



## **EDUCATION AND LIBRARY BOARDS**

### **DRAFT EQUALITY IMPACT ASSESSMENT OF THE PROVISIONAL CRITERIA FOR INITIATING STATUTORY ASSESSMENTS OF SPECIAL EDUCATIONAL NEED AND FOR MAKING STATEMENTS OF SPECIAL EDUCATIONAL NEED**

**June 2010**

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## **Executive Summary**

The five Education and Library Boards have decided to assess the potential impacts of the ‘Provisional Criteria for Initiating Statutory Assessments of Special Educational Need and for Making Statements of Special Educational Need’ (available on each of the Education and Library Board websites).

Section 75 of the Northern Ireland Act 1998 requires the Boards, in carrying out their functions, to have due regard to the need to promote equality of opportunity between:

- people with different religious beliefs;
- people from different racial groups;
- people of different ages;
- people with different marital status;
- people with different sexual orientations;
- men and women generally;
- people with or without a disability;
- people with or without dependants; and
- people with different political opinions.

In addition, but without prejudice to the duty above, the Boards shall in carrying out their functions have regard to the desirability of promoting good relations between people with different religious beliefs, political opinions or racial group.

The primary function of this draft Equality Impact Assessment (EQIA) is to determine the extent of the differential impact of the proposed policy change on Section 75 categories, and groups within those categories, and to determine whether that impact is adverse<sup>1</sup>, i.e. whether the policy change negatively affects people within one or more of the equality groups.

The conclusion of the draft EQIA foresees no significant adverse impact on any of the Section 75 equality groups resulting from the proposal.

<sup>1</sup> ECNI Practical Guidance on Equality Impact Assessments

## Seeking Your Views

The five Boards are carrying out an EQIA on the potential impacts of the ‘Provisional Criteria for Initiating Statutory Assessments of Special Educational Need and for Making Statements of Special Educational Need.’

A key element of assessing the impacts of the proposed policy change is the consideration of evidence and information and the Boards would like to invite interested groups to provide their views and comments on the draft EQIA. You are invited to comment on this draft EQIA by **30 September 2010**.

The Boards would particularly welcome comments on any perceived adverse impact that this policy change may have on a particular group. Comments should be made preferably by using the questionnaire at **Appendix 1**.

Please note that your response may be made publicly available. If you do not wish to have your response made public, or if you would prefer it to be used anonymously, please indicate this when responding. See **Appendix 2**, which details the position in relation to the Freedom of Information Act.

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**Should you require this document in an alternative format, please contact the above address/contact numbers.**

This document is also available on all five Education and Library Board websites:

[www.belb.org.uk](http://www.belb.org.uk)

[www.neelb.org.uk](http://www.neelb.org.uk)

[www.seelb.org.uk](http://www.seelb.org.uk)

[www.selb.org](http://www.selb.org)

[www.welbni.org](http://www.welbni.org)

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## **1. Introduction and background**

The requirement for Education and Library Boards to make arrangements for an assessment of a child's special educational needs is prescribed by legislation – specifically the Education (NI) Order 1996 ('the 1996 Order') and the Special Educational Needs and Disability (NI) Order 2005 (SENDO). In addition each Board has a statutory responsibility to make appropriate provision to meet the special educational needs of any child for whom it maintains a statement as set out in Article 15 of 'the 1996 Order'.

Since 1998 the five Boards have applied guidance from the Code of Practice (CoP) on the Identification and Assessment of Special Educational Needs (Department of Education 1998) and subsequently from the Supplement to the Code of Practice (2005) when making decisions about conducting Statutory Assessments and arranging special educational provision. While adhering to the same guidance it has been the case that each Board has been responsible for developing and applying its own criteria for initiating a statutory assessment of a child's special educational need (SEN). In practice Boards have liaised closely in relation to this with the result that the criteria have, in most cases, been similar across the Boards. However in recognising that certain differences had developed over a period of time, the Education and Library Boards' 'Association of Chief Executives', in November 2005, established a working group to review the criteria being used with the aim of establishing consistency of practice across all five Boards. The outcome of the working group's review has been the publication of the document (hereafter referred to as the policy), 'Provisional Criteria for Initiating Statutory Assessments of Special Educational Need and for Making Statements of Special Educational Need' (September 2009).

In this Equality Impact Assessment (EQIA) the five Boards have considered the duty not to discriminate (directly or indirectly) in respect of affected groups and also how the provisional criteria will promote equality of opportunity and good relations. An assessment of the perceived impacts and benefits of the provisional criteria on each of the Section 75 categories are set out in the following paragraphs. It should be noted however that a change to any aspect of the provisional criteria would be likely to impact on the overall effectiveness of the entire initiative. Therefore, the provisional criteria should be implemented as a whole in order to provide the equality of opportunity, explicitness and consistency of approach the policy aims to deliver across all identified areas of special educational need.

It should be noted that the criteria have been termed 'provisional' in recognition of the fact that they may require amendment should legislative changes be proposed as an outcome of the Department of Education's (DE) Review of Special Educational Needs and Inclusion, or, in the event of the EQIA indicating an unexpected adverse impact on any of the Section 75 categories.

## 2. Purpose and Aims of the Provisional Criteria

### 2.1 Purpose

The purpose of the policy is to make explicit the ways in which Boards will put into operation the guidance from the Code of Practice on the Identification and Assessment of Special Educational Needs with reference to the initiating of statutory assessments of special educational need and for making statements of special educational need.

### 2.2 Aims

The aims of the provisional criteria may be summarised as follows:

- to make explicit the ways in which the Boards apply the guidance from the Code of Practice;
- under Article 4 of ‘the 1996 Order’ to align the criteria with existing guidance provided in Appendix A of the CoP, DE (1998);
- to provide an explicit and common set of SEN criteria to be consistently applied across all Board areas;
- to cross reference the terms used in Appendix A of the CoP together with the Department of Education’s new set of terms as outlined in ‘Areas of Special Educational Needs – Recording Children with Special Educational Needs’ (2005).

## 3. Policy Outcomes and Success Indicators

The outcomes the provisional criteria seek to achieve are as follows:

- 1 A common and equitable approach in the assessment of SEN across the five Boards.

**Indicator** *All children residing and/or attending schools in Northern Ireland will be assessed within a common framework*

- 2 Published criteria for eight areas of SEN including moderate learning difficulties, severe learning difficulties including profound and multiple learning difficulties, specific learning difficulties, social emotional and behavioural difficulties, physical and/or medical difficulties, hearing difficulties, visual difficulties and speech and language difficulties.

**Indicator** *As published in the document and as evidenced in children’s psychology reports and statements of SEN*

- 3 Guidance on the statutory assessment of children who do not meet any of the explicit criteria but who experience a complex interaction of SEN.

**Indicator** *As published in the document and as evidenced in children's psychology reports and statements of SEN*

- 4 Specific guidance on the management of pre-school children with SEN.

**Indicator** *As published in the document and as evidenced in children's psychology reports and statements of SEN*

- 5 An explicit and transparent process for schools, parents and other service providers.

**Indicator** *As published in the document and as evidenced in documentation forwarded to Boards supporting requests for consideration of initiating a statutory assessment*

- 6 Clarity in the respective roles and responsibilities of schools and Boards in the assessment process leading to a reduction in inappropriate referrals.

**Indicator** *Reasonable adjustments and relevant and purposeful measures demonstrated and recorded at Stages 1-3 of the CoP will result in a high correlation between the number of requests from schools for consideration of initiating statutory assessment and those proceeding to the production of a statement as measured by Boards in reporting to DE*

- 7 Clear criteria for all personnel involved in the assessment of children and young people with SEN.

**Indicator** *A reduction in the time taken to approve requests for consideration of a statutory assessment as measured by the Boards*

#### **4. Consideration of Research and Available Data**

The Code of Practice on the Identification and Assessment of Special Educational Needs (CoP) addresses the identification, assessment and provision made for all children who may have special educational needs at some time in their school careers, or even earlier. The CoP was issued by the Department of Education under Article 4 of the Education (NI) Order 1996 and has been operative from 1 September 1998. In accordance with the Code schools, Boards, and others exercising relevant statutory functions need to be able to demonstrate, in their arrangements for children with special educational needs, that they are fulfilling their statutory duty under Article 4(2) of that Order to have regard to the CoP and, since 2005, to the Special Educational Needs and Disability (NI) Order 2005 (SEND0).

The provisional criteria for initiating a statutory assessment of special educational needs and for making statements of special educational need are therefore based on the guidance on the different categories of SEN as outlined in the COP. These SEN descriptors are recorded in full in the CoP pages 69-86.

The SEN descriptors in the Code are broadly in line with those used in education authorities across the UK and have been based on the premise outlined in the Warnock Report<sup>1</sup> that while the proportion of children with special educational needs will vary from area to area and from time to time, generally, about 20% of children may have special educational needs at some stage in their school careers. In nearly all cases, these needs will be met by their schools, if necessary with outside help (Stage 3 of the CoP). In only about 2% of cases should the child's needs be such as to require a statement of special educational needs.

## **5. Pre-Consultation Process**

Pre-consultation on the provisional criteria included:

- a Pre-Consultation Response pro forma issued in October 2009 aimed at assisting individuals and groups to submit their response on the equality implications of the provisional criteria;
- a questionnaire (see Section 8), issued to all grant aided schools in October 2009, inviting initial views on the policy.

### **(i) Pre-Consultation Response pro forma**

Five written responses were received by the return date of 27 November 2009 as follows:

- 'Friends', a local organisation representing disability;
- 'SENSE', representing deaf/blind and multi-sensory impaired children and adults;
- The General Teaching Council for Northern Ireland (GTCNI);
- The British Psychological Society, Division of Educational and Child Psychology (NI) (BPS/DECPNI);
- Disability Action.

<sup>1</sup> Warnock Report: Report of the Committee of Enquiry into the Education of Handicapped Children and Young People, May 1978

Respondents were, with one exception, of the view that the overall effect of the provisional criteria on equality of opportunity will be positive. Disability Action dissented from this view.

Five of the nine S75 categories were identified by the respondents as areas of potential adverse impact: Age, Dependants, Disability, Marital Status and Racial Group. These correspond closely with the grounds identified when the policy was screened for potential adverse impact ie Age, Gender, Disability and Racial Group.

Further contact with 'Friends' may be required to clarify the relevance of Marital Status to those impacted by the policy (as most are under 16 years of age) and on the connection of Age, Dependants and Disability to Rural Isolation and how specifically the policy adversely impacts on these categories.

The GTCNI response raised questions in relation to potential differential impacts on pre-school children as compared with school aged children and on children from the Traveller Community and other ethnic minorities. Though no evidence was provided it was suggested that if children are treated differently because of their age group and/or racial identity the impact of doing so would be adverse. The GTCNI response suggested that pre-school children (including those in voluntary and private pre-school provision) and children from Traveller and other ethnic minority groups are impacted differently and adversely.

In terms of the general adverse impacts of the provisional criteria the GTCNI identified these in terms of:

1. Access to assessment
2. Access to remedial support
3. Access to statements of educational need

The BPS/DECP (NI) response focused on issues around Age and Ethnicity including Irish Traveller children as potential areas of adverse impact supported by sourced research in the UK. It also included a useful suggestion for enhancing the impact of the criteria through parent-training and education as an example of 'relevant and purposeful measures.'

