

Department of Education

Introduction

This paper has been prepared in response to a request from the Committee for Health, Social Services and Public Safety for a briefing paper on the Autism Bill. It seeks to describe the type of support for pupils on the autism spectrum which was put in place following the publication of the Report of the Task Group on Autism in 2002 and to provide information on the current legislative base, which defines the statutory responsibilities of the Education and Library Boards (ELBs) and schools. Information is also provided on the progress of the development of an autism strategy and implementation plan for the education sector.

Contents:

Section	Title	Page Number
1	Current Education Provision (including case studies)	3
2	Current Legislative Base	6
3	Special Educational Needs and ASD Statistics and Prevalence	11
4	Educational Resources for ASD and SEN	13
5	Task Group Report on Autism	14
6	ETI Report – An Evaluation of the Inter-Board ASD Advisory Service	15
7	DE Autism Strategy and Implementation Plan	16

1. Current Education Provision

1.1 Autism support is tailored to meet the needs of the individual pupil. The Code of Practice on the Identification and Assessment of Special Educational Needs (SEN) provides guidance to the Education and Library Boards and the boards of governors of the grant-aided schools (and those who help them including the health and social services) on their statutory duties. The Code sets out a 5 stage approach. School based support is provided at Stages 1 and 2 and at Stages 3, 4 and 5, individual pupil support may also be accessed and a more intensive level of support provided, which is based on the learning needs of the child.

1.2 Case Studies

Three theoretical examples of support for pupils with autism are detailed below, outlining the likely education provision that would be delivered under the existing framework for educational provision for those children and young people on the autism spectrum. Each example refers to children at different stages on the Code of Practice.

Case Study 1

Nursery aged child at Stage 1 of the Code of Practice with no confirmed diagnosis of ASD

Likely Support:

- Teacher support – school visits to discuss teacher concerns
- Training in ASD - whole school training and early years in-service training would be made available
- Following teacher consultation – specialist resources provided for the classroom e.g. schedules and positive behaviour visuals.
- Follow up school visits and telephone calls.

- On parental request, parent support, telephone contact and home visits would be available.
- Areas of concern identified would be within the home and advice and resources provided to home. Parents informed of other support services available e.g. Health and Social Services Trust.

Case Study 2

P7 pupil with a diagnosis of Autism

Likely Support:

- School based observations would inform tailored individual support
- Parent and teacher interviews
- School and home based resources would be provided
- Assistance would be provided to school with individual education plan
- Primary in-service training and whole-school training would be provided to school staff
- Liaison with educational psychology, occupational therapy and speech & language services
- Collaborative working with Health Board's Autism Service
- *"Social Skills Workshops"* for P7 pupil and parent (5 consecutive sessions)
- *"Transfer Workshop"* to prepare P7 pupil and parents for transfer to post-primary school environment and staff and parent completion of *"Individual Pupil Profile"*
- Autism awareness peer training for schools via Key Stage 1 and Key Stage 2 *"Autism Awareness Puppet Shows"*
- Buddy system and social group would be set up in school
- Explicit teaching of social skills – one to one and group level.
- Ongoing parental involvement to ensure continuity and generalisation of skills
- Contribute to transfer review advice, as part of the SEN process

Case Study 3

Year 10 pupil with a diagnosis of Asperger's Syndrome and associated behavioural concerns.

Likely Support:

- School based observations
- Parent and teacher interviews
- Liaison with other agencies involvement: - Child and Family Clinic (CFC), Child and Adolescent Mental Health Service (CAMHS), educational psychology and education welfare services
- Functional assessment and establishment of a school and home based *"Positive Behaviour Support Programme"*
- Appropriate risk assessment would be undertaken
- Supporting school staff in setting of autism-specific targets on education plan
- Working with student on setting appropriate social and behaviour targets and monitoring, evaluating and recording progress via daily target diary
- Explaining diagnosis of ASD to the parents and to the pupil
- *"Autism Awareness Training Workshop"* delivered to peers
- Pupil participation in five week *"Anger Management Programme"*
- Parental attendance at five week *"Life Skills course for parents of Year 10 pupils with a diagnosis of ASD"*
- Staff attendance at nine week course on *"Supporting the pupil with ASD using the principles of Applied Behaviour Analysis"*
- Post-primary in-service training and whole-school training would be provided to school staff.

