

## **SECTION 14: INCLUSION OF CHILDREN WITH SPECIAL EDUCATIONAL NEEDS (SEN) AND/OR A DISABILITY**

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## About this Section

14.1 This Section of the SEN Code of Practice (the Code) sets out practical guidance aimed at improving inclusion within education for those children with special educational needs (SEN) and/or those with a disability. It aims to assist schools and the EA in making effective decisions. It encourages schools to develop and implement inclusion of children with SEN and/or those with disability in the work and life of the school. It includes guidance on:

- a) the **key principles of effective inclusion**;
- b) the EA's **accessibility strategy and school accessibility plans** aimed at increasing accessibility to schools' premises and to the curriculum, and in improving ways in which information is provided to children with a disability;
- c) **reasonable adjustments** for children with a disability so they are not substantially disadvantaged when compared to children who are not disabled; and
- d) the presumption of mainstream education, and **reasonable steps** to prevent a child's inclusion being incompatible with the **efficient education of others**.

### **This Section is underpinned by-**

#### **The Education (Northern Ireland) Order 1996 (the 1996 Order):**

- Article 7 (Duty to educate children with special educational needs in ordinary schools).

#### **The Special Educational Needs and Disability (Northern Ireland) Order 2005 (the 2005 Order):**

- Article 14 (Discrimination against disabled pupils and prospective pupils);
- Article 15 (Meaning of "discrimination");
- Article 16 (Pupils not to be substantially disadvantaged);
- Article 17 (Accessibility strategies of the EA);
- Article 18 (Accessibility plans for schools); and
- Article 19 (Duty of the EA not to discriminate).

**Key point: See the Glossary for the definition of the key terms used in this Code.**

14.2 It should be noted that many of the principles outlined below can be applied to address inclusion in its wider context. This includes the child who has a disability but no special educational needs, children with specific circumstances, for example, newcomer children and those from the traveller community. (See Section 10).

14.3 The Disability Discrimination Code of Practice for Schools (the Disability Discrimination Code) issued by the Equality Commission for Northern Ireland (ECNI), whilst not imposing a legal obligation, complements this Code. It states:

*“...all pupils have a right to the same opportunities in the whole of their educational life.”<sup>1</sup>*

## Introduction

*“Inclusive education is not a marginal issue but is central to the achievement of high quality education for all learners and the development of inclusive societies. Inclusive education is essential to achieve social equality and is a constituent element of lifelong learning”<sup>2</sup>*

14.4 Inclusion is an ongoing process by which schools, the EA and others develop their cultures, policies and practices to include all children in the life of the school.

14.5 Through effective inclusion, all children in the school access common opportunities in ways relevant to their needs, this will help to ensure they feel they fully belong to the school community. Inclusion requires the active involvement of all concerned. It places an onus on schools to adapt their organisation and make

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<sup>1</sup> <http://www.equalityni.org>.

<sup>2</sup> Policy Guidelines on Inclusive Education, UNESCO 2009, p.4:  
<https://unesdoc.unesco.org/ark:/48223/pf0000177849>.

reasonable adjustments to meet the diverse needs of all children and value the development of all children in all areas of school life.

14.6 Inclusion is about delivering a curriculum which caters for the different aptitudes and abilities of all children. It puts in place measures to improve awareness of teaching staff (including the Learning Support Co-ordinator (LSC)) and other school staff of inclusive learning and equality issues.

### **Key Principles of Effective Inclusion**

14.7 All schools should have an inclusive ethos and actively seek to promote inclusion of all those children with SEN and/or a disability. Schools should approach inclusion as an integral part of all school policies including the School SEN policy (see paragraph 3.92), School Development Plan (see paragraph 3.94), the school's accessibility plan (see paragraphs 3.96 and 14.18) and also policies associated to e.g. dealing with discipline, bullying and pastoral care (see paragraph 14.52).

14.8 Inclusion is more than just about the location of a child's school placement. It is about:

- seeking to create and develop an inclusive learning environment;
- fostering a sense of school community, to which every child in the school belongs and to which they wish to belong; and
- encouraging the collaboration of mainstream schools (including Learning Support Centres (LS Centres)) and special schools to support children with SEN. (See paragraph 14.55).

