Types of need from SEN Code of Practice 2001

Cognition and learning needs include:

- specific learning difficulties (SpLD)
- moderate learning difficulties (MLD)
- severe learning difficulties (SLD), and
- profound and multiple learning difficulties (PMLD).

Behavioural, emotional and social needs include:

- behavioural, emotional and social difficulties (BESD).

Communication and interaction needs include:

- speech, language and communication needs (SLCN), and
- autistic spectrum disorders (ASD).

Sensory and/or physical needs include:

- visual impairment (VI)
- hearing impairment (HI)
- multi-sensory impairment (MSI), and
- physical disability (PD).

Pupils with medical needs are usually included in the sensory and physical needs section.

Handout 2

True or false?

	True or false?
Fewer pupils have SEN in secondary schools than in primary schools	
Research-based class teaching methods – for example, for teaching reading – can more than halve the proportion of pupils with SEN	
Summer-born pupils are more likely to be identified as having SEN than pupils born in the autumn	
Nearly one in three nine-year-old boys is identified as having SEN	
Pupils with SEN are more than twice as likely to be living in poverty (eligible for free school meals) as pupils without SEN	
Boys make up 73 per cent of pupils with statements of SEN (pupils with the more severe types of SEN)	

Handout 3

True or false? Answer sheet

	True or false?
Fewer pupils have SEN in secondary schools than in primary schools[1] 19.6 per cent of pupils in mainstream primary schools were identified as having SEN in January 2009, compared with 21 per cent in secondary schools.	**False**
Research-based class teaching methods – for example, for teaching reading – can more than halve the proportion of pupils with SEN[2] Research has shown that by introducing a new methodology for teaching reading (involving systematic phonics teaching, short periods of reading practice repeated throughout the day, and regular reading aloud of familiar stories) it was possible to dramatically reduce the number of children falling into a defined very low-achieving band.	**True**
Summer-born pupils are more likely to be identified as having SEN than pupils born in the autumn[3] At the age of seven, September-born pupils are half as likely as August-born pupils to be identified as having SEN (15 per cent compared to 28 per cent). The relationship is still present, though slightly less strong, at the ages of 11 and 16.	**True**
Nearly one in three nine-year-old boys is identified as having SEN In January 2008, 31.3 per cent of all nine-year-old boys in mainstream primary schools were identified by their schools as having SEN.	**True**
Pupils with SEN are more than twice as likely to be living in poverty (eligible for free school meals) as pupils without SEN In 2009, some 28 per cent of pupils with SEN were known to be eligible for free school meals in primary schools compared with around 13 per cent of pupils with no SEN. In secondary schools, the comparable figures were almost 25 per cent for pupils with SEN and almost 10 per cent for pupils with no SEN.	**True**
Boys make up 73 per cent of pupils with statements of SEN (pupils with the more severe types of SEN) In January 2009, 90,020 boys in primary and secondary schools had statements of SEN (around one in every forty boys) compared with 33,080 girls (less than one in every 100 girls).	**True**

1   DCSF, January 2009, Special Educational Needs in England, (SFR 14/2009)

2   J Solity et al, The Early Reading Research: The impact of instructional psychology, Educational Psychology in Practice, 16(2), 2000

3   DfES, 2005, Unpublished Rapid Analysis Note

Handout 4

Able, enabled or disabled?

Can you...	✓ or ✗ Can or can't	If you think you can't, what would enable you to do this?
Read very small print		
Hear what they are saying in the room next door?		
Find a street you don't know, in an unfamiliar area, when driving or being driven in a car?		
Fly to the moon!		
Assemble a complicated piece of flat-pack furniture?		

Medical and social models of disability

Medical

Confined to a wheelchair	**Suffers from dyslexia**	**Slow learner**
Can't read	**The problem is the disabled child**	**Hearing problem**
Has ADHD (attention deficit hyperactivity disorder)	**Has receptive language problem (difficulty in understanding language)**	**Has low self-esteem**

Social

Poor acoustics in the classroom	**Teachers often give long and detailed instructions**	**Young children are expected to sit still for long periods**
Lack of texts or tapes to listen to at the right time for the pupil	**Homework always given in a rush at the end of the lesson**	**No lifts, ramps or stairs**
Lesson pace too fast	**Totally print-based curriculum; lack of access to own laptop with spell-checker and speech-to-print software**	**The curriculum affords the pupil few experiences of success**

Adapted from: Jean Gross, 2002, Special Education Needs in the Primary School: A practical guide, Open University Press.

