

SECTION 3: IDENTIFICATION, ASSESSMENT AND PROVISION BY SCHOOLS

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About this Section

3.1 This Section of the SEN Code of Practice (the Code) sets out the approach grant-aided schools should take for the identification and assessment of those children who have, or may have, special educational needs (SEN) and for making special educational provision for children who have SEN. It provides guidance for use by schools on:

- a) the delivery of a whole school educational provision process to meet the differing aptitudes and abilities of all learners;
- b) the process to follow where there is a concern that a child may have SEN;
- c) the process for schools to follow if a child is identified as having SEN; and
- d) the three Stages of special educational provision and the key elements aimed at supporting its delivery.

This Section is underpinned by:

- Article 8 (Duties in relation to pupils with special educational needs in ordinary schools) supported by draft regulations:
 - 5 (Information to be notified to the EA);
 - 6 (Experience of Learning Support Co-ordinators (LSC) in ordinary schools); and
 - 8 (Board of Governors duties in relation to the LSC).
- Article 8ZA (Duties in relation to pupils of special schools) supported by draft regulations:
 - 7 (Experience of LSC in special schools); and
 - 8 (Board of Governors duties in relation to the LSC).
- Article 8A (Duty to inform a parent or child where special educational provision made).
- Article 9 (Determination by Boards of Governors of policy in relation to provision of education for children with special educational needs).

(of the Education (Northern Ireland) Order 1996 (the 1996 Order))

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

3.2 The arrangements, set out in this Section, reflect a graduated response, as necessary, which nursery, primary and post-primary schools should follow, in order to address a child's difficulties in learning. It is a duty of Board of Governors of a school to secure that teachers in the school take all reasonable steps to identify and provide for children with SEN attending the school. The Board of Governors of schools are required to use their best endeavours to secure appropriate special educational provision to which a child responds positively, makes adequate progress and achieves improved outcomes. All those who are likely to be involved in a pupil's education should be made aware of the pupil's SEN. The Board of Governors also have a duty to ensure that a child with SEN joins in the activities of the school together with pupils who do not have SEN, in so far as is reasonably practicable (and compatible with their receiving the necessary special educational provision), the efficient education of other children in the school (see paragraph 14.40) and the efficient use of resources.

3.3 Section 2 of this Code is relevant to this Section, as it sets out rights, responsibilities and statutory duties within the SEN and Inclusion Framework (the SEN Framework).

3.4 In providing a transparent approach for the identification, assessment and making special educational provision, where appropriate, the key elements of the SEN Framework in the delivery of the three stages of special educational provision within this Code of Practice include:

- a) Partnerships with parents & young people – paragraph 3.59.
- b) Views of the child – paragraph 3.68.
- c) School SEN register – paragraph 3.72.
- d) Personal Learning Plan (PLP) – paragraph 3.75.

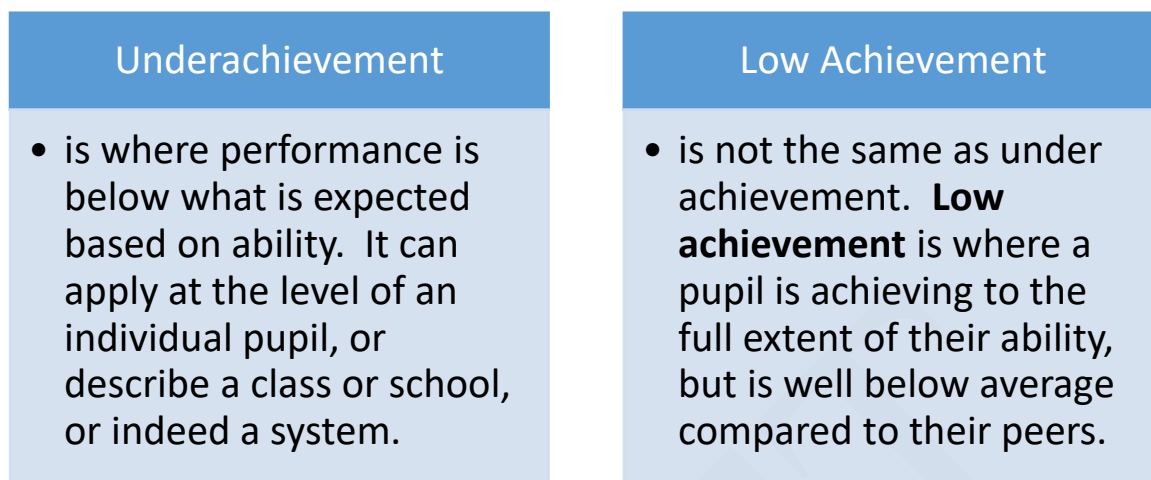
- e) Medical register – paragraph 3.91.
- f) SEN policy – paragraph 3.91.
- g) School Development Plan (SEN Action Plan) – paragraph 3.93.
- h) Accessibility Plan – paragraph 3.95.
- i) School information on SEN – paragraph 3.96.
- j) Co-operation with health and social care authorities¹ – paragraph 3.98.
- k) Child Health Services – paragraph 3.101.
- l) Social Care – paragraph 3.104.

Introduction

3.5 All children are entitled to an education that is appropriate to their needs, promotes high standards and allows them to fulfil their potential. A high quality education enables a child to achieve their best, be confident, lead a fulfilling life and make a successful transition to the next stage of their school life or onwards towards adulthood. All schools operate in a well-developed inclusive educational policy environment. This includes policies and strategies to give effect to raised standards, school improvement, tackling **underachievement** and **low achievement**, providing for additional needs and special educational needs. See Diagram 3.1.

¹ The term “health and social care authority” means a health and social care trust and the Regional Health and Social Care Board established under Article 10 of the Health and Personal Social Services (NI) Order 1991

Diagram 3.1: Description of Underachievement and Low Achievement (*Count, Read Succeed, DE 2011*)



3.6 The proportion of children being recorded with SEN has been steadily rising over recent years,² as has the nature and complexity of the SEN and the special educational provision it calls for. The types of SEN and special educational provision will vary from time to time including when the child transitions from one phase of education to another, for example, nursery to primary; primary to post-primary and transition from school education. The learning difficulties being experienced by some children may be as a consequence of a medical condition, disability or developmental delay, while others may not. Within the SEN Framework, whilst recognising the existence of a medical condition, disability or development delay, it is the child's **learning difficulty**, (see paragraph 1.19) which calls for special educational provision to be made and the child's response to that provision which is key. For the child with a disability but who does not have a SEN the delivery of reasonable adjustments is key, see paragraph 14.31.

3.7 At the heart of the delivery of the Northern Ireland curriculum (the curriculum), in all educational settings lies a cycle of **planning, teaching and assessing through whole school educational provision, including differentiation within the curriculum, and learning support to cater for the differing needs of pupils.**

² Source: Annual Schools Census.

Whole School Educational Provision

Key point: Differentiation within the curriculum and learning support through educational provision linked to high quality teaching in order to cater for the different aptitudes and abilities within the classroom (including reasonable adjustments and learning support) is not special educational provision.

3.8 Through whole school educational provision, all teachers, using their professional judgement based on observations, assessments and insight to the child, should recognise and respond to the different abilities, aptitudes, interests and diverse needs of their pupils through teaching and learning which offer a continuum of support. These general arrangements in a school recognise that children are individual, have different learning styles and learn at a different pace and as such provide for delivery of the curriculum.

3.9 Most children make adequate progress commensurate with their abilities through whole school educational provision with no requirement for special educational provision, see paragraph 3.13 regarding progress. Use of known quality assured and creative teaching and learning strategies, reasonable adjustments, learning support, school development and resources and services for all children to match those needs, means a child can be motivated to strive for progress. Whole school educational provision is at the start of the continuum of educational provision. Only when this ceases to be effective and the pupil is not making progress, because in the school's opinion the pupil has a significantly greater difficulty in learning, should the school consider making special educational provision.

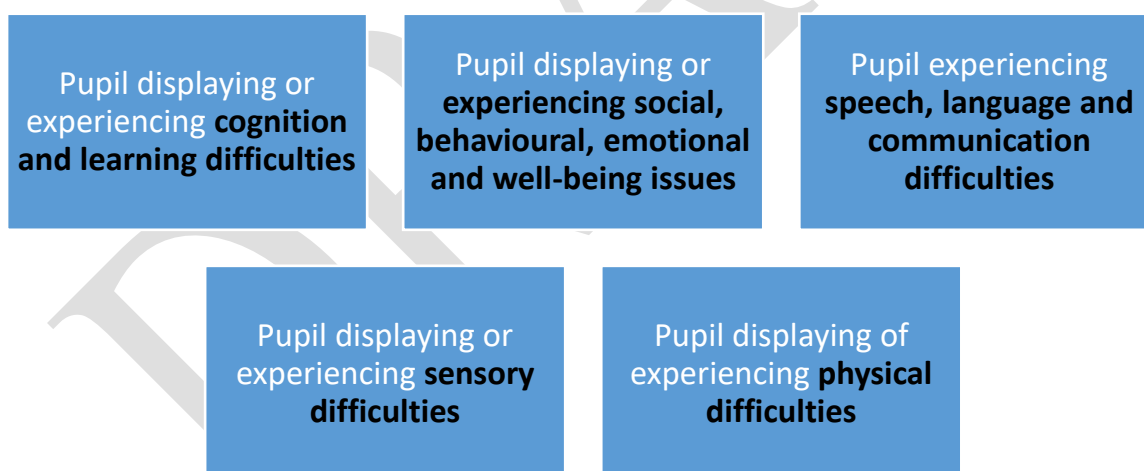
Key point: Whole school educational provision is at the start of the continuum of educational provision.

Examples of Whole School Educational Provision

3.10 There is separate EA guidance providing examples of whole school educational provision. That guidance provides useful teaching and learning strategies regarding

whole school educational provision. Whilst not exhaustive or prescriptive, these strategies are examples which provide a focus on difficulties in learning a child may be displaying or experiencing regarding: cognition and learning; social, behavioural, and emotional and wellbeing; speech, language and communication; sensory; and physical (see diagram 3.8). The examples represent a resource which will evolve and develop over time. They have been developed by the EA to assist nursery schools and classes (and also for use by early years voluntary and private settings), primary and post-primary settings. The examples provided, aim to provide a consistent approach within teaching and learning of those pupils experiencing difficulties in learning. Schools are expected to make use of the EA guidance and any resources provided by the DE, the EA and the Council for the Curriculum, Examinations and Assessment (CCEA) with regard to whole school educational provision.

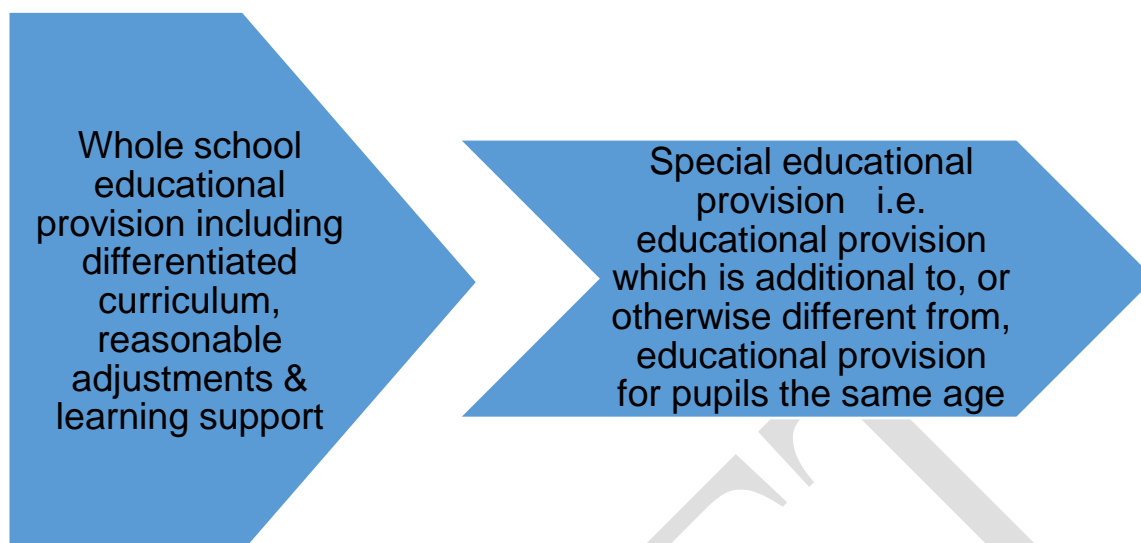
Diagram 3.2: Examples of Whole School Educational Provision for Pupils Displaying or Experiencing Difficulty in Learning - nursery schools and nursery classes, primary and post-primary settings



3.11 The precise way in which a school implements its responsibilities towards children who have, or may have, SEN will depend upon the individual circumstances of each school, for example age range, organisation, size and makeup of the school. It is essential that in **deciding the approach to adopt every grant-aided school is required to have regard to the practical guidance in this Code.**³

³ Article 4(2) of the Education (Northern Ireland) Order 1996.

