

2ND
EDITION

KEY ISSUES
IN SPECIAL
EDUCATIONAL
NEEDS &
INCLUSION

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INTRODUCING SEN

CHAPTER OBJECTIVES

- To introduce the concept of SEN and the scale of the issue in England.
- To define the differences between SEN and special needs.
- To provide an overview of how SEN legislation is employed throughout the UK.

Introduction

This chapter will introduce you to the concept of special educational needs (SEN). It will include definitions of SEN and special needs and will outline the scale of the issue in England. It will also provide a brief overview of how processes of SEN are operationalised in Wales, Scotland and Northern Ireland. In addition, it will provide you with a number of case studies that will help you to develop a better understanding of these key concepts. The final section of the chapter suggests additional reading and offers practical activities that will further develop your knowledge and understanding of SEN and inclusion.

DEFINING SEN IN ENGLAND

Clause 20 of the Children and Families Act 2014 denotes that a child or young person has a SEN when he or she has a learning difficulty or disability that calls for special educational provision to be made for him or her.

According to the Act, a child or young person has a learning difficulty if he or she has:

- a) significantly greater difficulty in learning than the majority of others of the same age; or
- b) disability that prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools.

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Following a formal assessment under Section 37 of the Children and Families Act 2014, a local authority may issue an Education, Health and Care Plan (EHCP). This is a legal document specifying the child's needs, the special educational provision required and the outcomes that will be sought for that child.

The phrase 'SEN' was coined by the Warnock Report of the late 1970s (DES, 1978). Previously, children had been labelled by the employment of ten categories of 'handicap' set out in the regulations of the 1944 Education Act (see Chapter 3).

The ten categories of 'handicap' defined by the 1944 Education Act were:

- blind
- partially sighted
- deaf
- delicate
- diabetic
- educationally subnormal
- epileptic
- maladjusted
- physically handicapped
- speech defect.

The Warnock Report in 1978, followed by the 1981 Education Act (DES, 1981), altered the conceptualisation of special education by emphasising that a child's educational need should be prioritised first and not their individual learning disability or impairment. Today, in the context of educational provision, the term SEN has a legal definition that refers to children who have learning difficulties and/or disabilities, which make it more difficult for them to learn or access education than most children of the same age.

The Children and Families Act (DfE, 2014a) (see Chapter 7 for further details) offers guidance that helps teachers and other professionals make decisions upon whether a child has a SEN. For example, it states that:

A child or young person does not have a learning difficulty or disability solely because the language (or form of language) in which he or she is or will be taught is different from a language (or form of language) which is or has been spoken at home. (Section 20[4])

Furthermore, clause 77 of the Act creates a Code of Practice (henceforth referred to as the ‘Code’), which relates to children from 0–25 years of age and provides advice to local authorities, maintained schools and early years educational settings on how to identify, assess and make provision for children’s SEN so as to ensure that ‘all children achieve their best, become confident individuals living fulfilling lives; and that they make a successful transition into adulthood’ (DfE, 2014b: 58). Teachers and professionals must have regard for the Code in all the work they do with children and young adults with SEN. The Code indicates that a child or young person’s needs may fall into at least one of four broad categories:

1. communication and interaction
2. cognition and learning
3. social, mental and emotional health
4. sensory and/or physical needs.

The Code also details that behavioural difficulties do not necessarily mean that a child has a SEN (DfE, 2014b). The Code does make it clear though that when behaviour is consistently disruptive or a child has become withdrawn, this can be a sign of an unmet SEN.

The four categories are sub-divided into:

1 Communication and interaction

- **Speech, language and communication (SLCN)** – these children find it more difficult to communicate with others and may have difficulties in taking part in conversations.
- **Autistic spectrum disorder (ASD)**, including Asperger’s syndrome and autism. These children have difficulty in communication, social interaction and imagination. In addition, they may be easily distracted or upset by certain stimuli, have problems with change to familiar routines or have difficulties with coordination and fine-motor skills.

