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Post 19 Special Education Needs Provision in Northern Ireland

1 Introduction

The following paper provides a brief introduction to the provision for people in Northern Ireland (NI) with Special Education Needs (SEN) and/or Learning Disabilities (LD) who are over 19. This paper is intended as a companion piece to NIAR 326-2013 on International Examples of Post 19 SEN Provision.

2 Key Points

- Pupils who remain in school after the age of 16 remain the responsibility of the ELBs until the end of the term during which they turn 19. For those aged over 19 a range of services are available;
- In Northern Ireland, children and young people are assessed for SEN based on the SEN Code of Practice. This has five stages of need in recognition that SEN operates along a continuum of ability;
- Stages 1, 2 and 3 are school based, with stages 4 and 5 dealt with by the relevant Education and Library Board;

- The Bamford Action Plan 2009-2011 estimated that there were 26,500 people with a learning disability in Northern Ireland;
- Based on the Bamford methodology and the 2011 Census population figures, RaISe calculated that there is somewhere between 18,000 to 36,000 people in Northern Ireland with a learning disability (based on prevalence estimates of 1-2% of the population);
- The Bamford Review found it difficult to secure accurate information on prevalence rates;
- The Special Education Needs and Disability Order (SENDO) 2005 was designed to strengthen the rights of an individual with SEN. It also makes it unlawful for general qualifications bodies to discriminate against people with disabilities. SENDO brought NI law into line with that in England, Scotland and Wales;
- Support for people with post 19 SEN is provided by two Departments in Northern Ireland – The Department for Health, Social Services, and Public Safety, and the Department for Employment and Learning;
- Services for those with learning disabilities or mental-ill health have undergone a process of reform following the Bamford Review in 2007;
- In 2011 the DHSSPS carried out a review of the provision of Health and Social Care (HSC) services in Northern Ireland called *Transforming Your Care*;
- The review included recommendations on the future shape of services and an implementation plan;
- The Department for Employment and Learning (DEL) runs a number of services for people with Learning Disabilities. The majority of these services are targeted at developing skills and finding employment;
- The Disability Employment Service (DES) holds the main responsibility within the department for operating these services. It is designed to help employers recruit and retain disabled employees. It also provides practical and financial support to companies;
- In addition to the provision made by the public sector, there is support available from the private and community/voluntary sectors; and
- These include groups such as Mencap, the Orchardville Society and Positive Futures.

3 Special Education Needs NI

In NI, SEN are defined under The Education (NI) Order (1996) as when a child has:¹

... a learning difficulty which calls for special educational provision to be made for him.

The Department of Education defines a child as having a learning difficulty:²

¹ The Education (NI) Order (1996) <http://www.legislation.gov.uk/nisi/1986/594>

if he or she finds it much harder to learn than most children of the same age or has a disability which makes it difficult to use the educational facilities in the area.

Pupils who remain in school after the age of 16 remain the responsibility of the ELBs until the end of the term during which they turn 19. For those aged over 19 a range of services are available and these will be discussed later in this paper.

In Northern Ireland, children and young people are assessed for SEN based on the SEN Code of Practice. This has five stages of need in recognition that SEN operates along a continuum of ability. The five stages are:

- **Stage 1:** teachers identify and register a child's special educational needs and, consulting the school's SEN co-ordinator, take initial action;
- **Stage 2:** the SEN co-ordinator takes lead responsibility for collecting and recording information and for co-ordinating the child's special educational provision, working with the child's teachers;
- **Stage 3:** teachers and the SEN co-ordinator are supported by specialists from outside the school;
- **Stage 4:** the Board considers the need for a statutory assessment and, if appropriate, makes a multi-disciplinary assessment; and
- **Stage 5:** the Board considers the need for a statement of special educational needs; if appropriate, it makes a statement and arranges, monitors and reviews provision. A statement of special educational needs is a legal document that sets out a child's needs and the extra help required.

Stages 1, 2 and 3 are school based, with stages 4 and 5 dealt with by the relevant Education and Library Board.³

3.1 SEN and Learning Disability Prevalence

The Bamford Review cited a study which estimated the prevalence of LD in Northern Ireland.