Diagram 3.3: Continuum of Whole School Educational Provision and Special Educational Provision



Special Educational Provision Continuum

3.12 Some children may have a significantly greater difficulty in learning which calls for special educational provision to be made. These children will have SEN because they require educational provision which is additional to or otherwise different from, educational provision (including differentiation) made generally to children of the same age.

Progress

3.13 A pupil's progress is a key indicator in determining whether a child has a "*...significantly greater difficulty in learning*" which calls for special educational provision to be made. Progress can be defined in a number of ways for instance it might be progress which:

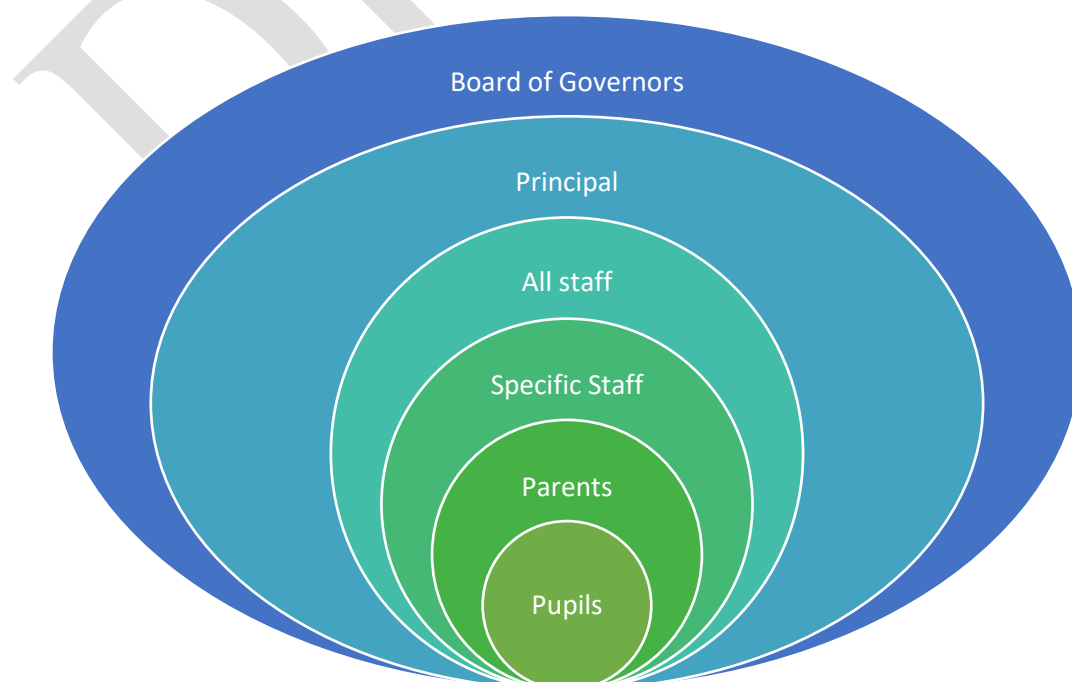
- a) closes the attainment gap between a child and their peers - preventing the attainment gap growing wider; or
- b) may be similar to that of peers starting from the same attainment baseline, but less than that of the majority of peers; or

- c) matches or betters the child's previous rate of progress; or
- d) maintains progress commensurate with their assessed cognitive ability; or
- e) ensures access to the full curriculum; or
- f) demonstrates an improvement in self-help, social or personal skills; or
- g) demonstrates improvements in the child's behaviour.

Key point: Special educational provision complements whole school educational provision – it is a whole school responsibility

3.14 Special educational provision is characterised as the implementation of reasonable adjustments, additional teaching and learning strategies and approaches and learning support drawing from the school's special educational provision map (see paragraph 3.23). Diagram 3.4 below details whole school responsibility for special educational provision.

Diagram 3.4: Whole school responsibility



Examples of Special Educational Provision

3.15 Whilst not exhaustive or prescriptive, there is separate EA guidance associated with this Code providing examples of special educational provision. The examples reflect the five overarching SEN categories which schools are required to use for the purpose of recording SEN. They represent a resource that will evolve and develop over time. They have been developed by the EA to assist nursery schools and classes (and also for use by early years voluntary and private settings), primary and post-primary schools to provide a consistent approach within teaching and learning of those pupils with SEN. Schools are expected to make use of the EA guidance and resources provided by the DE, the EA and CCEA with regard to special educational provision.

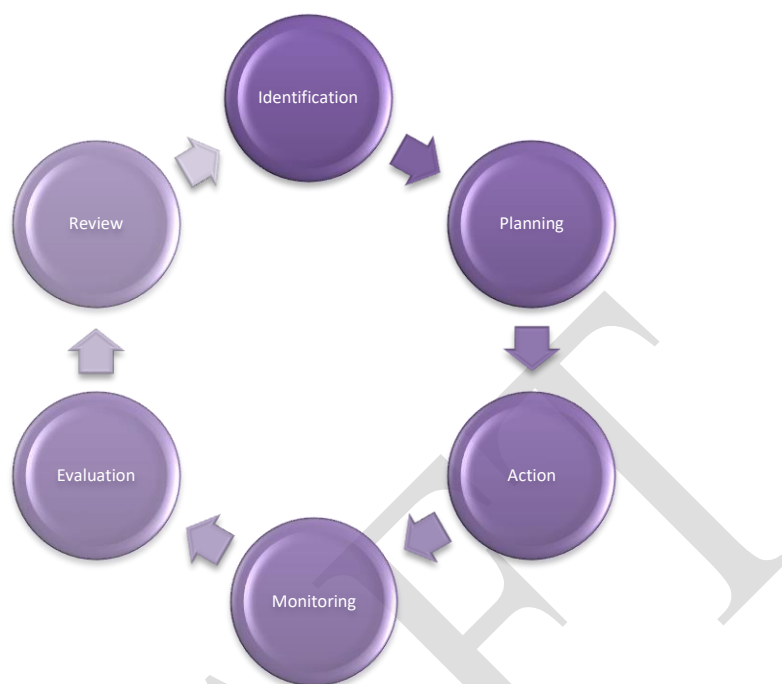
3.16 School special educational provision may be supplemented by resources, advice, guidance, support and training, as appropriate, provided through the EA plan of arrangements for special educational provision (see paragraph 2.17) or through special educational and non-educational provision as specified by the EA in a 'Statement of Special Educational Needs' (a Statement). (See Section 5).

3.17 Within the context of the child with SEN, **reasonable adjustments** (paragraph 14.31) should be made for a child who also has a disability which either prevents or hinders the child from making use of educational facilities of a kind generally provided to children of the same age. Any reasonable adjustments made by the school must be in keeping with the school's statutory duties.⁴

3.18 The continuum of whole school educational provision and special educational provision is delivered through a continuous and systematic cycle of identification, planning, taking action, monitoring, evaluation and review by the school to enable all children, including those with SEN, to learn and progress.

⁴ The Governor's Guide <https://www.education-ni.gov.uk>

Diagram 3.5: Continuous and Systematic Cycle of Whole School Educational Provision and Special Educational Provision



The Three Stages of Special Educational Provision

3.19 There are three Stages of special educational provision. These Stages focus on the level of intensity of the special educational provision required for a child to make adequate progress commensurate with their abilities and improve their outcomes. Responsibility for pupils with SEN at each Stage lies with the school, given the day to day role of the school in a pupil's teaching and learning, with increasing EA involvement, where required. A summary diagram of the three Stages of special educational provision is set out in Diagram 3.6 below.

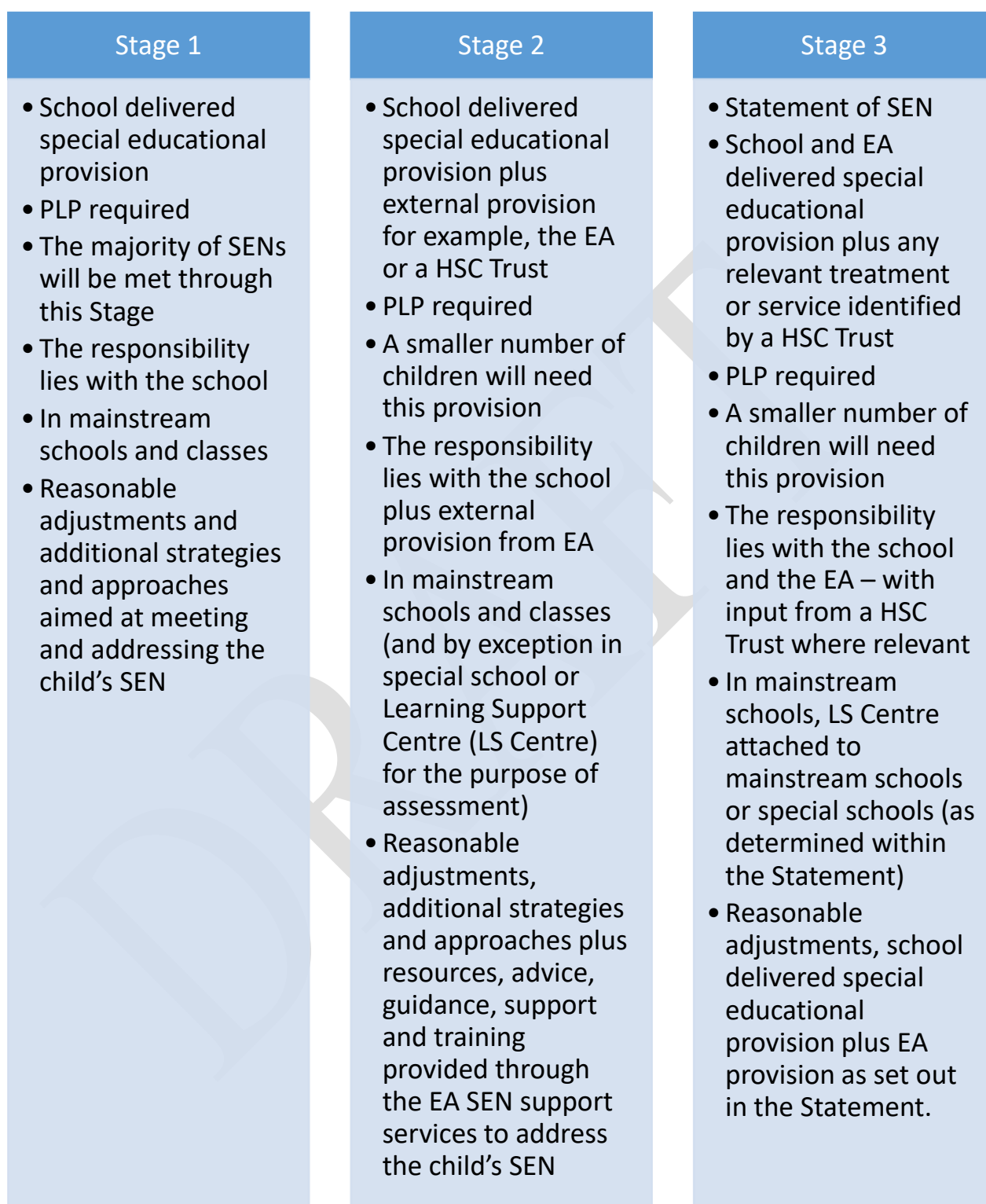
3.20 A child's **progress** (see paragraph 3.13), in response to school delivered special educational provision at Stage 1 will frequently mean a relatively large proportion of children will not require the involvement of the EA. Within the continuum of special educational provision, despite the school fully implementing a wide range of provision available to them, a smaller proportion of children may require school delivered special educational provision to be further supplemented by the EA at Stage 2 of the Code. This should be accessed through the range of SEN services set out in the EA's plan of arrangements for special educational provision (see paragraph 2.17)

or from Health and Social Care (HSC) Trust professionals to complement the school provision.

