Learning Difficulties
- Specific Learning Difficulties
- Social, Emotional and Behavioural Difficulties
- Physical or Medical Difficulties
- Hearing Difficulties
- Visual Difficulties
- Speech and Language Difficulties

- The evidence presented should show clearly that:

a) The pupil's special educational needs **do not** meet the criteria for any of the individual areas of special educational need but that they **should be considered** under the Complex Interaction of Needs Guidance;

b) The complex interaction of needs should be clearly set out in evidence to show:

- the needs that are interacting and (ii) the implications of that interaction for the pupil's learning and access to the curriculum. Except in exceptional cases evidence should include measurement data, which may clarify and /or strengthen the case.

7 COMPLEX INTERACTION OF NEEDS: GUIDANCE ON STATUTORY ASSESSMENT

- c) The school has put in place relevant and purposeful measures and reasonable adjustments and the pupil has not made adequate progress.

Further notes:

- When considering such cases moderating procedures should be put in place within services and/or Boards.
- When a Statement of Special Educational Needs is issued under this guidance the category for recording to be used is 'Other'.

8 APPENDICES

APPENDIX 1

Regional Criteria for Making Statutory Assessments – Review Group Membership

Name	Job Title	Organisation
Mr G McGeagh (Chairman)	Assistant Senior Education Officer	NEELB
Mr M Clarke	Principal Educational Psychologist	BELB
Mrs J Trotter	Assistant Senior Education Officer	BELB
Mr R M Crozier	Principal Educational Psychologist	NEELB
Mrs B Dorriy	Adviser (Special Education)	NEELB
Mr S Irvine	Principal Educational Psychologist	SEELB
Mr J Shivers	Adviser (Special Education) (until June 2008)	SEELB
Mrs S Skelton	Assistant Senior Education Officer (from Sept 2008)	SEELB
Mr S Rooney	Principal Educational Psychologist	SELB
Mrs V Young	Assistant Senior Education Officer	SELB/WELB
Mrs C Maguire	Assistant Senior Education Officer	WELB/SELB
Mrs P McDermott	Assistant Senior Education Officer (until April 2008)	WELB/SELB

APPENDIX 2

Areas of Special Educational Need: Department of Education 2005. Recording Children with Special Educational Needs

The Department of Education has identified seven 'areas' of Special Educational Need and, within each area, a number of SEN categories.

1. Cognitive and Learning

- Dyslexia/Specific Learning Difficulties
- Dyscalculia
- Dyspraxia/Developmental Co-ordination Disorder
- Mild Learning Difficulties
- Moderate Learning Difficulties
- Severe Learning Difficulties
- Profound & Multiple Learning Difficulties
- Unspecified Cognitive and Learning Difficulties

2. Social, Emotional & Behavioural

- Social, Emotional & Behavioural Difficulties
- ADD/ADHD

3. Communication and Interaction

- Speech and Language Difficulties
- Autism
- Aspergers

4. Sensory

- Severe/profound hearing loss
- Mild/moderate hearing loss
- Blind
- Partially sighted
- Multi-sensory Impairment

5. Physical

- Cerebral Palsy
- Spina bifida and/or hydrocephalus
- Muscular dystrophy
- Significant accidental injury
- Other physical

6. Medical conditions/Syndromes

- Epilepsy
- Asthma
- Diabetes
- Anaphylaxis
- Down
- Other medical conditions/syndromes
- Interaction of complex medical needs
- Mental Health Issues

7. Other

8 APPENDICES

APPENDIX 3

Comparison of Special Educational Need Descriptors

Categories of Special Educational Needs - The Code of Practice on the Identification and Assessment of Special Educational Needs Department of Education 1998	Areas of Special Educational Needs - Recording Children with Special Educational Needs Department of Education 2005
Learning difficulties -Moderate learning difficulties -Severe learning difficulties	Cognitive and Learning
Specific Learning Difficulties	Cognitive and Learning
Emotional and Behavioural Difficulties	Social, Emotional and Behavioural
Speech and Language Difficulties	Communication and Interaction
Sensory Impairment - Hearing Difficulties - Visual Difficulties	Sensory
Physical disability/medical conditions	Physical
Physical disability/medical conditions	Medical Conditions/Syndromes
Pre-school children with developmental difficulties	
	Other

In the table above the descriptors are aligned as far as possible in a manner which indicates which are of equivalent meaning. In some cases the equivalence is less perfect than others. Specific Learning Difficulties (1998) for example is set alongside the area of Cognitive and Learning (2005). Within the area of Cognitive and Learning needs (2005) Specific Learning Difficulties/Dyslexia is treated as one of a number of categories of need.

The recording system in the 2005 document recognises that children may have special educational needs in more than one area, so for some children “primary” needs as well as “secondary” needs may be recorded.