The Bamford Action Plan 2009-2011 estimated that there were 26,500 people with a learning disability in Northern Ireland. Clarification from the DHSSPSNI identified that:⁴

This figure was estimated by taking an accepted prevalence rate from national and international studies – which varies from 1% to 2% of the population.

Table 1: Learning disability prevalence rates (per 1,000)⁵

² Department of Education, Definitions, http://www.deni.gov.uk/index/support-and-development-2/special_educational_needs_pg7-special_needs-a_guide_for_parents_pg7-special_educational_needs_-_a_guide_for_parents-contents_pg7-special_educational_needs_-_a_guide_for_parents-definitions_pg.htm

³ Contact a family, <http://www.cafamily.org.uk/media/380065/senni.pdf>

⁴ Correspondence with DHSSPSNI

Age Bands	Mild/moderate	Severe/Profound	Total
0-19	6,432	1,718	8,150
20-34	2,504	1,047	3,551
35-49	1,489	949	2,438
50+	1,473	753	2,226
Totals	11,898	4,468	16,366

The figure of 26,500 was based on a median percentage of 1.5%

Using this estimation method and the population figures for the 2001 and 2011 censuses, table 2 below details the range for these estimations.

Table 2: Estimation of Learning Disability prevalence based on census data⁶

	2001	2011
Population	1,685,267	1,810,863
1 per cent	16,853	18,109
1.5 per cent	25,279	27,163
2 per cent	33,705	36,217

As can be seen in table 2, there is a great deal of difference in the estimates. For the 2011 Census there is a difference of 18,108 people between the 1 and 2% estimates.

In order to try and identify more accurate figures, the DHSSPSNI was asked for figures on the number of people with learning disabilities who have had contact with the HSC Trusts.

Table 3 details this information.⁷

Table 3: Learning disabled persons with whom HSC Trusts had contact

HSC Trust	0-4	5-15	16-24	25-44	45-64	65-74	Unknown	All Ages
Belfast							1,771	1,771
Northern	43	264	284	585	603	149	0	1,990
South Eastern	78	287	291	596	457	115	0	1,868
Southern	27	138	177	410	378	84	0	1,242
Western	16	333	355	570	425	112	0	1,847
Northern Ireland	164	1,022	1,107	2,161	1,863	460	1,773	8,738

⁵ Review of Mental Health and Learning Disability, September 2005, Equal Lives: Review of policy and services for people with a learning disability in Northern Ireland, the study cited is McConkey et al, Administrative Prevalence of Learning Disability in Northern Ireland, 2003

⁶ Calculation carried out by RaiSe

⁷ Statistics taken from "Statistics on Community Care for Adults in Northern Ireland 2011/12"

In total for 2011/12 the HSC Trusts had contact with 8,738 people with learning disabilities in 2011/12.

The figures for those with SEN vary even further. Table 2 below details the number of pupils with SEN in Northern Ireland in Primary and Post-Primary school.

Table 4: Pupils with SEN 2006-2012⁸

Year	Primary			Post Primary		
	Total Number of Pupils	SEN Pupils (1-5)	% of SEN pupils	Total Number of Pupils	SEN Pupils (1-5)	% of SEN pupils
2012	168,035	33,990	20.2	145,660	28,695	19.7
2011	164,745	34,205	20.8	146,745	26,710	18.2
2010	163,380	33,880	20.7	147,900	24,765	16.7
2009	163,695	33,450	20.4	147,760	23,540	15.9
2008	164,780	32,325	19.6	147,985	22,090	14.9
2007	166,585	31,665	19.0	147,940	21,060	14.2

As can be seen, the number of Primary school children with SEN has remained relatively static over the last six years whilst Post Primary School pupils have seen a steady rise from 14.2% in 2007 to 19.7% in 2012.

Using these figures, it would indicate that in 2012 there were at least 62,685 children and young people with SEN. Of these, 10,005 were statemented pupils (SEN Level 5).