SENSE welcomed the initiative to encourage equality of access to statutory assessment for children with special educational needs, recognising that differences have developed in the approach of Boards to this issue over a period of time. As an organisation working with families across Northern Ireland they have been aware of the inconsistencies in relation to children who are deafblind/multi-sensory impaired living in different library board areas. SENSE also commented as follows:

- *the inclusion of clear guidance explicitly as part of the criteria should assist the new process for the professionals, families and young people alike;*
- *the fact that the provisional criteria recognises that a significant group of children in the population do not have a single educational need but have a range of needs creating a complex picture and requiring an integrated response;*
- *an **evidence-based approach** to recording and consideration of whether the present provision is effective will be very helpful;*
- *the concept of adequate progress described here is helpful;*
- *the section asking for consideration to be given at the outset to whether a “**pupil’s difficulties are significant and/or complex**” is very helpful. This may also assist children for whom standardised testing techniques do not tell the full story of the child’s difficulties;*
- *Explicit advice on the **pre-school children** is widely welcomed;*
- ***The section on “Complex Interaction of Needs: Guidance on Statutory Assessment”.** For deafblind/multi-sensory impaired pupils this recognition will be very important. In the past these children have often been categorised by a single impairment – an impossible decision to be asked to make and one which flies in the face of current understanding about special education. Where needs show a complex interaction there will now be guidelines to support the right approach for each child;*
- ***Appendix 2** The 7 areas of SEN and the categories will assist in the identification, recognition and support for a range of children – and increase the recognition of the needs of those who are deafblind/multi-sensory impaired including those children with rare conditions with genetic causes.*

Disability Action, in dissenting from the view that the affect of the provisional criteria on equality of opportunity will be positive, provided a specific commentary on the provisional criteria, raising concerns in relation to:

- Autistic Spectrum Disorder;
- measures of adequate progress;
- the definition of adequate progress relating to time spent away from mainstream classrooms or school;
- appropriate consideration being given not only to external support specialists but also parental views;
- the proposed changes leading to a reduction in statutory assessment and reliance on provision at Stage 3 of the Code of Practice; and thereby reducing statutory rights and burdening the limited resources of schools;
- the monitoring and measuring of additional provision awarded to schools and a lack of an appeal mechanism for any child who requires assistance but has not been given a statutory assessment;

- statutory assessment dependence on a period of provision by support services at Stage 3 of the Code of Practice. Concern was expressed that this may lead to individuals with specific learning disabilities who require statutory provision being delayed for extensive and undefined periods. It was suggested that provision be made for a fast track route when all medical, education and care parties are in agreement.

The EQIA Panel considered all of the responses received to the pre-consultation process in detail and replied individually to each respondent in order to provide clarification, specific responses to points raised and to express their appreciation of the helpful suggestions provided by some of the respondents.

In relation to potential adverse impacts the Panel concurred with the majority view that the affect of the provisional criteria on equality of opportunity will be positive but they took cognisance of views expressed in considering the potential impacts identified by respondents.

Further references to the comments received from the five S75 organisations that responded to the pre-consultation process, together with the panel's responses, are detailed throughout this report.

## **6. SEN Pupil Audit**

A central focus of the EQIA was the impact of the provisional criteria on SEN pupils in comparison with the previous criteria operated individually by the five Boards. It was therefore decided to identify a sample of those pupils referred for assessment prior to the development of the provisional criteria and to apply these criteria to these past cases, thereby generating comparative data. Equality data covering Age, Disability, Gender, Race, Religion and caring responsibilities in relation to the Dependants category was also gathered.

The following protocol was adopted by Boards in identifying the sample of pupils to be used in collecting the EQIA preliminary data with, where possible, the education management system in both the Educational Psychology Service (EPS) and Special Education Branch being utilised for this process:

1. The sample was drawn from all pupils assessed at Stages 3 and 4 by an Educational Psychologist between the dates 1 January 2006 and 31 August 2006. This data was available on the EPS education management system module.
2. The total sample size was 10% of pupils assessed during this period.
3. The target sample size for each of the main areas of SEN was determined by the percentage of pupils stated in each of the main areas. (Appendix 3). This data was

available on the Special Education Branch education management system module in the categories as set out in Annex 1 of the DE 'Guidance for Schools – Recording Children with SEN'. Some data was combined in certain cases to fit the pupil's primary need as set out in Section 6 of the Data Collection form. For example, Hearing Impaired was a combination of severe/profound hearing loss (SPHL) and mild/moderate hearing loss (MMHL) and similarly for Visual Impairment.

4. Some Categories of SEN have large percentages of pupils with statements e.g. MLD may comprise 40% or more of those with statements and will therefore comprise circa 40% of the sample while others will have very small percentages e.g. Visually Impaired and Hearing Impaired. In low incidence SENs the minimum number of cases on which data was collected was three.
5. Once the sample in each Board had been collected from the education management system in the form of names of pupils within each of the SEN categories i.e. not 'Areas' – see 'Guidance for Schools Recording Children with SEN', the total number of assessments at Stages 3 and 4 of the CoP, completed during the sampling period, was in the order of 1000 cases per Board. The sample size was therefore in the order of 100 selected from the 1000 per Board according to this protocol. Where all areas of SEN were not included in the sample the time period was extended backwards from 31 December 2005 to achieve inclusion of all SEN areas.
6. When the final list of names was completed the EPS individual pupil files were examined in order to complete the Data Collection Sheets. While it was relatively straightforward to consider each case against the 'old criteria' there was an issue which required close attention when considering the application of the new provisional criteria i.e. the new criteria have made more explicit Part B i.e. Relevant and Purposeful Measures and Reasonable Adjustments and Adequate Progress. Clinical judgement and a careful consideration of the available evidence were required to handle this issue.

A total of 426 returns were made from across the five Boards c.10% of the pupils assessed at Stages 3 and 4 by an Educational Psychologist between the 1 January 2006 and 31 August 2006 i.e. this timeframe precedes the development work done on producing the new provisional criteria.

The returns as detailed below have been presented in terms of the relevant Section 75 groups and in the five groups structured from the audit covering those which have been determined:

- A. Meet the new provisional criteria but NOT the previously used Board criteria.
- B. Meet the previously used Board criteria but NOT the new provisional criteria.
- C. Meet neither the previous or provisional criteria.
- D. Meet both criteria in the same SEN category.
- E. Meet both criteria but in a different SEN category.

### Section 75 Categories of the Audit

The Section 75 categories covered in the audit were Age, Gender, Race and Religion. The audit also sought information relating to Marital Status (School Aged Mothers) and Dependants (Caring Responsibilities). Disability was cross referenced from the pupil record. Information on Sexual Orientation and Political Opinion was not sought as most of those on the SEN register are under 11 years of age. The following data was obtained:

**Table 1 Age Distribution of Audit Sample**

<b>AGE GROUP</b>	<b>0-4</b>	<b>5-7</b>	<b>8-11</b>	<b>12-14</b>	<b>15-16</b>	<b>17-19</b>	<b>TOTAL</b>
<b>Number</b>	116	145	123	40	2	0	<b>426</b>
<b>Percentage</b>	27.2	34.0	28.9	9.4	0.5	0	<b>100%</b>
<b>Cumulative %</b>	27.2%	61.2%	90.1%	99.5%	100%	0	

The above data indicates that approximately 90% of referred children are assessed by age 11; over 99% are assessed by age 14 and less than 1% receive assessment later than that age. This is broadly in line with DE published data on Age and SEN.

**Table 2 Issue of Statements of SEN across Age Ranges 2008**

<b>School Year</b>	<b>Statements Issued*</b>	<b>% of Total</b>	<b>Key Stage</b>	<b>Cumul %</b>	<b>Age Range</b>
Pre-School	1540	17.9%		17.9%	-5
Year 1	1943	22.6%	<b>Key Stage 1</b>	59.1%	5
Years 2 & 3	1596	18.6%			6-8
<b>Years 4 -7</b>	<b>2806</b>	<b>32.7%</b>	<b>Key Stage 2</b>	<b>91.8%</b>	<b>9-11</b>
Years 8-10	634	7.4%	<b>Key Stage 3</b>	99.2%	12-14
Years 11 & 12	74	0.9%	<b>Key Stage 4</b>	100%	15-16

Source: DE EQIA: The Way Forward for SENs and Inclusion 2009; Table I

The above table indicates that:

- c. 91.8% of statements of special educational need are issued by age 11;
- 59.1% of statements are issued by age 8 but the biggest percentage of statements issued is in Years 4-7 covering ages 9-11.

The Age breakdown of the Audit sample is broadly in line with the SEN register.

## **DISABILITY**

According to a 2007 NISRA survey, 6% of children are affected by a disability. <sup>1</sup>Prevalence of disability is higher amongst boys than girls. Eight per cent of boys aged 15 and under were found to have a disability, compared with 4% of girls of the same age. The most common types of disabilities amongst children were linked to chronic illnesses, learning difficulties and social and emotional difficulties; all categories covered in the CoP and Audit sample.

As the ECNI document ‘Every Child an Equal Child’<sup>2</sup> notes, ‘In terms of attainment levels of disabled children and young people, there is an extremely limited amount of data available on educational outcomes and the terminology of existing datasets is ambivalent’.

The Annual Schools Census of 2007/08 was the first year in which the Department of Education asked post primary schools to record those pupils who had been assessed as having a disability.

Drawing from this data<sup>3</sup>:

- Just over 1% (251) of the 20,805 post primary children registered across the 5 stages of the current Code of Practice were recorded as having been assessed by a medical professional as having a disability;
- 4.3% (180) of post primary children with a statement (4186) were recorded as having a disability; and
- 0.09% (111) of the 126,775 post primary children without SEN were recorded as having been assessed as having a disability.

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<sup>1</sup> NI Statistics and Research Agency. First Report on the NI Survey of People with Activity Limitations and Disability (2007)

<sup>2</sup> ECNI. Every Child an Equal Child: An ECNI statement on Key Inequalities in Education (2008)

<sup>3</sup> DE EQIA Table K: Post Primary Pupils: SEN & Disability (2007/8)

## GENDER

**Table 3 Gender of Audit Sample**

Male	Female	TOTAL
283	143	426
66.4%	33.6%	100%

### Comment

In 2007/08, 50.5% of the total school population (including nursery classes) were boys and 49.5% were girls. However, the balance between boys and girls shifts in respect of children with SEN, with the SEN register being made up of 64% boys and 36% girls.<sup>4</sup>

On the SEN register across each of the 5 stages of the current SEN Code of Practice the gender difference is even more noticeable. At each of Stages 3, 4 and 5 respectively around three quarters (75%) are boys.<sup>5</sup>

The Gender breakdown of the Audit sample is broadly in line with the SEN register.

