

SECTION 10: CHILDREN IN SPECIFIC CIRCUMSTANCES

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About this Section

10.1 This section of the SEN Code of Practice (the Code) outlines other circumstances relating to children who have, or may have, SEN. Under the Education (Northern Ireland) Order 1996 (the 1996 Order) a “child” includes a child over compulsory school age (see Glossary). The circumstances included in this Section are not exhaustive however the most common situations are detailed and links to any statutory or non-statutory guidance surrounding these circumstances are provided.

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

Introduction

10.2 It is recognised that there may be specific circumstances which could be contributing to a child experiencing difficulty in learning. Making these connections is crucial to forming a holistic view of the child in order to meet their diverse and sometimes complex needs.

Education Other than at School (EOTAS)

10.3 EOTAS makes educational provision for children with social, emotional, behavioural, medical or other issues who, without its provision, cannot obtain a suitable education. It allows children who have been expelled, suspended or otherwise disengaged from their registered school to:

- participate in education until they achieve a new school place;
- become prepared for re-entry to an existing school place; or
- maintain their education until compulsory school leaving age.

10.4 EOTAS is underpinned by Article 86 of the Education (Northern Ireland) Order 1998 (the 1998 Order) paraphrased below:

Exceptional provision of education – the 1998 Order

- The Education Authority (EA) is required to make arrangements for the provision of suitable education at school or otherwise than at school for children of compulsory school age who by reason of illness or expulsion from school or otherwise, may not receive a suitable education unless arrangements are made for them.
- The EA may make arrangements for the provision of suitable education otherwise than at school for those children over compulsory school age who have not attained the age of 19, and by reason of illness or expulsion from school or otherwise, may not receive a suitable education without such arrangements being made.

“Suitable education” in relation to a child, means efficient education suitable to their age, ability and aptitude and to any special educational needs they may have.

10.5 EOTAS is not a duplication of mainstream education. It is educational provision to meet specific, identified pupil needs. Each pupil in an EOTAS setting must have an education plan (EP), tailored to the individual pupil, which includes both educational expected outcomes and personal development goals.

10.6 Unless a child has been expelled, they will remain dual-registered with both their school and their EOTAS placement. In these cases, schools are expected to maintain regular contact with their pupils to ensure their pastoral and academic needs are being appropriately met and to contribute, wherever possible, to the mix of learning opportunities the child receives.

10.7 Schools remain responsible for the educational outcomes of any dual registered pupils placed in EOTAS as detailed in their Personal Learning Plan (PLP). (See paragraph 3.78). In partnership with the EOTAS setting, the child’s school retains lead responsibility for ensuring that the SEN of the child continues to be met. There should be clear governance arrangements between the school and the EOTAS setting

regarding PLP completion, monitoring and review. However, where a child with SEN is enrolled on a fulltime basis in EOTAS, it is in the best interests of the child that the EOTAS setting takes full responsibility for the PLP. For those children with a 'Statement of Special Educational Needs' (a Statement), the EA remains responsible for ensuring they continue to receive the entitlement to provision as set out in their Statement. The EA may provide further detailed guidance on who completes the PLP in a variety of differing circumstances.

Key point: Where a child with SEN is dual registered at EOTAS, there should be clear governance arrangements between the school and the EOTAS setting regarding PLP completion, monitoring and review. The EA may provide additional guidance.

10.8 Where a pupil does not have a Statement but has been on the SEN register, (and as such has a PLP), transfers to EOTAS, the school should provide a copy of the PLP for the child's current school year to the EOTAS setting, on request and subject to appropriate consent. (See paragraph 3.86). A meeting between a representative from the EOTAS setting, the child and the parent should be arranged. It would be helpful if the Learning Support Co-ordinator (LSC) or class teacher from the child's school also attended to ensure that the child's needs continue to be met.

10.9 Where the pupil concerned has a Statement, the EA is required to seek the consent of the Department before naming the EOTAS placement in the pupil's Statement, evidencing how the placement will meet the pupil's needs.¹ (See paragraph 5.58). At each EOTAS centre the EA will tailor their services to meet the identified needs for pupils.

10.10 An EOTAS placement will, however, represent a major change in a child's education and the EA should review the child's Statement and amend it as appropriate as part of their transfer to, or from, an EOTAS setting.

