

Recent Changes in Special Education in Northern Ireland

Legislation enacted in Northern Ireland over the last three years has guaranteed the right of all children, whatever their needs, to suitable educational provision. Also, parents have the right to be consulted at every stage of the child's assessment.

PATRICK MANNING is Headmaster of Heatherbank Special School, Omagh, Co. Tyrone.

It is the purpose of this article to look at current legislation relating to Special Education in Northern Ireland and to assess its effect on educational provision and progress. Two major pieces of legislation will be looked at, the *Educational and Libraries Order* (1986) which brought Northern Ireland into line with the 1981 *Education Act* (England & Wales) and the *Education Order*, (1987) which transferred control of Special Care provision from Health to Education.

Influence of Warnock Report

Special Education has gone through a series of changes over the last few years, due to the introduction of new legislation and these changes can be traced back to the effect of the *Warnock Report* (1978) which was revolutionary in its treatment of the problem of meeting special needs. Under the Chairmanship of Dame Mary Warnock, it asserted for the first time that long term educational goals for pupils with special educational needs are identical to those of all other children. It also claimed that up to 20% of pupils in mainstream education would require some form of special help at some stage throughout their school career.

The term "Special Needs" was first used by Warnock in an attempt to move away from a description of pupils based on the medical notion of handicap. "Special Needs" was seen as a more protective term which highlighted the provision required by each pupil and did not have the same negative tones as categorisation by handicap.

The 1981 *Education Act* (England & Wales) which sought to implement the Warnock proposals defined special needs as "if a child has a learning difficulty which calls for special educational provision to be made for him" and it also postulated that a child has a learning difficulty "if he has a significantly greater difficulty in learning than the majority of children of his age".

New Laws and Parents' Rights

The *Education and Libraries Order 1986 No. 594* (Northern Ireland 3) defined clearly the responsibilities of Local Education Authorities and schools in relation to pupils with special educational needs. Prior to the implementation of the 1986 Order pupils did not have a statutory right to a clear definition of their needs and parents did not have a right in law to be consulted or to be involved in the assessment placement procedure.

The Act requires that an Area Board should make a Statement of each pupil's educational needs. In the Order it defines special educational provision as "provision for a child which is educationally or otherwise different from the educational provision made generally for children of his age at ordinary schools".

The Act also included other definitions which clearly pointed to the responsibility of educationalists to match provision to pupils' needs. It was felt by many at the time when the act was introduced that this was essentially a "Parents' Charter" since it enshrined in law the right of parents to be consulted at every stage of the child's assessment. Not only had the parents to be consulted, but they can also furnish evidence if they disagree with any aspect of the educational assessment. Essentially the official Statement is made up of Educational Advice, Medical Advice and Psychological Advice. Education Boards were required to appoint a designated officer whose responsibility it is to make a decision about provision and placement upon the evidence from the parties involved.

Statementing and Meeting Special Needs

Many head teachers in Special Schools felt that the process of Statementing was so cumbersome and lengthy that many pupils would take up to a year and more to be processed and that this would have a detrimental effect upon Special Schools enrolment. It was considered that pupils would not be admitted to Special Schools without a Statement. However, the reality has been somewhat different. Many pupils are placed on a trial placement, thus allowing the Statementing process to be carried out while they are still pupils at Special Schools. This is obviously done with parental agreement and very often allows the school to be involved in the diagnostic aspect of Statementing.

This particular piece of legislation is now over three years old since it came into effect on the 1st January 1986. From a practical point of view, it has been a very useful period of time because it has focused attention specifically upon pupils' needs and how they should be met. It has also required schools to review pupils' progress on an annual basis and to comment on whether the school is actually meeting the pupils' needs. The result has been that resources and staffing and extra accommodation have tended to be concentrated where they are most needed and special education as a result has had a higher percentage share of funding.

