



Appendix 1

Definition of Special Educational Needs

Children have Special Educational Needs if they have a learning difficulty which calls for Special educational provision to be made for them

Children have a learning difficulty if they:

- a) Have a significantly greater difficulty in learning than the majority of children of the same age; or
- b) Have a disability which prevents or hinders them from making use of educational facilities of a kind generally provided for children of the same age in schools within the area of the local education authority.
- c) Are under compulsory school age and fall within the definition at (a) or (b) above, or would do so if Special educational provision was not made for them.



Disabled children and young people without SEN are not covered by the Bill or 2014 Code of Practice but may be covered in the Children Act 1989 Equality Act 2010 and the Health and Social Care Act 2012



(See Children and Families Bill 2014 clause 20)

Children must not be regarded as having a learning difficulty solely because the language or form of language of their home is different from the language in which they will be taught.



Special educational provision means:

- a) For children of two or over, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of their age in schools maintained by the LEA, other than special schools, in the area.
- b) For children under two, educational provision of any kind



(See section 312 Education Act 1996)

Ref- Special Educational Needs Code of Practice 2014 (page 9 Para 1:8)