¹ Under Article 12 (Special education provision in institutions other than a grant-aided school) of the Education (Northern Ireland) Order 1996.

10.11 Statutory guidance on EOTAS can be found on the Department's website: <https://www.education-ni.gov.uk>.

Children in Secure Care

10.12 Referral pathways for EOTAS and SEN do not apply to children and young people who have been placed in secure care under the Mental Health (Northern Ireland) Order 1986 or the Children (Northern Ireland) Order 1995. The EA discharges its statutory responsibilities in relation to their education through other arrangements in partnership with the relevant agencies.

10.13 The majority of children are placed in secure care for a comparatively short period. During this period, the focus of any intervention is on meeting the child's immediate physical, medical and psychological needs. While providing useful background information, it is accepted that a child's PLP or the Statement cannot be immediately applied during this short time.

10.14 When a child is in secure care for a longer period, the strategies, approaches, reasonable adjustments made in a child's PLP and, if appropriate, the terms of the Statement, will be relevant to the ongoing education they receive. The child is still entitled to the full special educational provision as set out in their Statement. As this will be a major change in the child's education, the EA should review the child's Statement and amend as appropriate to ensure that it continues to accurately represent the child's educational needs, taking into account those specialist medical, mental health and learning support services available within the secure care unit. For the child with SEN but not a Statement, the PLP may be helpful in order to have a clear understanding of the child's learning styles, the reasonable adjustments made and the approaches and strategies used to help the child make progress. A copy of the PLP for the child's current school year may therefore be made available to the secure care unit on request and subject to appropriate consent. (See paragraph 3.89).

10.15 The EA's review of the Statement will take account of the enhanced expertise of the secure care unit's teaching staff in dealing with challenging pupils with complex

social, emotional and behavioural issues. It will also note that higher staff to pupil ratios are provided.

10.16 The Statement should be reviewed again if they return to mainstream education or they are placed in an alternative EOTAS setting.

Newcomers

10.17 Children who arrive at school with no English will require specific support to improve their language skills. (See paragraph 3.35). The EA should, as a matter of good practice, offer specific support services to schools to help them meet the needs of Newcomer children. (See <https://www.eani.org.uk>).

10.18 It is important to recognise that a child should not be identified as having a learning difficulty just because the language, (or form of language), taught in school is different to the one that the child is accustomed to at home.² The child's needs should be considered in the context of their cultural background and effective engagement with their parents promoted.

10.19 Where a school considers that a Newcomer child is underachieving, the school should consider whether this is the result of a language barrier or cognitive ability. Further advice can be obtained from the EA's arrangements for the provision of advice and information for schools.

Children with Poor Attendance at School

10.20 Schools should consider whether poor attendance is a factor in the underachievement of children who may have SEN. The EA's Education Welfare Service (EWS) provides support to children and their families when children have poor attendance at school. For further information see the EA website at: <https://www.eani.org.uk>.

² Article 3(3) (Meaning of "special educational needs" and "special educational provision" etc.) of the Education (Northern Ireland) Order 1996.

10.21 The EWS may work closely with the EA's Educational Psychologists and the LSC in the school. The EWS may also provide assistance to a young person with SEN and parents of a child with SEN, to help them understand the SEN process. Similarly, the EA's arrangements for provision of advice and information should provide guidance about statutory assessment. (See paragraph 4.12 and Section 11).

10.22 The EWS launched an initiative in November 2015 aimed at improving school attendance. As part of the initiative, the EWS released a short, easy accessible video entitled "Miss School, Miss Out" which promotes the importance of attending school and highlights the impact if children do not engage in education. The video may be found on the EA's website at: <https://www.eani.org.uk>

Children who are Travellers

10.23 The EA should, as a matter of good practice, offer specific support to parents and children from the travelling community and specific support to traveller parents whose children have SEN. It can provide a link between home and school and assist parents in discussing their child's needs with the school. This support should also include support during the statutory assessment process for example by assisting with the completion of forms or accompanying a parent to appointments. The EA's website has information at: <https://www.eani.org.uk>.