3.21 A smaller number of children, will not make suitable progress despite the resources, advice and support delivered through Stage 2. In these circumstances, the school may wish to consider a referral to the EA with a view to statutory assessment. Or, it may be necessary for the EA to consider whether it needs to carry out a Statutory Assessment (see Section 4), and if appropriate, conduct an assessment which may (or may not), result in the Making of a Statement detailing the nature of the provision necessary to meet the child's needs. (See Section 5).

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Diagram 3.6: The Three Stages of Special Educational Provision



3.22 The continuous and systematic processes within each Stage reflect a graduated response aimed at identifying the special educational provision to which a

child responds positively resulting in the child making progress and providing for improved outcomes. A summary of each of the three Stages is included below, followed by a more detailed explanation of the required action by schools in paragraph 3.38.

Stage 1 - School delivered special educational provision⁵

- a) Following discussion with the parent, or young person, if appropriate, the teacher, working with the Learning Support Co-ordinator (LSC), has identified that it is necessary for the school to make special educational provision for the child despite fully implementing whole school educational provision in dealing with a **concern that a child may have SEN** (see paragraph 3.29).
- b) The teacher should identify the appropriate provision drawn from the school's special educational provision map (see paragraph 3.23).
- c) The child is placed on the **SEN register** (see paragraph 3.72).
- d) A **PLP** (see paragraph 3.75) is prepared to reflect the SEN category (or categories), the special educational provision being made and implemented which is subject to regular review.
- e) The full implementation of the school's special educational provision map for **Stage 1⁶**, will, for the majority of children with SEN, secure the desired improvement in the child's progress.
- f) In the event of the child not making progress despite the full application of the range of strategies/approaches in the school's special educational provision map, consideration may be required to seeking resources and advisory support services through the EA's plan of arrangements for special educational provision – see paragraph 3.42 and **Stage 1 to Stage 2 School Checklist at Annex 3 d).**

⁵ Replaces Stages 1 and 2 of the 1998 Code of Practice on the Identification and Assessment of SEN.

⁶ Drawing on EA guidance.

- g) The PLP should contain the core information/evidence of the school action to inform a request, if considered necessary, for access to EA SEN services at Stage 2.

Key point: The child will only move to Stage 2 once any external special educational provision is being implemented.

Stage 2 - School delivered special educational provision plus external special educational provision is being implemented⁷

- a) The **SEN Register** is updated to reflect that the child is now at Stage 2.
- b) The **PLP** is updated to reflect that the child is now at Stage 2, the SEN category (or categories) and the special educational provision to be made and is subject to regular review.
- c) At Stage 2, there will be close involvement between the EA and the school. The school will access resources, advisory and support services and training made available by the EA through the EA plan of arrangements for special educational provision (see paragraph 2.17). This plan aims to help schools identify, assess and complement the school's (and where appropriate the HSC Trust's), special educational provision for children with SEN.
- d) In the event of a child not making progress, despite the external support from the EA, the child may require consideration for a statutory assessment. – see paragraph 3.49 and **Stage 2 to Stage 3 School Checklist at Annex 3 f**).
- e) The PLP contains the core school information the EA will use to consider and if appropriate make, a statutory assessment.
- f) **Stage 2** includes the statutory assessment process by EA.

⁷ Replaces Stages 3 and 4 of the 1998 Code of Practice on the Identification and Assessment of SEN.

Where a request for a statutory assessment is made there are three possible outcomes:

- 1) **the EA decides not to carry out a statutory assessment** in which case the pupil's **PLP should be revised**, as appropriate, to include any further strategies or approaches suggested by the EA.
- 2) **the EA carries out a statutory assessment** but determines that it will not make a Statement. In which case, the pupil's **PLP should be revised**, as appropriate, to include any strategies, approaches and learning support as drawn from the EA's **Record of Evidence of the Statutory Assessment (Record of Assessment)** (see paragraph 4.108).
- 3) **the EA makes a Statement** and the school is named as the current school in which the child will receive their education, in this case the Statement should be used to update the pupil's PLP.

Key point: The pupil will remain at Stage 2 when a request for a statutory assessment is being considered, is being made and, if appropriate until a Statement is made.

Stage 3 - The child has a Statement and is receiving special educational provision (as set out in the Statement)⁸

- a) The school retains responsibility for the day to day learning of the child, sharing responsibility with the EA and, where appropriate, the HSC Trust.
- b) The **SEN Register** is updated to reflect that the child is now Stage 3.
- c) The pupil's **PLP should be revised**, to reflect the content of the Statement (as it relates to the PLP) including the: SEN category (or categories); setting intended outcomes based on the objectives of the special educational provision

⁸ Replaces Stage 5 of the 1998 Code of Practice on the Identification and Assessment of SEN.

and the nature and extent of the EA's provision including any relevant service and treatment the HSC Trust are to provide; and any additional school provision or modifications to the curriculum, as itemised in the Statement.

- d) The pupil's PLP will be subject to regular monitoring, review and evaluation and will form the key basis of the educational information to inform the **annual review** of the Statement. (See Section 7).

School Special Educational Provision Mapping

Key point: Special educational provision is educational provision which is additional to or otherwise different from the educational provision which is normally provided to children of the same age.

3.23 Each school should map the types of special educational provision it will deliver to support the three Stages. The school's special educational provision map should be a feature of the school **SEN policy** (see paragraph 3.91). Effective special educational provision mapping is an efficient way of providing transparency and consistency about the provision the school makes which is additional to or different from that which is offered through the whole school educational provision. The school map should be disseminated throughout the school. It should be updated at least annually to reflect good practices identified through training and advice provided by the EA.

3.24 The school's special educational provision map should be developed based on the five overarching **SEN Categories** as set out in *DE Guidance for Recording Children with SEN* accessed through the DE website <https://www.education-ni.gov.uk>. (See Diagram 3.7 below). **Annex 2 also provides guidance for schools on the approach to take in preparing its special educational provision map and its required content.**

3.25 The school's special educational provision map is not intended to be either limiting or prescriptive. It represents a fluid resource, aimed at providing the school with a sound and consistent basis for making special educational provision which is

appropriate to a child's needs. It can usefully inform both current and anticipatory training needs which should be reflected in the **School's Development Plan** (see paragraph 3.93).

Diagram 3.7: Approach to Development of a Special Educational Provision Map



Key point: The school's map of its special educational provision under each of the five overarching SEN Categories is a key resource for a school to draw from in determining the appropriate special educational provision for a child.

3.26 Whilst recognising that every pupil is an individual, see paragraph 3.15, references separate EA guidance providing examples of special educational provision, under each of the **five overarching SEN Categories set out in Diagram 3.8 below**. The examples included in the EA guidance may be drawn from in the development of a school's individual special educational provision map. Schools are expected to make full use of the range of special educational provision contained in their special educational provision map to help the pupil make progress as set out below.

Diagram 3.8: The Overarching SEN Categories



EA Plan of Arrangements for Special Educational Provision

3.27 The arrangements for special educational provision as set out in the annual **EA plan of arrangements for special educational provision** can help schools identify, assess and make special educational provision for children with SEN within the three Stages. The school should ensure whole school awareness of the EA's plan of arrangements and how to access the EA services. In keeping with effective partnerships, schools should ensure that parents and young people are made aware of the EA plan and how it supports the special educational provision made by the school. It will be through the EA plan that schools will draw upon resources, advice and support from the EA at Stage 2 of the SEN Framework. **Paragraph 2.17 sets out the EA requirements regarding its plan of arrangements.**

IDENTIFICATION AND ASSESSMENT OF CHILDREN WHO HAVE, OR MAY HAVE, SEN

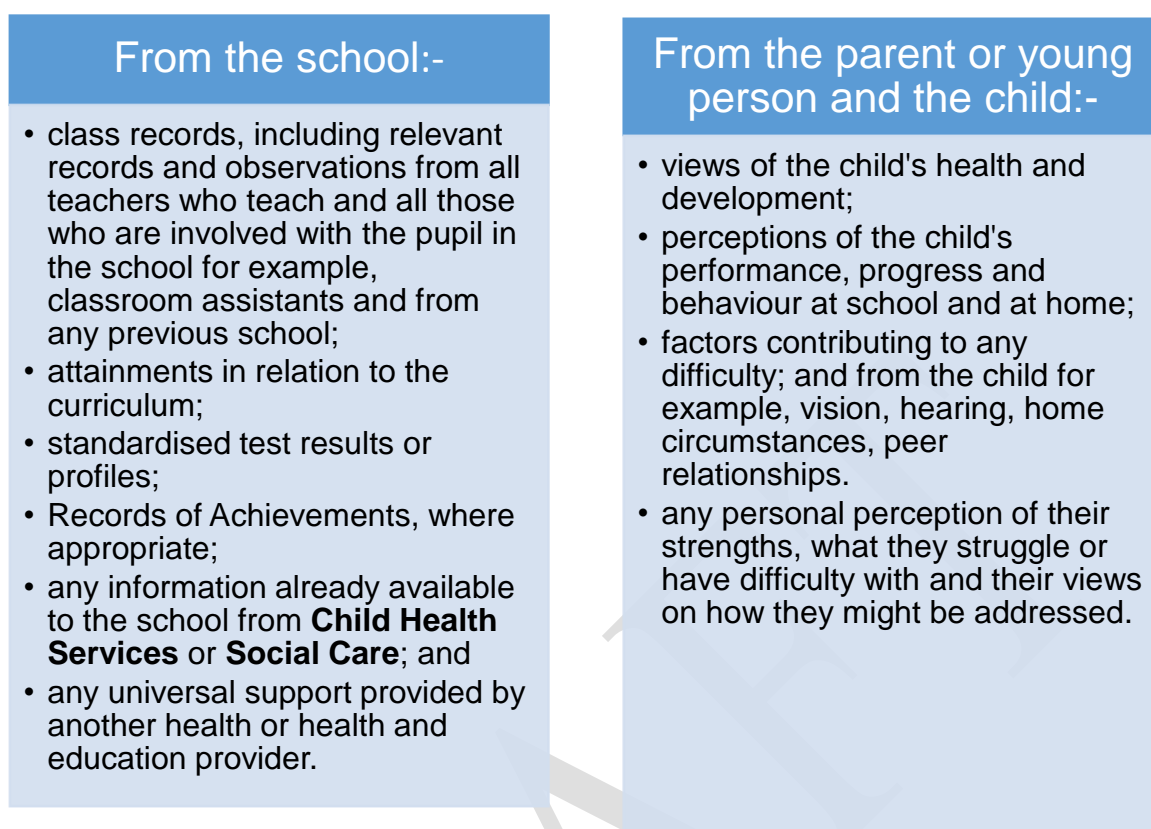
Where the School has a Concern that a Child may have SEN – details of the process of identification

3.28 It is important that a pupil, whose progress is not as expected for their age, stage of development or educational phase, is identified early. Many children will have difficulties in learning met through implementation of a **whole school educational provision** (see paragraph 3.8). A flowchart of the school process where there is a concern about a child's progress for their age, stage of development or educational phase and a 'Where there is a Concern Checklist' are set out in **Annex: 3 a) and b) for nursery/nursery classes; 4 a) and b) for primary school settings; and 5 a) and b) for post-primary school settings.**

Key point: Not all children with learning difficulties will have SEN.

3.29 To assist in early identification of pupils who have, or may have, SEN, use should be made of all available assessment indicators of a pupil's level of progression within the curriculum, as part of normal classroom practice and observation, formative as well as summative assessment, and information obtained from parents or the young person, as well as the views of the child and other sources. The information required about the child is set out in Diagram 3.9 below.

Diagram 3.9: Information Required to Help Meet the Child's Needs



3.30 This information will identify the perceptions of those concerned with the child and should reveal any immediate educational or pastoral concerns. The teacher should consult the appropriate school co-ordinators, for example, literacy and numeracy, pastoral care, LSC, to determine whether to continue to use the existing educational arrangements drawing from the school's whole school educational provision or to seek advice and support or to provide special help. If further advice is required on a particular area of the child's development this should be recorded along with any interim arrangements that have been made for the child.