There are obvious difficulties which can arise whenever a pupil's Statement highlights areas of deficiency which cannot be met within the educational provision available. Compromises are necessary if an Area Board is to meet its legal responsibility to provide for each pupil's needs and in a minority of cases pupils may be inappropriately placed at least for a short period of time.

From Health Care to Education

The 1986 Order was very quickly followed by the 1987 Order which came into operation on the 1st April, 1987. This has, perhaps, been the most significant piece of legislation, in educational terms, to be introduced in Northern Ireland since the 1948 Act. The 1987 Order repealed Article 35 of the 1986 Order. This momentous decision removed the onus from Authorities of categorising children as "unsuitable for education in schools". The effect of this was to guarantee in law the right of all pupils to education and to transfer authority for the Special Care Schools from Health to Education. Those schools formerly known as "Special Care Schools" were under the control

of Hospital authority and relied on them for their funding and staffing. The two year period since the introduction of the 1987 Order has been a period of adjustment and development for such schools. An assessment of the effect of the Order, in practical terms, is difficult since not enough time has elapsed for a considered assessment to be made. However, the immediate impact of resources and staffing was clearly to be seen. Schools got a tremendous increase in the range of equipment available and in the number of staff employed in the school. Buildings which had been unsuitable for pupils with profound handicap were up-graded as far as possible and plans were drawn up to replace many of these schools with new buildings. To date, no new building has yet taken place but it is hoped to start work on some schemes in the near future.

Problems of Implementation

Warnock saw Special Educational provision as a continuum and, prior to 1987, there was a very clear cut off point between Hospital provision for pupils with profound special needs and Educational provision for pupils with moderate learning difficulties. This continuum of provision has not really materialised yet in Northern Ireland since staff in the transferred Special Schools see their role as still working with the profoundly handicapped and many of the Special Schools dealing with moderate learning difficulties do not wish to deal with pupils with more severe difficulties.

The 1987 Order sparked off a furious debate over the whole question of integration of special needs provision. The Western Education & Library Board drew up plans to amalgamate two of its schools, one for the moderately handicapped and one for the severely handicapped. After a two year period of consultation and discussion it was decided to abandon the idea at present because of opposition from trade unions, teachers and parents from the former Special Care School.

This matter was referred to by the Chief Inspector for Northern Ireland, Mr. Ivan Wallace, when he spoke to a conference for heads of former Special Care Schools in March of this year.

"You may have some concerns about the future. I am aware that the proposed amalgamation of two Schools has caused some ripples of anxiety about what might happen in general. In this context there is no "generality", except that it is likely that most of your schools will continue as they are. However, enrolments, Board policy and local circumstances all must be taken into account. Each circumstance will be considered on its own merits, not as part of any grand plan.

Changes Yet to Come

This period of change is not yet over. Indeed, it may be that, with the introduction of the National curriculum as proposed in the document *The Way Forward* (October, 1988), Special Schools in Northern Ireland have to face even greater change over the next five to ten years. Its insistence upon a new approach to special needs can be summed up in one of the statements from the Department of Education & Science proposals.

"Children with Special Educational Needs, like all other children, should have the opportunity to experience as far as possible the full range of curriculum".

The National Curriculum, and all it entails, poses new challenges to Special Schools which we feel we are ready to meet. Increased contact between special and mainstream can only be to the good of the pupil with special needs of any kind.

References

Northern Ireland (1986). *Education and Libraries (Northern Ireland) Order 1986*. Northern Ireland: Dept. of Education.

Northern Ireland (1987) *Education of Children with Special Educational Needs - Circular 87/21*. Northern Ireland : Dept of Education.

Northern Ireland (1988). *Education Reform in Northern Ireland*. Northern Ireland : Dept. of Education.

Wallace, I. (1989). *E.E.M. Conference, Northern Ireland, March, 1989*.

Warnock Report (1987.) *Children with Special Educational Needs in the Primary School*. London : HMSO.