Further training support can also be provided through to school staff, teachers, non-teaching staff and parents. This support may be accessed directly by schools and parents from the Education and Library Boards' Autism Services. For such support, a confirmed diagnosis of an autistic spectrum disorder (ASD) is not required.

2. Current Legislative Base

The Education (NI) Order 1996 and the Special Educational Needs and Disability (NI) Order 2005

2.1 Special Educational Needs (SEN) legislative framework

The SEN legislative framework consists of:

- primary special education legislation;
- special education regulations; and
- the Code of Practice (CoP) on the Identification and the Assessment of Special Educational Needs and the supplement to the CoP.

2.2 General

Children with autistic spectrum disorder (ASD) fall within the definitions of both 'special educational needs' and 'disability', as described in the paragraphs below. Children with ASD therefore have the same rights in education under current SEN and disability discrimination legislation as, for example, children with physical or sensory disabilities, children with severe or moderate learning difficulties and children with conditions such as attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD) or dyslexia. These definitions are comprehensive and cover SEN and disabled children, whatever the basis for the need. The definitions are also compatible with the Section 75 duties of the NI Act 1998, in that they promote equality of opportunity between persons with a disability and persons without, and do not distinguish between any one type of disability to the detriment or exclusion of another.

2.3 The Education (NI) Order 1996

Under the Education (NI) Order 1996, the statutory responsibility for securing provision for pupils with special educational needs, including those with ASD, rests with the five ELBs and schools, which are responsible under special education legislation for identifying, assessing and, in appropriate cases, making provision for children with special educational needs in their areas/schools. The Code of Practice on the Identification and Assessment of

Special Educational Needs (DE, 1998) has brought clear guidelines for all professionals working with children with SEN and one of its fundamental principles is that the individual needs of all pupils who may experience learning difficulties during their school careers must be addressed. The CoP sets out a 5-stage SEN framework for ELBs and schools to follow.

2.4 Special Educational Needs and Disability (NI) Order 2005 (SENDO)

SENDO came into effect on 1st September 2005 and strengthened the rights of all children with SEN to a mainstream education, and for the first time introduced here disability discrimination laws for the whole education sector, including institutions of further and higher education. In 2005 the Department of Education issued, for schools and ELBs, a Supplement to the existing Code of Practice on the Identification and Assessment of Special Educational Needs, in order to support the new SEN provisions of the SENDO. Additionally the Equality Commission for NI (ECNI) has issued a Disability Discrimination Code of Practice for Schools outlining their responsibilities under the disability discrimination aspects of SENDO.

2.5 Main SEN Provisions of the Education (NI) Order 1996

The main provisions of the Education Order (NI) 1996 are as follows:

- a definition of 'special educational needs': a child has special educational needs if he/she has a learning difficulty which calls for special educational provision to be made for him/her;
- a definition of 'learning difficulty': a child has a learning difficulty a) if he/she has a significantly greater difficulty in learning than the majority of children of his/her age **or** b) if he/she has a disability which either prevents or hinders him/her from making use of educational facilities of a kind generally provided for children of his/her age in ordinary schools **or** c) he/she has not attained the lower limit of compulsory school age and is, **or** would be if special educational provision were not made, likely to fall with a) of b) when he/she is of compulsory school age;

