This article describes how children and young people with special educational needs (SEN) [1] and disabilities are supported in special education. It covers the age range 0-25. Special education provision is provision for children and young people whose SEN cannot be met satisfactorily in mainstream education.

The legal framework, which covers all special educational needs provision in both mainstream and special education settings is described in the ‘Introduction’ [2] to this chapter. This legal framework is changing following the passing of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 [3], which provides the statutory basis for the term additional learning needs (ALN) [4] and introduces a single legislative framework to support children and young people aged 0-25 with ALN. The new system will be introduced in phases from September 2020. It will replace the two separate systems operating to support children and young people of compulsory school age who have SEN, and post-16 learners who have learning difficulties and / or disabilities (LDD), which are described in this article.

**Definition of the target group(s)**

For definitions of learning difficulty and disability and broad categories of special educational needs (SEN), see the subheading ‘Definition of the target group(s) [5]’ in the article on ‘Special Education Needs Provision’.

**Early childhood and school education**

Guidance on whether a child should have a place in mainstream or special education provision is provided by the Special Educational Needs Code of Practice for Wales [6] (2013). This states that, although there is a clear expectation that pupils with statements of special educational needs (SEN) will be included in mainstream schools, special schools [7] also have an important role in providing for them. A statement of SEN identifies a child or young person’s SEN and the arrangements needed to meet their needs; see the subheading ‘Statement of SEN’ [8] in the article ‘Special Education Needs provision within Mainstream Education’ for further information.

In accordance with the Code, parents of a child with a statement of SEN may express a preference for the school they wish their child to attend, which may be a special school.

The Code also sets out the factors which must be taken into account when deciding if a statement is necessary. Key considerations, as outlined on pages 94-96 of the Code, include that:

- the special educational provision necessary to meet the child’s needs cannot reasonably be provided within the resources normally available to mainstream schools and early years education settings;
- the child is not progressing sufficiently well even though the provision made by the school or
early years setting is appropriate.

Local authorities [9] are responsible for carrying out statutory assessments for statements of SEN. As part of this process, they must seek information from the child or young person, his / her parents or carers, and the school, along with other key professionals who may have been involved with the child, such as a healthcare professional or an educational psychologist.

Normally, only children and young people with a statement of SEN are eligible for separate special educational needs provision.

Note: The ‘duty to favour’ education for children with SEN in maintained [10] mainstream provision will remain under the Additional Learning Needs and Education Tribunal (Wales) Act 2018 [11], which will be implemented from September 2020.

Post-16 learners outside of school

The Welsh Government’s general expectation is that the education and training needs of young people aged 16+ with learning difficulties and / or disabilities (LDD) outside of school will be met by local, mainstream further education (FE) [12] institutions. However, the Government also funds the placement of learners aged 16-25 with LDD in specialist FE institutions.

A Learning and Skills Plan (LSP) is required for access to specialist provision. This is developed by Careers Wales [13] on behalf of the Welsh Government, following an assessment of the young person’s needs. It contains a recommendation about the provision and placement necessary to meet these needs, and the Welsh Government pays particular regard to the LSP in deciding whether to fund a placement. It also considers:

- whether all available evidence demonstrates that specialist provision is essential to meet the young person’s identified education and training needs;
- whether alternative options are available through local mainstream FE institutions;
- the Welsh Government’s statutory obligations, including consideration of the availability of resources;
- the best interests of the individual and the views and wishes of young people.

Assessments for an LSP are undertaken in conjunction with the young person and their parent / carer, and with appropriate input from agencies such as the local authority, school, mainstream FE institution, and / or social services and healthcare professionals. See the subheading ‘Specific support measures for post-16 learners outside of school’ [14] in the article on ‘Special Education Needs Provision’ for further information on LSPs, and Securing Provision for Young People with Learning Difficulties at Specialist Further Education Establishments [15] (2017) for further information on access to specialist FE provision for young people in Wales.

Admission requirements and choice of school

Choice of school

In accordance with the Special Educational Needs Code of Practice for Wales [6] (2013, pages 105-7), parents may express a preference for any maintained school they wish their child to attend, or may make representations for a placement in any other school. Local authorities (LAs) must comply with a parental preference providing that:

- the school or institution is suitable to the child’s age, ability, aptitude or special educational
needs (SEN);
- the child / young person’s attendance is not incompatible with the efficient education of others in the setting;
- the placement is an efficient use of the LA’s resources.