This figure is significantly higher than the estimated prevalence of people with learning disabilities in the Bamford Action Plan and those calculated by RaISE. However, it should be noted that:

Many children will have special needs of some kind at some time during their education⁹

In addition, the SEN register can include children with very mild “learning difficulties” which may improve / or not require the level of support that is often necessary when a formal “learning disability” diagnosis is made and whereby children are more likely to be officially known to services (e.g. health and social services etc).

A child can also be removed from the register when progress is no longer a cause for concern.¹⁰

⁸ Northern Ireland Neighbourhood Information Service (NINIS) , Children Education and Skills – Primary Pupils and Post primary Pupils (Administrative Areas), <http://www.ninis2.nisra.gov.uk/public/Theme.aspx>

⁹ NI Direct, What are special educational needs? <http://www.nidirect.gov.uk/index/information-and-services/parents/schools-learning-and-development/special-educational-needs/what-are-special-educational-needs.htm>

¹⁰ Department of Education, Special Education Needs Code of Practice, http://www.deni.gov.uk/the_code_of_practice.pdf

The variation in figures available regarding the prevalence of SEN and learning disabilities in Northern Ireland highlights the findings of the Bamford Review which also found it difficult to secure accurate information.¹¹

4 Relevant Legislation

The Special Education Needs and Disability Order (SENDO) 2005¹² was designed to strengthen the rights of an individual with SEN. It also makes it unlawful for general qualifications bodies to discriminate against people with disabilities. SENDO brought NI law into line with that in England, Scotland and Wales.

It ensures that pupils with SEN but without a statement are educated in ordinary schools. It also ensures that those with a statement are educated in ordinary schools unless this is incompatible with parental choice or with the provision of efficient education for other children.

SENDO covers three main areas:

- Schools;
- Further and Higher Education; and
- General Qualifications Bodies.

The statutory responsibility for securing provision for pupils with SEN rests with both schools and the five Education and Library Boards (ELBs). They are responsible under special education legislation for identifying, assessing and in appropriate cases, making provision for children with SEN in their areas.¹³

Of most note to this paper are the provisions made for Further and Higher Education, where it is established that it is unlawful for further and higher education bodies to discriminate against students who have disabilities and that such bodies must take reasonable steps to ensure that students who have disabilities are not placed at a substantial disadvantage in comparison to students who do not have a disadvantage.

5 Policy and Strategies

Support for people with post 19 SEN is provided by two Departments in Northern Ireland – The Department for Health, Social Services, and Public Safety, and the Department for Employment and Learning.

This section of the paper will discuss the policies, strategies and action plans developed by each of these Departments in order to tackle the issues related to SEN.

¹¹ Review of Mental Health and Learning Disability, Equal Lives, September 2005

¹² The Special Education Needs and Disability Order (2005), Explanatory Memorandum
<http://www.legislation.gov.uk/nisi/2005/1117/memorandum/contents>

¹³ Department of Education, Special Education Needs, http://www.deni.gov.uk/index/support-and-development-2/special_educational_needs_pg.htm

5.1 The Bamford Review

Services for those with learning disabilities or mental-ill health have undergone a process of reform following the Bamford Review in 2007.

The Bamford Review called for:

- Continued emphasis on promotion of positive mental health;
- Reform of mental health legislation;
- A continued shift from hospital to community-based services;
- Development of a number of specialist services, to include children and young people, older people, those with addiction problems and those in the criminal justice system; and
- An adequate trained workforce to deliver these services.

It is intended for these reforms to take place across a 10-15 year time scale. An Action Plan was published based on the Review covering 2009-2011, with a second plan covering 2012-2015 currently being implemented.

It should be noted that the Bamford Review provides actions for a number of government departments with the following Departments have responsibilities in regards people with Learning Difficulties and SEN:

- Department for Health, Social Services and Public Safety (DHSSPS);
- Department for Employment and Learning; and
- Department for Education.