- a general duty on ELBs to determine, of the children for whom they are responsible, the special educational provision called for by any learning difficulty;
- a qualified duty on ELBs to secure education in ordinary schools for a child for whom the board maintains a statement of SEN;
- duties on Boards of Governors of ordinary schools to make the necessary SEN provision for registered pupils, secure that for those pupils with SENs, their needs are made known to those teaching the pupils and secure that teachers are aware of the importance of identifying and providing for those registered pupils with SEN;
- allows ELBs to request the help of a health and social services authority in order to determine a child's needs;
- requires a health and social services authority to comply with such a request, (but significantly allows the authority to have regard to the resources available to it when considering if it will comply with the request or make provision);
- duties on ELBs under the statutory assessment and statementing framework, which require that the educational provision outlined in a statement is arranged by ELBs; and
- requires DE to establish a Special Educational Needs Tribunal (now the Special Educational Needs and Disability Tribunal under SENDO) to hear appeals by parents on certain aspects of ELB assessment and provision.

2.6 Main SEN Provisions of the Special Educational Needs and Disability (NI) Order 2005 (SENDO)

The main SEN provisions of the SENDO are to:

- strengthen the rights of children with SEN to be educated in ordinary schools, where parents want this and the interests of other children can be protected;

- require ELBs to make arrangements for services to provide parents of children with SEN with advice and information (an Advice and Information Service was established in 2005);
- require ELBs to provide a means of resolving disputes between parents and schools or ELBs (a Dispute Avoidance and Resolution Service - DARS - was established in 2005);
- require the Department of Education to reform the Special Educational Needs Tribunal to become a Special Educational Needs and Disability Tribunal (SENDIST), in order to hear both appeals about SEN provision and claims about disability discrimination;
- require Boards to comply, within prescribed periods, with orders of the SENDIST and make other technical changes in support of the Tribunal process and the statementing process;
- require schools to inform parents where they are making special educational provision for their child;
- allow Boards of Governors or proprietors of schools to formally request a statutory assessment of a pupil's SEN; and
- allow parents to appeal to SENDIST where another body has requested a statutory assessment.

2.7 Main Disability Provisions of SENDO

The main disability discrimination provision of SENDO, insofar as they relate to ELBs and schools (including independent schools), are:

- a definition of disability (from the Disability Discrimination Act 1995) which states that a person has a disability if he/she has a physical or mental impairment, which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities;
- a duty not to treat pupils who have a disability less favourably, without justification, for a reason which relates to their disability;
- a duty to make reasonable adjustments so that pupils who have a disability are not put at a substantial disadvantage compared to pupils who do not have a disability;

- a duty to plan and make progress in increasing accessibility to school premises and the curriculum, and in improving ways in which information is provided to pupils with a disability. The SENDO provisions prohibit schools from discriminating against disabled children in their admissions arrangements, in the education and associated services provided by the school for its pupils and in relation to its exclusions from school.

It should be noted that the duty of reasonable adjustments on schools does not require the provision of auxiliary aids and services or the removal or alteration of physical features. Decisions about the provision of educational aids and services for children continue to be taken within the SEN framework.

3. Special Educational needs and ASD: Statistics and Prevalence

3.1 Educational Statistics

Statistics in relation to all SEN pupils in schools are collected annually through the Department of Education's school census. For pupils with ASD, data is collected under the two separate headings of 'autism' and 'Asperger's syndrome'.

3.2 The School Census figures show that in **2002** there were **1,158** pupils with ASD (autism or Asperger's syndrome) reported by schools as receiving special educational provision at stages 1 to 5 of the Code of Practice. These figures rose in **2009** to **3,973**¹ pupils with ASD.

The reported level of ASD in schools² of children, at stages 1 to 5, with ASD diagnoses or assessments, has therefore increased by 243% between 2002 and 2009.