✋ Handout 6

A brief history of inclusion

Categories and descriptions

In the 19th century, there were categories of handicap such as idiots, imbeciles, feeble-minded, as well as deaf, blind and delicate. The difficulties were seen as medically determined and 'within-child'.

In 1970, the Education (Handicapped Children) Act took 'severely subnormal' children from training units, hospitals and special care units and transferred their care from health to education.

In 1978, the Warnock Report recommended that categories of handicap be abolished and the generic description 'special educational needs' was coined and defined in the 1981 Education Act. The focus moved to how pupils could be provided for and supported, either in mainstream classes, units or bases in mainstream schools (sometimes called 'resourced provision') or special schools.

The special educational needs and disability legislation and guidance

Under the Education Act 1993, schools were required to have regard to the SEN Code of Practice. The SEN duties this included were consolidated into the Education Act 1996. The code details how schools are expected to carry out their SEN duties. The document Removing Barriers to Achievement (2004) stated that:

"All children have the right to a good education and the opportunity to fulfil their potential. All teachers should expect to teach children with special educational needs (SEN) and all schools should play their part in educating children from their local community, whatever their background or ability."

The SEN and Disability Act 2001 strengthened the right of children with SEN to attend a mainstream school, unless their parents choose otherwise.

Schools should include all pupils fully in the life of the school and make changes to organisation, curriculum, accommodation or teaching methods, where necessary.

The SEN Code of Practice set out five principles:

- children with SEN should have their needs met
- their needs will normally be met in mainstream schools
- the views of children should be sought and taken into account
- parents have a vital role to play in supporting their children's education, and
- pupils with SEN should be offered full access to a broad, balanced and relevant curriculum in the foundation stage and later years.

The code states that if pupils require provision that is different from or additional to that made for most pupils, then schools are required to make provision (School Action). Schools are then required to monitor progress, and if pupils fail to make adequate progress, further provision is to be made (School Action Plus). Where pupils' needs are more severe or complex, the local authority may issue a statement of SEN describing the exceptional provision to be made.

Integration and inclusion

In the 1980s and 1990s, there was a move towards integrating pupils from special schools into mainstream schools. Often, however, this simply meant pupils being placed in a mainstream school with little change to the infrastructure or to people's attitudes. People began to talk about 'inclusion' rather than integration – a concept with a strong ideological charge, coming from an equal rights perspective and emphasising the celebration of diversity.

Particularly influential in this respect was the 1994 Salamanca Statement, adopted by UNESCO, and by 94 governments including the UK. The Salamanca Statement said that:

"Those with special educational needs must have access to mainstream schools which should accommodate them with a child-centred pedagogy capable of meeting those needs. Mainstream schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all. Moreover, they provide an effective education for the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system."

The inclusive school movement encouraged schools to evaluate the extent to which they provide a "secure, accepting, collaborating, stimulating school community in which everyone is valued and all pupils can achieve their best" (Centre for Studies on Inclusive Education, Index for Inclusion, 2002). The intention was that self-evaluation would lead to schools making changes to their culture, policies and practices to respond more effectively to the diversity of pupils in the locality they served.

Educational inclusion

Educational inclusion as described by Ofsted (Ofsted, 2000) embraced not only pupils with SEN and/or disabilities, but a whole range of groups that might be at risk of underachievement such as: girls and boys; minority ethnic and faith groups; travellers, asylum seekers and refugees; pupils who need support to learn English as an additional language (EAL); pupils with SEN or a disability; gifted and talented pupils; children looked after by the local authority; other children such as sick children; young carers; children from families under stress; pregnant schoolgirls and teenage mothers; and any pupils who are at risk of disaffection and exclusion.

Ofsted provided its own definition of educational inclusion:

"Educational inclusion is more than a concern about any one group of pupils such as those pupils who have been or are likely to be excluded from school. Its scope is broad. It is about equal opportunities for all pupils, whatever their age, gender, ethnicity, attainment and background. It pays particular attention to the provision made for and the achievement of different groups of pupils within a school."

Ofsted, 2000

Curriculum inclusion

Another milestone in the history of the inclusion concept was the introduction of National Curriculum 2000 which, together with accompanying legislation, made it a statutory requirement for all schools to develop an inclusive curriculum. Teachers were required to modify the national curriculum programmes of study, as necessary, to provide all pupils with relevant and appropriately challenging work at each key stage. The National Curriculum also set out three principles that are essential to developing a more inclusive curriculum:

- setting suitable learning challenges
- responding to pupils' diverse learning needs, and
- overcoming potential barriers to learning and assessment for individuals and groups of pupils.