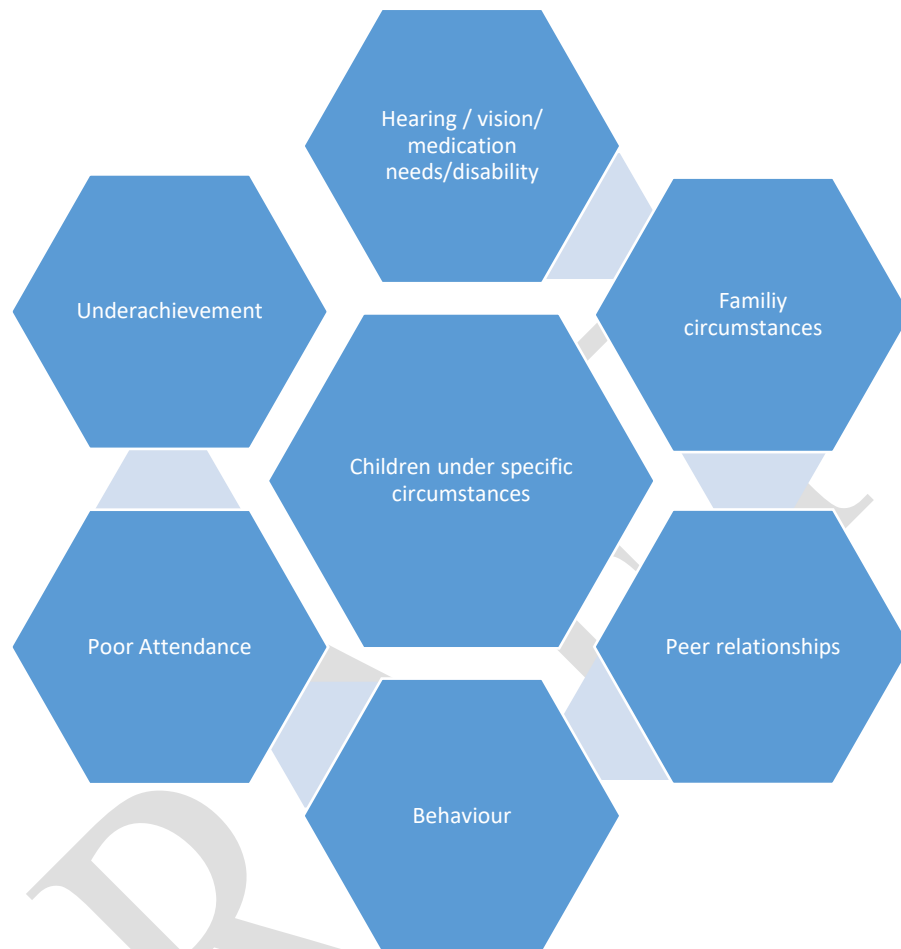
3.31 Effective whole school educational provision and practices may themselves make a positive difference through implementing teaching and learning strategies, approaches and learning support which take account of the different abilities and aptitudes of individual children. The school's practices should be informed by guidance and support materials which have been provided by, for example, DE, EA, the CCEA and HSC Trust.

3.32 Where a teacher has a concern about a pupil's **progress** (see paragraph 3.13), or if a parent or young person raises a concern about progress, the teacher should take appropriate steps to determine any possible underlying factor(s), which may be contributing to the child's difficulty in learning and progress. The pupil is likely to be more responsive the earlier that a school identifies and takes steps to address the contributing factors which may be having an adverse impact on the pupil's education and learning. It is often the case that there may be overlapping factors. The contributing factors, guidance about which can be accessed through DE website <https://www.education-ni.gov.uk>, may include:

- a) The pupil is displaying social, emotional or behavioural difficulties, for example, problems or changes at home which the child is dealing with or reacting to. (See DE *Good Behaviour at School* guidance).
- b) The pupil is a newcomer. (See DE *Newcomer* guidance).
- c) The pupil has a medical condition. (See paragraph 3.101 (**Child Health Services**) and DE *Support for pupils with medication needs* guidance).
- d) The pupil has poor attendance. (See DE *Attendance Guidance and Absence Recording by Schools*).
- e) There are safeguarding issues. (See DE *Safeguarding and Child Protection in Schools – A Guide for Schools*).

3.33 The child could be experiencing other circumstances which may be impacting their learning. (See Section 10).

Diagram 3.10: Main Contributing Factors which could be Affecting a Child's Learning within Whole School Educational Provision



3.34 In schools, principals should, in consultation with the appropriate school coordinators for example, literacy, numeracy, pastoral care, LSC, and subject to obtaining consent of the parent or young person to requesting and sharing information about the pupil, seek to ensure the effectiveness and confidentiality of the arrangements in place for:

- a) keeping medical or welfare information on children including recording any medical diagnosis on the school's Medical Register;
- b) drawing together further information from those involved in the care, health and welfare of children; for example, GPs, health visitors, community nurses, community paediatricians, child and other service providers such as:

adolescent mental health services, physiotherapy, occupational therapy or speech and language therapy or any other Allied Health Professional (AHP);

- c) transferring relevant medical or welfare information between nursery and primary, or primary and post-primary schools with the consent of the parent or the young person; and
- d) liaising with the relevant HSC Trust to register concern about a child's welfare; or where the child is looked after by a HSC Trust to obtain information on services provided for the child – see <https://www.eani.org.uk/>.

3.35 In cases of children whose first language is not English (for example, newcomer children), and/or Irish in the case of Irish-medium schools, a lack of competence in the language used in school must not be equated with, or allowed to mask, learning difficulties. The child's needs should be considered in the context of his or her home, language, culture and community ensuring that any use of interpreters and translators and assessment tools should, as far as possible, be culturally neutral and applicable to children from a range of home backgrounds. Schools may find it useful to seek guidance from the EA, see <https://www.eani.org.uk/> for inclusion of pupils and schools for children in specific circumstances.

Key point: A child should not be taken as having a learning difficulty solely because of the language in which they are, or will be, taught is different from their home language.

3.36 In determining whether a child has SEN, pupils who receive therapeutic or other related services from external agencies, for example, speech and language therapy, should not be considered as having SEN (and recorded on the SEN Register (paragraph 3.72) unless identified by the school as requiring special educational provision. Only if the child has a significant "learning difficulty" (as defined⁹ in paragraph 1.19), and for whom special educational provision is being made, should a pupil be placed on the SEN Register.

⁹ Article 3 (Meaning of "special educational needs" and "special educational provision" etc.) of the 1996 Order.

3.37 If the child or young person's difficulty in learning proves transient, they will subsequently be able to learn and progress normally along with their peers. If, however, the difficulty continues despite whole school educational provision, consideration should be given to whether the child's learning difficulty calls for provision which is additional or otherwise different to whole school educational provision to help the child to make progress. If a school determines that a child requires special educational provision because the school considers a child has SEN, the child's parents should be informed of that fact (if they have not previously been made aware).

Key point: Schools are best placed to decide when a child's difficulties are special educational needs.

Stage 1 – School Procedures

Key point: A summary of special educational provision at Stage 1 (Stage 1) is included at paragraph 3.22 and a flowchart of the process and actions that schools should follow within Stage 1 is provided in Annex 3 c) for nursery/nursery classes; 4 c) for primary school settings; and 5 c) for post-primary school settings.

3.38 Stage 1 should be put in place for a pupil when the school has compiled sufficient evidence on the nature of the difficulty being experienced or displayed that:

- **The child has significantly greater difficulty in learning which requires special educational provision** to be made because the child has made little or no **progress** (paragraph 3.13) even with whole school educational provision, and the child continues to have any one or a combination of difficulties in:
 - a) Cognition and Learning (CL);
 - b) Social, Behavioural, Emotional and Well-Being (SBEW);
 - c) Speech, Language and Communication Needs (SLCN);

- d) Sensory (SE); or
 - e) Physical Needs (PN).
- **A child with SEN transfers to the school** – who has been receiving Stage 1 (school delivered special educational provision) in a previous setting.
 - a) Where possible, in advance of the child arriving in the school, the teacher or LSC should liaise with the child's previous setting to establish the nature of the child's difficulties and how best to support the child's transition to the new school.
 - b) Where the parents or young person have/has consented to the sharing of the PLP, following a request from the new school, the previous school should send the child's PLP to the new school.
 - c) Within the child's first term, the teacher in liaison with the LSC should decide whether the child's difficulties can be addressed through whole school educational provision or continue to require special educational provision to be made.
 - **A child has significant difficulties requiring immediate special educational provision** – in exceptional circumstances, following discussion with a child's previous setting and parents or young person and initial teacher observations, the school may consider the child's needs are such that special educational provision is required. This would only occur where there is a clear requirement to proceed with special educational provision because the child has **significant** difficulty in learning.

Key point: In exceptional circumstances a child may be placed directly onto Stage 1.

3.39 Where the professional judgement of the teacher and the LSC is that Stage 1 provision is required for a pupil, an initial PLP (see paragraph 3.75) should be

developed drawing from the school's special educational provision map (see paragraph 3.26). At this stage the most appropriate overarching SEN category should be selected. The class teacher completes the PLP in nursery, primary and special schools in consultation with the LSC. In post-primary settings, the LSC, in consultation with class and subject teachers completes the PLP. As part of the evaluation and review, the teacher is required to consider how successful the provision has been in achieving the intended outcome and what the next steps are to address the child's learning needs. The PLP should show progression in learning and expectations.

3.40 Through Parent and Young Person Partnerships (see paragraph 3.59) the parent or young person should previously have been informed of the school's intention to place the pupil on the SEN Register, make special educational provision and draw up a PLP for the pupil. Meetings with the school will allow parents or the young person to contribute to the development of the PLP. The school should take the opportunity to secure support for the actions being taken and intended outcomes in the PLP and encourage reinforcement at home. Similarly, the parent and young person should be advised of the arrangements for the review of the PLP at Stage 1.

3.41 Within the graduated response to addressing a pupil's SEN, in the majority of cases, the child will make progress (paragraph 3.13) through Stage 1. A child will continue on Stage 1 with the school making full use of the range of strategies and supports within the school's Stage 1 special educational provision. The School procedures at Stage 1 are summarised in the flowchart in **Annex: 3 c) for nursery/nursery classes; 4 c) for primary school settings; and 5 c) for post-primary school settings.**

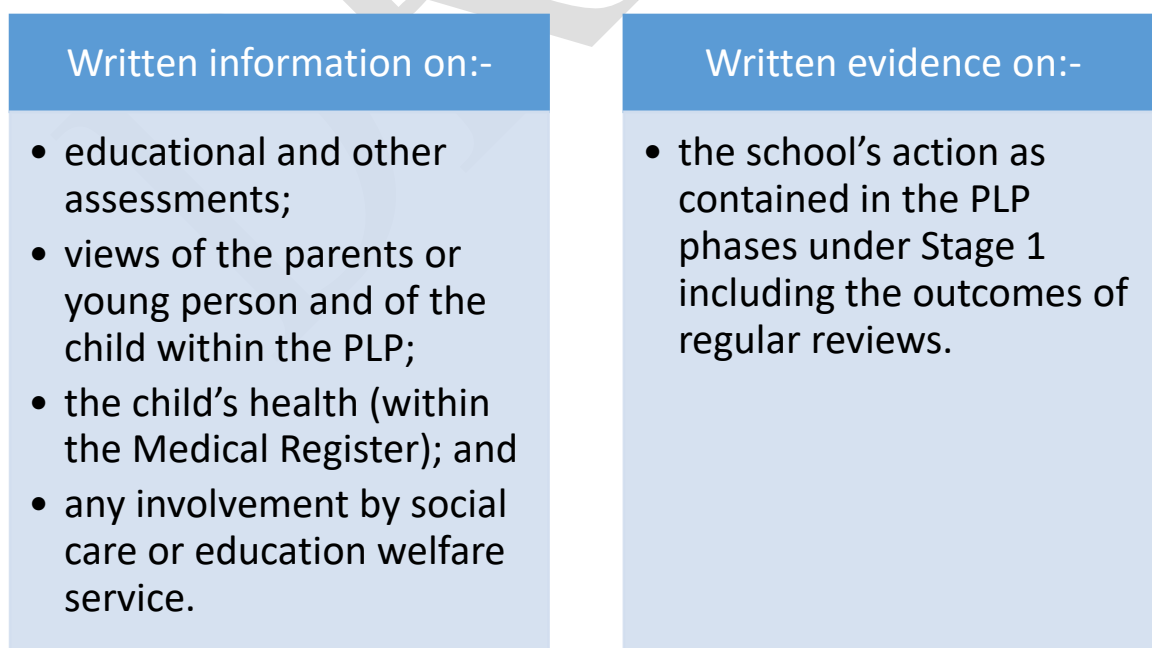
3.42 For other children, despite the school's full use of its special education provision, the teacher and LSC may determine that it should seek support through the EA's plan of arrangements for special educational provision (see paragraph 2.17). A request for Stage 2 provision begins with a decision either at a Stage 1 review, or following discussions between the LSC, the principal, teachers, EA and the parent or young person, that Stage 2 provision may be necessary. To help inform the school's deliberations, the school should review the actions which have been taken against the **Stage 1 to Stage 2 School Checklist at Annex 3 d) for**

nursery/nursery classes; 4 d) for primary school settings; and 5 d) for post-primary school settings.