14.9 In seeking to develop an inclusive learning environment, where children with SEN and/or disability have access to high quality provision, schools and the EA and others should be guided by the following principles:

- a) Schools, early years (including nursery), the EA and others should actively seek to identify and remove barriers to learning and participation.
- b) Inclusion is a process by which schools, early years' settings, the EA and others develop their cultures, policies and practices to include children with SEN and/or a disability.
- c) A flexible 'can do' approach to teaching and learning is required.
- d) Teachers should be supported to use their professional skill and judgement to ensure reasonable adjustments are effective.
- e) All children should have access to an appropriate education that affords them the opportunity to achieve their full potential.
- f) An inclusive education offers choice and seeks, values and gives weight to the views of parents and children in decisions that affect them.
- g) With the right training for staff, strategies and reasonable adjustments put in place and reasonable steps taken the majority of children with SEN and/or a disability can be successfully included in mainstream education.

**Key point: Through schools adopting a 'can do' approach it encourages the active removal of barriers to learning and encourages participation in education.**

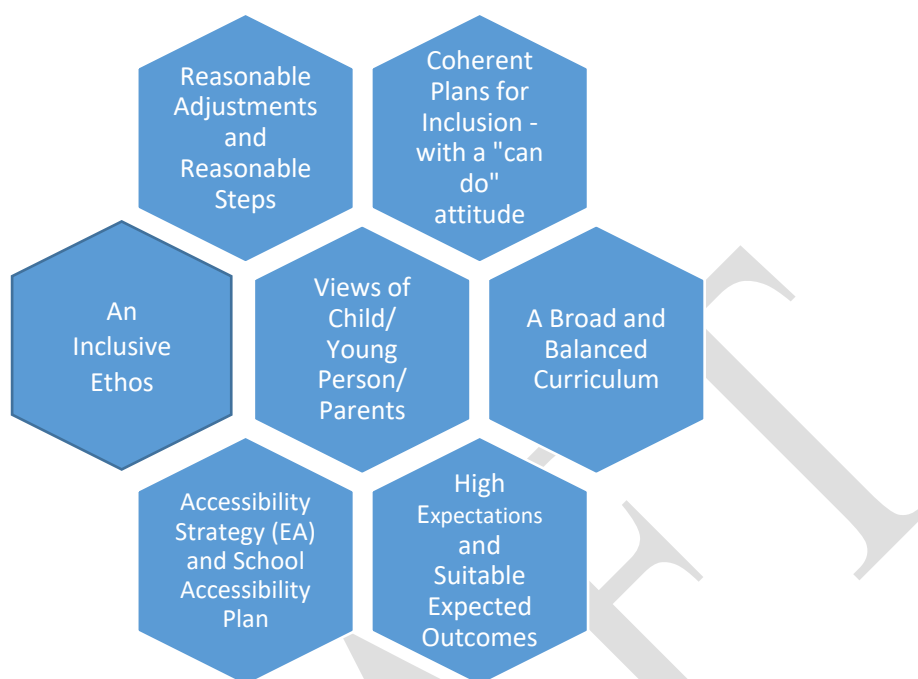
14.10 If a child has a SEN (receiving special educational provision at Stage 1 or 2), but does not have a 'Statement of Special Educational Needs' (a Statement), the child is required to be educated in a grant-aided school – Article 7(2) of the 1996 Order. If a child has a Statement (namely they are at Stage 3) then they are required to be educated in a mainstream school **unless** it is against the wishes of the child's parent or the young person or is incompatible with the provision of the efficient education for other children - Article 7(3) of the 1996 Order. For all children with SEN being educated in an ordinary (mainstream) school, their education should be compatible

with the efficient use of resources – Article 8(2)(c) of the 1996 Order. It is recognised that mainstream education will not always be right for every child, all of the time. Equally, just because mainstream education may not be right for a child at a particular time, this does not mean the child cannot be successfully included whenever it is appropriate.

14.11 Inclusive schools have:

- a) an inclusive ethos including a 'can do' approach to drive forward inclusion and school improvement;
- b) coherent plans for the development of inclusion as contained within their Accessibility Plan (paragraph 14.18) and linked to self-evaluation and school improvement strategies (paragraph 3.94);
- c) a broad and balanced curriculum for all children, differentiated to meet the needs of all children, as well as access to extra-curricular activities;
- d) whole school systems (procedures in place) for early identification of barriers to learning and participation;
- e) whole school educational provision, and where appropriate, special educational provision, which aims to help a child make progress and which also includes making reasonable adjustments to overcome barriers to learning;
- f) high expectations for all pupils including those with SEN and/or disabilities;
- g) appropriate expected outcomes for children;
- h) clear strategies to seek and listen to the views of children to help inform how best to meet their needs; and
- i) pro-active joint working practices which involve parents and partner agencies.