## RELIGION

**Table 4 Perceived Religious Belief (PRB) of Audit Sample**

Published Statistics	PERCEIVED RELIGIOUS BELIEF OF AUDIT SAMPLE				TOTAL
	Protestant	Catholic	Other	Non-Determined	
	181	213	2	30	<b>426</b>
	42.5%	50.0%	0.5%	7.0%	<b>100%</b>
<b>2007/8 School Enrolment</b>	39%	51%	10%		

### Comment

In 2007/08 some 51% (161,811) of the school enrolment is recorded as being Roman Catholic, 39% (123,787) Protestant and 10% (33,594) Other (Christian/non Christian/no religion/not recorded). Of children with SEN at primary, post primary and special schools, 53% (30,465) are recorded as Roman Catholic, 36% (20,808) as Protestant and 11% (6,061) as Other.

The PRB breakdown of the Audit sample is broadly in line with school enrolment.

<sup>4</sup> Source: NI School Census 2007/8/DE EQIA para.3.25

<sup>5</sup> Source: NI School Census 2007/8/DE EQIA para.3.26

As the audit sample covered those not receiving a statement of special educational needs there is a lack of alignment with the PRB for the SEN register.

## RACE

**Table 5 Race/ethnicity of Audit Sample**

Race	White	Pakistani	Chinese	Indian	Mixed Ethnic	Black/African	Black/Other	Other Races *	TOTALS
Number	419	1	1	1	2	1	1	0	<b>426</b>
%	98.4%	0.2%	0.2%	0.2%	0.5%	0.2%	0.2%		<b>100%</b>

\*'Other Races' included Bangladeshi, Irish Traveller, Black/Other and Other Ethnic Group/Specify. All had a zero return in the audit.

**Table 6 Pupils in Schools in Northern Ireland in 2007/8 by Ethnic Group**

School Type	White	Other Ethnic Groups	TOTALS
All Schools	318474 (98.0%)	6573 (2.0%)	325,293 (100%) *
Special Schools	4519 (98.0%)	92 (2.0%)	4611 (100%)

\*Includes special schools and hospital schools (246 pupils) Source: NI School Census 2007/8

**Table 7 Race/ethnicity in SEN Pupil Audit and SEN Register**

Race	White	Pakistani	Chinese	Indian	Mixed Ethnic	Black/African	Black/Other	Other Races *	TOTALS
SEN Audit Number	419	1	1	1	2	1	1	0	<b>426</b>
% age	98.4%	0.2%	0.2%	0.2%	0.5%	0.2%	0.2%		<b>100%</b>
2007/8 SEN Register #	55,980	35	137	132	249	56	39	706	<b>57,334</b>
% age	97.6	0.06	0.2	0.2	0.4	0.1	0.07	1.23	<b>100%</b>

\*'Other Races' in the audit included Irish Traveller, Bangladeshi, Black Caribbean and Other Ethnic Group/Specify. All had a zero return in the audit. #Source: NI School Census 2007/8

**Table 8 SEN Register Other Races 2007/8**

Other Race	Irish Traveller	Bangladeshi	Korean	Black/Caribbean	Other Ethnicity	TOTALS
Number	413	24	*	**	256	706 (1.23%)
% age	0.7	0.04	-	-	0.5	c.1.23%

\*less than 5 \*\*less than 10 Source: NI School Census 2007/8

## **Comment**

The Ethnic breakdown of the Audit sample is broadly in line with school enrolment and the SEN register in that all three represent a population that is around 98% White and 2% non White. Correlation with the SEN register 2007/8 on Chinese, Indian and Mixed Ethnicity is almost exact.

The audit however correlates less with other ethnicities, particularly those of Irish Traveller and Other Ethnicity. These groups along with Bangladeshi, Black Caribbean and Korean groups represented 1.23% of the SEN Register in 2007/8. It is somewhat of an anomaly that the second biggest ethnic group (Irish Travellers) on the SEN register failed to register in the audit, though this may be connected with the period covered in the audit i.e.2005/6, geographical factors and the size of the localized sample.

## **DEPENDANTS**

Number of School Aged Mothers/percentage of sample: None Recorded

Number of Young Carers/percentage of sample: None recorded

## **Comment**

The Pupil Audit sample appears to be fairly closely aligned to published data sets for the Section 75 categories and can therefore be relied upon to provide indicative data on the impact of the provisional criteria as compared with the Boards' previous criteria.

## **7. Application of Criteria to the Audit Sample**

**Table 9 Application of Previous and Provisional Criteria to the Audit Sample**

<b>Group A</b>	Meet the new provisional criteria but NOT the previously used Board criteria	<b>7</b>	<b>1.6%</b>
<b>Group B</b>	Meet the previously used Board criteria but NOT the new provisional criteria	<b>52</b>	<b>12.2%</b>
<b>Group C</b>	Meet neither criteria	<b>127</b>	<b>29.8%</b>
<b>Group D</b>	Meet both criteria in the same SEN category	<b>227</b>	<b>53.3%</b>
<b>Group E</b>	Meet both criteria but in a different SEN category	<b>13</b>	<b>3.1%</b>
	<b>TOTAL</b>	<b>426</b>	<b>100%</b>

The above data collected from across the five Boards indicates that 87.8% of pupils in the sample are either positively or neutrally impacted upon by the provisional criteria i.e. Groups A, C, D and E. For 12.2% i.e. Group B of the sample, the impact is negative. These pupils meet the previous criteria but not the provisional criteria. The majority of these pupils fell within the previous Learning Difficulties (Moderate Learning Difficulties) criteria as did a small proportion of pupils who have Speech and Language Difficulties, Specific Learning Difficulties and a further very small proportion of pupils with Physical/Medical, SEBD and Visual Impairment.

**Table 10 Age Profile across Groups A-E**

<b>Age Range</b>	<b>0-4</b>	<b>5-7</b>	<b>8-11</b>	<b>12-14</b>	<b>15-16</b>	<b>17-18</b>	<b>Total</b>	<b>% of Sample</b>
<b>Group A</b>	1 14.3%	4 57.1%	1 14.3%	1 14.3%	0	0	<b>7</b> <b>100%</b>	<b>1.6%</b>
<b>Group B</b>	9 17.3%	18 34.6%	22 42.3%	3 5.8%	0	0	<b>52</b> <b>100%</b>	<b>12.2%</b>
<b>Cumulative %age</b>	17.3	51.9	94.2	<b>100%</b>				
<b>Group C</b>	27 21.5%	60 46.2%	30 24.6%	10 7.7%	0	0	<b>127</b> <b>100%</b>	<b>29.8%</b>
<b>Group D</b>	79 34.8%	53 23.3%	67 29.5%	26 11.5%	2 0.9%	0	<b>227</b> <b>100%</b>	<b>53.3%</b>
<b>Cumulative %age</b>	34.8	58.1	87.6	99.1	<b>100%</b>			
<b>Group E</b>	0	10 76.9%	3 23.1%	0	0	0	<b>13</b> <b>100%</b>	<b>3.1%</b>
<b>Total</b>	116 27.2%	145 34.0%	123 28.9%	40 9.4%	2 0.5%	0	<b>426</b>	<b>100 %</b>
<b>Audit Cumulative %age</b>	27.2	61.2	90.1	99.5	<b>100%</b>	0	<b>426</b>	<b>100%</b>

The above data indicates that over 90% of referred children in Group B were assessed by age 11; 100 % are assessed by age 14.

The data also indicates that almost 90% of referred children in Group D were assessed by age 11; almost 99.1 % are assessed by age 14 and less than 1% receive assessment later than that age.

This is in line with the cumulative data on the overall sample and is broadly in line with DE published data on Age and SEN.

**Table 11 Gender Profile across Groups A-E**

<b>Gender</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Group A</b>	4 57.1%	3 42.9%	<b>7</b> <b>100%</b>
<b>Group B</b>	31 59.6%	21 40.4%	<b>52</b> <b>100%</b>
<b>Group C</b>	95 74.8%	32 25.2%	<b>127</b> <b>100%</b>
<b>Group D</b>	148 65.2%	79 34.8%	<b>227</b> <b>100%</b>
<b>Group E</b>	5 38.5%	8 61.5%	<b>13</b> <b>100%</b>
<b>Total</b>	283 66.4%	143 33.6%	<b>426</b> <b>100%</b>
<b>Groups A, D and E</b>	157 63.6%	90 36.4%	<b>247</b> <b>100%</b>
<b>SEN Register</b>	<b>64%</b>	<b>36%</b>	<b>100%</b>

### **Comment**

The Gender breakdown in Groups B and D and in the cumulated Groups A, D and E who would positively benefit from the new criteria is broadly in line with the SEN register.

The Gender breakdown in Categories B and D and in the cumulated Groups of A, D and E representing those who would positively benefit from the new criteria is broadly in line with the SEN register. Group C represents those who would not obtain a statement of special educational needs under either criteria and therefore would not be expected to be in line with the SEN register.

**Table 12 Race/Ethnicity across Groups A-E**

<b>Race</b>	<b>White</b>	<b>Pakistani</b>	<b>Chinese</b>	<b>Indian</b>	<b>Mixed Ethnic</b>	<b>Black/African</b>	<b>Black/Other</b>	<b>Other Races *</b>	<b>TOTALS</b>
<b>Group A</b>	7 100%	0	0	0	0	0	0	0	<b>7</b> <b>100%</b>
<b>Group B</b>	52 100%	0	0	0	0	0	0	0	<b>52</b> <b>100%</b>
<b>Group C</b>	123 96.9%	1 0.8%	1 0.8%	0	1 0.8%	0	1 0.8%	0	<b>127</b> <b>100%</b>
<b>Group D</b>	224 98.7%	0	0	1 0.4%	1 0.4%	1 0.4%	0	0	<b>227</b> <b>100%</b>
<b>Group E</b>	13 100%	0	0	0	0	0	0	0	<b>13</b> <b>100%</b>
<b>Total</b>	419 98.4%	1 0.2%	1 0.2%	1 0.2%	2 0.5%	1 0.2%	1 0.2%	0	<b>426</b> <b>100%</b>

\* 'Other Races' included Bangladeshi, Irish Traveller, Black/Other and Other Ethnic Group/Specify. All had a zero return in the audit.

### **Comment**

All groups are in line with the established 98% White, 2% Other Ethnic Group breakdown as published by DE.

There may however be a concern that no Irish Travellers registered in the audit sample given that there were 422 on the SEN register (2006/7), the first year figures were available from the NI School Census.

- 749 children from the Traveller community were in full time education;
- 56.3% of those attending school were on the SEN register. <sup>6</sup>

### **Table 13 Perceived Religious Belief (PRB) across Groups A-E**

<sup>6</sup> Source: NI School Census as published in DE EQIA Table P

Religion	Protestant	Catholic	Other	Non-determined	Total
<b>Group A</b>	5 71.4%	2 28.6%	0	0	<b>7</b> <b>100%</b>
<b>Group B</b>	28 53.8%	24 46.2%	0	0	<b>52</b> <b>100%</b>
<b>Group C</b>	65 51.2%	53 41.7%	1 0.8%	8 6.3%	<b>127</b> <b>100%</b>
<b>Group D</b>	80 35.2%	126 55.5%	1 0.4%	20 8.8%	<b>227</b> <b>100%</b>
<b>Group E</b>	3 23.1%	8 61.5%	0 0%	2 15.4%	<b>13</b> <b>100%</b>
<b>Total</b>	<b>181</b> <b>42.5%</b>	<b>213</b> <b>50.0%</b>	<b>2</b> <b>0.5%</b>	<b>30</b> <b>7.0%</b>	<b>426</b> <b>100%</b>
School Enrol 2007/8	<b>39%</b>	<b>51%</b>	<b>10%</b>		
SEN Register	<b>36%</b>	<b>53%</b>	<b>11%</b>		

Source: NI School Census 2007/8

The Audit sample for PRB in Group D is broadly in line with school enrolment and closely in line with the SEN register in terms of the main communities.