The 2012 – 2015 Bamford Vision Action Plan bases its recommendations for support for people with LD on five core values:¹⁴

- **Social inclusion:** People with a learning disability are valued citizens and must be enabled to use mainstream services and be fully included in the life of the community;
- **Citizenship:** People with a learning disability are individuals and each has a right to be treated as an equal citizen;
- **Empowerment:** People with a learning disability must be enabled to actively participate in decisions affecting their lives;
- **Working together:** Conditions must be created where people with a learning disability, families and organisations work well together in order to meet the needs and aspirations of people with a learning disability; and
- **Individual support:** People with a learning disability will be supported in ways that take account of their individual needs and helps them to be as independent as possible.

¹⁴ DHSSPSNI, Delivering the Bamford Vision, Action Plan 2012-2015, <http://www.dhsspsni.gov.uk/2012-2015-bamford-action-plan.pdf>

Under these core values a number of broad actions have been developed:¹⁵

- **Service framework for learning disabilities:** A service framework has been developed by the DHSSPS. This is discussed in further detail below;
- **Children and young people with a learning disability:** Focuses on supporting and encouraging young people to develop their full potential and to participate as fully as possible in school. Transitions into adulthood are an important consideration at this stage;
- **Older people with a learning disability:** The Action Plan includes a commitment to develop a plan to support people with a learning disability who are living with elderly carers where there is a risk of that caring arrangement breaking down; and
- **Resettlement:** Under the Action Plan, work will continue to seek alternative care arrangements for long-stay patients in care hospitals.

The Action Plan has seventy-six actions to be taken forward by seven departments of which thirty-five actions are related to learning disabilities and nine of which make specific provision for those aged over 18.

5.2 Department for Health, Social Services and Public Services

In 2011 the DHSSPS carried out a review of the provision of Health and Social Care (HSC) services in Northern Ireland. As stated in the review report *Transforming Your Care*:¹⁶

The Review was to provide a strategic assessment across all aspects of health and social care services, examining the present quality and accessibility of services, and the extent to which the needs of patients, clients, carers and communities are being met.

The review included recommendations on the future shape of services and an implementation plan.

As the review covered all HSC services it includes some areas covered by the Bamford review, with its recommendations intended to be complimentary to those from Bamford. In regards services for people with LD, the review had the following key proposals:¹⁷

- Integration of early years support for children with a LD into a coherent 'Headstart' programme of services for 0-5 year olds;
- Further development of the current enhanced health services on a NI basis;
- Support from Integrated Care Partnerships (ICP) to improve clinicians awareness of the needs of individuals with a LD;
- Better planning for dental services should be undertaken;

¹⁵ Ibid

¹⁶ DHSSPSNI, *Transforming Your Care*, 2011, <http://www.dhsspsni.gov.uk/tyc.htm>

¹⁷ Ibid

- Further development of a more diverse range of age-appropriate day support and respite and short-break services;
- Greater financial control in the organisation of services for individuals and careers, including promoting uptake of Direct Payments with involvement of current recipient to share their experiences, advocacy and support where needed;
- Development of information resources for people with a learning disability to support access to required services;
- Advocacy and support for people with a LD including peer and independent advocacy; and
- Commitment to closing long stay institutions and to completing the resettlement process for 2015.

In order to meet the needs of those with LD, service frameworks are used to provide clear standards of health and social care that are evidence based and measurable. As stated by the DHSSPS:¹⁸

The aim of the Learning Disability Service Framework (LDSF) is to improve the health and wellbeing of people with a learning disability, their carers and their families by promoting social inclusion, reducing inequalities in health and social wellbeing, and improving the quality of care.

The framework runs from 2012-2015 with reviews and continuing development intended to keep it up to date with the needs of its target group.

The LDSF has thirty-three standards covering the following areas:¹⁹

- Communication and involvement in the planning and delivery of services;
- Children and young people;
- Entering adulthood;
- Inclusion in community life;
- Meeting general physical and mental health needs;
- Meeting complex physical and mental health needs;
- At home in the community;
- Ageing well; and
- Palliative and end of life care.

Health and Social Service Trusts deliver the vast majority of these services, including day centres, day services residential and supported living services.