**Diagram 14.1: Key Elements of Inclusion**



### **An Inclusive Ethos**

14.12 Schools and the EA should proactively seek to identify and remove the barriers to learning and participation. The development of a whole school ethos is important in creating a 'can do' and welcoming approach amongst the school leadership and all staff. This includes the development and implementation of self-evaluation practices.

### **EA Accessibility Strategy<sup>3</sup>**

14.13 A key barrier to learning is accessibility. The EA is required to have a current accessibility strategy in relation to nursery, primary, special, secondary and grammar schools which are under the management of the school's Board of Governors and/or the employing authority is the Education Authority (EA) (i.e. controlled schools). The EA is required to effectively implement the strategy and, in so doing, monitor the achievement of each discrete element of the strategy. The EA's accessibility strategy, is required to set out over time, how it will support controlled schools in order to:

<sup>3</sup> Article 17 (Accessibility strategies of the EA) and 19 (Duty of the EA not to discriminate) of the Special Educational Needs and Disability (Northern Ireland) Order 2005.

- a) increase the extent to which children with a disability can participate in the schools' curriculums;
- b) improve the physical environment of the schools for the purpose of increasing the extent to which children with a disability are able to take advantage of education and associated services provided or offered by schools; and
- c) improve the delivery of information (which is provided in writing to children who are not disabled) to children with a disability:
  - i. within a reasonable time; and
  - ii. in ways which are determined after taking into account their disabilities and any preferences expressed by the child concerned or their parents.

**Key point: The EA is required to have an accessibility strategy for: increasing the extent to which children with a disability can participate in the schools' curriculum (controlled schools); improving the physical environment of schools for increasing the extent children with a disability can take advantage of education and associated services provided or offered by schools; and improve the delivery of information to children with a disability.**

14.14 The EA's accessibility strategy is required to be written, publically available and easily accessible (for example via the EA's website). In preparing and reviewing its accessibility strategy the EA is required to take into account and have regard to:

- a) the need to allocate adequate resources for implementing the strategy;
- b) how it complements the EA plan for its arrangements for special education – see paragraph 2.17;
- c) how it complements EA's strategic area plan for school provision; and



- d) any further guidance issued by the Department of Education (DE) as to the content of an accessibility strategy; the form in which it is to be produced; and the persons to be consulted in its preparation.

14.15 The EA is required to keep its accessibility strategy under review and up to date during the period to which it relates.

**Key point: The EA is required to keep its accessibility strategy under review and up to date during the period to which it relates.**

14.16 If asked to do so, the EA is required to provide a copy of its accessibility strategy to DE. In addition, if asked by any other person, the EA should make a copy of its accessibility strategy available for inspection on request. For openness and transparency it is good practice for the accessibility strategy to be available through the EA's website.

14.17 In preparing its strategy the EA should consult with:

- schools;
- DE; and
- such other persons as the EA thinks fit.

#### **School Accessibility Plan<sup>4</sup>**

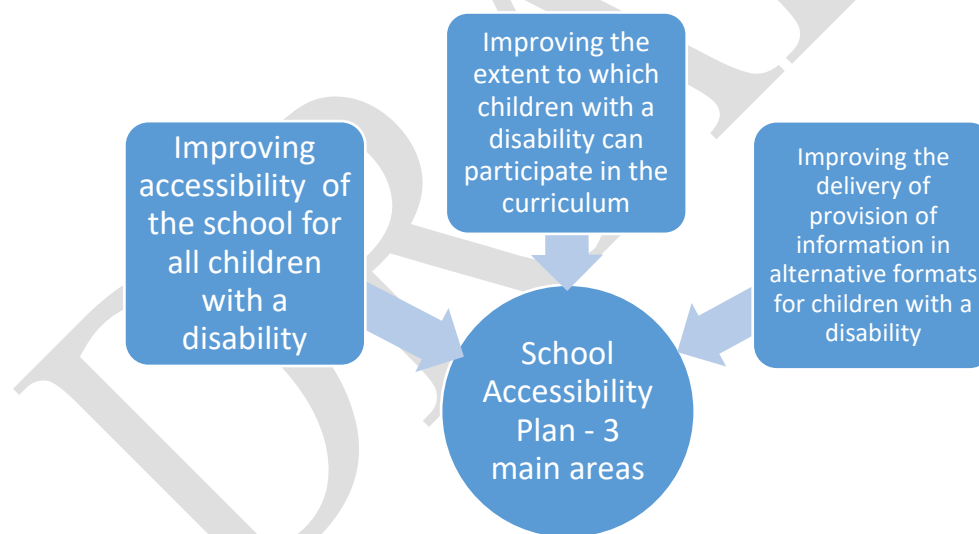
14.18 Every grant-aided school and independent school is required have a written accessibility plan (see paragraph 3.96), which should be publically available and accessible via the school's website. The school's accessibility plan is required to cover three main areas:

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<sup>4</sup> Article 18 (Accessibility plans for schools) of the 2005 Order.