2 Cognition and learning

- Children with learning difficulties will learn at a slower pace and may have greater difficulty in acquiring basic literacy or numeracy skills or in understanding concepts. They may also have speech and language delay, low self-esteem, low levels of concentration and underdeveloped social skills.
- Children and young children with a learning difficulty are at increased risk of developing a mental health problem and may need additional support with social development, self-esteem and emotional well-being.
- **Severe learning difficulties (SLD)** – children may have significant intellectual and cognitive impairments. They may have difficulties in mobility and coordination, communication and perception, and the acquisition of self-help skills.

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- **Profound and multiple learning difficulties (PMLD)** – these children have severe and complex difficulties as well as significant other difficulties such as a physical or a sensory impairment.
- **Specific learning difficulty (SPLD)** – a child may have a difficulty with one or more aspects of learning, including a range of conditions such as dyslexia (reading and spelling), dyscalculia (maths), dyspraxia (coordination) and dysgraphia (writing).

3 Social, mental and emotional health

- Children who have difficulties with their emotional and social development may have immature social skills and find it difficult to make and sustain healthy relationships. These may be displayed through them becoming withdrawn or isolated, as well as through challenging, disruptive or disturbing behaviour.
- Some children may have a recognised disorder, for example, attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), attachment disorder, autism or pervasive developmental disorder.

4 Sensory and/or physical needs

- There is a wide variety of sensory and physical difficulties that affect children and some of them may require special educational provision. It is this group that should be identified as having a SEN.
- Visual impairment (VI) or hearing impairment (HI) may require specialist support and equipment to access learning.
- Multi-sensory impairment (MSI) is a combination of visual and hearing difficulties, which makes it much more difficult to access the curriculum.
- Physical disability (PD) requires ongoing support and equipment to access all the opportunities available to their peers.

(DfE, 2014b: 97–8)

The four categories of SEN as defined in the Code are explained more fully in the case studies below.

CASE STUDY 1.1

Specific learning difficulties

Tendrya is ten and is a pupil in a class in an urban primary school. He is normally a well-mannered child and is a well-liked member of the class. Tendrya has satisfactory language skills and has very good conversational skills. Tendrya, however, does have difficulties in transposing and reversing numbers and struggles in most mathematical activities. Tendrya's teacher and parents have worked hard to

remediate these difficulties. To date, Tendrya is failing to make progress in his numeracy work in school. Recently, Tendrya has become agitated in numeracy lessons and his inability to keep up with the rest of the class is causing him intense frustration that often leads to incidents of poor behaviour. In view of Tendrya's difficulties he was referred to an educational psychologist for an assessment of his needs. The psychologist detailed that Tendrya was 36 months behind in his computational, directional abilities and in his ability to sequence instructions compared to that expected for a child of his age. It is interesting to note that Tendrya's father, when questioned about his maths work, stated that he had similar difficulties when he was at school.

In terms of the legislation it may be observed that Tendrya will require SEN provision because he has a 'discrepancy between achievement and his general intellectual ability'. If we examine the categories above, we observe that Tendrya would be considered under Section 2 (those of cognition and learning) and that his SEN would be described as a specific learning difficulty, namely that of dyscalculia.

CASE STUDY 1.2

Social, mental and emotional health

Ben is eight years old and a member of a class in a rural primary school. Ben has difficulty making and keeping friends, both at school and in his home environment. In addition, over the past six months Ben has become isolated and withdrawn. His class teacher reports that Ben is failing to achieve and often disrupts the class with outbursts of very challenging behaviour. She has also noticed that Ben has intense difficulties in sitting still and has an inability to concentrate on even simple tasks. Ben's mother has said that he has had difficulties at home with simple tasks such as dressing and feeding himself. Ben's mother is very concerned about her son's progress at school as well as his impulsive and challenging behaviour at home.

Ben is presenting with significant difficulties that are providing a barrier to his learning. In terms of the legislation Ben's behaviour is so severe that he would be classified as having a SEN that falls into the category of social, mental and emotional health. After several assessments by the educational psychologist and paediatric team, Ben was assessed as having the recognised impairment of ADHD.