#### DEPENDANTS

- All returns for School Aged Mothers (SAMs) were negative
- All returns for 'Young Carer' were negative

**Table 14 Referred Pupil Primary Needs by Groups A-E**

SEN	Learning Difficulties		Specific Learning Difficulties	SEBD	Phy/ Med	HI	VI	Speech & Lang	CIN	TOTALS	
	PMLD/ SLD	MLD	Stage 5							SEN	Sample
<b>Group A</b>	-	1	-	-	-	-	-	1	5		7
<b>Group B</b>	-	31	6	1	4	-	2	8	N/A		52
<b>Group C</b>	-	-	-	-	-	-	-	-	-		127
<b>Group D</b>	31	69	19	25	33	13	9	28	N/A		227
<b>Group E</b>	-	2	-	2	-	-	-	-	9		13
<b>Total</b>	<b>31</b>	<b>103</b>	<b>25</b>	<b>28</b>	<b>37</b>	<b>13</b>	<b>11</b>	<b>37</b>	<b>14</b>	<b>299</b>	<b>426</b>

Note: Group C children would not receive a statement of special educational needs under either Board or provisional criteria.

**Table 15 Referred Pupil Primary Needs by Percentage and Ranking in Groups A, B, D, E**

<b>Primary Need/Sample</b>	<b>Number</b>	<b>%</b>	<b>Rank Order</b>
<b>PMLD/SLD</b>	31	10.4	4
<b>MLD</b>	103	34.4	1
<b>Specific LD (Dyslexia)</b>	25	8.4	6
<b>SEBD</b>	28	9.4	5
<b>Physical/Medical</b>	37	12.4	2
<b>Hearing Impaired</b>	13	4.3	8
<b>Visually Impaired</b>	11	3.7	9
<b>Speech &amp; Language Difficulties</b>	37	12.4	2
<b>Complex Interaction of Needs</b>	14	4.7	7
<b>TOTAL</b>	<b>299</b>	<b>c.100</b>	

Note: This amalgamation of Groups A, B, D and E represents all of those in the sample who would have had SENs recognised under either the previous, provisional or both criteria.

**Table 16: Referred Pupil Primary Needs by Percentage and Ranking in Groups B and D and E: Previous Board Criteria**

<b>Primary Need/Previous Board Criteria</b>	<b>Number</b>	<b>%</b>	<b>Rank Order</b>
<b>PMLD/SLD</b>	31	10.6	4
<b>MLD</b>	108	37.0	1
<b>Specific LD (Dyslexia)</b>	25	8.6	6
<b>SEBD</b>	27	9.2	5
<b>Physical/Medical</b>	37	12.7	3
<b>Hearing Impaired</b>	13	4.5	7
<b>Visually Impaired</b>	11	3.8	8
<b>Speech &amp; Language Difficulties</b>	40	13.7	2
<b>Complex Interaction of Needs</b>	N/A	-	
<b>TOTAL</b>	<b>292</b>	<b>c.100</b>	

Note: This amalgamation of Groups B, D and E represents all of those in the sample who would have had SENs recognised under the previous Boards' criteria.

**Table 17: Referred Pupil Primary Needs by Percentage and Ranking in Category A, D and E/ Provisional Criteria/Board Criteria**

Primary Need/Provisional Criteria	Number	%	Rank Order	
			PC*	BC**
<b>PMLD/SLD</b>	31	12.6	3	4
<b>MLD</b>	72	29.2	1	1
<b>Specific LD (Dyslexia)</b>	19	7.6	6	6
<b>SEBD</b>	27	10.9	5	5
<b>Physical/Medical</b>	33	13.4	2	3
<b>Hearing Impaired</b>	13	5.3	8	7
<b>Visually Impaired</b>	9	3.6	9	8
<b>Speech &amp; Language Difficulties</b>	29	11.7	4	2
<b>Complex Interaction of Needs</b>	14	5.7	7	N/A
<b>TOTAL</b>	<b>247</b>	<b>100%</b>		

*\*Provisional Criteria \*\*Previous Boards' Criteria*

This amalgamation of Groups A, D and E represents all of those in the sample who would have had SENs recognised under the new criteria only.

### **Comment**

As will be noted the ranking under the provisional criteria (PC) corresponds closely to that of the previous Boards' criteria (BC); in three cases this is exact and in all but one case the variance is of only one place. In the case of Speech and Language difficulties the creation of the new category 'Complex Interaction of Needs' will have had an impact on the Speech and Language category.

### **Conclusions**

Indications from the sampling exercise indicate that:

- 53.3% of those referred should continue to meet criteria set for the issuing of a statement of special educational needs;
- a further 3.1% should continue to meet the criteria but under a different SEN category;
- a further 1.6% should meet the new criteria who would not have met previous criteria;
- 29.8% of pupils meet neither criteria and have their needs met at the lower stages of the CoP.

Considering the above outcomes from the sampling exercise, 87.8% of pupils are not adversely affected by the provisional criteria ie approximately 58% of referrals should experience a positive outcome in terms of a statement of SEN with the provisional criteria having a neutral outcome on a further 29.8% of pupils.

The 12.2% (52) of the sample who would have previously met Boards' individual criteria but who would not meet the provisional criteria could be regarded as likely to experience a negative outcome. This group are characterised by the following SEN categories:

**Table 18 – Group B (Meet previous Board criteria but not provisional criteria)**

SEN Category	Number	% of group	Rank Order	Rank Order	
				PC*	BC**
PMLD/SLD	0	-	-	<b>3</b>	<b>4</b>
MLD	31	59.6	1	<b>1</b>	<b>1</b>
Specific LD: Stage 5	6	11.5	3	<b>6</b>	<b>6</b>
SEBD	1	1.9	6	<b>5</b>	<b>5</b>
Physical/Medical	4	7.7	4	<b>2</b>	<b>3</b>
Hearing Impaired	0	0	-	<b>8</b>	<b>7</b>
Visually Impaired	2	3.8	5	<b>9</b>	<b>8</b>
Speech and Language Difficulties	8	15.4	2	<b>4</b>	<b>2</b>
Complex Interaction of Needs	N/A	-	-	<b>7</b>	<b>N/A</b>
<b>TOTAL</b>	<b>52</b>	<b>100%</b>			

\*Provisional Criteria      \*\*Previous Board Criteria

**Comment**

Given the small numbers involved in this group it is difficult to come to any firm conclusions but there appears to be a broad alignment between the two criteria in the main SEN groups of MLD and SEBD.

This group is also characterised by the following Section 75 categories:

**Table 19 AGE/ Groups B and D by Age**

Age Group	0-4	5-7	8-11	12-14	15-16	17-18	Total	% of Sample
<b>Group B</b>	9 17.3%	18 34.6%	22 42.3%	3 5.8%	0	0	<b>52</b> <b>100%</b>	<b>12.2%</b>
<b>Cumul %</b>	17.3	51.9	94.2	<b>100%</b>				
<b>Group D</b>	79 34.8%	53 23.3%	67 29.5%	26 11.5%	2 0.9%	0	<b>227</b> <b>100%</b>	<b>53.3%</b>
<b>Cumul %</b>	34.8	58.1	87.6	99.1	<b>100%</b>			

**Comment**

The Age profile of Group B (those who would not receive a statement of special educational needs under the provisional criteria but would have under the previous criteria) is different from that of Group D (those who would receive a statement under both) in terms of its overall spread and peaks but it conforms closely with the cumulative pattern in that statements of special educational need would have been issued to almost 100% of referrals in both sets by age 14.

The peak in Group B is the 8-11 age-group whereas the peak in Group D is the 0-4 age-group indicating that the provisional criteria should provide for earlier intervention and statementing. It could be argued therefore that though there is a differential impact in regard to Age it is not an adverse impact given that a statement is issued on the basis of cumulative evidence that interventions up to Stage 3 have not been efficacious. It would appear from the cumulative pattern in Group B that while only 51.9% of referrals under the previous criteria would receive statements of special educational need by age 7; 58.1% of referrals in Group D would do so under the provisional criteria.

This data however can only be held to be indicative and a further and fuller exploration of data is required to be fully assured that there is no serious adverse impact from the provisional criteria related to Age.

## DISABILITY

The Annual School Census definition of disability is that a child ‘... has a disability if he or she has a physical or mental impairment which has a substantial and long term (has or is it likely to last 12 months or more) adverse effect on his ability to carry out normal day to day activities’.

In 2007/8 the Annual School Census provided the following data:

**Table 20 – Post Primary Pupils; SEN Stage & Disability (2007/8)**

Pupil recorded as having a disability	No SEN Total	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	With SEN Total	TOTAL Enrolment 2007/8
<b>NO</b>	126,775	7,353	6,306	2,960	202	3,984	<b>20805</b>	147,580
<b>YES</b>	111 (0.09%)	25	22	24	1	179	<b>251</b> <b>(1.2%)</b>	362 (0.25%)

Source: Source: DE EQIA: The Way Forward for SENs and Inclusion 2009; p.20/21 and Table K, Annex 5 p.61

2007/8 was the first year that the Department of Education asked post primary schools to record pupils who had been assessed as having a disability. NISRA carried out a household survey in 2007. The most common types of disabilities are linked to chronic illness, learning difficulties and social and emotional difficulties.

## Comment

Around 1.2% of the 2007/8 SEN school population had a confirmed disability. Applying this proportion to the Audit sample would indicate that c.5 cases out of the total of 426 in the sample of referrals would have a confirmed disability, most probably linked to physical and medical difficulties, learning difficulties and social and emotional difficulties.

In the case of Group B, applying this proportion would indicate that c.0.6 cases out of the total of 52 in Group B would have a confirmed disability, again most probably linked to physical and medical difficulties, learning difficulties and social and emotional difficulties.

In the case of Group D, applying this proportion would indicate that c.2.7 cases out of the total of 227 in Group D would have a confirmed disability, most probably linked to physical and medical difficulties, learning difficulties and social and emotional difficulties.

Rendering the Disability profile of Group B broadly in line with Group D, the total audit sample and other published data indicates that there is little evidence of a differential or adverse impact in relation to Disability.

This data however can only be held to be indicative and a further and fuller exploration of data is required to be fully assured that there is no serious adverse impact from the provisional criteria related to Disability.

## **GENDER**

**Table 21 Gender Profile in Groups B and D of the Pupil Audit with SEN Register**

<b>Gender</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Group B</b>	31 59.6%	21 40.4%	<b>52</b> <b>100%</b>
<b>Group D</b>	148 65.2%	79 34.8%	<b>227</b> <b>100%</b>
<b>SEN Register*</b>	<b>64%</b>	<b>36%</b>	<b>100%</b>
<b>Total Sample</b>	<b>283</b> <b>66.4%</b>	<b>143</b> <b>33.6%</b>	<b>426</b> <b>100%</b>

*\*Source: Annual School Census; DE EQIA p.14 Diagram 1*

## **Comment**

The Gender profile of Group B is broadly in line with Group D, the total audit sample and other published data which indicates a preponderance of males both being referred for and being provided with statements of special educational need.