- **Improving the physical environment of the school for children with a disability** with the aim of increasing the extent to which children with a disability are able to take advantage of education and the associated services provided or offered by the school.
- **Increasing the extent to which children with a disability can participate in the curriculum.** By way of example, this covers teaching and learning and the wider curriculum of the school such as participation in after school clubs, leisure and cultural activities.
- **Improving the delivery of information to children with a disability (this applies to information which is provided in writing for children who do not have a disability).**

**Diagram 14.2: Three main areas of a School Accessibility Plan**



14.19 In preparing its accessibility plan a school is required to have regard for the need to allocate adequate resources for implementing the plan.<sup>5</sup>

<sup>5</sup> Article 18(3) (Accessibility plans for schools) of the Special Educational Needs and Disability (Northern Ireland) Order 2005.

**Key point: It is the duty of the Board of Governors to develop and allocate adequate resources to implement its accessibility plan. The plan is required to show how the school is improving:**

- **the accessibility of the physical environment;**
- **access to the curriculum; and**
- **access to information for children with a disability.**

14.20 During the period to which the plan relates, the Board of Governors of a school or proprietor of an independent school is required to keep the accessibility plan under review. The school's accessibility plan should be flexible so that the school can respond to individual needs as they arise.

14.21 Given the ever changing make-up of the children within a school, the accessibility plan should, for both good practice and practical purposes, dovetail with the three year cycle of the School Development Plan. It should also factor into the school's:

- a) **school development plan** – see paragraph 3.94;
- b) **whole school educational provision** - see paragraph 3.8;
- c) **SEN policy** - see paragraph 3.92; and
- d) **special educational provision map** - see paragraph 3.23.

14.22 The following Information Box sets out the information, with regard to its accessibility plan, which is required to be included in the school's **annual report**. (See paragraph 3.97).

## Information Box 14.1: Information to be Included in the School's Annual Report

### Information to be included in the School's Annual Report about the Accessibility Plan

- the arrangements for the admission of children with a disability at the school;
- the steps taken to prevent children with a disability from being treated less favorably than other pupils;
- the facilities provided to assist access to the school by children with a disability; and
- the accessibility plan for the school.

14.23 The proprietor of an independent school is required to:

- provide a copy of its accessibility plan to DE if asked to do so; or
- if asked to do so by any other person, make a copy of the accessibility plan available for inspection at such reasonable times as the proprietor may determine.

14.24 An inspection by the Education and Training Inspectorate (ETI)<sup>6</sup>, may extend to the Board of Governors' or proprietor's performance of functions in relation to the preparation, publication, review, revision and implementation of the school's accessibility plan.

14.25 In preparing the accessibility plan schools should consider the EA's accessibility strategy on how, over time,<sup>7</sup> the EA intend to improve:

- physical accessibility of school premises;

<sup>6</sup> Article 18(7) of the Special Educational Needs and Disability (Northern Ireland) Order 2005.

<sup>7</sup> Article 17 of the Special Educational Needs and Disability (Northern Ireland) Order 2005.

- accessibility of the curriculum; and
- provision of information in alternative formats.

14.26 Whilst each school will be different, to ensure consistency of approach across the school network, as a matter of good practice, schools should use any School Accessibility Plan template made available through the EA.

### **A Broad and Balanced Curriculum**

14.27 In providing equality of opportunity and access for all, schools have a responsibility to provide a broad and balanced curriculum for every child. Schools should aim to give every child the opportunity to experience success in learning and to achieve as high a standard as possible. The Northern Ireland Curriculum (the curriculum) provides the basis for planning a school curriculum that meets the diverse needs of all children irrespective of their individual circumstances or characteristics.

14.28 In catering for individual needs, teachers should work closely with representatives of other agencies who may be supporting the child. In many cases the action necessary to respond to an individual child's requirements for curriculum access will be met through greater differentiation of tasks. Whilst not part of this Code, schools should be guided by the guidance provided by the NI Council for Curriculum, Examinations and Assessments (CCEA). For further information visit the CCEA website at <https://ccea.org.uk/>.