CASE STUDY 1.3

Sensory and/or physical needs

Bethany is a very happy, polite and well-motivated pupil who is due to sit her GCSEs in two years' time. She is often to be found at the centre of any playground games and has a wide circle of friends. She likes nothing better than reading her

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favourite stories to her friends. Bethany's teachers had expected her to do very well in her forthcoming exams. However, recently Bethany's handwriting has become very untidy and she is becoming increasingly slow at copying work from the board during lessons. Her teachers have also noticed that she has been finding it more and more difficult to navigate around the school, and has fallen over several times both in the playground and at home. At a recent hospital assessment, Bethany was found to have a deteriorating eye condition. With this knowledge, the school has begun to make adaptations both to Bethany's classroom and her curriculum. The teachers have made sure that she always sits at the front of the class in lessons that involve reading from the board. They have also provided Bethany with large print books and with these she has rediscovered her love of reading.

For the purposes of the Code, Bethany would be classified as having a SEN that is sensory in nature. This is because her deteriorating eyesight is adversely affecting her ability to learn and her educational progress is therefore being restricted because of this.

SEN in Scotland, Wales and Northern Ireland

Within the UK the educational provision for children with learning difficulties broadly operates under similar legislative systems, although England and Wales are perhaps closest in terms of the operation of their legal and organisational systems. It is important to remember, however, that aspects of the Northern Ireland and especially the Scottish system can differ substantially from those observed within English schools.

For more detailed information that relates to the organisation of SEN support in Scotland, Northern Ireland and Wales, you will need to access the following links.

Scottish Executive: www.gov.scot/Publications/Recent

Northern Ireland Department of Education: www.deni.gov.uk/index/support-and-development-2/special_educational_needs_pg.htm

Welsh Assembly: <http://gov.wales/statistics-and-research/?subtopic=Special+educational+needs&lang=en>

Scotland

Until 2004, special education in Scotland was organised in a broadly similar manner to that in England. However, the legal framework in Scotland substantially changed in 2005 with the implementation of the Education (Additional Support for Learning) (Scotland) Act 2004. This Act, which was substantially amended in 2009, abolished the term SEN and replaced it with a much broader definition – that of ‘additional support need’. Additional support need, as defined by the Act, refers to a child or young person who would benefit from extra help in order to overcome barriers to their learning.

The Act stipulates that some children and young people may require additional support for a variety of reasons, such as those who:

- have motor or sensory impairments
- are being bullied
- are particularly able or talented
- have experienced a bereavement
- are looked after in social care surroundings
- have a learning difficulty
- are living with parents who are abusing substances
- are living with parents who have mental health problems
- have English as an additional language
- are not attending school regularly
- have emotional or social difficulties
- are on the child protection register
- are young carers.

For the most up-to-date edition of the Scottish Code of Practice, see:
www.gov.scot/Publications/2011/04/04090720/0.

Wales

In 2014 the system of educational provision in Wales was subject to a major review. This review produced a White Paper that outlined proposals to introduce a new legislative framework for supporting children and young people with additional learning needs. The proposed legislation attempted to provide uniformed provision for learners aged 0 to 25 and replace the terminology of SEN with additional learning needs. The proposed legislation also intended to replace Statements of SEN with a new Individual Development Plan. For the most up-to-date information, see: <http://wales.gov.uk/consultations/education/proposals-for-additional-learning-needs-white-paper/?lang=en>.

Northern Ireland

Special education in Northern Ireland was governed by the legal framework established within the Education (Northern Ireland) Order 1996 as amended by the SEN and Disability (Northern Ireland) Order 2005 (DoE, 2005). These orders place a duty for the provision for children with SEN upon the education and library boards and the boards of governors within mainstream schools. This Order increased the rights of children with SEN to attend mainstream schools and, for the first time, introduced disability discrimination laws for the whole of the education system in Northern Ireland. Similar to Scotland, Wales and England, the Department for Employment and Learning in Northern Ireland offers advice and guidance on how to operate a system for identifying and assessing children with

learning difficulties. This guidance is contained within a Code of Practice, which came into effect in Northern Ireland on 1st September 2005. However, as in Wales in 2014, the Code and legislation that govern SEN became subject to review.