5.3 Department for Employment and Learning

¹⁸ DHSSPS, December 2011, Learning Disability Service Framework Consultation Document, http://www.dhsspsni.gov.uk/learning_disability_service_framework.pdf

¹⁹ DHSSPS, January 2013, Learning Disability Service Framework

The Department for Employment and Learning (DEL) runs a number of services for people with Learning Disabilities. The majority of these services are targeted at developing skills and finding employment.

The Disability Employment Service (DES) holds the main responsibility within the department for operating these services. It is designed to help employers recruit and retain disabled employees. It also provides practical and financial support to companies.²⁰

The DES provides additional support on:

- **Job Introduction Scheme (JIS):** If someone finds a job they are interested in, JIS allows them to try the job to ensure its suitable for both the perspective employee and the employer. DES can also help employers meet initial wage costs;
- **Workable (NI):** Programme that gives people with disabilities the opportunity of working in a variety of jobs. Can offer a range of support designed to meet the individuals needs and the needs of their employee;
- **Access to Work (NI):** Offers practical advice and help in order to make LD people's working life easier. Provides: Communication and support at interviews; adaption to premises; special aids; assistance to travel to work; travel to work; and a support worker;
- **Employment Assessment and Occupational Psychology Services:**
 - employment assessments tailored to the individual;
 - help identify abilities and strengths;
 - help to find out how disability or health conditions affect employment; and
 - plan the steps needed to be taken to obtain or retain suitable employment;
- **Condition Management Programme (CMP):** CMP aims to address the health conditions of those clients in receipt of Incapacity Benefits with mild to moderate conditions. It is based on short-term, work-focused support and advice supplied by healthcare professionals with a view to helping clients understanding and manage their condition, in order to assist them in their return to work;
- **Work Connect:** Offers a range of pre-employment and in-work support and assistance to help overcome barriers that others without disabilities or health conditions may not encounter; and
- **Return to Work Credit:** Extra financial support via a tax free payment of £40 per week for up to 52 weeks.

Please note, the Department of Education also provides support for people with learning difficulties/ SEN (with the statutory responsibility lying with schools and the Education and Library Boards).

²⁰ Department for Employment and Learning, Disability Employment Service, <http://www.delni.gov.uk/index/finding-employment-finding-staff/fe-fs-help-to-find-employment/das.htm>

6 Other Sources of Support

In addition to the provision made by the public sector, there is support available from the private and community/voluntary sectors.

This includes organisations such as Mencap, which supports people with a learning disability and their families.

Services offered by Mencap in Northern Ireland include Training and Employment services such as:²¹

- **Pathway to success:** An employment service available in Northern Ireland. The aim of Mencap's Pathway programme is to connect people with a learning disability to the labour market using a person-centred approach. It includes a mix of elements such as skills analysis, job matching, work skills training and vocational advice;
- **Transition Services:** Mencap's Transitions services can support school leavers through working with them in groups, or through work experience placements with on-site support. Young people are encouraged to think about their career choices and further education need;
- **Job Clubs:** Mencap and the Further Education Colleges aim to help young people and adults with a learning difficulty and/or disability to find and retain employment or progress to further learning. Job clubs are run in partnership with some further education colleges - they offer trainees a variety of activities to help find employment; and
- **Workable NI:** As a Workable (NI) provider, Mencap, in partnership with Action Mental Health, supports people with a learning disability across Northern Ireland to sustain paid employment in a wide variety of jobs over 16 hours per week.

A number of other organisations also provide services in Northern Ireland. These include for example:²²

- **Bryson House:** Provides independent advocacy services;
- **The Orchardville Society:** Specialist employment service and social enterprise which helps over 250 people with a learning disability in Belfast each year;
- **Positive Futures:** Supported Living; Peripatetic and floating support; and Children and Family Services;
- **Praxis Care:** Domiciliary and residential care; Workskills programme; Day care services; and community placements; and
- **Autism NI:** Parent led partnership organisation having been formed to promote positive collaboration between parents, professionals and individuals with Autism to address the need for appropriate services.

²¹ Mencap, Training and employment services in NI, <http://www.mencap.org.uk/northern-ireland/what-we-do/employment-services/training-and-employment-services-ni>

²² Please note, this is not a definitive list.