### **High Expectations and Suitable Expected Outcomes for Children**

14.29 For each child who has SEN, schools and, in keeping with outcomes based accountability, the EA, should set suitable expected outcomes within the child's Personal Learning Plan (PLP). The ongoing review of the child's progress against, and the effectiveness of, the individualised PLP is of particular importance in ensuring that the expected outcomes are suitably pitched to meet the child's potential and their inclusion.

## **Safeguarding the Needs of Children with Special Educational Needs**

14.30 The **law** underpinning the SEN and Inclusion Framework (the SEN Framework) aims to identify and assess children who have, or may have, SEN and put in place special educational provision for children who have SEN. The law requires that schools take all reasonable steps to identify and provide for those children with SEN through action to assist the child make progress towards reaching their personal potential.

**Key point: The Board of Governors are required to use their best endeavours to secure that for any child attending the school, who has SEN, the special educational provision which their learning difficulty calls for is made.**

*(Article 8 1996 Order as amended)*

### **Reasonable Adjustments – to avoid putting a child with a disability at a substantial disadvantage**

14.31 Reasonable adjustments are the actions that a school should take in order to avoid putting a pupil (or a prospective pupil), with a disability, at a substantial disadvantage compared to other pupils. Making reasonable adjustments is a necessary aspect in the delivery of whole school educational provision (see paragraph 3.8) and, if the child has SEN, in the delivery of special educational provision (see paragraph 3.12). It should be noted that there is no uniform definition of what reasonable means, this will depend very much on the context of the individual school setting as well as the needs of the child with a disability.

**Key point: It should be noted that there is no uniform definition of what reasonable means within the term ‘reasonable adjustment’, this will depend very much on the context of the individual school setting as well as the needs of the child with a disability.**

14.32 The requirement to make reasonable adjustments applies whether or not a child also has an associated SEN. The requirement is both anticipatory and reactive. Many children with SEN will have a disability but not all children with a disability have SEN.

**Article 16 of the 2005 Order – Disabled pupils are not to be placed at a substantial disadvantage in comparison to pupils who are not disabled (paraphrased)**

Within the context of disability discrimination a school is required “to take **such steps as it is reasonable for it to take** to ensure that –

*(a) in relation to the arrangements it makes for determining the admission of pupils to the school, disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled; and*

*(b) in relation to education and associated services provided for, or offered to, pupils at the school by it, disabled pupils are not placed at a substantial disadvantage in comparison to children who are not disabled.”*

It does not require the school to remove or alter a physical feature (for example, one arising from the design or construction of the school premises or the location of resources) or to provide auxiliary aids or services.

14.33 Schools and the EA should take account of the guidance provided in the Equality Commission’s Disability Discrimination Code with regard to disability discrimination in schools. (See [www.equalityni.org](http://www.equalityni.org) for further details).

14.34 Specific to reasonable adjustments, Chapter 6 of the Disability Discrimination Code, outlines ...:

- a) who must make reasonable adjustments;*
- b) what are reasonable adjustments;*
- c) when reasonable adjustments should be made;*
- d) what are the exceptions to the reasonable adjustment duty;*

e) *who decides what is reasonable; and*

f) *provides useful examples of some reasonable adjustments that might be made by schools.*

14.35 The Disability Discrimination Code states that “...*The responsible body of a school discriminates against a disabled pupil if, to the detriment of the pupil, it fails to make a reasonable adjustment without justification.*” It also identifies that “...*When deciding whether or not a pupil has experienced or is experiencing a “substantial disadvantage”, schools need to take account of a number of factors. These might include:*

- *“the time and effort a disabled pupil must invest in a task;*
- *the inconvenience, indignity or discomfort a disabled pupil might have suffered or be suffering; and*
- *the loss of opportunity or the reduced progress that a disabled pupil may make in comparison to his or her non-disabled peers.”*

14.36 The Disability Discrimination Code provides useful examples of reasonable adjustments that schools may make. In very exceptional circumstances<sup>8</sup>, and with the parent’s agreement, a reasonable adjustment may involve **placing a child on a reduced school day**. This should be a time bound measure and schools should ensure that it is kept under regular review with the intention of increasing the child’s access to the curriculum and reintegrating them back into normal hours at the earliest opportunity. Schools should be aware that to overuse or abuse the use of reduced school day may be considered discriminatory, particularly for those children with a disability.<sup>9</sup> This would relate to a child with a disability with, or without, SEN.

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<sup>8</sup> Such as reintegrating a school refuser, following a significant emotional upset, as part of a multi-disciplinary approach to meeting the pupil’s needs or when a reduced day is supported by medical evidence.

<sup>9</sup> Potentially on the grounds of their disability.