SEN: the scale of the issue

In 1978, the Warnock Report (DES, 1978) initially estimated that as many as 20 per cent of children, during their time at school, might experience a SEN that would necessitate additional educational provision to be made. The report also estimated that around 2 per cent of all children and young people of school age may have an educational need that is so severe that they would require a Statement of SEN. Over 35 years later, data from the Department for Education (DfE, 2013a) revealed that in January 2013 some 229,390 pupils in England had Statements of SEN. The data also revealed that the figure of 2 per cent provided by the Warnock Report in relation to children who would require a Statement underestimated the numbers of children and young people who would need the highest level of special educational provision. The percentage of pupils with Statements in 2013 was 2.8 per cent, which has remained relatively unchanged for some five years (see Figure 1.1). However, it is of interest to note that the number of children with SEN who do not require a Statement has decreased from 18.2 per cent of children in January 2010 (see Figure 1.2) to 16.0 per cent (some 1.55 million children) in January 2013.

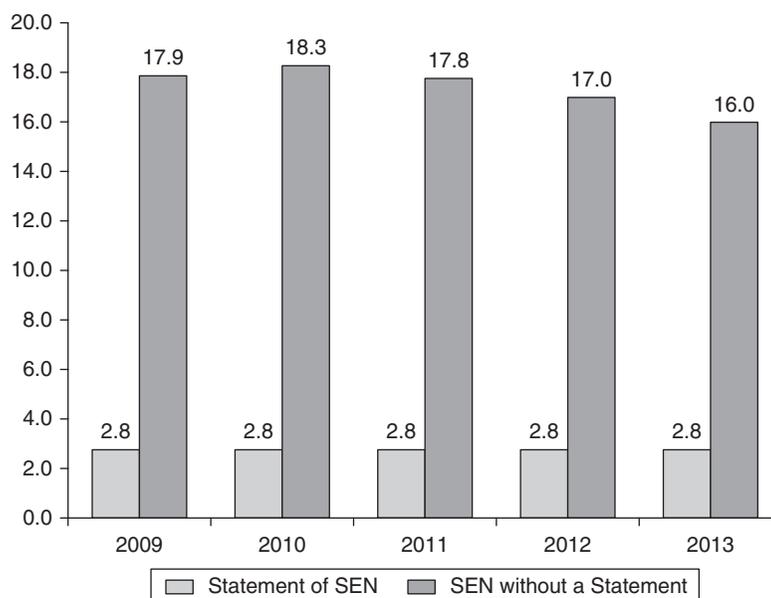


Figure 1.1 Percentage of pupils with SEN in schools in England

(source: DfE, 2013b: 1)

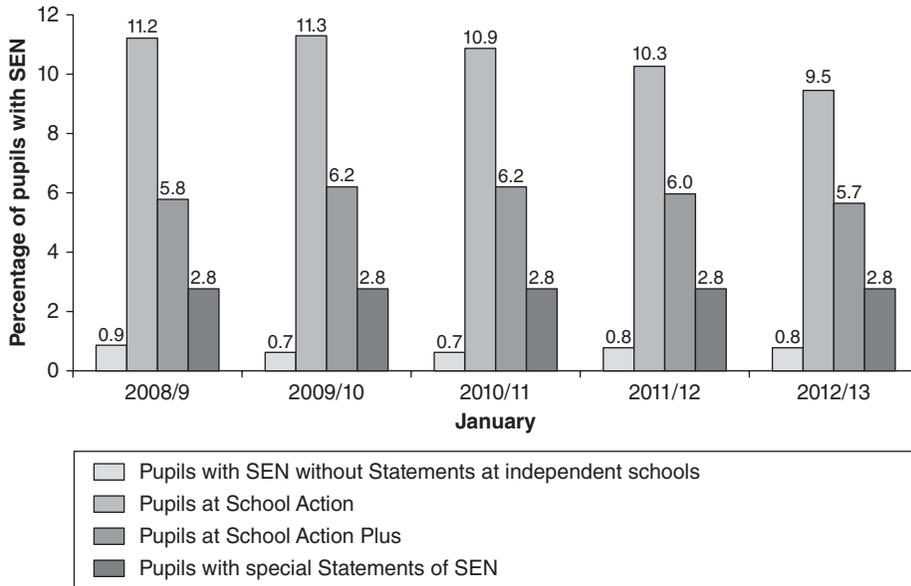


Figure 1.2 Percentage of pupils with SEN 2008/9 to 2012/13

(source: DfE, 2013c: 2)