In instances where there is multi-agency (education, health and social services) agreement that the child has severe or multiple SEN that cannot be met in local day provision, LAs are likely to consider that there is a need for residential provision.

A statement of special educational needs issued by a LA must include the type and name of the school where the provision is to be made, or the LA’s arrangements for provision where this is to be other than in school. See the subheading ‘Types of provision’ below.

Local Authorities must make disagreement resolution services available. These services cover a wide range of disagreements, but are commonly used when parents or young people are dissatisfied with the proposed provision. In instances where the LA does not name the parents’ (or young person’s) first choice of school in a statement of special educational needs, they can also appeal to the Special Educational Needs Tribunal for Wales [16]. Further information on disagreement resolution services is available in pages 20-24 of the Code of Practice [6].

**Note:** The Additional Learning Needs and Education Tribunal (Wales) Act 2018 [3], which will be implemented from September 2020, strengthens the rights of children and young people in decisions relating to planning and provision for their additional learning needs. It also retains the requirement for local authorities to provide disagreement resolution services, alongside the right of appeal to the Education Tribunal for Wales (which will replace the Special Educational Needs Tribunal for Wales). Chapter 4 of the Act focuses on avoiding and resolving disagreements.

### Choice of college post-16

*Securing Provision for Young People with Learning Difficulties at Specialist Further Education Establishments* [15] (2017) sets out the process for determining access to specialist college provision for young people aged 16+ with learning difficulties and / or disabilities (LDD). This states that the Welsh Government will take account of the wishes of the young person, their families and / or carers (page 6). The Welsh Government does not, however, have a legal duty to fund the specialist provision of a young person’s choice. It may, for example, decide that a placement in a mainstream further education college, with support from a specialist college or local agencies, will meet a young person’s needs, without specialist college provision being required.

A young person’s Learning and Skills Plan (LSP) specifies the recommended placement, course / programme of study, and the duration of the provision.

Where the LSP determines that the specialist provision required to meet a young person’s identified education and training needs is only available in residential provision, the Welsh Government will normally fund this provision.

Where parents or young people are not in agreement with the placement identified in the LSP, they can challenge the decision by making a formal complaint to the Welsh Government. Complaints can be escalated to the Public Services Ombudsman for Wales [17], an individual with the legal power to review decisions made by public bodies, or can be put forward for judicial review.

**Note:** The Additional Learning Needs and Education Tribunal (Wales) Act 2018 [3], which will be implemented from September 2020, strengthens the rights of young people in decisions relating to
planning and provision for their additional learning needs.

**Types of provision**

Separate provision in Wales includes the following.

a. **Maintained special schools**, which are funded by the local authority (LA).

b. **Independent special schools**, which may or may not be approved under Section 41 of the *Children and Families Act 2014* [18] to make provision for pupils with special educational needs (SEN) or disability. Where a child’s statement of special educational needs names an [independent school] [19], the LA must meet the costs of the fees, including boarding or lodging where relevant.

c. **Specialist colleges**, which may be publicly funded or private (independent) colleges, catering for young people with learning difficulties and/or disabilities (LDD) from age 16 to 25. In the same way as independent special schools, independent specialist colleges may be approved to make provision for young people with LDD under Section 41 of the *Children and Families Act 2014* [18].

d. Alternative provision, which includes [pupil referral units (PRUs)] catering for children and young people who are unable to attend school because of illness, exclusion or other reasons. These are not classed as mainstream or special schools. Legally, they are both a type of school and a type of education other than at school (EOTAS). The subheading ‘[Specific support measures] [20]’ in the article on ‘Support Measures for Learners’ provides more information on EOTAS and PRUs.

A [list] [21] of the independent special schools and colleges approved under Section 41 of the Children and Families Act is available for England and Wales.

Special schools and colleges may be day or residential facilities, or offer both day and residential provision. They cater for pupils with a wide variety of SEN and can offer support for a range of needs or can cater for specific types of need, e.g. visual impairments; speech, language and communication difficulties; moderate, severe or specific learning difficulties; hearing impairments; or behavioural, emotional and social difficulties.

**Statistics**

In [January 2019] [22], there were 41 maintained special schools in Wales and 24 pupil referral units (PRUs). Of the maintained special schools, 31 offered post-16 provision. (In the same month, there was an overall total of 1598 maintained and independent schools and PRUs in Wales.)