3.43 The teacher or the LSC (in post-primary schools) should discuss with the parents or young person any intention to ask the EA for Stage 2 support (detailed in EA's plan of arrangements for special educational provision). When the EA is considering the request for Stage 2 support, with regard to the particular child's SEN, the school, working in partnership with the parents or young person and EA SEN support services, should continue to implement, monitor, evaluate and review the special educational provision set out in the child's PLP. (See paragraphs starting 3.75).

3.44 With the PLP being the key information source and following a review against the Checklist referred to in paragraph 3.42 above, by the time the school considers seeking support from the EA, the school should have clear written information and evidence of the action the school has taken to address the SEN of the child. The information required about the child is set out in Diagram 3.11 below.

Diagram 3.11: Information Required from School to Seek EA Provision at Stage 2



Key point: A child will remain at Stage 1 until such time as special educational provision at Stage 2 is in place.

Stage 2 – School Procedures

Key point: A summary of special educational provision at Stage 2 is included at paragraph 3.22 and a Stage 2 School Process Flowchart is set out at Annex 3 e) nursery/nursery classes; Annex 4 e) for primary school settings; and Annex 5 e) for post–primary school settings .

3.45 For a smaller proportion of pupils, resources, advice and support and training through the EA at special educational provision Stage 2 may be required to help the pupil make suitable progress (see paragraph 3.13). The LSC continues to take a leading role, working closely with the teachers and sharing responsibilities for the child with the appropriate external services. Stage 2 starts when:

- the EA has responded to the request for Stage 2 special educational provision through its arrangements for special educational provision and is being implemented through input to the school and, as appropriate the pupil; or
- a child with SEN at Stage 2 transfers to the school – in these circumstances the teacher should consider the child’s PLP history, if available, and initiate an early review of the special educational provision required for the child and place the child on the SEN register; or
- the EA is making special educational provision or exceptionally even if no action has previously been taken at Stage 1, EA and HSC Trust is making provision for a child as a result of sudden or severe illness or injury which has a significant impact on their learning.

Key point: Only in exceptional circumstances may a pupil be placed on Stage 2 of the Code where no action has previously been taken at Stage 1.

3.46 On the basis of information and external advice obtained, the school should

take action, review and update the PLP (see paragraph 3.83) and decide whether further advice or support is needed from an EA service. The child will continue at Stage 2 while the school makes full use of the range of strategies and supports within the school's special educational provision map supplemented by EA in order to achieve such progress.

3.47 In applying a graduated response to addressing a child's SEN, many pupils will make progress through the delivery of Stage 2. A pupil will either remain at Stage 2 or will have made a level of progress and no longer need such external provision or it may be the case that the school may need to consider whether a request for a statutory assessment is appropriate.

Information to be notified to the EA at Stage 2

3.48 Where the EA is making special educational provision in the form of support for example, EA support or adult assistance (for the purposes of SEN) from the EA at Stage 2, the school is required to notify the EA in writing if it considers that a child will be absent for more than 4 weeks and include the first date of the absence. The school is also required to notify the EA when the child has returned to school.¹⁰

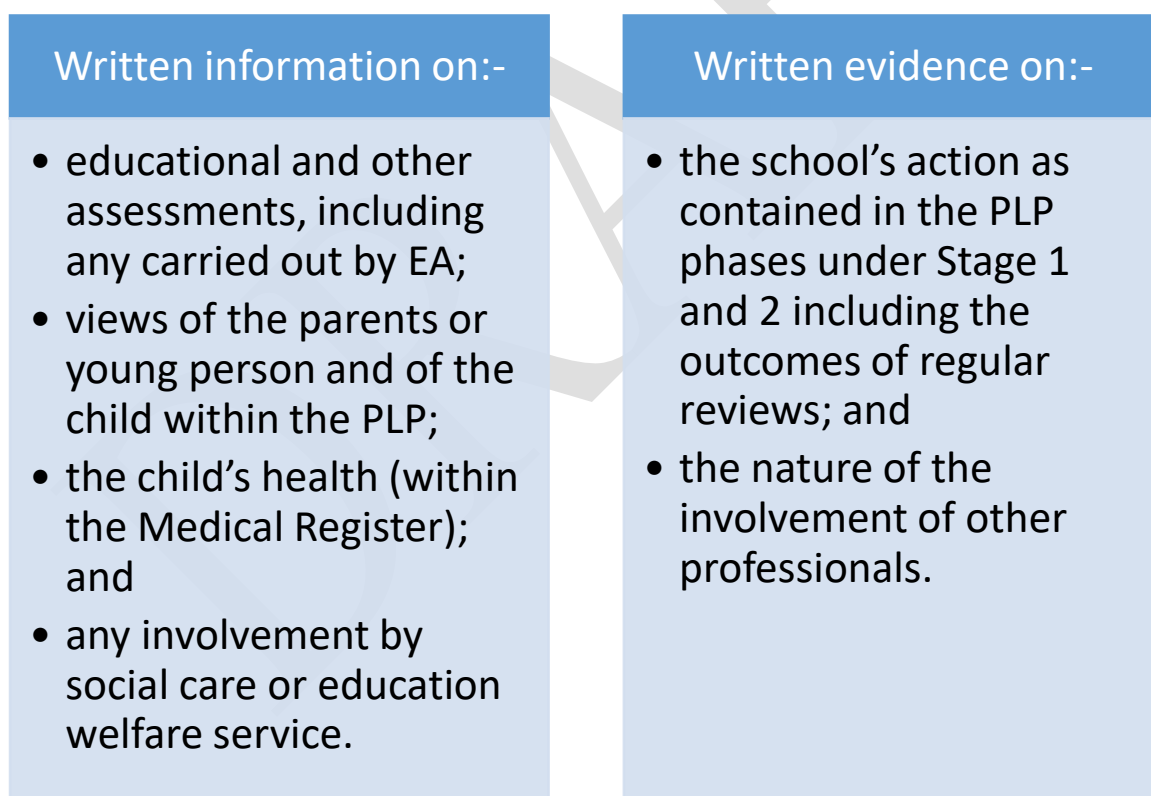
3.49 In a minority of cases where a child does not make progress, the school should consider whether to make a request to the EA for a statutory assessment. To help inform the school's deliberations in this regard, the school should carefully review the actions which have been taken against the **Stage 2 to Stage 3 School Checklist at Annex: 3 f) for nursery/nursery classes; 4 f) for primary school settings; and 5 f) for post-primary school settings** and, if appropriate, take any further steps (not previously taken) before making a request to the EA. The teacher or the LSC (in post-primary schools) should fully involve parents or the young person in the discussion leading up to a school's decision to request a statutory assessment. In so doing, a school's intention to seek a **statutory assessment** (Section 4) should not come as a surprise to the parent or young person. Schools should be mindful not to prejudge or raise expectations on whether the EA will decide to carry out a statutory assessment

¹⁰ Draft regulation 5 (Information to be notified to the Authority).

or the outcome of any such assessment.

3.50 With the PLP being the key information and evidence source and following a review against the Checklist at **Annex: 3 f) for nursery/nursery classes; 4 f) for primary school settings; and 5 f) for post-primary school settings**, when the school considers making a request for a statutory assessment (under Article 20A of the 1996 Order), the school should have clear written information and evidence of the action the school and the EA SEN services have taken to address the SEN of the pupil. The information required about the child is set out in Diagram 3.12 below.

Diagram 3.12: School Information to Inform a Request for Statutory Assessment



3.51 The approach taken by schools at Stages 1 and 2, should not usually be steps towards statutory assessment as the pupil may make adequate progress; nor are they a hurdle to overcome before a statutory assessment can be considered. They are a

means of informing decisions to be made by schools, in consultation with parents **or the young person**, as to what special educational provision is necessary to ensure the child is making progress.

3.52 The information on the child's learning difficulty and the evidence of the special educational provision made, outlined above, at Stages 1 and 2 will form the basis of the EA's consideration:

- of whether a statutory assessment is necessary - paragraph 4.25; and
- in conducting the statutory assessment, if required - paragraph 4.58.

3.53 Where a school proceeds with a request for a statutory assessment, the school principal may give a special direction either modifying or disapplying the curriculum for the child for a period of up to 6 months. It should be noted, however, that it may be more difficult for the EA to carry out an assessment if the child has been exempted from aspects of the curriculum. This is equally true where the child is absent from school for prolonged periods, for example, because of illness or while on a period of placement at a centre providing education otherwise than at school (EOTAS). (See Section 10).

Key point: When the EA is considering whether to make a statutory assessment or is conducting an assessment, the school, working in partnership with the parents or young person and EA SEN support services, should continue to implement, monitor, evaluate and review the special educational provision set out in the child's PLP.

3.54 See paragraph 3.22, within Stage 2, where the EA makes a decision **not to carry out a statutory assessment** or it carries out a statutory assessment but decides not to make a Statement and completes a Record of Assessment (paragraph 4.106).

Key point: A child will remain at Stage 2 until such time as, if appropriate, a final Statement is completed.

Stage 3 - School Procedures

Key point: A summary of special educational provision at Stage 3 is included at paragraph 3.22 and a Stage 3 School Process Flowchart which schools should follow is provided in Annex: 3 g) for nursery/nursery classes; 4 g) for primary school settings; and 5 g) for post-primary school settings

3.55 For a minority of children Stage 3 provision may be required with the EA making a Statement for the child to reflect that the pupil needs special educational provision which would otherwise not be available through the school's own resources. The LSC continues to take a leading role, working closely with the teachers and sharing responsibilities for the pupil with the appropriate external services as included in the child's Statement and reflected in the pupil's PLP. Stage 3 starts when:

- **a Statement is completed for a pupil with SEN already registered at the school** and the school is named in the Statement. On the basis of information contained in the Statement the school should take action to update the SEN Register and review and update the pupil's PLP. Driven by what the objectives the special educational provision to be provided aim to achieve, provision will be from the EA and the school, as set out in the Statement. The pupil's PLP should clearly reflect the intended outcomes for the pupil.
- **the school is named in a Statement as the school a child will attend (following consultation with the school)**. For the child, who has **previously not been a registered pupil at the school**, the school should, with consent, seek a copy of the pupil's PLP from the previous school, if one has not previously been received – see paragraph 3.88. This will assist the school to identify the special educational provision previously provided and, in particular, provision to which the pupil responded positively. The school should add the child to the SEN register (paragraph 3.72) and create a new PLP (see paragraph 3.75) for the child. The PLP should reflect intended outcomes for the pupil informed by the objectives of the special educational provision to be

made through the Statement. The PLP should also include the nature of the special educational provision which the EA and any relevant service and treatment the HSC Trust are to provide.