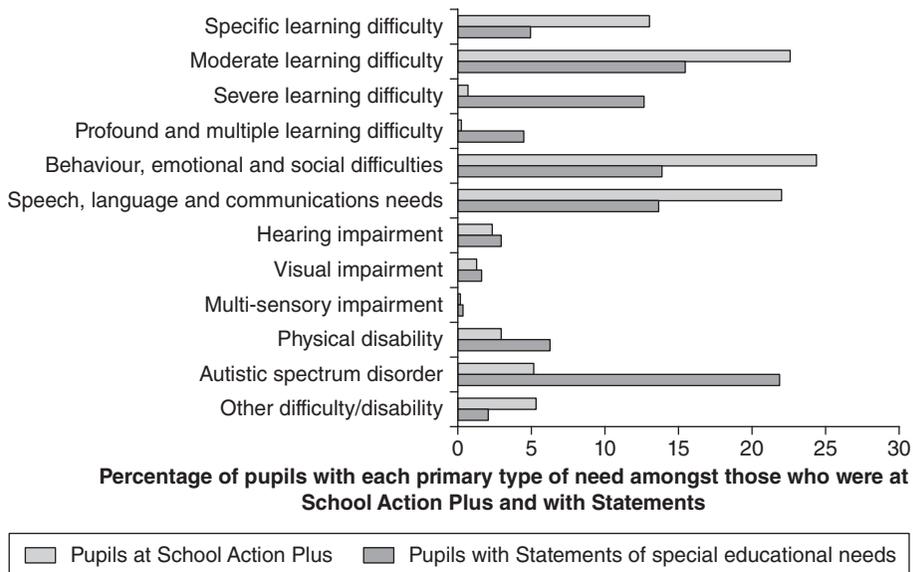


Figure 1.3 Percentage of pupils with each primary type of SEN in 2012/13

(source: DfE, 2013b)

Table 1.1 The age and gender of pupils with SEN in January 2013

	Pupils with SEN without Statements						Pupils with Statements											
	Boys			Girls			Total			Boys			Girls			Total		
	Number of pupils	% of school population	% of school population	Number of pupils	% of school population	% of school population	Number of pupils	% of school population	% of school population	Number of pupils	% of school population	% of school population	Number of pupils	% of school population	% of school population	Number of pupils	% of school population	% of school population
Pupils aged:																		
2 and under	525	2.6	1.3	245	1.3	1.9	770	1.9	1.9	15	0.1	0.1	5	0.0	0.0	20	0.1	0.1
3	10,555	8.0	3.6	4,620	3.6	5.8	15,175	5.8	5.8	405	0.3	0.3	220	0.2	0.2	625	0.2	0.2
4	38,165	11.9	5.5	16,860	5.5	8.8	55,025	8.8	8.8	3,650	1.1	1.1	1,460	0.5	0.5	5,110	0.8	0.8
5	58,725	18.9	9.5	28,405	9.5	14.3	87,130	14.3	14.3	4,690	1.5	1.5	1,870	0.6	0.6	6,560	1.1	1.1
6	68,320	22.7	12.2	35,120	12.2	17.5	103,440	17.5	17.5	5,430	1.8	1.8	2,090	0.7	0.7	7,520	1.3	1.3
7	70,555	24.0	13.2	37,305	13.2	18.7	107,860	18.7	18.7	6,220	2.1	2.1	2,305	0.8	0.8	8,525	1.5	1.5
8	71,240	24.8	14.3	39,405	14.3	19.6	110,645	19.6	19.6	7,095	2.5	2.5	2,570	0.9	0.9	9,665	1.7	1.7
9	68,460	25.2	15.0	39,100	15.0	20.2	107,560	20.2	20.2	7,430	2.7	2.7	2,700	1.0	1.0	10,135	1.9	1.9
10	64,120	24.7	15.0	37,465	15.0	20.0	101,585	20.0	20.0	8,270	3.2	3.2	2,905	1.2	1.2	11,175	2.2	2.2
11	515	27.2	18.8	285	18.8	23.5	800	23.5	23.5	245	13.0	13.0	100	6.7	6.7	345	10.2	10.2
12 and above	45	10.5	7.3	30	7.3	8.9	75	8.9	8.9	20	4.4	4.4	10	1.9	1.9	25	3.2	3.2
Total all ages	451,220	20.5	11.3	238,840	11.3	16.0	690,060	16.0	16.0	43,465	2.0	2.0	16,245	0.8	0.8	59,710	1.4	1.4