Applying these principles keeps to a minimum the need for aspects of the National Curriculum to be disapplied for any pupil.

Personalisation

Newer than inclusion, but related to it, is the concept of personalisation or personalised learning. A vision of personalised learning and teaching was outlined in the report of the Government's Teaching and Learning in 2020[1] as:

"...taking a highly structured and responsive approach to each child's and young person's learning, in order that all are able to progress, achieve and participate. It means strengthening the link between learning and teaching by engaging pupils – and their parents – as partners in learning."

DfES, 2007

That vision was expanded upon in Personalised Learning – A Practical Guide, published by the Department for Children, Schools and Families (DCSF) in 2008:[2]

"The pedagogy of personalisation is distinguished by the way it expects all children and young people to reach or exceed national expectations, to fulfil their early promise and develop latent potential. Planning for progression and differentiation are fundamental. High expectations of progress apply equally to children and young people working above, at, or below age-related expectations, including those who have been identified as having special educational needs. There is an expectation of participation, fulfilment and success; and teaching and learning is characterised by ambitious objectives, challenging personal targets, rapid intervention to keep pupils on trajectory and rigorous assessment to check and maintain pupil progress. There are clear plans to support those who are struggling to maintain trajectory."

DCSF, 2008

As well as this, nine key features of personalised learning, none of which are mutually exclusive, were identified by the Government:

- high-quality teaching and learning
- target setting and tracking
- focused assessment
- intervention
- pupil grouping
- the learning environment
- curriculum organisation
- the extended curriculum, and
- supporting children's wider needs.

Personalisation involves schools developing systems in which the needs of all pupils are understood and their learning planned accordingly. It does not mean that every child needs an individualised curriculum, but rather that schools cater for the range of aptitudes, interests and abilities of all their pupils by providing opportunities for each pupil to succeed. Rigorous assessment for learning is a key to the success of personalised learning, regardless of the learning routes that children may follow, so that teachers and pupils have a good understanding (based on seeking and interpreting evidence) of where pupils are in their learning, where pupils need to get to next, and how best to get there.[3]

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1   DfES, 2007, Teaching and Learning in 2020

2   DCSF, 2008, Personalised Learning – A Practical Guide

3   DCSF, 2008, The Assessment for Learning Strategy

Summary

Over the years, attitudes and policies have changed from entirely separate care for children with physical or learning difficulties, to some integration, to inclusion where:

- the emphasis is on systems providing support for all

- the rights of children, young people and their parents are at the fore

- difference and diversity are valued, and

- pupils with SEN and disabilities are seen as part of a much wider group that will be at risk of underachievement if the school does not adapt itself to meet their individual needs and 'personalise' learning for all.

Handout 7

Less favourable treatment: examples from DRC Code of Practice

Disability discrimination is less favourable treatment than for someone else, for a reason related to the pupil's disability and when it cannot be justified.

This exercise focuses on the reason related to the pupil's disability and justification.

Example 1: Pupil with dyslexia

At the end of a lesson, homework is written on the board. A pupil with dyslexia is unable to copy it down in the time. He is given a detention for not doing his homework.

Is this less favourable treatment for a reason related to the pupil's disability?

Is it justified?

Example 2: Pupil with autism in the dinner queue

A pupil with autism goes to the front of the dinner queue. A teacher standing nearby tells him not to 'barge in'. The pupil becomes anxious, but does not move. The teacher insists that the pupil must not 'jump the queue'. The pupil becomes more anxious and agitated and hits the teacher. The pupil is excluded temporarily from the school.

Is the less favourable treatment for a reason related to the pupil's disability?

Is it justified?

Example 3: Outdoor activity trip

A pupil with cerebral palsy who uses a wheelchair is on a trip with her class to an outdoor activity centre. The teachers arrange to take the class on a 12-mile hike over difficult terrain but, having carried out a risk assessment, they decide that the pupil who uses a wheelchair will be unable to accompany her class, for health and safety reasons.

Is the less favourable treatment for a reason that is related to the pupil's disability?

Is it justified?

Less favourable treatment: examples from DRC Code of Practice, with trainer's notes

Disability discrimination is less favourable treatment than for someone else, for a reason related to the pupil's disability and when it cannot be justified.

This exercise focuses on the reason related to the pupil's disability and justification.

Example 1: Pupil with dyslexia

At the end of a lesson, homework is written on the board. A pupil with dyslexia is unable to copy it down in the time. He is given a detention for not doing his homework.

Is this less favourable treatment for a reason related to the pupil's disability?
The reason for the detention is the failure to do the homework. This relates to his inability to write it down in the time available, which is a part of his disability.