14.37 Schools and EA should be alert to the fact that, under Article 22 of the 2005 Order a pupil with a disability or a prospective pupil with a disability, over compulsory school age (a young person) or the parent of a child in any other case, has a statutory right to make a claim to the Tribunal that a school or the EA has unlawfully discriminated against a pupil with a disability or prospective pupil with a disability on the grounds of their disability.

**Key point: Schools should be aware that reducing a child's school day may be considered discriminatory, particularly for those pupils with a disability.<sup>10</sup>**

### **Efficient Education of Other Children and Reasonable Steps**

14.38 As referred to in paragraph 14.10, Article 7(3) and paragraph 5(3) of Schedule 2 of the 1996 Order sets out the context for educating children with a Statement alongside their peers in a mainstream school. Paragraphs 5.49 to 5.51 of this Code set out the requirements on the EA and grant-aided schools regarding seeking a preference for, and the naming of, a school in a Statement.

#### **(Duty to educate children with special educational needs in ordinary schools)**

If no Statement is maintained ....the child with special educational needs ... shall be educated in an ordinary school.

If a child has a Statement ... the child ... shall be educated in an ordinary school unless that is incompatible with-

- the wishes of the child, if the child is over compulsory school age, or the parent of the child in any other case; or
- the provision of **efficient education for other children.**

***Article 7 1996 Order -  
paraphrased)***

#### **(Preference as to school)**

Where the EA makes a Statement in the case where a person has expressed a preference ... as to a grant-aided school ... the EA shall specify the name of the school in the Statement unless-

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<sup>10</sup> Potentially discriminatory if the decision is made with reference to their disability.

- the school is unsuitable to the child's age, ability or aptitude or to his special educational needs; or
- the attendance of the child at the school would be incompatible with **the provision of the efficient education for the children with whom he would be educated** or the efficient use of resources.

*Paragraph 5(3) of Schedule 2 of the 1996 Order (paraphrased)*

14.39 The EA (or a grant-aided school) can rely on the exception of incompatible with **the efficient education of others** only if it can show that there are no **reasonable steps** it could take to prevent that incompatibility.

14.40 **Efficient education of others** means providing for each child a suitable, appropriate education that affords them the opportunity to achieve their personal potential in terms of age and ability, aptitude and any SEN that they have, or may have.

14.41 Where the EA is considering the appropriateness of an individual setting when considering naming a school in a child's Statement, "other children" means children with whom the child with the Statement would be likely to come into direct day to day contact. It does not mean children in other schools, or pupils who will only occasionally come into contact with the child. For example, in a primary school it would often be the child's class or literacy/numeracy group. It would not necessarily mean children in other classes or year groups. In a post-primary setting it would be likely to mean the child's form or tutor group, pupils in the subject classes or even the entire year group. Trivial and inappropriate reasons should not be used to deny children who should, and could, benefit from the opportunity to be educated at a mainstream school. **The efficient education caveat should not be abused.**

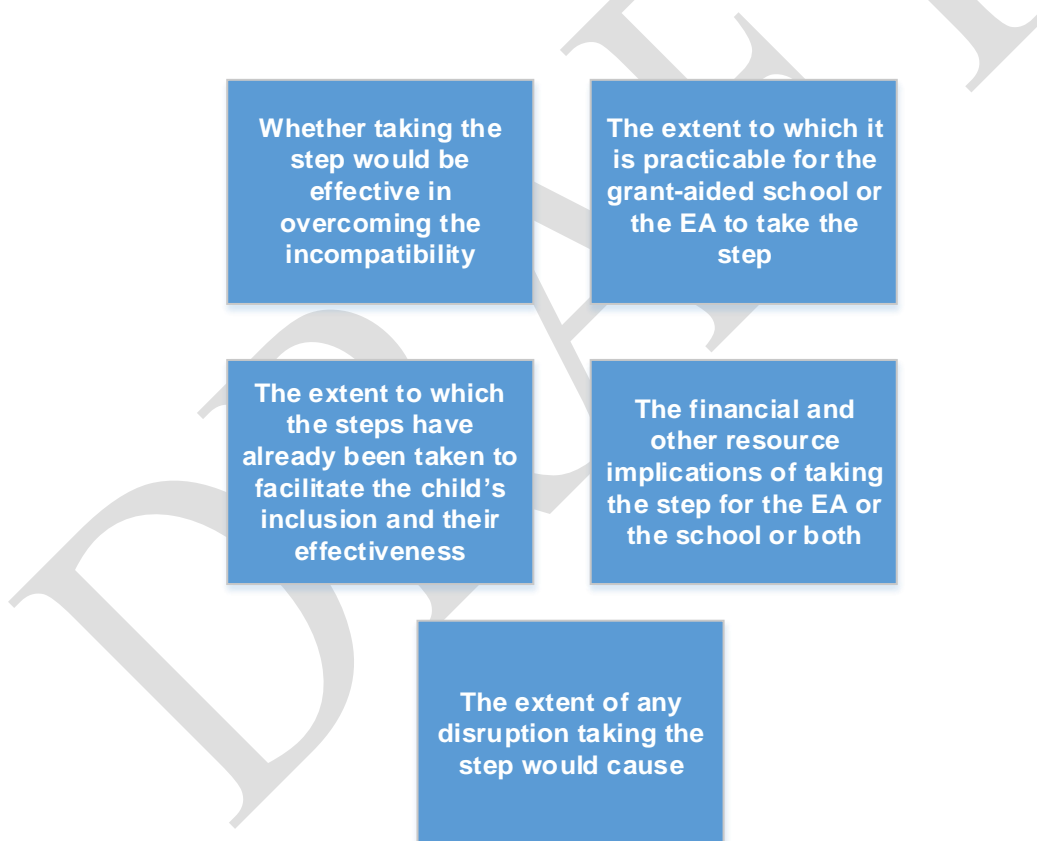
### **Reasonable Steps - to prevent a child's inclusion being incompatible with the efficient education of other children**