(source: DfE, 2013b)

In 2013, government data (DfE, 2013a: 2) denoted that two and a half times more boys than girls would have a Statement of SEN at primary school and at secondary school they would be three times more likely to have a Statement. Pupils who were entitled to free school meals and from certain cultural and ethnic backgrounds were also more likely to have a Statement of SEN.

Data (DfE, 2013a: 3) show that in January 2013, 30.6 per cent of children with SEN in state-funded primary schools had speech, language and communication needs, and that this was the most common need experienced in this phase of education. The most common need experienced in secondary schools was that of behavioural, emotional and social difficulties. Pupils educated in a special school were most likely to experience severe learning difficulties (24.7 per cent).

- A mainstream school is one that provides an education for all pupils, including those with SEN.
- A special school is normally one that provides an education for children who have an EHCP.

Summary statistics for schools in Scotland: www.gov.scot/Publications/2012/12/2355/15.

Summary statistics for schools in Wales: <http://wales.gov.uk/topics/statistics/headlines/schools2013/pupils-statements-special-educational-needs-january-2013/?lang=en>.

Summary statistics for schools in Northern Ireland: www.deni.gov.uk/index/facts-and-figures-new/education-statistics/32_statistics_and_research-numbersofschoolsandpupils_pg/32_education_and_library_board_level/statistics_and_research_elb_data_1213-2.htm.

SEN: a contested concept

In relation to individual children and the implementation of government legislation, deciding what is or is not a learning difficulty and what counts or does not count as a SEN can be difficult. For example, Terzi (2005) argues that the concept of SEN itself is difficult to specify and is in practice unworkable. Indeed, the Office for Standards in Education, Children's Services and Skills (Ofsted) in its review of special educational provision in 2010 found wide variations both within local authorities and within schools themselves in the number of children specified as having a SEN. It is also interesting to note that their investigations revealed an inconsistency as to how SEN were defined within schools in England. Moreover, Ofsted expressed a concern that some schools were employing the term SEN to

refer to those children who simply needed better teaching or pastoral support. It seems apparent that for some schools SEN are not defined solely in relation to children who have a learning difficulty.

In recent years, it has become apparent that educational professionals have been subject to difficulties and confusion in establishing the differences between disability/special needs and the definition of SEN itself (see Education and Skills Committee, 2006). A child, for example, may have a special need but might not actually have a SEN in terms of the Children and Families Act 2014. Many people do confuse SEN and special needs and this can result in serious consequences (Frederickson and Cline, 2002). For example, this form of confusion may lead to low expectations of achievement for all children whose first language is not English. In addition, difficulties in defining special needs and SEN may lead to confusion in planning support; for example, expecting the same staff to have an expertise in teaching English as a second language as well as teaching children with reading difficulties (Frederickson and Cline, 2009).

Special needs or SEN?

A child has a special need if they ‘come from a social group whose circumstances or background are different from most of the school population’ (Frederickson and Cline, 2002: 36). A special need may relate to any child, at any time, during their school career. So, for example, a child could have a special need if they have emotional or physical challenges not normally experienced by their peers; or if they have a history of physical abuse; or if they are a member of a religious or cultural group. The key difference between this concept and that of SEN is that a special need does not necessarily manifest itself as a barrier to learning. As such, a child with a special need would not normally need access to SEN provision as detailed within the Children and Families Act 2014.

READER REFLECTION

Using the information given in each of the case studies below and the detail offered above in relation to special provision, decide if each child has a SEN, special need or both.

CASE STUDY 1.4

Pamela

Pamela (aged 15) employs a walking frame to aid her mobility around her school. She really enjoys geography and swimming, but does not like having to learn her spellings for the English test that she has to take on a weekly basis.

CASE STUDY 1.5

Paulo

Paulo (aged eight) migrated to England with his family three months ago. He has a hearing impairment and has had difficulty in learning English during the time he has been in school.