Is it justified?
There was a general assumption on the part of the teacher that all the pupils would be able to write down the homework in the time at the end of the lesson. It is unlikely that there is a material and substantial reason to justify the less favourable treatment. In addition, it is likely that reasonable adjustments could have been made. For example, more time could have been provided or the homework could have been published on the school learning platform. The detention is likely to amount to unlawful discrimination.

Example 2: Pupil with autism in the dinner queue

A pupil with autism goes to the front of the dinner queue. A teacher standing nearby tells him not to 'barge in'. The pupil becomes anxious, but does not move. The teacher insists that the pupil must not 'jump the queue'. The pupil becomes more anxious and agitated and hits the teacher. The pupil is excluded temporarily from the school.

Is the less favourable treatment for a reason related to the pupil's disability?
The reason for the exclusion, hitting the teacher, may be related to the pupil's disability. Particular features of his autism are that he has difficulty in managing social situations, in understanding the purpose of a queue, and in understanding figurative language such as 'barge in' and 'jump the queue'. He also has difficulty in managing escalating levels of anxiety. If the hitting is related to these features of his autism, then the less favourable treatment – the exclusion – is for a reason related to the pupil's disability.

Is it justified?
The less favourable treatment is likely to be justified in terms of the order and discipline in the school. Any assault is likely to constitute a material and substantial reason justifying exclusion. However, there may be reasonable steps that might have been taken to prevent the incident happening in the first place. For staff, there might have been training:

- about autistic spectrum disorders and how they can manifest themselves

- on strategies to avoid difficulties – for example, avoiding negative instructions and symbolic language such as 'barging in' and 'jumping the queue', and

- on strategies to overcome difficulties if they do arise.

For the pupil there might have been:

- particular training for social situations, such as queuing, and
- work on strategies for communicating that he is upset or confused.

If reasonable steps of this type could have been taken but were not, it may not be possible for the school to justify the exclusion. If steps of this type were taken but the incident still happened, the school is likely to be able to justify the exclusion.

Example 3: Outdoor activity trip

A pupil with cerebral palsy who uses a wheelchair is on a trip with her class to an outdoor activity centre. The teachers arrange to take the class on a 12-mile hike over difficult terrain but, having carried out a risk assessment, they decide that the pupil who uses a wheelchair will be unable to accompany her class for health and safety reasons.

Is the less favourable treatment for a reason that is related to the pupil's disability?
This is less favourable treatment for a reason that relates to the pupil's cerebral palsy, namely the use of a wheelchair.

Is it justified?
The responsible body is likely to be able to justify the less favourable treatment for a material and substantial reason, ie a risk assessment, carried out in relation to this particular pupil in the particular setting in which she would have to travel, indicated that the health and safety of the pupil and her classmates could be jeopardised if she were to attempt the hike. This is likely to be lawful.

Reasonable adjustments

While watching the five film clips from the 'Essential viewing' section of 'Implementing the Disability Discrimination Act in Schools and Early Years Settings', DfES, 2006: disc one, complete the chart on this handout to show:

• what barriers disabled pupils faced, and

• what reasonable adjustments were made to enable them to participate.

In the film clips, what you see is the end result of the successful implementation of a reasonable adjustment. However, that isn't how the challenge presents itself in school. The school is presented with the barrier and has the challenge of identifying the reasonable adjustment. The recording charts are therefore structured to provide you with the opportunity to identify the barrier that had to be overcome, as well as the (more visible) reasonable adjustment that the school made.

After the introduction and the first section, 'Shelton Infant School: Jake' (ESV.03), you will have the opportunity to discuss barriers and adjustments before you watch the rest of the section.

Essential viewing

'Essential viewing' starts with a series of short introductory clips filmed in different schools. The longer clips start with Shelton Infants School and Jake's sports day.

School	Reasonable adjustments	Barriers
ESV.02 **Introduction**		
ESV.03 **Shelton Infants:** **Jake's sports day**		
ESV.07 **St Clement's:** **Alistair**		
ESV.10 **Whitehouse:** **Terri in English**		
ESV.20 **Glossopdale:** **Matthew**		

Key factors that support schools in making reasonable adjustments

Vision and values based on an inclusive ethos

An inclusive vision for the school, clearly articulated, shared, understood and acted upon effectively by all, is an important factor in enabling staff to make reasonable adjustments.

A 'can-do' attitude from all staff

The attitude of staff is fundamental to achieving successful outcomes for disabled pupils. Where staff are positive and demonstrate a 'can-do' approach, barriers are overcome more easily.