14.42 If **reasonable steps** can be taken to prevent a child's inclusion being incompatible with the efficient education of others, then mainstream education cannot be refused against the child's parents' or young person's wishes.

**Key point: reasonable steps are required to be taken to prevent a child's inclusion being incompatible with the efficient education of others.**

14.43 The law does not set out what should be taken into account when deciding if a step is reasonable. What constitutes a reasonable step will depend on all the circumstances of the individual case. It will be for the EA and/or a responsible body (see Glossary) to decide what is reasonable in the particular circumstances. **Diagram 14.3** below sets out some of the factors that may be taken into account.

**Diagram 14.3: Reasonable Steps - Factors Which Should be taken in to Account**



14.44 It is a constant process to ensure that the child's inclusion is compatible with the efficient education of others.

14.45 Schools with a LS Centre may face additional challenges in promoting inclusion of those children within the life of the main school. Schools should actively seek to

minimise the gap in children's experience between the LS Centre and the mainstream school. The EA and schools will need to consider this in terms of the physical location of the LS Centre, the plans for curricular provision, the social inclusion of the children in the life of the school, placement and reintegration planning.

14.46 All reasonable steps are required to be taken to enable children to be included without compromising the efficient education of other pupils. The decision not to educate a child in a mainstream school – against their parent's or, as the case may be, a young person's wishes – should not be taken lightly. It is important that all cases are judged on the individual circumstances. There may be instances where it may not be possible to prevent a child's inclusion being incompatible with the efficient education of others. For example:

- a child's behaviour systematically, persistently and significantly threatens the safety/learning of others; or
- a child's medical/mental health condition requires alternative provision to support the child.

14.47 An extreme incident may be sufficient to make the child's inclusion incompatible with the efficient education of others where it is highly likely that it would occur again and there are no reasonable steps that could be taken to prevent this.

14.48 There may also be cases where a child's inclusion would mean that, even with other provision, (for example, adult assistance), the teacher has to spend a greatly disproportionate amount of time with the child, in relation to the rest of the class. For example, a child who constantly seeks attention from the teacher, which persistently and significantly impacts on others learning and cannot be circumvented by alternative strategies. On the other hand, children who occasionally require more time should not be refused a mainstream education as it should be possible to take reasonable steps to address the issue and ensure the efficient education of others.

## **Instances where it may not be Possible to Include Specific Children in a Mainstream School**

14.49 Mainstream education will not always be right for every child, all of the time. For some children the EA may determine that the child's SEN is best met in a special school or a LS Centre attached to mainstream school.

14.50 A child does not require to be educated in a mainstream school during a period in which the child is **admitted to a special school for the purpose of a statutory assessment**<sup>11</sup> provided it is with the agreement of the EA, the Board of Governors of the school concerned and the young person or the parent of the child in any other case. (See paragraph 4.22).

14.51 The following paragraphs provide guidance on instances where it may not be possible to include specific children with SEN in a mainstream school. It is unacceptable for a school to refuse to admit a child thought to be potentially disruptive, or who exhibits challenging behaviour, on the grounds that the child ought first to be assessed for SEN.