Children who are Looked After

10.24 Children who are looked after (also known as Looked After Children – LAC) can have many complex needs, including cognitive difficulties linked to developmental trauma. Having a more detailed understanding of the challenges they face and the most appropriate supports for them can make a significant difference to their outcomes. By working closely with the EA's services for children who are looked after, as well as a Field Social Worker from the Health and Social Care (HSC Trust), schools can get a better understanding of the needs of the child. All schools should have a process in place to handle and protect any sensitive information held or passed on about the child who is looked after. Personal sensitive information, within the requirements of the General Data Protection Regulations (GDPR), should not be

widely shared but used only by relevant staff to understand and identify the support and interventions needed in school. The EA has an 'EA Think Data Online Resource Hub' that provides support materials and detailed guidance documents that schools can use to ensure they are compliant with the new GDPR requirements. For further information visit the EA website at: <https://www.eani.org.uk>

Personal Education Plan – for a child who is looked after

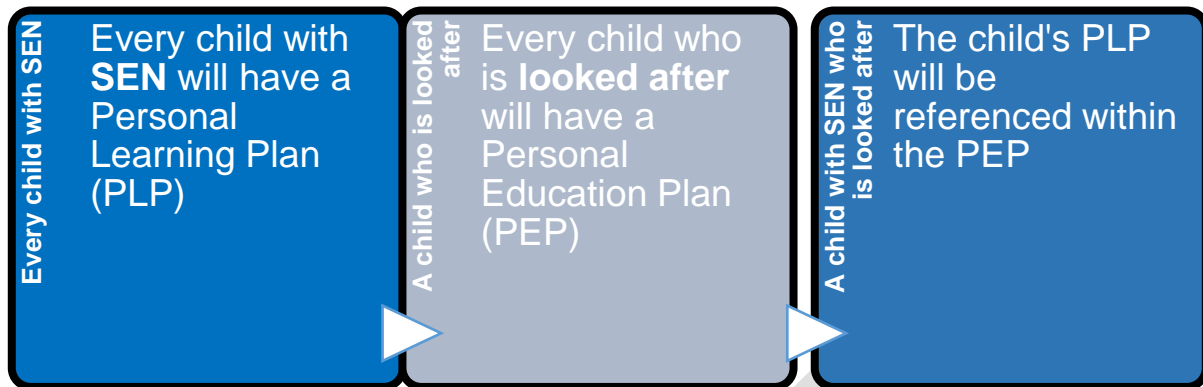
10.25 **Every child who is looked after should have a Personal Education Plan (PEP).** The PEP should not only serve as a record of academic progress and achievement but should also take account of the social and emotional development of the child and it should be informed by their personal aspirations. Schools should be guided by Departmental and EA guidance with regard to the completion of PEPs working closely with the EA and all other relevant contributors.

10.26 If a child who is looked after has SEN and therefore has a PLP, which sets out the special educational provision being put in place, this fact will be reflected in the PEP. The full details in the PLP do not have to be duplicated in the PEP, it is simply referenced.

Key point: The PEP is separate to a child's PLP. The PEP should reference the PLP but not duplicate the PLP content.

10.27 The EA offers, through their Champion for children who are looked after and associated support service, tailored multi-agency support to children who are looked after and their schools. Education and Health working in partnership is key to helping children who are looked after reach their potential.

Diagram 10.1: - Personal Education Plan (PEP) and Personal Learning Plan (PLP) Connections



10.28 Where a child who is looked after is a young person and is under guardianship and going through the SEN process, they may appoint someone to assist and support them in discussions with the EA or to conduct such discussions on the child's behalf, or to make representations to the EA. (See paragraphs beginning at 13.14).

Children whose Parents or Guardians are Serving in the Armed Forces

10.29 Children who have a parent who is a serving member of the armed forces are distinctive from other groups of children in a number of ways such as:

- **Mobility** - The children are more likely than their peers to have attended a number of different schools due to the nature of service life. In addition, the change of school can occur at almost any time during the academic year. This mobility may have a disruptive effect on the special educational provision for that child.
- **Social and emotional** - Children may experience stress or greater social and emotional pressures than their peers as their parent may be away for long periods of time.
- **Attendance** - The children may have lower attendance rates than their peers for a number of reasons such as, their parent often requests compassionate leave for the child from school before or after a posting.

10.30 The Service Children's Education (SCE), Ministry of Defence, can be contacted by schools who are seeking advice with regard to children of service personnel. All the advice obtained for a statutory assessment is required to be taken into consideration in determining whether a Statement is necessary. (See Section 4). Should a Statement be necessary, the advice and information is required to be attached as appendices to the child's proposed Statement. (See Section 5).

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