

THE DEVELOPMENT OF EDUCATION FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS (N.I)

Schools for pupils with particular disabilities appear to have been in existence since at least 1836 when children who were deaf or blind could attend school in Belfast as boarders.¹ Since the first school began in a church building, it is likely that these were charitable institutions run by religious groups.

In 1920 the separation of the 26 counties of Ireland (now the Republic) brought division into the education system and while Ireland continued with the National School System, Northern Ireland set up its own acts² echoing those of the rest of the United Kingdom but allowing for three classes of primary school; controlled, maintained and private.

At this stage there was little provision for post-primary schooling for any children other than those of the rich. There were some fee-paying grammar schools and in 1926 the Education Boards made available a few scholarships for poor children to schools who subjected themselves to inspection.

After World War II the mood of the country was ripe for reform and there was movement for more social equality and so 'Education for All on an Equal basis' was the expectancy. At this time in history there was a strong belief in the Intelligence Test as the indicator for selecting the appropriate education provision. It was also believed that a child's potential could be ascertained around the age of 11 and the 11+ (or transfer test as it is now) was introduced. As a result the tripartite system of post-primary education was born; grammar schools for the most intelligent, secondary technical schools for the rest. There was pretence of claiming that these schools all had parity of esteem.

The 1944 Education Act (UK³) made it the responsibility of the local education authorities to decide whether a child needed special educational treatment. If a child was considered 'ineducable' he/she became the responsibility of the Department of Health and Social Services and was not entitled to receive statutory education. The 1947 Act (NI) brought similar legislation to Northern Ireland.

The Education Act of 1947⁴ required local education authorities to determine the special educational needs of children with learning difficulties, that is, children with special needs. Special schools were to be established for the teaching of these children, or, where the learning difficulties were not too severe, special classes were to be organised within the mainstream education system. By the mid-1970s, over 2,500 pupils were receiving special education in 30 special schools, almost 100 were attending boarding schools

¹ <http://www.aoqc42.dsl.pipex.com/jord/history.shtml>

² <http://www.proni.gov.uk/Education/history.htm>

³ Education Act 1944. (Butler Education Act)

⁴ Education (Northern Ireland) Act 1947

outside Northern Ireland, and around 100 were receiving home tuition. In addition over 200 pupils were attending units attached to ordinary schools.

A distinction was made between pupils who required *special educational treatment* and *children unsuitable for education*. These children became the responsibility of the Health and Social Services. Although there were a number of special school places for children in the latter group, places were limited and there was no qualification requirement for teachers.

In 1978 the Warnock Report⁵ *The Education of Handicapped Children and Young People* provided the foundation for revolutionary change in thinking about the educational needs of children with special needs. Words like 'handicapped' 'educationally subnormal' 'mongol' etc. were removed and replaced with 'special educational need'. This broad term was used to cover a wide range of needs which could not be met by teachers alone, working in the mainstream classroom. It did though, emphasize that as many children as possible should be educated in mainstream classes and that provision should be put in place to ensure this.

Following legislative change in the rest of the United Kingdom, the concept of special education needs was introduced into education legislation in Northern Ireland by the Education and Libraries (NI) Order 1986. All children and young people up to 19 years of age were to be provided with suitable education, regardless of ability or disability. Under these orders Education and Library Boards have a duty to identify and assess children in their area who have special education needs.

Although this order promoted the inclusion of all children with special educational needs in mainstream schools it did allow for provision to be made in mainstream primary or secondary, special units or day or residential special schools.

The education provision for children with disabilities in Northern Ireland was the subject of considerable controversy throughout the 1990s. There was much debate about a choice between the segregation of disabled children in special schools or their inclusion in mainstream schools. Segregated provision was thought by some to result in low expectations. However, others argued that there were more resources in special schools and by not taking advantage of these, a child could suffer in other ways.

In 1991 the UK (including Northern Ireland) adopted the United Nations Convention on the Rights of the Child⁶. Article 23 states the disabled child should have effective access to and receive education which encourages the fullest possible social integration and individual development.

Various piece of legislation in recent years, including The Children (Northern Ireland) Order 1995 have increased the rights of parents to have more choice in the education and

⁵ The Warnock Report (1978)

⁶ United Nations Convention on the Rights of the Child 1991

welfare of their children and this includes having a say in the educational provision made for them.

In 1995 the Disability Discrimination Act⁷ provided comprehensible and enforceable civil rights for disabled people.

The Education (NI) Order 1996,⁸ provides a legal framework for the assessment and development of special education provision for children with special educational needs. The Code of Practice is designed to improve the quality of provision made for children with Special Educational Needs. Schools and education authorities have a legal obligation to have regard for the Code of Practice. In effect, it charges those responsible with providing the education which is appropriate with regard for the special educational need. However, the provision was dependent on it not impacting adversely on other pupils in the class and also on the efficient use of resources. These two criteria are open to interpretation.

Additionally, within this legislation came responsibility for schools to draw up policies and arrangements for pupils with special educational needs. Education and Library Boards were required to advise parents and to consult them on what provision they would like for their children. Tribunal facilities were to be set up when parents wished to appeal decisions.

Further regulations in 1997⁹ stipulated that parents had to be consulted and their advice taken when a statement was being drawn up for a child. Advice also was to be sought from psychologists and any other relevant persons.

Section 75 of the Northern Ireland Act (1998)¹⁰ requires public authorities to have regard to equality of opportunity for those with disabilities and those without.

The Equality Act in Northern Ireland in 2000¹¹ ensured that people with disabilities had the same rights as others in the United Kingdom and Northern Ireland.

The most recent legislation is the SEND Bill 2003.¹² aims to give all school pupils and students the same rights as those in other parts of the United Kingdom. The legislation will strengthen the rights of children with special educational needs to be educated in mainstream schools; pupils with statements must be educated in an ordinary school unless it is against the wishes of the parents or would be incompatible with the education of other children. Again, the rights of parents have been increased and education authorities must consult them in all matters relating to the child. Strict time scales have been put in place in which certain stages of assessment process must take place.

⁷ Disability Discrimination Act (DDA) 1995

⁸ The Education (Northern Ireland) Order 1996

⁹ The Education (Special Educational Needs) Regulations (Northern Ireland) 1997

¹⁰ Northern Ireland Act 1998

¹¹ The Equality (Disability etc) (Northern Ireland) Order 2000

¹² The Special Educational Needs and Disability Bill (2002)

Other legislation which is having an impact on inclusion and other educational policy in relation to special educational needs are the New Targeting Social Need policy¹³ and the Department of Education Strategic Plan¹⁴. Both of these aim to alleviate social disadvantage by certain groups of people, including those with disabilities. The New Strategic Plan¹⁵ draws on the aspirations of all those interested to produce a common vision for the education service and to promote suitable education for all pupils with regard to them as individuals.

[BACK](#)

¹³ New Targeting Social Need.

¹⁴ Department of Education Strategic Plan 1996 – 2000)

¹⁵ Department of Education New Strategic Plan 2000 - 2006