### **Strategies to Support Specific Children**

14.52 Behaviour Support Plans and other strategies should be used by schools and the EA to tackle occasional or frequent inappropriate behaviour. Schools and the EA also need to consider whether their policies and practices may act as barriers to some learners thus leading to inappropriate or challenging behaviour. For example, where a child finds it difficult to access the curriculum or other aspects of school life this could lead to poor behaviour. Teaching styles may also need to be adjusted to manage the child more effectively removing the barriers and therefore addressing the child's poor behaviour. Where a child's primary SEN is normally supported in mainstream schools and they are presenting challenging behaviour, this may be due to a variety of reasons which could include the child being bullied, not being fully engaged with or challenged

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<sup>11</sup> Article 7A of the 1996 Order as amended.

by the school's curriculum, or problems at home. In such cases, the school and the EA should take all reasonable steps to prevent the child's inclusion or continuing inclusion being incompatible with the efficient education of other pupils. The EA has a statutory duty to prepare plans relating to children with behavioural difficulties. These plans may be linked to or referenced in a child's PLP.

14.53 LS Centres or short-term use of Educational Guidance Centres/Behaviour Support Units can also play a significant part in ensuring that children with serious behavioural problems are able to remain in mainstream education, or make a successful return to mainstream following suspension. Schools and the EA need to share good practice in supporting children who present with challenging and disruptive behaviour. Mainstream schools can draw on the expertise of the Behaviour Support Team in the EA, special schools (particularly those who cater for children with emotional and behavioural problems), and Pupil Referral Units.

14.54 The DE booklet "Pastoral Care in Schools: Promoting Positive Behaviour", provides practical guidance on dealing with behaviour. (For further information visit the DE website at [www.education-ni.gov.uk](http://www.education-ni.gov.uk)). The booklet includes advice on handling signs of disaffection and managing disruptive behaviour to help ensure children can continue within mainstream schools. Guidance on the appropriate use of suspension and expulsion of children including, where necessary, children with a Statement, can be found on the DE website.

### **Special Schools and Learning Support Centres (LS Centres)**

14.55 The important role special schools and LS Centres play in providing for children with SEN is recognised and valued. Both have a continuing and vital specialist role to play within an inclusive education system. (See paragraphs 2.15 and 2.16 regarding the EA's policy for special education provision, and in particular special schools and LS Centres). Notwithstanding their role of providing education for those children whose SEN are more effectively addressed in a special school or LS Centre, all should be outward looking centres of excellence working with their mainstream partners and other special schools/LS Centres to support the development of inclusion. The strengthened right to a mainstream education, and the drive for inclusion, should not

make it any harder for parents whose children have Statements to obtain a place in a special school or LS Centre if that is what they want.

### **Independent schools**

14.56 Nothing in the inclusive policies affects the EA's duties in respect of funding non-grant-aided independent placements. Where appropriate, Statements should name independent non-grant-aided schools approved to cater for children with SEN. Parents whose children have SEN continue to have the right to educate their child, at their own expense, at an independent non-grant-aided special school if they so choose.

### **Education Other Than At School (EOTAS)**

14.57 The inclusion policies do not affect a parent's right to educate their children other than at school. Paragraphs 5.32 to 5.38 reminds the EA of their responsibilities for seeking representations from parents or, as the case may be, a young person when considering placements.

### **Monitoring**

14.58 Through the Education and Training Inspectorate (ETI) inspection model, the ETI will monitor how the inclusive policies that schools and the EA have in place are working in practice. In particular, ETI will verify the internal monitoring carried out by schools on its inclusion practices and will also assess a school against the effectiveness of the educational programme for individual pupils with SEN, set out in a child's PLP across Stages 1, 2 and 3 of special educational provision (i.e. children with SEN, including those with a Statement). This may include, for example, the:

- a) use made of professional advice from:
  - i. educational psychology;

- ii. the services provided through the EA's arrangements for special educational provision (paragraphs 2.17 and 3.27); and
  - iii. outreach or advisory support teachers in designing the child's individual programme contained in the child's PLP (paragraph 3.79).
- b) appropriateness of the arrangements for meeting the child's needs;
- c) quality of teaching in relation to the pupil with a Statement;
- d) degree of meeting the needs of the child, the outcomes and effectiveness of the teacher's assessment of the child's progress;
- e) level of expertise of the teacher and adult assistance (if appropriate) in working with the child; and
- f) school's special educational provision in general, with particular reference to:
  - i. the school's special educational provision mapping (paragraph 3.23); and
  - ii. the quality of the LSC's work in disseminating information, leading curricular initiatives and supporting class, subject and form teachers with individual planning.