There is therefore no evidence of a differential or adverse impact in relation to Gender.

This data however can only be held to be indicative and a further and fuller exploration of data is required to be fully assured that there is no serious adverse impact from the provisional criteria related to Gender.

## RACE

**Table 22 Race/Ethnicity in Groups B and D**

Race	White	Pakistani	Chinese	Indian	Mixed Ethnic	Black/African	Black/Other	Other Races *	TOTALS
<b>Group B</b>	52 100%	0	0	0	0	0	0	0	<b>52</b> <b>100%</b>
<b>Group D</b>	224 98.7%	0	0	1 0.4%	1 0.4%	1 0.4%	0	0	<b>227</b> <b>100%</b>
<b>Total Sample</b>	<b>419</b> <b>98.4%</b>	<b>1</b> <b>0.2%</b>	<b>1</b> <b>0.2%</b>	<b>1</b> <b>0.2%</b>	<b>2</b> <b>0.5%</b>	<b>1</b> <b>0.2%</b>	<b>1</b> <b>0.2%</b>	<b>0</b>	<b>426</b> <b>100%</b>

\*'Other Races' included Bangladeshi, Irish Traveller, Black/Other and Other Ethnic Group/Specify. All had a zero return in the audit.

## Comment

The Racial or Ethnic profile of Group B is broadly in line with Group D, the total audit sample and other published data i.e. Almost 98% White and 2% Other. There is therefore no evidence of a differential or adverse impact from the Provisional criteria in relation to Race or Ethnicity.

This data however can only be held to be indicative and a further and fuller exploration of data is required to be fully assured that there is no serious adverse impact from the provisional criteria related to Race

## RELIGION

**Table 23 Perceived Religious Belief across Groups B and D**

Religion	Protestant	Catholic	Other	Non- determined	Total
<b>Group B</b>	28 53.8%	24 46.2%	0	0	<b>52</b> <b>100%</b>
<b>Group D</b>	80 35.2%	126 55.5%	1 0.4%	20 8.8%	<b>227</b> <b>100%</b>
<b>Total</b>	<b>181</b> <b>42.5%</b>	<b>213</b> <b>50.0%</b>	<b>2</b> <b>0.5%</b>	<b>30</b> <b>7.0%</b>	<b>426</b> <b>100%</b>
School Enrolment 2007/8	<b>39%</b>	<b>51%</b>	<b>10%</b>		
SEN Register	<b>36%</b>	<b>53%</b>	<b>11%</b>		

## **Comment**

The Religious profile of Group B is not in line with Group D, the total audit sample and other published data.

There is therefore some evidence of a differential and possibly adverse impact on Group B in relation to Religion. This may however be due to the size of Group B as Group D is larger by a factor of almost 5 and is in line with the SEN register and school enrolment.

This data therefore can only be held to be indicative and a further and fuller exploration of data is required to be fully assured that there is no serious adverse impact from the provisional criteria related to Religion.

## **DEPENDANTS**

None recorded.

## **SAMS (MARITAL STATUS)**

None recorded.

## **Concluding Comments**

In acknowledging the 12.2 % ie Group B for whom the impact of the provisional criteria is negative it is recognised that there are a number of initiatives and developments in place to address the issues of concern. These include the following:

- The Northern Ireland Curriculum is in place and has been supported in its introduction by the Boards' Curriculum Advisory Support Service (CASS) which has provided training and support to teachers. This curriculum, especially in the Early Years and Foundation Stages, is very well suited to address the barriers to learning experienced by a wide range of children with special educational needs, especially those with moderate learning difficulties, because of its emphasis on play, socialisation, language and thinking rather than more formal learning.
- A further significant development in the Early Years, Foundation Stage and Key Stage 1 is the introduction of multi-agency support teams for schools. These teams are staffed by professionals from the Health Trusts and in some teams include teachers employed by the Education and Library Boards. These teams are available to provide services to teachers and children directly in schools, at Stage 3 of the Code of Practice. This removes the need for children to attend community based clinics and promotes the integration of multi-disciplinary services in school settings.
- Educational Psychologists have, over recent years, adjusted their service delivery model in order to provide consultation based advice and decision making to schools regarding

pupils at lower levels of the Code of Practice. They also provide detailed assessment and advice on pupils at Stage 3 of the Code of Practice and refer to a range of other Education Board and Trust based services as appropriate. These practices promote the early identification and addressing of pupils' needs without having to progress to a statutory assessment.

- Every school was issued with a copy of the provisional criteria and the Good Practice Guidelines in September 2009. The Good Practice Guidelines set out in detail a range of advice and suggestions to assist and support teachers to put in place relevant and purposeful measures and reasonable adjustments to address individual pupil's needs. The introduction of the criteria and guidelines has been supported by a major training initiative which has been offered to SENCOs in the five ELBs.
- The Education and Library Boards have well developed behaviour support teams in place. These teams provide training, advice and direct support to pupils with social emotional and behavioural difficulties. In addition counselling services have been made available, through DE funding, to all pupils in post primary schools. These new initiatives and developments should assist in supporting pupils with social, emotional and behavioural difficulties at the earlier stages of the Code of Practice.
- In recent years each Education and Library Board has developed its services at Stage 3 of the Code of Practice which increasingly allows for early intervention. These include services in the area of autism spectrum disorder, social emotional and behavioural difficulties, language problems and dyslexia.

These examples are not exhaustive but illustrate a range of initiatives and developments which will assist in addressing the needs of pupils in schools at the earlier stages of the Code of Practice.

## 8. School Consultation

Following the issuing of the “Provisional Criteria for Initiating Statutory Assessment of Special Educational Need and for Making Statements of Special Educational Need” to all schools in August 2009, each school was provided with a related questionnaire in October 2009 inviting their initial views on the policy by responding to the following four questions:

**Q1. Is the policy sufficiently explicit on how the Boards/ESA will put into operation the guidance from the Code of Practice (CoP) on the *identification and assessment of special educational needs*?**

**Q2. Is the policy sufficiently explicit on how the Boards/ESA will put into operation the guidance from the Code of Practice (CoP) on *initiating statutory assessments of special educational need and for making statements of special educational need*?**

**Q3. In your view will the policy bring a consistency of approach and practice in initiating statutory assessments of special educational need and for making statements of special educational need?**

**Q4. Will the policy ensure due regard to the need to promote equality of opportunity?**

A summary of the 125 responses received is detailed below:-

**Table 24 – School Consultation (October 2009)**

	<b>YES</b>	<b>NO</b>	<b>UNSURE/NO RESPONSE</b>
<b>Q1</b>	<b>106 (85%)</b>	<b>16 (13%)</b>	<b>3 (2%)</b>
<b>Q2</b>	<b>104 (83%)</b>	<b>16 (13%)</b>	<b>5 (4%)</b>
<b>Q3</b>	<b>90 (72%)</b>	<b>19 (15%)</b>	<b>16 (13%)</b>
<b>Q4</b>	<b>70 (56%)</b>	<b>26 (21%)</b>	<b>29 (23%)</b>

### **In response to Q1 and 2:**

As will be noted from the above table the feedback received from schools was positive with a significant number of responses considering the policy to be explicit on how the Boards/ESA will put into operation the guidance from the Code of Practice on the identification and assessment of special educational needs (85%) and the initiating of statutory assessments of special educational need and for making statements of special educational needs (83%). Comments received included:-

*“Clear and detailed guidelines throughout the document”*

*“Very explicit”*

*“The criteria, as set out, give clear guidance as to what is required to initiate assessment and for making of statements”.*

*“We now have clear criteria which we can use to help us identify and assess need”*

*“This has already been most useful to us”*

*“It is encouraging that there is a recognition of the complex and multiple nature of SEN for some pupils”.*

Of those who expressed the view that the policy was not explicit or who were unsure the comments received largely referred to issues not directly related to the policy, e.g. concerns regarding funding for schools, time allocation for the SENCO, the timescale relating to the statutory process, etc. Comments which were relevant to the policy included:

*“Clarification is required on how schools will prove adequate/inadequate progress”*

*“Perhaps further clarity is needed with some of these terms e.g. relevant and purposeful measures”*

Such issues have and will continue to be addressed through training which has begun since the issuing of the questionnaire to schools.

### **In response to Q3:**

The positive responses (72%) supported the view that the policy will bring a consistency of approach and practice in initiating statutory assessments of special educational need and for making statements of special educational need. Comments included:

*“This policy should bring greater consistency in that all schools will have to give clear evidence proving that despite relevant measures in place at Stages 1-3 the pupil is not making adequate progress”.*

*“Each stage of the Code of Practice is explained and expectations are clearly set out. The policy is easy to understand and straightforward in its requirements”.*

Many of those responses raising concerns and/or highlighting issues in response to Q3 were again referencing matters not directly related to the introduction of the provisional criteria e.g.

*“Pupils needs must not be constrained by money or the number of referrals per year”.*

*“It would be our perception that there is inequality of provision across the Boards”.*

Many of the other comments which did relate to the policy highlighted the importance of training (particularly for SENCOs) to help ensure a consistency of approach.

#### **In response to Q4:**

Finally the positive responses (56%) to Question 4 seeking views on whether the policy will ensure due regard to the need to promote equality of opportunity highlighted the value and benefit of having the same criteria applied across all Board areas and the fact that all types of special educational need are covered in the policy.

Points of concern stressed the importance of consistency existing between sectors, schools and regions with regard to funding, resources, training and accessing support. As with many other issues raised by schools such concerns were not always directly related to the actual policy under consideration. However this does not diminish the importance of such concerns and as such they will be communicated to relevant bodies such as the Department of Education and Board services, e.g. Special Education, Educational Psychology for their consideration.

Further consultation with schools on the provisional criteria planned for the end of the present school year will provide part of the on-going monitoring of the policy and its future development.

#### **Equality Impacts Identified**

Although the majority (56%) of schools which responded believe that the provisional criteria will be positive in their impact on equal opportunity concerns from those who answered negatively (21%) and those who opted for 'Don't Know' (23%) appear to be connected with equity of resources, consistency of provision and other issues not directly related to the processes of the provisional criteria.

As stated previously those concerns which are not directly connected with the provisional criteria will be passed on to the appropriate policy holder.

Clarification of equal opportunity in the context of training related to the provisional criteria should dispel any confusion about the scope of the policy and its positive impact on equal opportunity but concerns will be monitored as part of the implementation and training process and feed into the monitoring phase of the EQIA.

## 9. Consideration of Impacts

The provisional criteria relate to the Code of Practice which is the guidance on the legislation which Boards are required to consider when identifying and providing for special educational needs (SEN). For ease of reference these have been cross-referenced with the Department of Education 2005 document in Appendix 3 (page 25) of the policy document. All areas and categories of SEN listed in the 2005 document can be considered using the descriptors provided in the Code of Practice. In addition ‘The Good Practice Guidelines for Schools to meet the SEN of Pupils at the School-based Stages of the Code of Practice’ provides guidance for schools on early intervention strategies prior to any consideration of a request for statutory assessment.

