

Definitions of special educational needs and disability

From Special educational needs and disability A guide for parents and carers

<https://www.gov.uk/government/publications/send-guide-for-parents-and-carers>

The terms 'special educational needs' and 'disability' have legal definitions. These can be found in paragraphs xiii – xxiii of the Introduction to the 0-25 SEND Code of Practice.

Special educational Needs (SEN)

Children and young people with SEN all have learning difficulties or disabilities that make it harder for them to learn than most children and young people of the same age. These children and young people may need extra or different help from that given to others.

If your child's first language is not English, does that mean they have a learning difficulty? The law says that children and young people do not have learning difficulties *just* because their first language is not English, although, of course, some of these children and young people may have learning difficulties as well.

Many children and young people will have SEN of some kind at some time during their education. Early years providers (for example, nurseries or childminders), mainstream schools, colleges and other organisations can help most children and young people succeed with some changes to their practice or additional support. But some children and young people will need extra help for some or all of their time in education and training.

Children and young people with SEN may need extra help because of a range of needs. Paragraphs 6.27 – 6.35 of the 0-25 SEND Code of Practice set out four areas of SEN:

Communicating and interacting – for example, where children and young people have speech, language and communication difficulties which make it difficult for them to make sense of language or to understand how to communicate effectively and appropriately with others.

Cognition and learning – for example, where children and young people learn at a slower pace than others their age, have difficulty in understanding parts of the curriculum, have difficulties with organisation and memory skills, or have a specific difficulty affecting one particular part of their learning performance such as in literacy or numeracy.

Social, emotional and mental health difficulties – for example, where children and young people have difficulty in managing their relationships with other people, are withdrawn, or if they behave in ways that may hinder their and other children's learning, or that have an impact on their health and wellbeing.

Sensory and/or physical needs – for example, children and young people with visual and/or hearing impairments, or a physical need that means they must have additional ongoing support and equipment.

Some children and young people may have SEN that covers more than one of these areas.

Disabilities

Many children and young people who have SEN may also have a disability. A disability is described in law (the Equality Act 2010) as 'a physical or mental impairment which has a long-term (a year or more) and substantial adverse effect on their ability to carry out normal day-to-day activities.' This

includes, for example, sensory impairments such as those that affect sight and hearing, and long-term health conditions such as asthma, diabetes or epilepsy.

The Equality Act requires that early years providers, schools, colleges, other educational settings and local authorities:

- **must not** directly or indirectly discriminate against, harass or victimise disabled children and young people

- **must** make reasonable adjustments (see Glossary), including the provision of auxiliary aid services (for example, tactile signage or induction loops), so that disabled children and young people are not disadvantaged compared with other children and young people. This duty is what is known as 'anticipatory' – people also need to think in advance about what disabled children and young people might need