3.3 We can compare the increase in the levels of ASD with the overall levels of children recorded in the school census as having SEN, across all types. In 2002 there were **46,285** pupils reported with SEN, including **10,339** with statements. By comparison in 2009 the school census reported **63,107** children with SEN at stages 1-5 (including pre-school), including **13,574** with statements. This represents an overall increase between 2002 and 2009 of **36.3%** in the incidence of pupils with a SEN at stages 1-5. The growth in the prevalence of the numbers of pupils with ASD, has, therefore, increased at a significantly greater rate than the increase in overall numbers of SEN pupils across all areas.

3.4 In addition, we can compare the numbers of children with ASD with those with other types of SEN. The table below set out the numbers of children in the 10 most prevalent SEN categories, as recorded in the school

¹ Includes pupils attending nursery, primary, post-primary and special school settings. Data relating to SEN type was not available for pre-schools in 2002. In 2009, 31 children with ASD were recorded in pre-school settings, giving an overall total of 4,004 children recorded across all school settings.

² Excluding pre-school settings

census in 2009. ASD/Asperger's Syndrome is ranked 7th in relation to other SENs, with over 4,000 pupils recorded on the spectrum.

Prevalence of SEN* 2009/10 across Pre-Schools, Nursery Schools, Primary Schools, Post Primary Schools & Special Schools (Stages 1-5)

Ranking	SEN	Number
1	Mild Learning Difficulties	15,304
2	Cognitive & Learning (general)	10,044
3	Speech & Language	8,650
4	Moderate Learning Difficulties	8,265
5	Dyslexia	6,568
6	SEBD	6,316
7	Autism/Asperger's	4,004
8	ADD/ADHD	2,353
9	Other	2,099
10	Severe Learning Difficulties	2,049

*All SEN needs

4. Educational Resources for ASD

4.1 The entire area of SEN resources, and in particular those for ASD, has been a priority for DE since the Report of the Task Group on Autism was launched in 2002. The bulk of SEN resources are allocated via the ELBs' block grant, although considerable funding has been earmarked, by DE, in order to meet specific pressures. ELBs determine annually, according to their priorities, how the allocation of the block grant is made.

4.2 In 2009/10 around £172m was expended by ELBs from the block grant for provision for children with special educational needs. Since the publication of the Task Group Report on Autism, DE has secured additional resources totalling some **£9.3m** to support positive measures in ASD. These include:

- ASD-related training within the pre-school sector, to teachers, classroom assistants, playgroup leaders and assistants, qualified early years specialists and relevant ELB staff;
- funding to ELBs to enable key staff to undertake accredited training in Applied Behavioural Analysis;
- the formation, in 2003/04, of the Inter-board ASD Group to promote commonality and consistency of approach in relation to identification, assessment and delivery of services to children with ASD across the five ELBs and develop cross-Board training for ELB staff and schools in a range of ASD strategies and interventions;
- the production of a range of school/parent resources to support positive interventions for children with ASD, issued to all schools, ELBs and ASD voluntary groups, as aids to teachers and classroom assistants and to provide information to parents. These include: complementary parent and teacher videos/ DVDs/CD-ROMs and guidance material on ASD, produced by DE on a North/South basis; "ASD a Guide to Classroom Practice"; "Evaluating Provision for Autism"; and "Opening the Spectrum", a resource pack produced on a cross-border basis.

5. Task Group Report on Autism

5.1 The Report of the Task Group on Autism in May 2002, which was a major milestone in understanding the educational needs of young people on the autism spectrum, provided DE with an agenda for a **10-year period** to address its recommendations. The Task Group found that within the previous few years educational, health and social services provision for children and young people with ASD had entered a period of rapid improvement in many areas. However, that there was still much progress to be made before it would be possible to say that all children and young people with ASD were being identified and that their needs were being fully met. The Group reported that there was, in particular, a demand for more prompt access to diagnostic services at an early age and that these services should be followed immediately by effective interventions. Considerable concern was expressed in the report about provision for children with ASD and challenging behaviour.