- **a child with an existing Statement transfers to the school.** A child's previous school's Board of Governors is required to seek consent from the parents or the young person as appropriate, to share the child's PLP with the new school. Subject to that consent, the previous school can provide a copy of the PLP to the new school (paragraph 3.88) on request. The new school should seek a copy of the pupil's PLP from the previous school. This will assist the school identify the special educational provision previously provided and, in particular, provision to which the pupil responded positively. The school should include the child on the SEN register (paragraph 3.72) and create a new PLP (paragraph 3.75) for the child. The PLP should reflect any lower level objectives the special educational provision is to be made through the Statement or intended outcomes for the pupil. The PLP should also include the nature of the special educational provision which the EA and any relevant service and treatment the HSC Trust are to provide.

3.56 The school should continue the systematic process of action, monitoring, evaluation and review of the pupil's PLP (see paragraph 3.84). This is vital in order to provide for the day to day teaching and learning of the child and also to inform the school process within the **Annual Review of a Statement (Section 7)** of the pupil's Statement and **Transition Planning for a child with a Statement (Section 8)**.

3.57 The child will continue at Stage 3 until such time as the EA determines to cease to maintain the Statement. Should the EA determine the child no longer requires a Statement the child will revert to Stage 2 or Stage 1 on the direction of the EA, as appropriate. Meanwhile the school should continue to make full use of the range of strategies and supports within the school's special education provision map.

Information to be Notified to the EA at Stage 3 ¹¹

3.58 If a mainstream school considers that a child (who is receiving special educational provision from the EA at Stage 3, for example, in the form of support such as a group or individual intervention or adult assistance - for the purposes of SEN) is going to be absent from school for more than 4 weeks, the school is required to notify the EA in writing of that fact including the first date of the absence. The school is also required to inform the EA in writing when the child has returned to school. The school should ensure that effective arrangements are put in place to notify the EA as soon as is practicable.

¹¹ Draft regulation 5 (Information to be notified to the Authority).

KEY ELEMENTS IN THE EFFECTIVE DELIVERY OF THE THREE STAGES OF SPECIAL EDUCATIONAL PROVISION

Partnerships with Parents and Young People

3.59 Partnership between parents and the young person and the school plays a key role in promoting a culture of co-operation, openness and transparency and importantly in avoiding disagreements which can break down the partnership. The relationship between the parents of a child and a young person who has, or may have, SEN and the school has a crucial bearing on the effectiveness of any learning support to cater for different aptitude and ability or special educational provision, should it be needed. Schools should positively welcome and encourage the parents of a child and young person to give their views if the young person or child is experiencing difficulty in learning and, should it be identified that the child has SEN, in applying the graduated response to helping the child make adequate progress. The views of the child who has, or may have, SEN also play an important role in helping the school's understanding of the needs of the child, (See paragraph 3.68).

3.60 All staff within schools should be aware of the statutory definitions of 'parent' and 'parental responsibility' (these are summarised in the Glossary) and staff should know who is to be regarded as a parent of each child for purposes of consulting on progress. Where parents cannot agree with one another about matters concerning their child's education, they can apply to the Courts for resolution. Specific to young people in post-primary schools, all relevant staff of the school should be aware of the requirement to consult with the young person, recognising that the young person may have appointed a person to assist and support them. The school should also be aware if there is a concern about whether a young person lacks capacity or when the EA has determined that a young person lacks capacity and the parent or alternative person¹² is the person with whom to consult. (See Section 13).

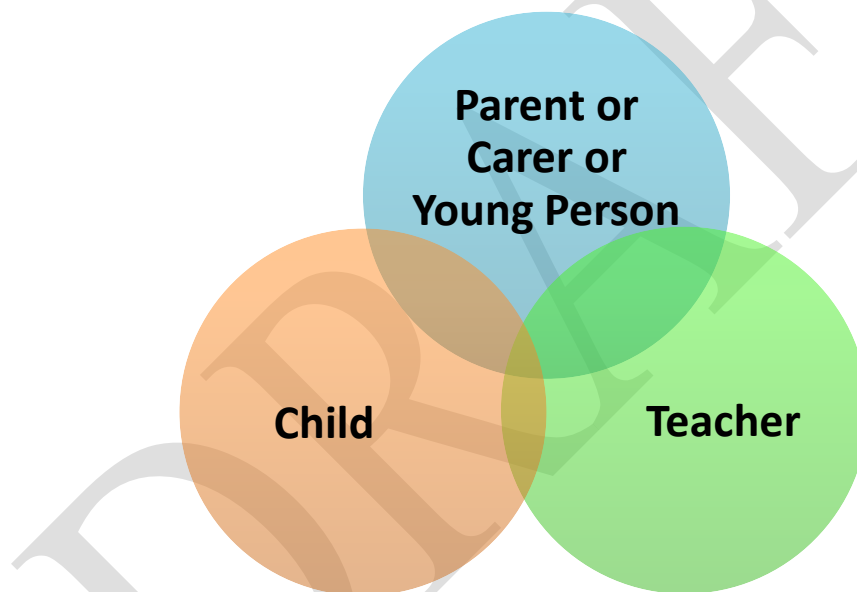
3.61 Teachers, pastoral staff, LSCs, and other school staff all have an important role in developing positive and constructive relationships with parents and young people

¹² Draft regulation 30 (Children over compulsory school age determined to lack capacity to exercise rights conferred by Part II of the 1996 Order).

and should encourage their participation and value the contribution gleaned through their participation. Professional help by the school can seldom be wholly effective unless it builds upon such involvement and provides reassurance that account is taken of what the parent or young person has to say and that their views and anxieties are treated as intrinsically important. In the event of the EA becoming involved with the child's special educational provision the partnership between the parent or young person and the EA is equally important.

Key point: Parents and young people should be helped to understand the SEN Framework and the important role they have to play in it.

Diagram 3.13: Partnerships with Parents and Young People and the Child



3.62 Schools should regularly review their policies (including the SEN Policy paragraph 3.91) and procedures to ensure that they encourage active partnership and do not present barriers to participation. Parents and young people should be encouraged to complete all relevant documentation to ensure that their views are considered. In keeping with duties under the Disability Discrimination Act 1995, it is the school's responsibility to make information available in alternative formats, if this is required and requested by the parents or the young person.

Key point: Schools have a statutory duty to inform all parents, young people and children of the arrangements for advice and information on SEN matters and independent arrangements for the avoidance and resolution of disagreements with the school or the EA about a child who has, or may have, SEN. (See Section 12).

3.63 Schools should ensure that adequate arrangements and procedures are in place for a parent or young person to bring concerns about the child's learning or any significant needs or in the event of when a concern is first expressed within the school that a child may have SEN. The arrangements should include the approach to recording and acting upon parental or a young person's concerns. These should include procedures for involving parents and young people and for acknowledging their views in assessment and subsequent reviews.

3.64 In considering concerns raised by a parent or young person, the teacher should use their professional judgement in how the child is progressing and how the child is presenting in school. This will help identify whether the difficulties being experienced by the child in school can be catered for through learning support within the context of whole school educational provision, or if the child has a significantly greater difficulty in learning that they require special educational provision to be made.

3.65 Schools must tell parents when they first identify that their child has SEN. The identification of a SEN may be alarming for some parents; they may feel that they are being blamed for their child's difficulties when the school first raises questions with them; in some instances the parent or young person may consider that their early concerns were not given enough attention. Therefore, schools should be aware that parents may have sensitivities and be careful to explain that the school is there to play a supportive role.

Key point: Schools must inform a child's parents or young person that special educational provision is being made because it is considered that the child or young person has SEN (they have not previously been informed).

3.66 Parents should be informed that involving children in decisions affecting them, seeking their views and making the child a partner in learning is good practice. That is, the child's progress will be more effective when both they and, where appropriate, their parents are involved and account is taken of their wishes, feelings and perspectives.

3.67 If the child has a behavioural difficulty, or is following a developmental activity, strategy or approach which requires a structured approach in school, reinforcement at home by parents can be particularly important. Parents may become discouraged by their child's continuing difficulties at home and at school, and feel themselves to be inadequate in dealing with the difficulty. In such cases, Governors, the principal and LSC should consider how the school can best offer support. Also see DE guidance on *Good Behaviour at School* available on the DE website <https://www.education-ni.gov.uk>.

Views of the Child

3.68 Schools should take all reasonable efforts to ascertain the child's views about their strengths, learning difficulties and education, taking into account their age and understanding. In particular, schools should seek and listen to their views about how they learn effectively and then focus on the strategies that work for them. Within the PLP process, school should consider how best to:

- a) involve pupils in the development of the PLP including identification of their difficulties, how they learn best, setting intended outcomes, agreeing strategies, monitoring and reviewing progress;
- b) involve pupils in the decision making processes which affect their own assessment, provision and progress;
- c) determine pupils' levels of participation, taking into account approaches to assessment and intervention which are suitable for their age, ability, past experiences and prior learning; and

- d) record pupils' views in implementing their PLPs.

Key point: Schools should take all reasonable efforts to ascertain the views of the child.

3.69 Children are more likely to positively respond to provision if they understand the rationale for it and are given some personal responsibility for their own progress. Such positive involvement can also enhance their confidence.

SEN Register and Personal Learning Plan (overview)

3.70 Keeping accurate records is an essential part of the school's responsibility within the SEN Framework. Schools must maintain:

- a register of all children with SEN (a SEN Register); and
- a PLP for each child with SEN.

3.71 In maintaining both the SEN Register and the PLP for each child with SEN, all schools with access to the School Information Management System (SIMS) are required to use it. Schools without SIMS access should make alternative arrangements to maintain the SEN Register and complete, maintain and securely store a PLP for each child with SEN. This approach will ensure consistency across settings and will assist in the completion of the Schools Annual Census. The principal should ensure, in collaboration with the LSC, that SIMS records are easily accessible and available as needed, whilst recognising Data Protection requirements.¹³

SEN Register

3.72 The SEN register holds information about each child with SEN. For each child on the SEN Register schools **must** also have a PLP. (See paragraphs 3.75 to 3.84).

¹³ General Data Protection Regulations 2016.

The SEN Register must include the pupil's **SEN category** and the special educational provision Stage, i.e. Stage 1, Stage 2 or Stage 3. In recording children with SEN it is recognised that for some children there may be more than one need which calls for special educational provision to be made. The focus should be on the greatest or primary SEN category, followed by any secondary needs. All SEN categories should be recorded on the SEN Register. The LSC should, in consultation with the teacher(s), have regard to the current DE *Guidance for Recording SEN and Medical Categories* - <https://www.education-ni.gov.uk>. The SEN Register should be kept up to date. This is of particular importance both in regard to the individual needs of the pupil, and because the SEN register information (anonymised) is a key source of data for DE and the EA. The data gleaned from the annual census regarding SEN is evidence for the EA to assist them to prepare, review and revise the EA's plan of arrangements for special educational provision (see paragraph 2.17).

3.73 For many children, their SEN may be as a result of a medical condition, but this will not always be the case. A pupil may have a medical diagnosis but may not have an associated learning difficulty, and as such should not be recorded on the SEN Register, but should be recorded in the **Medical Register**. (See paragraph 3.91).

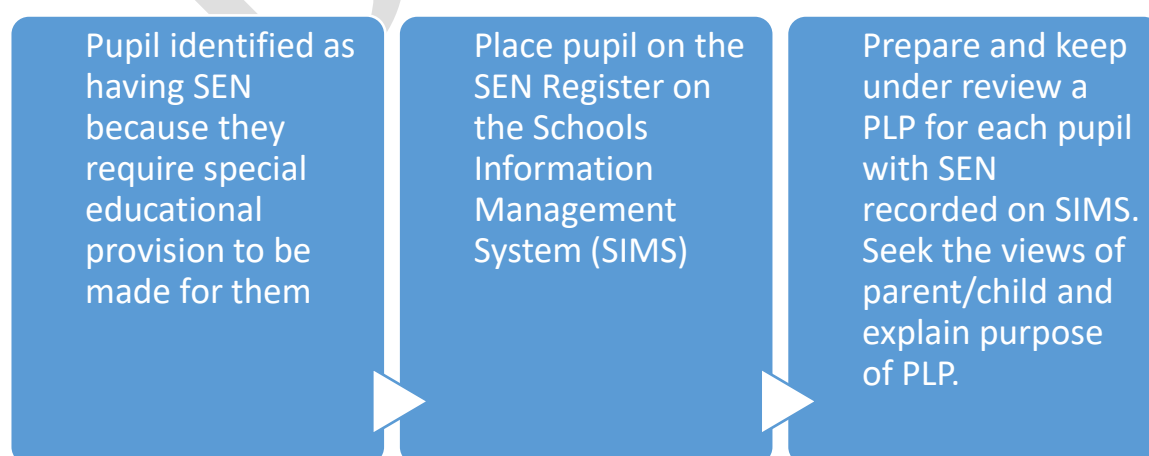
3.74 If a school considers that a pupil has SEN this may be stressful for the parents and the young person. Schools should adopt the 'Partnerships with Parents or Young People' (as detailed at paragraph 3.59) approach. The impact of any special educational provision is generally most effective when the school's approach is supported in the home. There may be times when the school must place a child on the SEN Register and make special educational provision to meet their needs without parental or young person's agreement. This is particularly important in the event of ongoing difficulty in engaging with a parent or young person. Under Article 8(1) of the 1996 Order, ordinary schools are required to use their best endeavours to secure that if any pupil has SEN, that the special educational provision which his or her learning difficulty calls for is made.