Welsh Government [School Census] [23] results show that, in January 2018, 22.6% of pupils in maintained schools in Wales had some form of special educational need (SEN) and, of these pupils, 12.2% had a statement of special educational needs.

**Age levels and grouping of pupils**

Special schools are generally much smaller than mainstream schools and may have pupils ranging in age from under 5 to over 16. The age range, the range of needs catered for, and the organisation of classes vary from school to school.

Special schools also usually have a lower pupil to teacher ratio than mainstream schools. There are no formal regulations or recommendations governing class size.
Specialist colleges, catering for young people from around age 16, vary in terms of the ages and needs catered for.

**Curriculum, subjects**

All pupils attending maintained schools have the right to access a broad and balanced curriculum. All maintained schools, including special schools, are required to deliver the statutory curriculum, which aims to be sufficiently flexible to accommodate a wide variety of paces and styles of learning. See the subheading 'Inclusion in curriculum and assessment arrangements' [24] in the article on ‘Special Education Needs Provision’ for further information.

Independent special schools determine their curriculum.

The Welsh Government sets expectations for the programmes of study offered by specialist colleges catering for young people with learning difficulties and / or disabilities (LDD) from around the age of 16, which are in receipt of government funding to provide for these young people. These colleges must offer young people a ‘clear, reasonable and realistic programme of study’ that meets their identified education and training needs. This must include a breakdown of what is expected to be delivered in each academic year, and the expected outcomes linked to the young person’s future aspirations. Further information is available on page 14 of *Securing Provision for Young People with Learning Difficulties at Specialist Further Education Establishments* [15] (2017).

**Teaching methods and materials**

Welsh Government guidance [25] on inclusion and pupil support describes inclusion as the process through which all pupils, including those with special educational needs (SEN), access common opportunities which are relevant to their needs. It highlights differentiated teaching practices, which recognize and respond to the needs of individual pupils, as a key component of high quality education, and also states that schools should work with external partners in implementing effective inclusive practices.

There are a number of bodies which support those responsible for the education of children and young people with SEN. They include the following organisations.

- **nased** [26] (National Association of Special Educational Needs) supports practitioners by providing knowledge, training and resources. nasen also developed the SEND Gateway [27] – an online portal providing education professionals with free access to information and training to enable them to meet the needs of children and young people with SEN.
- **Natspec** [28] is a membership association for organisations offering specialist further education and training for learners with learning difficulties and / or disabilities.

Maintained schools may not usually charge for the cost of materials, books or other equipment used by pupils.

**Progression of pupils**

Children in special schools [7] change classes and groups – or their provision is altered – depending on their progress towards the objectives in their individual statement of special educational needs (SEN). The statement specifies what they, their teachers and their parents determine are the outcomes that will enable them to progress in their learning, achieve their aspirations and be well-prepared for adulthood. Repeating a year or class, or a programme of study, is not usual practice.
Teachers monitor and review a child’s progress through regular assessments during the course of a year. A formal review of progress and of the statement of SEN – involving the child, his / her parents, and teachers – must take place at least annually. This review focuses on progress towards the outcomes specified in the statement, and may result in changes to the outcomes / targets, or to the provision specified, in response to the pupil’s progress and development. For further information on the assessment of school pupils with SEN, see the subheading ‘Inclusion in curriculum and assessment arrangements’ [24] in the article on ‘Special Needs Provision’.

Specialist colleges catering for young people with learning difficulties and / or disabilities (LDD) from around the age of 16 are responsible for assessing a young person’s progress against their agreed programme of study. Colleges in receipt of Welsh Government funding to provide for these young people must provide the Welsh Government with a progress report on each young person at the end of his or her first academic term, and with an end-of-year report. This is to ensure that the placement is regularly reviewed to assess whether the young person is on track to achieve the intended outcomes. It is also to inform decisions regarding funding for subsequent years. Further information is available on page 14 of *Securing Provision for Young People with Learning Difficulties at Specialist Further Education Establishments* [15] (2017).

**Certification**

Children and young people with special educational needs (SEN) have the right to access the same qualifications as other pupils. Special arrangements in examinations can be made for candidates according to their needs. See the subheading ‘Inclusion in curriculum and assessment arrangements’ [24] in the article on ‘Special Education Needs Provision’.

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