### AGE

Data published by the DE in the EQIA of its 2009 SEN policy proposals (Table I. p.58) indicate that c. 91.8% of statements of special educational need are issued by age 11. 59.1% of statements are issued by age 8 but the biggest percentage of statements are issued in Years 4-7 covering ages 9-11. This pattern is to be expected due to the staged approach of the CoP in meeting children’s SEN in school and also to the provision of additional support by the ELBs at Stage 3 of the CoP.

**Table 25 – Statements of SEN issued in 2008**

<b>YEAR (Based on 2008 figures)</b>	<b>Statements Issued*</b>	<b>% of Total</b>	<b>Key Stage</b>	<b>Cumul %</b>	<b>Age Range</b>
Pre-School	1540	17.9%		17.9%	-5
Year 1	1943	22.6%	<b>Key Stage 1</b>	59.1%	5
Years 2 & 3	1596	18.6%			6-8
Years 4 -7	2806	32.7%	<b>Key Stage 2</b>	91.8%	9-11
Years 8-10	634	7.4%	<b>Key Stage 3</b>	99.2%	12-14
Years 11 & 12	74	0.9%	<b>Key Stage 4</b>	100%	14+

*Source; ELBs published as Table I in DE EQIA p.58*

This pattern is consistent with the developmental years of the child, the identification, monitoring and planned response to their various needs and where necessary their assessment and statementing. The increase in the numbers of statements of special educational need during Years 4-7 is also consistent with identifying those children who have not responded to early intervention and to the developmental nature of children’s SEN emerging over time.

With regard to age, the GTCNI identified this as a particular issue for children within the pre-school age category. Furthermore, there was concern expressed that children within voluntary and private pre-school settings might also be adversely affected.

In 2007 however, following a survey of provision for pre-school children with special educational needs, DE provided each Board with an additional £60k in order to improve access to psychological assessment for pre-school children with SEN in all settings. If a child in a nursery school is thought to have a special educational need the Principal may refer the child to an educational psychologist. In some voluntary or private pre-school settings the head of service, e.g. the playgroup leader, may ask the parent to bring identified concerns to the attention of their Community Health Clinic e.g. via their GP. A health professional e.g. a paediatrician or a speech and language therapist, may then refer the child to an educational psychologist for assessment. These assessments may take place in the home, nursery, voluntary or private pre-school setting. Children with more severe SEN would normally have been identified through their local medical services prior to commencing pre-school.

Lack of timely assessment may result in a delay in Board SEN support services for some children of a younger age but this should not prevent school based interventions and support. The provisional criteria are not designed to remediate these issues; however, the new e-schools data warehouse should assist in improving the transfer of pupil SEN related information between schools.

Without permission from DE, Boards, with a few exceptions, are required to place pupils with statements of SEN in grant aided schools. It is therefore unlikely that a Board would place a child with a statement of special educational needs in a private pre-school setting, although, if it was felt appropriate, permission would be sought and the child would be placed and provided with the same support named in their statements of SEN as those in funded nursery provision.

Also with regard to age, the **BPS/DECP (NI)** identified a particular issue for children in the Early Years group, especially those with social, emotional and behavioural difficulties. In responding to these concerns the panel would make reference to the Boards' ongoing commitment to early diagnosis and subsequent intervention in all of the identified areas of SEN. Educational Psychologists have responsibility for assessment and diagnosis of children in the age range 0 – 19. As such, many children are known to them from a very early age and a number have a statement of special educational needs on entry to pre-school education or soon thereafter. These include children with SEBD which is often associated with their specific SEN(s). In addition, Boards are aware of the value of evidence based parent training education and the effectiveness of nurturing environments for younger children and pupils. Indeed the Code of Practice, to which Boards adhere in identifying and providing for SEN Stage 3 provision, will take account of 'relevant and purposeful measures' which can include parent/education programmes. However if the programmes are unsuccessful children can be considered within the appropriate timeframes, in the usual way, at Stage 4 regardless of age.

Concern relating to Age was also raised by Disability Action in that the requirement for periods of provision at Stage 3 of the Code of Practice might lead to unnecessary delay where statutory provision may be required and further that such delay could be for undefined periods of time.

The Code of Practice outlines that the school-based stages should be seen as a continuous and systematic cycle of planning, action and review within the school (Paragraph 2.42). It also outlines specific considerations after two periods of review (normally two terms) at Stage 3 of the Code of Practice (Paragraphs 2.68 – 2.71). In the case of specific learning difficulties (SpLD) all Boards have specialist provision in place at Stage 3 of the Code of Practice and have agreed provisional criteria for access to Stage 3 provision as outlined on page 7 of the policy. In a small minority of cases it is possible for children with very significant SEN to be referred for statutory assessment without having to go fully through the school-based stages (Paragraphs 3.17 – 3.18). This remains the situation for such children.

In drawing up the sample Stage 3 SpLD was excluded because such pupils would not be eligible to receive a statement of special educational needs under either the previous or provisional criteria.

The SEN Pupil Audit found that although there is a differential impact in regard to Age relating to those who would have received a statement of special educational needs under previous criteria but would not do so under the provisional criteria, (Group B) it is not an adverse impact given that a statement is issued on the basis of cumulative evidence that interventions up to Stage 3 have not been efficacious. It would appear from the cumulative pattern in Group B that while only 51.9% of referrals under the old criteria would receive statements by Age 7; 58.1% of referrals in Group D would do so under the provisional criteria; a positive impact in relation to Age.

This data however can only be held to be indicative and a further and fuller exploration of data is required to be fully assured that there is no serious adverse impact from the provisional criteria related to Age.

## **DEPENDANTS**

The inclusion and training of parents/guardians in the process of identifying and statementing children with special needs was raised by a number of the respondents to the pre-consultation. Boards are aware of the value of evidence based parent training education and the effectiveness of nurturing environments for younger children and pupils. Indeed the Code of Practice, to which Boards adhere in identifying and providing for SEN Stage 3 provision, will take account of ‘relevant and purposeful measures’ which can include parent/education programmes.

It has been noted that consideration of parental views has not been made explicit throughout the document, in particular in each SEN category under Criterion B. The Code of Practice makes clear the importance of the involvement of parents in all aspects of their child’s education including individualised education planning and in any consideration of the need for statutory assessment. This is included in the Good Practice Guidelines to which schools are expected to have due regard. It is considered appropriate to add “*has taken account of parental views*” to Criterion B in all SEN categories.

School Aged Mothers (SAMs) fall within the scope of Dependent Status. The Department of Education’s School Aged Mothers programme is delivered through the Education and Library Boards with the help of Barnado’s. The SAMs provision aims to support young girls who are pregnant or who are parents of school age children to continue their education either in their own school, or where this is not feasible, in an alternative setting.

The number of girls referred to SAM projects has risen from 141 in 2003/4 to 295 in 2007/8. Projects are therefore supporting an increasing number of SAMs who may otherwise have discontinued their schooling. Of the 295 referrals, 113 were in their second, third or fourth year of the Programme.

The SEN Pupil Audit sample did not contain any returns relating to Marital Status/SAMs or Caring Responsibilities/Dependants. This data however can only be held to be indicative and a further and fuller exploration of data is required to be fully assured that there is no serious adverse impact from the provisional criteria related to Age.

## DISABILITY

The Annual School Census definition of disability is that a child “...has a disability if he or she has a physical impairment which has a substantial and long term (has or is likely to last 12 months or more) adverse effect on his/her ability to carry out normal day to day activities.”

In 2007/8 the Annual School Census provided the following data:

**Table 26 – Post Primary Pupils; SEN Stage & Disability (2007/8)**

<b>Pupil recorded as having a disability</b>	<b>No SEN Total</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>	<b>Stage 4</b>	<b>Stage 5</b>	<b>With SEN Total</b>	<b>TOTAL Enrolment 2007/8</b>
<b>NO</b>	126,775	7,353	6,306	2,960	202	3,984	<b>20805</b>	147,580
<b>YES</b>	111 (0.09%)	25	22	24	1	179	<b>251</b> <b>(1.2%)</b>	362 (0.25%)

Source: Source: DE EQIA: The Way Forward for SENs and Inclusion 2009; p.20/21 and Table K, Annex 5 p.61

2007/8 was the first year that the Department asked post primary schools to record pupils who had been assessed as having a disability.

NISRA carried out a household survey in 2007 according to which 6% of children are affected by a disability. According to this survey 8% of boys aged 15 and under have a disability as compared with 4% of girls in that age span. The most common types of disabilities are linked to chronic illness, learning difficulties and social and emotional difficulties.

The Equality Commission for Northern Ireland (ECNI) document ‘Every Child an Equal Child’ notes that, “ *...in terms of attainment of disabled children and young people, there is an extremely limited amount of data available on educational outcomes and the terminology of existing datasets is ambivalent.*”<sup>7</sup>

It is to be hoped that in future years the Annual Schools Census and other published data will address this deficit.

The ‘It’s Good to Listen: Experiences of Pupils with SEN’ survey of SEN pupils with statements in mainstreamed schools conducted in 2008/9 confirmed that not all children with disabilities had SEN or indeed regard themselves as having a disability.

The pre-consultation response from SENSE was very positive about the equality impacts of the provisional criteria particularly in relation to the Complex Interaction of Needs i.e.

*“For deaf blind/multi-sensory impaired pupils this recognition will be very important. In the past these children have often been categorised by a single impairment – an impossible decision to be asked to make and one which flies in the face of current understanding about special education. Where needs show a complex interaction there will now be guidelines to support the right approach for each child.”*

Disability Action took a contrary view about the overall impact of the criteria on equality of opportunity but this may be addressed, in part, by clarifying how the provisional criteria relate to the CoP and the inclusion of ASD.

The DE document ‘Guidance for Schools – Recording Children with SEN’ (2005) was issued specifically as a recording system for SEN and covers seven areas of SEN broken down into a wide range of SEN categories within each area, for example, medical and physical conditions such as Down Syndrome, Cerebral Palsy, etc. The provisional criteria, however, relate to the Code of Practice which is the guidance on the legislation which Boards are required to consider when identifying and providing for SEN. For ease of reference these have been cross-referenced with the DE document in Appendix 3 (page 25). All areas and categories of SEN listed in the DE document can be considered using the descriptors provided in the Code of Practice. Children and young people with ASD may be considered in one or more category eg Speech and Language, SEBD, Learning Difficulties.

Consideration of ‘Complex Interaction of Needs’ which may be a significant barrier to learning and to assessing the curriculum also brings added assurance that the range and interaction of difficulties presented by some children, including those on the autistic spectrum, will be fully considered. This should increase consideration of the needs of this group who may not meet criteria in one of the seven types of SEN.

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<sup>7</sup> ECNI. Every Child an Equal Child. 2008

In addition ‘The Good Practice Guidelines for Schools to meet the SEN of Pupils at the School-based Stages of the Code of Practice’ provides guidance for schools on strategies prior to any consideration of a request for statutory assessment. This document includes a detailed section on autism including specific guidelines for early years, primary and post-primary settings as well as sources of autism-specific additional support materials in Appendix 1 (page 25).