Personal Learning Plan (PLP) – general

Key point: Every child who has SEN must have a PLP prepared and kept under review. It is a statutory requirement.

3.75 Following on from a concern that a child may have SEN (see paragraph 3.28) and the school’s professional judgement a child needs **Stage 1** provision (paragraph 3.38), the school must prepare a PLP for the pupil concerned.¹⁴ Under Article 8A of the 1996 Order, where special educational provision is made for a child, the Board of Governors must inform the young person or the parent of the child in every other case of that fact. When drawing up a PLP (which among other things, is an ongoing record of special educational provision made to assist a child progress), schools should provide parents with a short fact sheet providing information about the PLP to ensure they are clear about the purpose of the PLP. The EA, should, as matter of good practice, develop the PLP fact sheet in order to facilitate consistency of approach across schools. The PLP fact sheet should explain that schools have a statutory requirement to prepare and keep under review a PLP for each registered child who has SEN; it should also include details of the purpose of the PLP which should be drawn from the content of this Code and the EA’s arrangements for the provision of advice and information.

Diagram 3.14: SEN Register and Personal Learning Plan on School Information Management System



¹⁴ Article 8 and 8ZA of the Education (Northern Ireland) Order 1996.

3.76 The special educational provision set out in the PLP should build on the curriculum the child is following and be implemented fully, or at least in large part, in the normal classroom setting by the teacher.

Key point: The PLP sets out the school's programme of special educational provision for the child recording the provision which is additional to or different from whole school educational provision for all pupils to cater for different abilities and attributes.

3.77 The approach to the PLP completion and review for children with SEN is a whole school responsibility. In post-primary settings, in particular, where the child is involved with a range of subject teachers, this is crucial. The teachers¹⁵, supported by the LSC and, where appropriate, with external advice and support, should decide upon the nature of the learning difficulty and the type of special educational provision to be put in place.

3.78 The PLP provides a means of tracking the special educational provision put in place, both current and historical, informed by the school's special educational provision map (see paragraph 3.23) and it includes information about the:

- a) impact of the learning difficulty and/or disability on the child in school;
- b) short term targets or expected outcomes set for, or in collaboration with, the child;
- c) teaching strategies and resources to be used by the school;
- d) special educational provision to be put in place;
- e) monitoring and review arrangements; and
- f) outcome of the special educational provision on the child's progress.

¹⁵ Teacher refers to class teacher in primary settings and subject teacher or department or year head in post-primary settings.

3.79 Through creating and maintaining a PLP for each child with SEN covering specific periods (or phases), as determined by the school and the needs of the individual child, schools should ensure that a record is kept of all steps taken, the special educational provision made to help the child and the progress which has resulted. It will form the key information and evidence base for the purpose of seeking EA support through the EA plan of arrangement for special educational provision (paragraph 3.27) or for the purpose of statutory assessment (see paragraph 3.53). This will also ensure that there is easily accessible information about each child's SEN.

3.80 More widely, the accurate recording of information about children who have SEN provides comparative information within and across schools and the EA.

For schools it will assist in:

- determining and studying trends within the different types of and high occurring SENs;
- developing the school's special educational provision map (paragraph 3.23) on the types of provision which are required to be put in place by the school; and
- informing the SEN Action Plan, particularly in identifying necessary training needs within the **School's Development Plan** (see paragraph 3.94).

For the EA:

- it will help identify both current and future needs and trends which can be used as evidence to inform the **EA's plan of arrangements for special educational provision** (see paragraphs 2.17 and 3.27).

3.81 While containing common information, the content of the PLP may vary across the different educational phases and in special schools. **Annex 6 a)** sets out the

description of PLP fields and **Annexes 6 b) to 6 e)** provide the different PLP templates for nursery, primary, post-primary and special settings. Further guidance on PLP completion can be found in the EA's guidance to support this Code and the SEN Framework.

Key point: The class teacher completes the PLP in nursery, primary and special schools in consultation with the LSC. In post-primary settings, the LSC, in consultation with class and subject teachers completes the PLP. The LSC will work with class and subject teachers, as appropriate on the day to day implementation, monitoring, evaluating and review of the effectiveness of the special educational provision in the PLP.

3.82 On creating and reviewing the PLP, schools should follow the approach detailed in this Code under Partnerships with Parents and Young People (see paragraph 3.59) and the Views of the Child (see paragraph 3.68). This approach allows the parent or the young person and the child to provide their views and participate in decisions which affect them, understand the actions to be taken to help the child and how they can best reinforce and contribute to the child's progress. In recognising the importance of involving the child in decisions about their education, the child's own views, intended outcomes set and the proposed special educational provision should be considered according to their age, maturity and capacity. In the case of a young person, if they have appointed someone to assist and support them, the appropriate details should be recorded on the PLP. (See paragraph 13.14).

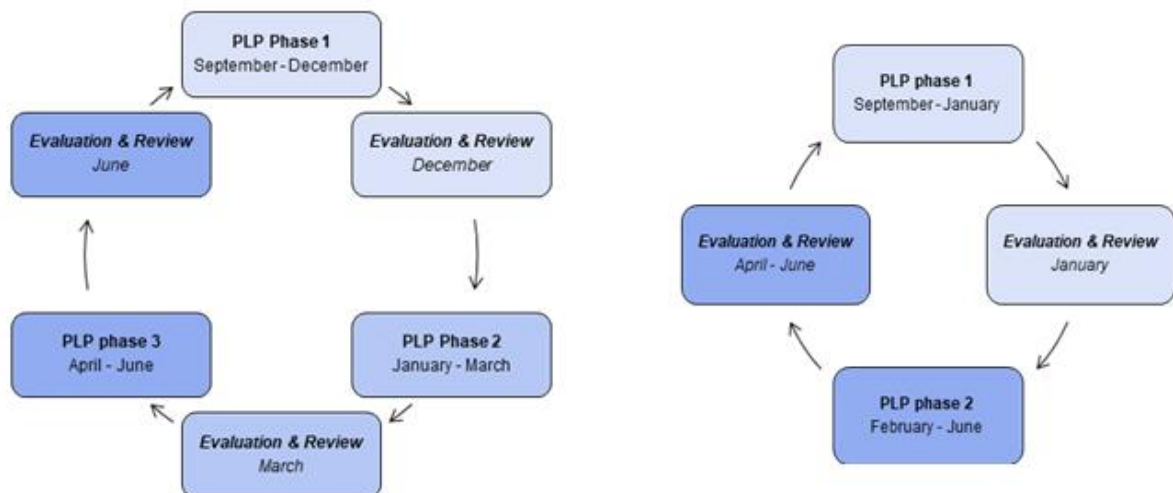
Review of the Current PLP Phase

3.83 The PLP is a living document and should be kept under review. In the majority of cases there may not need to be a formal meeting for mid-phase amendments. Schools should review each phase of the PLP:

- At least termly in nursery settings – possibly more frequently if the nursery setting chooses to do so for specific children.

- Ideally termly in primary settings - possibly more frequently for some children.
- Ideally twice a year in post-primary settings - possibly more frequently for some children.

Diagram 3.15 Example Phase Reviews of the PLP



3.84 The LSC should maintain close liaison with the child's teacher(s) to ensure that the arrangements set out in the PLP are being implemented, monitored, evaluated and reviewed. To assist teacher monitoring of a pupil's PLP for example, if there is a job-sharing arrangement in a primary school or for subject teachers in post-primary settings, schools may use the PLP Monitoring Sheet available through SIMS - see **Annex 6 f**). PLP reviews need not be unduly formal, but it is important that the views of the child and the parents or young person on the pupil's progress are sought and taken into consideration. Flexibility exists within the PLP for example, where before a planned review, the child exceeds the intended outcome or the outcome needs to be amended (less or more) or there are other factors impacting upon the child's needs. It is the responsibility of the teacher(s) to make sure that the parent or young person is made aware if there is any substantial change to the PLP and, if appropriate, seek consent to share a copy of the PLP, for example if it is necessary to share the PLP as an information source and evidence base for an EA service request.

Sharing a copy of a PLP

3.85 The PLP is both a statutory requirement and a key record for the school's graduated response in relation to a child's progress. It should also be used as a key information source when:

- The EA is considering what resources, support and advice is required for a child at Stage 2.
- The EA is seeking educational advice and information for the purpose of statutory assessment.
- If a school or parent or young person is seeking a statutory assessment.

Key Point: The PLP is the school's main evidence source for use by EA in providing SEN services and for the purpose of statutory assessment.

3.86 As per Article 8 (for ordinary schools) and 8ZA (for special schools) of the 1996 Order, a Board of Governors must seek to obtain the consent of the pupil concerned (if the pupil is a young person) or the parent in every other case, before sharing a copy of the PLP with another school.

3.87 When a child with SEN is transferring schools, the Board of Governors of the child's current school is required to seek the consent of the young person or the parent to provide a copy of the PLP to the new school. In seeking consent, the school should emphasise the benefits of sharing the PLP, including that it:

- facilitates a new school's understanding of the nature of a child's SEN and the actions already taken to help the child, including those to which the child has responded positively; and
- provides a sound basis for the new school from which they can develop a new PLP.

Key point: A school is required to seek consent to share a copy of a pupil's PLP with another school and provide a copy to the new school at which the child has become registered.

3.88 Following a child becoming registered at the new school, **on request from that school**, and, subject to consent, the former school is required to provide a copy of the child's PLP to the new school.¹⁶ As an educational record, the copy of the PLP should be provided within 15 school days following the day in which the request for the PLP was received.¹⁷ . In the event that consent is not secured, a copy of the PLP should not be provided to the new school. It remains the duty of the Board of Governors of the new school to prepare a PLP informed by the child's previous PLP, or in its absence.¹⁸

3.89 In all other circumstances where the school identifies the need to or is asked to share the PLP, the General Data Protection Regulations (GDPR) will apply. For example, the school may identify it needs to: seek additional EA support (paragraph 3.44), through the EA's plan of arrangements for special educational provision; or request a statutory assessment for a child (paragraph 3.53). In these circumstances under GDPR the school must also seek parental or young person consent to share a copy of the PLP.¹⁹ As per Article 7 of the GDPR, the request for consent must be presented in an intelligible and easily accessible form, using clear and plain language. In other words it must be informed consent. It must be made unequivocally clear for what purpose the child's personal information (i.e. as contained in the PLP) is to be shared, for example to provide information as part of an EA service request. The PLP on SIMs will contain a log of the consent to share (where given). This consent log has been designed to include a number of valid and specific scenarios where the PLP may be shared; for example, with another school (where the child is moving schools), or with the EA (for example, to request a Stage 2 service). These scenarios include "who" the PLP is to be shared with and "why" and is consistent with both Article 6(1)(a)

¹⁶ Article 8 and 8ZA of the Education (Northern Ireland) Order 1996.

¹⁷ This approach is in line with Regulation 9 of the Education (Pupil Records and Reporting) (Transitional) Regulations (Northern Ireland) 2007 (S.R. 2007 No.43).

¹⁸ Article 8(1C) and 8ZA(5) of the Education (Northern Ireland) Order 1996.