In examining the case studies above you may have found that defining special needs and SEN can be a difficult thing to do. In the first case study, Pamela might be considered as having a special need because of her reduced mobility. Yet, while she might not enjoy having to learn her 'spellings', this would not be classified as being a barrier to her ability to learn. In the second case study, Paulo presents quite a different and rather interesting case, as he perhaps could have a special need as a result of being from a minority cultural group. In terms of the Children and Families Act 2014, though, Paulo's employment of English as a second language would not constitute a SEN. What is interesting here is that Paulo's inability to learn English is being complicated by his hearing impairment. If you examine the categories box on pages 5 and 6, it is clear that a hearing impairment would indeed be considered to be a SEN.

A further issue with the employment of the term SEN is that it has been argued that the definition itself is negatively linked with a medical view of disability. In addition, Frederickson and Cline (2009) believe that SEN is a problematic term because it is associated with negative conceptualisations and difficulties in decision making such as those denoted in the case studies above. Terzi (2005) suggests that the concept of SEN, rather than moving away from the notion of categorising children as Warnock (DES, 1978) envisaged, in reality does nothing more than introduce a new category – that of SEN! As such, any difficulty a child may have with learning may be seen by the professionals involved as resulting from personal deficit and difference, and not from the barriers created by such things as inaccessible buildings, inflexible curricula, inappropriate teaching and learning approaches, and school organisation and policies (we will discuss these ideas more fully in Chapter 2). This form of labelling is not only disrespectful and hurtful to the individual child but also has repercussions for the manner in which their learning is supported (CSIE, 2005). Despite these arguments, we must remember that the term SEN has, within the context of the English educational system, a legal status, and that it is a term that is commonly employed in the vast majority of state and independent schools.

Conclusion

Within this chapter, the definition of SEN was considered in terms of the legislation that governs England, Scotland, Northern Ireland and Wales. Recent data were detailed that determined how many children in England were considered to have

a SEN and these figures showed that males have a greater prevalence of SEN than do females. The final section of this chapter demonstrated the difficulties that professionals sometimes have in deciding whether a child has a special need or a SEN.

The student activities and further reading detailed below will help you to develop a much deeper understanding of the terminology and operation of SEN in our schools. They are also designed to make you question whether SEN is still a term that has use for children being educated in the twenty-first century.

STUDENT ACTIVITIES

- 1 With another student, discuss the definition of SEN as outlined in this chapter. Use the internet to contrast the definition of SEN in England with the definition of additional needs employed in Scotland.
- 2 Read Ofsted's (2010) *The Special Educational Needs and Disability Review – A Statement is Not Enough*, which is available at: www.gov.uk/government/publications/special-educational-needs-and-disability-review. Make a list of the problems that this review found with the employment of the term SEN.
- 3 Download the Nasen (2009) policy option paper *Special Educational Needs Has Outlived its Usefulness: A Debate*, which is available at: www.sen-policyforum.org.uk/ckeditor/plugins/doksoft_uploader/userfiles/2_SEN%20debate%20policy%20paper%20final%20March%202009.pdf. With other students, consider what the benefits and drawbacks are of the continued employment of the term SEN within an educational system. You may wish to use your reading and discussion to plan for a debate in one of your seminar sessions.

Further reading

Florian, L. (2013) *The Sage Handbook of Special Education* (vol. 1). London: Sage. Chapters 1, 2 and 4 of this text provide an expansive explanation and examination of the history and current developments of special education and SEN as well as an overview of its categories of need.

Galloway, D., Armstrong, D. and Tomlinson, S. (1994/2014) *The Assessment of Special Educational Needs: Whose Problem?*. London: Routledge.

Although somewhat dated, Chapter 1 of this text provides a fascinating read into the origin and meaning of the terminology of SEN.

Terzi, L. (ed.) (2010) *Special Educational Needs – A New Look. Mary Warnock and Brahm Norwich*. London: Continuum.

This text offers a critical examination of the principles and practices of SEN. The interest in this text lies in the fact that one of its main contributors is Baroness Warnock, who was a key architect of the SEN system we observe in operation in schools today.