The SEN Pupil Survey and other published data indicate that there is little evidence of a differential or adverse impact in relation to Disability. This data however can only be held to be indicative and a further and fuller exploration of data is required to be fully assured that there is no serious adverse impact from the provisional criteria related to Disability.

### **ETHNICITY/RACE**

According to DE statistics the total number of children with English as an Additional Language (EAL) for 2007/8 was 5,553 with the number on the SEN register being:

**Table 27 – EAL Children on the SEN Register (2007/08)**

<b>SECTOR</b>	<b>Primary</b>	<b>Post Primary</b>	<b>Special</b>	<b>TOTAL</b>
Number/(%)	699 (18%)	273 (16%)	30	1002 (18%)

*Source: Annual School Census 2007/8; DE EQIA Table M*

This total of 1002 is spread across the five stages of SEN as follows:

**Table 28 – EAL Children across the SEN Stages (2007/8)**

<b>SEN Stage</b>	<b>Pupil Numbers and Percentages</b>
Stage 1	352 (35.1%)
Stage 2	441 (44%)
Stage 3	122 (12.2%)
Stage 4	27 (6.1%)
Stage 5	60 (6%)
<b>TOTAL</b>	<b>1002 (100%)</b>

*Source: Annual School Census 2007/8; DE EQIA Table M*

According to DE statistics for 2007/8 the number of Irish Traveller children on the SEN register is 413 out of a total of 793 Irish Traveller Children enrolled in schools in Northern Ireland.

The total of 413 is spread across the five stages of SEN as follows:

**Table 29 - Irish Traveller Children across the SEN Stages**

<b>SEN Stage</b>	<b>Pupil Numbers and Percentages</b>
Stage 1	70 (16.9%)
Stage 2	129 (31.2%)
Stage 3	114 (27.6%)
Stage 4	16 (3.8%)
Stage 5	84 (20.3%)
<b>TOTAL</b>	<b>413 (100%)</b>

*Source: Annual School Census; DE EQIA Table P*

The GTCNI and BPS DECP raised concerns that the application of the provisional criteria may adversely affect traveller children and other ethnic minority children e.g. Irish Travellers and Roma.

Some Traveller children and children from ethnic minorities may be disadvantaged in accessing psychological assessments due to the family's mobility resulting in many school moves, either prior to or when assessments are underway. They are also less likely to be identified prior to pre-school through lack of involvement with the local clinics. While the provisional criteria are not intended to address these difficulties the recommendations from the DE Review of SEN and Inclusion, where it is proposed that SEN funding will, in the main, be devolved to schools, may help to address any disadvantage.

The Department of Education is also developing a Traveller Education Action Plan which includes Roma children and which may develop specific proposals around access to SEN provision. The Department has also established an 'Additional Educational Needs Team' focused on 'New Comer' pupils and their particular circumstances. Hopefully that team will be considering access and support for SENs.

Lack of timely assessment may result in a delay in Board SEN support services for some children. Within the ethnic minority population there can also be delays in identifying children with milder forms of SEN as their lack of progress may, in the first instance, be attributed to language difficulties. While both of these circumstances could result in delays in accessing Board support services they should not prevent school based interventions and support. The provisional criteria are not designed to remediate these issues; however, the new e-schools data warehouse should assist in improving the transfer of pupil SEN related information between schools. Schools also receive an enhanced age weighted pupil unit (AWPU) for children from ethnic minority groupings and for those from the travelling community. Children from Roma communities are currently entitled to both. This funding is provided in order to support the child at the earliest opportunity. Should there be a delay in some children accessing Board services it is hoped that the enhanced AWPU funding and the Good Practice Guidelines that have been provided to complement the provisional criteria, will assist schools in supporting children from within these groupings.

The SEN pupil survey found that the Racial or Ethnic profile of Group B was broadly in line with Group D, the total audit sample and other published data. There is therefore no evidence of a differential or adverse impact in relation to Race or Ethnicity. This data however can only be held to be indicative and a further and fuller exploration of data is required to be fully assured that there is no serious adverse impact from the provisional criteria related to Race.

## **GENDER**

Practically all statistics indicate that more males than females register with SENs.

**Table 30 - Percentage of Pupils by Gender (All stages of CoP) 2007/8**

<b>SEN Stage in 2007/8</b>	<b>Boys %</b>	<b>Girls %</b>
1&2	59%	41%
3	69%	31%
4	75%	25%
5	71%	29%

*Source: Annual School Census: DE EQIA p.14 Diagrams 2-5*

This gender pattern is also clearly reflected in the main areas of special educational need. It is particularly evident with children whose primary difficulty is social, emotional and behavioural difficulties (SEBD) where 70% plus of children at Stage 3 and 80% at Stage 5 are boys. This proportion also pertains to those whose primary difficulty is 'Communication and Interaction' or 'Cognitive and Learning'. It should be noted that the provisional criteria are applied equitably to both sexes and are not the cause of this imbalance.

**Table 31 - Primary School Boys and Girls with SEN at Stage 3**

<b>SEN Type at Stage 3</b>	<b>Boys %</b>	<b>Girls %</b>
SEBD	81%	19%
C&I	76%	24%
C&L	70%	30%

*Source: Annual School Census/DE EQIA p.15 Diagram 6*

**Table 32 - Post-Primary School Boys and Girls with SEN at Stage 3**

<b>SEN Type at Stage 3</b>	<b>Boys %</b>	<b>Girls %</b>
SEBD	64%	36%
C&I	80%	20%
C&L	67%	33%

*Source: Annual School Census/ DE EQIA p.15 Diagram 7*

The SEN pupil audit found that the Gender profile of Group B is broadly in line with Group D, the total audit sample and other published data which indicates a preponderance of males both being referred for and being provided with statements of special educational need.

There is therefore no evidence of a differential or adverse impact in relation to Gender. This data however can only be held to be indicative and a further and fuller exploration of data is required to be fully assured that there is no serious adverse impact from the provisional criteria related to Gender.

### **MARITAL STATUS**

Data is not collected from school children on this Section 75 category as most children impacted by the policy are under 16. The SEN pupil audit produced a nil return for SAMs/Marital Status.

### **POLITICAL OPINION**

Data collected for the Annual School Census does not include political opinion as most children are below an age at which they may participate in the electoral process. Therefore the SEN Pupil Audit did not include this Section 75 category.

### **RELIGION**

In 2007/08 some 51% (161,811) of the school enrolment is recorded as being Roman Catholic, 39% (123,787) Protestant and 10% (33,594) Other (Christian/non Christian/no religion/not recorded). Of children with SEN at primary, post primary and special schools, 53% (30,465) are recorded as Roman Catholic, 36% (20,808) as Protestant and 11% (6,061) as Other. The SEN Register is therefore generally in line with the school population providing no evidence of any adverse impact in relation to religion.

The SEN Pupil Audit found that the Religious profile of Group B is not in line with Group D, the total audit sample and other published data. There is therefore some evidence of a differential and possibly adverse impact on Group B in relation to Religion. This may however be due to the size of Group B as Group D is larger by a factor of almost 5 and is in line with the SEN register and school enrolment.

This data therefore can only be held to be indicative and a further and fuller exploration of data is required to be fully assured that there is no serious adverse impact from the provisional criteria related to Religion.

### **SEXUAL ORIENTATION**

Data is not collected from school children on this Section 75 category as most children impacted by the policy are under 16. Therefore the SEN Pupil Audit did not include this Section 75 category.

### **School Survey and Equality Impacts**

Though the majority (56%) of schools responding believe the provisional criteria will be positive in their impact on equal opportunity concerns from those who answered negatively (21%) and

those who opted for ‘Don’t Know’ (23%) appear to be connected with equity of resources, consistency of provision and other issues not directly related to the processes of the provisional criteria.

## **10. Mitigations**

Evidence from the pre-consultation and from the pupil survey as well as from DE research tend to indicate that there may be equality issues around Age, Race (Irish Travellers/New Comers), Disability and Religion but there is no compelling evidence that this amounts to impacts that are differential, adverse or discriminatory. It is accepted however by the EQIA panel that further research is required to be fully confident that such impacts do not exist in the longer term.

The EQIA panel recommend the following measures to address these concerns:

- **Monitoring of Referrals**

All referrals from schools will be monitored using the proforma at Appendix D. This will allow for an annual review of the data and an examination of any evidence of adverse impact across all monitored categories. Findings will be published as part of the EQIA Annual Report. Particular attention will be accorded to those who do not meet the provisional criteria to ensure that any equality issues are addressed.

- **Parental Inclusion and Involvement**

As well as the closer monitoring outlined above, an outreach initiative to parents and families will seek to address issues around parental inclusion. In addition any future amendment to the ‘Good Practice Guidelines’ will seek to make the inclusion of parental opinion more explicit in the process.

- **Irish Traveller Children**

As well as the closer monitoring outlined above, an outreach initiative to Traveller families will seek to address issues raised by the Traveller Community in relation to the provisional criteria.

- **New Comer Children**

As well as the closer monitoring outlined above, an outreach initiative to New Comer families will seek to address issues raised by the New Comer Community in relation to the provisional criteria.

- **Children with Recognised Disabilities**

The position of children with recognised disabilities both with and without SENs will be reviewed.

- **Pre-school Children**

All referrals of pre-school children will be monitored using the proforma at Appendix D as detailed above.

- **Religion**

An annual review of the referral data and an examination of any evidence of adverse impact across all monitored categories will be published as part of the EQIA Annual Report. Particular attention will be accorded to those who do not meet the provisional criteria to ensure that any equality issues are addressed.

- **School Questionnaire**

A questionnaire seeking comment on the provisional criteria was issued to all schools in May 2010 as a follow-up to the survey conducted in October 2009. Returns to date indicate the same positive response to the provisional criteria from schools as recorded in the initial survey (see Section 8).

## **11. Rural Proofing**

The purpose of the rural/regional proofing is to determine whether or not the policy proposal will have a different impact on rural areas than elsewhere.

There is no evidence to suggest that the policy proposal will have an adverse impact on rural communities.

## **12. Consultation**

The Education and Library Boards recognise the importance of meaningful consultation and are committed to consulting in an open and inclusive manner. The views of any organisation, group or individual with a particular interest in this area will be welcome and the Boards will reflect on any proposals made in a serious and considered manner in relation to their impact on:

(i) the promotion of equality of opportunity:

- between persons of different religious belief, political;
- opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;

- between persons with a disability and persons without; and
- between persons with dependants and persons without;

(ii) the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

The Consultation will follow the Equality Commission's guiding principles to consultation contained in their Practical Guidance on Equality Impact Assessment.

During the consultation period the Boards will:

- notify the opening of the consultation and the availability of the EQIA consultation document to schools, educational interest groups, religious groups, Section 75 groups, stakeholders and to any members of the public on request;
- place a copy of the consultation documents on each of the five Education and Library Board websites;
- make the consultation documentation available in alternative formats for those who request it;
- consider consultation meetings on request with individuals or representatives of particular interest groups, taking account of any special requirements they may have; and
- deal with any queries in a prompt manner.