5.2 The report contained a range of recommendations and stressed the need for significant improvements in 3 main areas:

- access to multi-agency, multi-disciplinary diagnostic and assessment services;
- training for parents of, and people who work with, children and young people with ASD; and
- school-based and home-based educational and therapeutic provision

5.3 As a consequence of the report, DE made a commitment to provide schools and parents with improved educational services and support. The actions undertaken since contribute to fulfilling the commitment to raising the standards and improving the provision for this group of young people, with significant additional funding to support the recommendations contained in the Task Force report. Key measures and actions which have been implemented since the publication of the report are listed in paragraph 3.3 above.

6. The Education and Training Inspectorate (ETI) Report – An Evaluation of the Inter-Board Autistic Spectrum Disorder Advisory Service

6.1 The ETI survey report in October 2008: “An Evaluation of the Inter-Board Autistic spectrum Disorder Advisory Service” provided definitive evidence of the good, very good and sometimes excellent work of the ASD advisory teams across the boards. The team of inspectors visited some 67 schools, interviewed principals, teachers, autism advisors and the senior managers of the inter-board service. In addition, a small number of parents and pupils were interviewed.

6.2 The survey suggested the following key improvements would help to deploy the excellent collective knowledge and expertise of the autism teams:

- (i) the re-structuring of the five board services into a single Regional Autistic Spectrum Advisory Support Service;
- (ii) the development of a more robust and rigorous pre-school support programme in tandem with the department of Health and Social Services and Personal Safety; and
- (iii) the development by DE of a strategic policy for autism, to inform the educational planning and service delivery with the key stakeholders, including other relevant government departments.

6.3 The survey concluded by commenting:

“The DE initiative is to be commended for its response to the 2002 Autism Report and the development further by the boards of their autism advisory services celebrated on the practical achievements to date and the capacity to improve further. Addressing the inconsistencies in provision and the gaps in pre-school provision are key to this development. It is now time to develop a regional advisory service for autism and an autism strategic plan for Northern Ireland. The autism advisory services have demonstrated the capacity to support this process.”

7. DE Autism Strategy and Implementation Plan

7.1 In light of a range of developments, additional funding and the recommendations contained in the ETI report: “*An Evaluation of the Inter-Board Autistic spectrum Disorder Advisory Service*”, the Minister for Education agreed, in October 2009, to commence a review of the Department’s ASD policy and to develop an education sector autism strategy and implementation plan for children and young people on the autism spectrum to ensure further and future development in this area.

7.2 As part of the development of the strategy a mapping exercise was undertaken during 2010, in collaboration with our education and health partners and international experts in the field of autism. The mapping exercise has been undertaken within the context of the 2002 Task Group Report on Autism, the 2008 ETI evaluation of the Inter-Board ASD Advisory service, recent research, prevalence trends and the many examples of good, innovative practice that have developed since the publication of the 2002 Task Group Report. Pre-consultation with voluntary groups, higher education institutions, parents, trade unions, the Middletown Centre for Autism and the Regional Strategy Group for Special Education commenced in October 2010. This work has been developed in conjunction with the work undertaken by the Department of Health, Social Services and Public Safety which has already introduced a framework for the development of health related services for young people with autism and their families.

7.3 The mapping exercise has identified several strategic areas for development in conjunction with education and health partners.

Key areas include:

- collaboration between DE and DHSSPS to ensure continuity in policy and strategic approaches;
- further collaboration between ELBs and Health Trusts to promote uniformity and cohesion in health and education provision;

- addressing the increasing demand on resources to ensure more equitable and effective provision; and
- shaping policy development through local and internationally based research.

7.4 An autism strategic framework and implementation plan for the education sector will be developed which will establish a direction for the further development of educational services and provision for children young people on the autistic spectrum. The strategic framework and implementation plan will aim to enhance the educational outcomes for children and young people on the autistic spectrum and across the ability range up to the age of 19. This will be achieved through the provision of a continuum of educational services and provision, taking cognizance of the actions and plans of other agencies which impact on or complement education.