¹⁹ Such as other schools, other education settings, EA educational psychology and EA SEN Services.

of the GDPR and also with the Information Commissioner’s Office (ICO) guidance, namely that **consent should “be specific and ‘granular’ so that you get separate consent for separate things. Vague or blanket consent is not enough.”**²⁰

3.90 Where consent to share the PLP (for a particular purpose) has been already secured and recorded, if there is a change in circumstances, the consent in the PLP should be updated. For example, where a child reaches the age where they can consent for themselves (although previous parental consent will not automatically expire). In the event of large cohorts of children transferring from one educational phase to another²¹, for practical purposes schools may wish to seek consent to share a child’s PLP in advance of children moving school. For example, transfer from primary to post-primary school. While minimising bureaucracy, when a PLP is created at the beginning of the academic year it would be timely to request prior consent from the parent even though the post-primary school will not be confirmed at this stage of the transfer process. In line with paragraph 3.88 it remains the case however, that even where consent to share is in place, a school should not share a copy of a PLP until after it receives a request to do so from the new school where the child has become registered. Further detailed guidance on the sharing of the PLP may be obtained from the EA.

Key point: Where consent to share a PLP with a new school is in place, the outgoing school should not share a copy of a PLP until after it receives a request to do so from the new school where the child has become registered

Medical Register

3.91 Drawing from DE’s *Guidance on Recording SEN and Medical Categories* <https://www.education-ni.gov.uk>, the person responsible for maintaining the school’s Medical Register should record any appropriate medical category on the school’s SIMS Medical Register. The medical categories are designed to assist schools in deciding the most appropriate medical category/categories for individual pupils with a

²⁰ See <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/consent/>.

²¹ Under the open enrolment admissions process.

medical diagnosis. The updated Medical Register should be shared with all appropriate staff, in particular, the principal and the Head of Pastoral Care.

School SEN Policy

3.92 Each school must have a SEN policy for the provision of education for children with SEN. It is one of a suite of educational policies which the school should have in place, and is a core element of whole school effective delivery of the SEN Framework. **Annex 7** sets out the required content of the SEN policy which must be comprehensive, accurate, fit for purpose and linked to the School Development Plan (SDP) (see paragraph 3.93) process²² and the school's Accessibility Plan. (See paragraph 3.96).

Key point: Every school must have a SEN policy for the provision of education for children with SEN.

3.93 While the responsibility for developing the SEN policy lies with the school's governors, in co-operation with the principal, key staff including teaching staff should be involved in its development and all school staff should be familiar with and apply its SEN procedures. Through setting out clearly what the school will do with regard to SEN, this approach will provide for transparency, shared accountability, whole school ownership and provide a sound baseline for ongoing self-evaluation of the school. In so doing, the school's governors may establish evaluation criteria for the various aspects of its policy, and consult other schools and relevant support services. The LSC summary feedback form provided in **Annex 8** should be used to inform the evaluation of SEN within the school. The effectiveness of the SEN policy should be in line with the DE *A Guide for School Governors* found on the DE website <https://www.education-ni.gov.uk>, and be subject to a regular cycle of monitoring, evaluation and review including ratification by the Board of Governors. The school should consider whether amendments to its policy are needed in the light of the evaluation.

²² Article 13(3) of the Education (Northern Ireland) Order 1998 (the 1998 Order).

School Development Plan

3.94 Self-evaluation²³ is an integral part of the school development planning process. Schools should ensure that robust internal evaluation procedures are in place which take cognisance of their SEN policy and SEN resources (school staff, financial and physical resources and relevant external guidance, advice and training). This includes ongoing monitoring and evaluation of:

- the effectiveness of the school's special educational provision drawing out development opportunities and areas of improvement identified regarding the school's special educational provision map (see paragraph 3.23) and the EA plan of arrangements for special educational provision (see paragraph 2.17); and
- levels of awareness of the school's SEN policy and procedures and training and professional development of its staff including non-teaching staff to help them support the teacher and work effectively and improve outcomes for pupils with SEN.

3.95 Any priority SEN related training needs or other school improvements should be included in the School's Development Plan (SDP) and be supported by ongoing SEN action plans focusing on the steps to be taken to realise the identified training needs and improvements. Schools and the EA should consider the particular training requirements of: the Board of Governors; the whole school; the LSC; individual teachers; and adult assistants (who work with children who have a SEN). Within the context of SEN related school improvement, schools should ensure that:

- effective practices gleaned from external guidance, advice and training to address a child's SEN are implemented, factored into the school's Special Educational Provision map and disseminated across the whole school; and
- opportunities are provided for LSC collaboration and networking to discuss and

²³ ETI Inspection and Self Evaluation Framework 2017.

share good practice in the delivery of the LSC role and special educational provision.

Accessibility Plan

3.96 For practical guidance and the school requirements associated to accessibility planning see Section 14 paragraph 14.18. The focus in the school's accessibility plan is to:

- increase the extent to which disabled pupils can participate in the school's curriculum;
- improve the physical environment of the school to increase the extent to which disabled pupils are able to take advantage of education and associated services provided or offered by the school; and
- improve the delivery to disabled pupils of the information which is provided in writing to pupils who are not disabled. This should be completed within a reasonable time and take into account their disability and any preferences expressed by them or their parents.

Key point: Every school must prepare, implement, review and revise, as appropriate, a written Accessibility Plan for increasing accessibility to school premises and to the curriculum and in improving the way that written information is provided for children with disabilities.

School information on SEN

3.97 Through its **Annual Report** every nursery, primary, post-primary school and special school must report annually to parents the steps taken to implement the school's SEN policy (see paragraph 3.92). Schools should make the information contained in the school's SEN policy available in the **school prospectus**²⁴ and otherwise as appropriate. The information that the school's annual report should

²⁴ Education (School Information and Prospectuses) (Northern Ireland) Regulations 2003.

provide is detailed below in Information Box 3.1:

Information Box 3.1: SEN Policy Information to be included in a School's Annual Report

School Annual Report - report on the success of its SEN policy and arrangements for the admission of pupils with a disability including:

- arrangements & responsibility for co-ordinating special educational provision in the school;
- arrangements for informing parents & young people about handling disagreements regarding a pupil who has, or may have, SEN;
- any significant changes in the policy;
- the outcome of any consultation on the policy which has taken place with the EA, CCMS and other schools;
- the success of the SEN action, as part of the School Development Plan cycle;
- SEN resources allocated over the year; and
- the school's arrangements for the admission of disabled pupils to the school; the steps taken to prevent disabled pupils from being treated less favorably than other pupils; the facilities provided to assist access to the school by disabled pupils; and the accessibility plan for the school.

3.98 In commenting on the success of its SEN policy for the annual report, the school's governors should consider the effectiveness of the school's:

- a) teacher workforce taking all reasonable steps (paragraph 14.42) in the identification and making provision for those pupils who have SEN;
- b) application of the arrangements set out in the Code;
- c) special educational provision in effecting improvement in progress and outcomes;
- d) special educational provision mapping;
- e) arrangements for creating, monitoring and review of PLPs for each child with SEN and other record keeping including the SEN Register; and
- f) the use which has been made during the previous year of SEN resources,

advice and support and training from EA services and outside agencies in relation to SEN.

Co-operation with Health and Social Care Authorities

3.99 Section 9 sets out the co-operation duties between education and health and social care²⁵ for children who have, or may have, SEN as required under the Children’s Services Co-operation Act (Northern Ireland) 2015 (CSC Act 2015) and the Special Educational Needs and Disability Act (Northern Ireland) 2016 (the 2016 Act). Effective action on behalf of children who have, or may have, SEN will often depend upon close co-operation between education and health and social care, who have statutory duties to help each other. Each HSC Trust should designate a person (‘designated person’) to act as a point of reference in dealing with parents, young people, officers of the EA and other professionals who might be involved with the child.

3.100 The CSC Act 2015 requires that the EA and HSC Trusts (as children’s authorities) must co-operate with each other and with schools (as children’s service providers) in carrying out any of their functions which contribute to the well-being of children and young people. They must co-operate by sharing information as necessary and in line with the relevant legislative requirements so that everyone involved in addressing the SEN of a child works in partnership with one another.

Key point: Sharing information about a child or young person must be appropriately managed in terms of authorisations, for example, making it clear in privacy notices that the data subject’s personal information will need to be shared with other organisations.

²⁵ The term “health and social care authority” means a health and social care trust and the Regional Health and Social Care Board established under Article 10 of the Health and Personal Social Services (NI) Order 1991.

Child Health Services

3.101 Where a school suspects that a pupil's difficulty may be related to a medical condition, disability or developmental delay, it should speak to the parent or young person to establish if there is a known medical condition, disability or developmental delay. The child may be involved with a range of services, e.g. paediatricians (hospital or community), Allied Health Professionals (AHPs) etc. If appropriate, the school should suggest that the young person or child's parent (in any other case) consults the child's GP or other appropriate medical professional. If relevant, consent should be sought for the school to make contact with the child's GP. If a problem is confirmed, the GP should notify the HSC Trust designated person through their agreed procedures.

3.102 The school may wish to provide the parent or young person with a summary of the concerns which can be used to help the child's GP make an informed decision about whether the child or young person needs referred to, for example, a Child Development Clinic. If the school has a discussion with the parent, and the child is already known to some service(s) then a similar note can be shared with the treating consultant/AHP if deemed relevant.

3.103 While not exhaustive, medical concerns that may be encountered by schools include:

- a) Conditions such as hearing or visual impairment which may, if undiagnosed, lead to the child losing interest and becoming alienated.
- b) Children with identified medical needs will not necessarily have an associated learning difficulty but the consequences of their illness or condition often combined with parental anxiety may lead to difficulties if there is not close collaboration between the schools, the relevant child health services, and parents.

- c) Children's progress may also be affected by emotional and behavioural difficulties, sometimes related to periods of depression or other mental health problems.
- d) Schools may also identify signs of eating disorders such as anorexia or bulimia.
- e) Children may be affected by peer relationships such as bullying or difficulties in establishing personal relationships, which may be associated with emotional and social difficulties and may affect the child's future health, development and education.
- f) There may be concerns about a presentation suggestive of an Autism Spectrum Disorder.
- g) Impact of medication – when a known medical condition is managed by medication there may be secondary effects or occasional side effects which may adversely influence the child's ability to participate fully in classroom activities and benefit from the provision being made.
- h) Children may be receiving treatment for diseases, such as childhood cancers, which will periodically affect their ability to participate fully and regularly in the school's curriculum and other arrangements.

3.104 In keeping with the approach outlined in paragraph 3.28 about where the school has a concern that a child may have SEN, schools should seek to ensure that their pastoral care arrangements provide opportunities for pupils/carers to discuss health-related and other problems with their teachers and the relevant professionals. See DE website <https://www.education-ni.gov.uk>, for pastoral care guidance. They should liaise closely with the child's family in providing maximum support for the child. Some HSC Trusts may have a named Doctor for each school (not necessarily the designated medical officer for the Statutory Assessment process) and the pastoral care teachers should familiarise themselves with paediatricians and school nurses locally who may have links with the school.

Key point: Medical information about a child should not be disclosed without the consent of the parents and, where they have sufficient understanding, the child.

Social Care

3.105 Exceptionally, children under 16 who are judged to be competent by their doctors, may give consent independently of their parents. When a HSC Trust first forms an opinion that a child may have SEN, the HSC Trust professional may alert parents and children to the possibility that they will be asked to give information to schools and the EA. The HSC Trust may secure the necessary explicit consent to the disclosure of HSC Trust information about the child at this stage in line with Data Protection requirements.

3.106 HSC Trusts have statutory duties to provide services for children regarded as being 'in need', as defined in the Children (Northern Ireland) Order 1995 (the Children Order). Where such children also have SEN, the Children Order allows an integrated approach to be taken to meet their educational, health and welfare needs. The co-operation of schools is required where children are 'in need' or at risk of significant harm (for example, through abuse), although this would not automatically mean that the child has SEN. This is particularly true for the child who is looked after. (See paragraph 10.24).

3.107 Children living away from home may have had disrupted school lives because of frequent moves; they may have experienced trauma through family breakdown or ill-health and the disruption of moving from a known area; or they may have experienced homelessness with frequent moves between short-term accommodation. Such children will need careful observation and support should the school have a concern that the child may have SEN. (See paragraph 3.28).