The consultation is being co-ordinated by the North Eastern Education and Library Board's Equality and Human Rights Officer on behalf of the five Education and Library Boards and the closing date is **30 September 2010**.

### **13. Decision and Publication of the Report**

The final EQIA document will be prepared following consideration of comments received during the consultation process.

Copies of the final assessment will be made available to all consultees who participated in the consultation process. It will be published on each of the five Education and Library Board websites and be made available in hard copy and alternative formats on request.

### **14. Monitoring for Adverse Impact in the Future and Publication of the Results of Such Monitoring**

Data will be collected on an annual basis about the effect the policy change is having on the relevant groups and sub-groups within the equality categories.

If this monitoring and analysis of results shows a greater adverse impact than expected, or if opportunities arise which would allow for greater equality of opportunity to be promoted action will be taken to determine whether better outcomes for the relevant equality groups can be achieved.

**DRAFT EQIA ON THE PROVISIONAL CRITERIA FOR INITIATING STATUTORY ASSESSMENTS OF SPECIAL EDUCATIONAL NEED AND FOR MAKING STATEMENTS OF SPECIAL EDUCATIONAL NEED**

**Belfast Education and Library Board  
North Eastern Education and Library Board  
South Eastern Education and Library Board  
Southern Education and Library Board  
Western Education and Library Board**

**Consultation Response Proforma for an  
Equality Impact Assessment on the  
Provisional<sup>8</sup> Criteria for Making Statutory Assessments  
of Special Educational Needs**

This consultation pro forma is aimed at helping individuals and groups submit a written response on the equality implications of the above provisional criteria which is currently being impact assessed. The provisional criteria are available at [www.neelb.org.uk/eqia/](http://www.neelb.org.uk/eqia/) or from Alf Armstrong whose contact details are below.

We very much welcome and appreciate your contributions to this process.

Please return the completed response no later than **30 September 2010** to:

Alf Armstrong  
Equality Manager  
NEELB  
40 Lough Road  
Antrim  
BT414DH

Telephone: 028 9448 2216  
Textphone: 028 2566 2404  
Email: [alf.armstrong@neelb.org.uk](mailto:alf.armstrong@neelb.org.uk)

**June 2010**

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<sup>8</sup> *The criteria detailed in this policy have been termed 'provisional' in recognition that they may require amendment should legislative changes be proposed as an outcome of the Department of Education's Review of Special Educational Needs and Inclusion, published August 2009*

**ABOUT YOUR ORGANISATION**

Name of organisation: \_\_\_\_\_

Name of person responding: \_\_\_\_\_

Who your organisation represents: \_\_\_\_\_

Whom (if anyone) you have consulted before drawing up your response?

\_\_\_\_\_

**CONTACT DETAILS**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Facsimile: \_\_\_\_\_

Typetalk: \_\_\_\_\_

Email: \_\_\_\_\_

**FACE TO FACE MEETINGS**

If you or your organisation would like to meet to further discuss the equality implications of these provisional criteria, please complete the form below. We will contact you to arrange a suitable venue, date and time.

Contact name for a face-to-face meeting: \_\_\_\_\_

Contact telephone number: \_\_\_\_\_

Contact textphone number: \_\_\_\_\_

Contact fax number: \_\_\_\_\_

Contact email address: \_\_\_\_\_

Please specify any requests for assistance to ensure your full participation at such a meeting, including any communication, transport or access requirements.

\_\_\_\_\_

\_\_\_\_\_

**Note:**

*If your organisation has already met with the Boards to discuss this new policy, the information already provided by you will be considered as part of the impact assessment.*

1. Do you consider that these provisional criteria for making statutory assessments will affect equality of opportunity positively or negatively?

Positively                       Negatively                       Don't Know

2. Are you aware of, or can you identify any adverse impact on equality of opportunity and/or good relations arising from this provisional criteria for making statutory assessments?

Please tick 'Yes' or 'No' beside the relevant equality dimension.

Category	Yes	No	Examples of Group
Age	<input type="checkbox"/>	<input type="checkbox"/>	Those under 18; People aged between 18 and 65; People over 65
Marital Status	<input type="checkbox"/>	<input type="checkbox"/>	Married people; unmarried people; divorced or separated people; widowed people
Gender	<input type="checkbox"/>	<input type="checkbox"/>	Men and women generally; Transgendered people; Transsexual people
Disability	<input type="checkbox"/>	<input type="checkbox"/>	Persons with a disability as defined in the Disability Discrimination Act 1995
Dependants	<input type="checkbox"/>	<input type="checkbox"/>	Persons with primary responsibility for care of a child, person with a disability or dependent elderly person
Political Opinion	<input type="checkbox"/>	<input type="checkbox"/>	Unionists generally; Nationalists generally; Members/supporters of any other Political Party
Racial Group	<input type="checkbox"/>	<input type="checkbox"/>	Chinese; Irish Traveller; Indian; Pakistani; Bangladeshi; Black African; Black Caribbean; mixed ethnic group/nationality
Religious Belief	<input type="checkbox"/>	<input type="checkbox"/>	Catholic; Protestant; Hindu; Jewish; Muslim; Sikh; Buddhist; other religion; No religious belief
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	Gay; Lesbian; Bisexual; Heterosexual

3. If you have answered 'Yes' in relation to adverse impact to any of the above dimensions, please state the adverse impacts that you consider the provisional criteria is likely to have:

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4. Please state how you consider such adverse impacts could be reduced or alleviated:

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5. If you believe the adverse impacts cannot be alleviated, please suggest alternative proposals that could be considered to reduce the differential impact:

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6. Do any of the following groups have different needs, experiences, issues and priorities in relation to this policy issue? Please tick.

	<b>Yes</b>	<b>No</b>		<b>Yes</b>	<b>No</b>
Age	<input type="checkbox"/>	<input type="checkbox"/>	Political Opinion	<input type="checkbox"/>	<input type="checkbox"/>
Marital Status	<input type="checkbox"/>	<input type="checkbox"/>	Racial Group	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	Religious Belief	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>
Dependants	<input type="checkbox"/>	<input type="checkbox"/>			

Please elaborate:

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**Any other views or comments you would wish to make in relation to this policy area would be greatly appreciated.**

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Please attach any additional sheets if necessary.

**DRAFT EQIA ON THE PROVISIONAL CRITERIA FOR INITIATING STATUTORY ASSESSMENTS OF SPECIAL EDUCATIONAL NEED AND FOR MAKING STATEMENTS OF SPECIAL EDUCATIONAL NEED**

**Freedom of Information Act 2000 – Confidentiality of Consultations**

The Education and Library Boards will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Boards can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the five Education and Library Boards in this case. This right of access to information includes information provided in response to a consultation. The Boards cannot automatically consider as confidential information supplied to it in response to a consultation. However, they do have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- The Education and Library Boards should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Boards' functions and it would not otherwise be provided.
- The Education and Library Boards should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.
- Acceptance by the Education and Library Boards of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office or see website at:

[http:// www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk).

## EQIA Provisional Criteria Summary Data Collection Sheet

Sample period beginning 1<sup>st</sup> January 2006 running to 31<sup>st</sup> August 2006

	Learning Difficulties		Specific Learning Difficulties (Dyslexia)		SEBD	Physical/ Medical	Hearing Impaired	Visually Impaired	Speech & Language Difficulties	Complex Interaction of needs
	PMLD/ SLD	MLD	Stage 3	Stage 5						
Meets Provisional Criteria NOT Board Criteria										
Meets Board Criteria NOT Provisional Criteria.										
Meets both Criteria in same category										

Meets neither criteria	Meets both criteria in same category	Meets both criteria in a different category



6. Pupil's Primary SEN – (Circle abbreviation as appropriate)

<b>(1) Cognitive and Learning</b>	
<b>A</b> Dyslexia/SpLD	(DYL)
<b>B</b> Dyscalculia	(DYC)
<b>C</b> Dyspraxia/DCD	(DCD)
<b>D</b> Mild Learning Difficulties	(MILD)
<b>E</b> Moderate Learning Difficulties	(MLD)
<b>F</b> Severe Learning Difficulties	(SLD)
<b>G</b> Profound & Multiple Learning Difficulties	(PMLD)
<b>H</b> Unspecified	(U)

<b>(2) Social, Emotional &amp; Beh (SEBD)</b>	
<b>I</b> Social, Emotional & Beh	(SEBD)
<b>J</b> ADD/ADHD	(ADD)

<b>(3) Communication &amp; Interaction</b>	
<b>K</b> Speech & Language Difficulties	(SL)
<b>L</b> Autism	(AUT)
<b>M</b> Aspergers	(ASP)

<b>(4) Sensory</b>	
<b>N</b> Severe/profound hearing loss	(SPH)
<b>O</b> Mild/moderate hearing loss	(MMHL)
<b>P</b> Blind	(BL)
<b>Q</b> Partially sighted	(PS)
<b>R</b> Multi-sensory Impairment	(MSI)

<b>(5) Physical</b>	
<b>S</b> Cerebral Palsy	(CP)
<b>T</b> Spina Bifida and/or Hydrocephalus	(SBH)
<b>U</b> Muscular Dystrophy	(MD)
<b>V</b> Significant accidental injury	(SAI)
<b>W</b> Other Physical	(OPN)

7. Has the pupil been diagnosed by a medical professional as having a disability?

**A YES**

**B NO**

(Circle Y/N as appropriate)

<b>(6) Medical Conditions/Syndromes</b>	
<b>X</b> Epilepsy	(EPIL)
<b>Y</b> Asthma	(ASTH)
<b>Z</b> Diabetes	(DIAB)
<b>A1</b> Anaphylaxis	(ANXS)
<b>B1</b> Down	(DOWN)
<b>C1</b> Other medical condition/syndrome	(OMCS)
<b>D1</b> Interaction of complex medical needs	(ICMN)
<b>E1</b> Mental health issues	(MHI)

<b>(7) Other</b>	
<b>F1</b> Other	(OTH)

## **Glossary of Terms**

<b>ASD</b>	Autistic Spectrum Disorder
<b>BPS/DECP (NI)</b>	British Psychological Society/Division of Educational and Child Psychology
<b>COP</b>	Code of Practice
<b>DE</b>	Department Of Education
<b>EAL</b>	English as an Additional Language
<b>ECNI</b>	Equality Commission for Northern Ireland
<b>ELB</b>	Education and Library Board
<b>EPS</b>	Educational Psychology Service
<b>EQIA</b>	Equality Impact Assessment
<b>GTCNI</b>	General Teaching Council for Northern Ireland
<b>LAC</b>	Looked After Children
<b>MLD</b>	Moderate Learning Difficulties
<b>NISRA</b>	Northern Ireland Statistics and Research Agency
<b>PMLD</b>	Profound and Multiple Learning Difficulties
<b>PRB</b>	Perceived Religious Belief
<b>SAM</b>	School Aged Mother
<b>SEN</b>	Special Educational Needs
<b>SENCo</b>	Special Educational Needs Co-ordinator
<b>SEBD</b>	Social, emotional and behavioural difficulties
<b>SEND O</b>	Special Educational Needs and Disability (NI) Order 2005
<b>SLD</b>	Severe Learning Difficulties