A proactive approach to identifying barriers and finding practical solutions

Actively identifying barriers as early as possible and exploring solutions using a practical, problem-solving approach has led schools to identify more effective reasonable adjustments.

Strong collaborative relationships with pupils and parents/carers

Schools that are effective at making reasonable adjustments recognise that parents/carers and pupils have expertise about living with a disability and will be a major source of advice. Pupils can also be the best judges of what is effective. They can be good advocates for what has worked well for them.

A meaningful voice for pupils

Schools are more likely to make effective reasonable adjustments where there are strong consultative mechanisms in place for all pupils and where peer support is well developed.

A positive approach to managing behaviour

Combined with an appropriate curriculum and a variety of learning activities, a positive approach to managing behaviour can enable pupils to take charge of their own behaviour and support others in taking charge of theirs. Many schools identified the importance of peer support strategies and of mentoring schemes in developing a positive approach to challenging behaviour.

Strong leadership by senior management and governors

Strong school leadership that sets a clear direction, promotes positive outcomes for disabled pupils, deploys the resources of the school to support teachers in identifying and removing barriers and keeps progress under review, makes for schools that are more effective at making reasonable adjustments.

Effective staff training and development

Where staff training and development is given a high priority it can ensure that staff have the understanding, knowledge and skills required to make reasonable adjustments for the range of disabled pupils.

The use of expertise from outside the school

Other agencies supplement and complement what a school can provide on its own. The schools shown in the film clips drew on a wide range of expertise beyond the school from:

- local schools, units and support services

- different statutory agencies, and

- voluntary organisations.

Building disability into resourcing arrangements

Building disability considerations into everything a school does, including the way it deploys its resources, enables everyone in the school to make reasonable adjustments.

A sensitive approach to meeting the disability-specific needs of pupils

A sensitive approach protects the dignity of disabled pupils particularly, but not only, in relation to meeting medical and personal care needs.

Regular critical review and evaluation

Regular reviews at a pupil level, departmental level and school level help ensure that:

- progress is monitored

- successes and failures are shared and inform the next steps, and

- the views of pupils and their parents/carers are sought and incorporated into the reasonable adjustments that the school makes.

Availability of role models and positive images of disability

Where schools use a range of opportunities to provide disabled role models, both children and adults, this can boost the self-esteem of disabled pupils and have a positive effect for all pupils.

This can be supported by positive images of disabled children and adults in pictures, books, and the range of materials used in schools.

Definitions of inclusion for review and reflection

Inclusion is...

restructuring the cultures, policies and practices in schools so that they respond to the diversity of pupils in the locality	the responsibility of every teacher
all children being educated in mainstream schools and settings in their own locality, rather than in special schools	tackling underperformance of key groups
whoever you are, wherever you are, feeling that this place is a place for you	valuing diversity
a fundamental human rights issue	all children being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well-being
making reasonable adjustments to all aspects of school life so as to prevent discrimination against pupils, staff or visitors with disabilities	

Handout 12

Points for action

What do I want to do next to develop my practice?

_____

_____

_____

_____

How will I do this?

_____

_____

_____

_____

What is my timescale for this to happen?

_____

_____

_____

_____

How will I know if I have been successful?

_____

_____

_____

_____

Do I need to involve anyone else in enabling this to happen?

_____

_____

_____

✋ Handout 13

Self-study tasks and further reading

Self-study tasks

Every Child Matters

- Inclusion and Every Child Matters (SST 1)
- SEN and disability legislation (SST 2)
- English as an additional language and SEN (SST 3)
- Children's needs and development (SST 4)
- ICT and SEN (SST 5)

Cognition and learning

- Moderate learning difficulties (SST 6)
- Dyslexia and specific learning difficulties (SST 7)
- Working memory (SST 8)

Behavioural, emotional and social needs

- Behavioural, emotional and social difficulties (SST 9)

Communication and interaction

- Speech, language and communication needs (SST 10)
- Autistic spectrum disorders (SST 11)

Physical and sensory impairment

- Visual impairment (SST 12)
- Hearing impairment (SST 13)
- Handwriting (SST 14)
- Developmental coordination disorder/dyspraxia (SST 15)

Working in partnership

- Working with colleagues in school (SST 16)
- Working with parents/carers and other professionals (SST 17)

Further reading

Ofsted, 2006, Inclusion: does it matter where pupils are taught?

Lewis, A and Norwich, B, 2005, Special Teaching for Special Children?: Pedagogies for inclusion, Open University Press