



Home Office

## **Special Educational Needs and/or Disability Guidance**

In relation to the Pre-Entry Health  
Assessment Protocol for UK-bound  
Individuals under various Resettlement  
Schemes

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## Executive Summary

This guidance is intended as a resource for International Organization for Migration (IOM) clinical staff and is to be used alongside the Pre-entry Health Assessment Protocol for UK-bound individuals under various Resettlement Schemes. It was developed by a steering group based in the Home Office, the Office for Health Improvement and Disparities (OHID), the UK Health Security Agency (UKHSA) and IOM in collaboration with Lincolnshire County Council SEND team.

# The Rights of Children and Young People with Special Educational Needs and/or Disability (SEND) in the United Kingdom

- Children and young people (CYP) with special educational needs and/or disabilities (SEND) have a legal right to support
- The Children and Families Act 2014 provides the statutory basis for the system for identifying CYP (0-25) in England with special educational needs
- This guidance focuses on the duties and responsibilities set out in English law
- The four countries of the UK each have their own statutory framework but the right to support is broadly similar

## What is a Special Educational Need (SEN) and/or Disability?

Section 20 Children and Families Act 2014:

- (1) A child or young person has special educational needs if s/he has a learning difficulty or disability which calls for special educational provision to be made for them.
- (2) [A child or YP] has a learning difficulty/disability if they:
  - a) have significantly greater difficulty in learning than the majority of others of the same age, or
  - b) has a disability which prevents or hinders them from making use of facilities of a kind generally provided for others of the same age in mainstream provision
- (3) A child under compulsory school age has a learning difficulty or disability if they are likely to be within subsection (2) when of compulsory school age
- (4) A child/YP does not have a learning difficulty or disability solely because of the language spoken

## Disability

The Equality Act 2010<sup>1</sup> defines disability as when a person has a 'physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day to day activities.' This definition includes sensory impairments such

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<sup>1</sup> *The Equality Act 2010 for schools – Department for Education*

as those affecting sight or hearing, and long-term health conditions such as asthma, diabetes and epilepsy. Some specified medical conditions, HIV, multiple sclerosis and cancer are all considered as disabilities, regardless of their effect (4.4)

Long term is defined as lasting, or likely to last, for at least 12 months (4.5)

The Equality Act 2010 sets out the legal obligations that schools, early years providers, post-16 institutions, local authorities and others have towards disabled children and young people:

- They must not directly or indirectly discriminate against, harass or victimise disabled children and young people.
- They must not discriminate for a reason arising in consequence of a child or young person's disability.
- They must make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. It requires thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage.
- Public bodies, including further education institutions, local authorities, maintained schools, maintained nursery schools, academies and free schools are covered by the public sector equality duty and, when carrying out their functions, must have regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between disabled and non-disabled children and young people.

## Special Educational Provision in England

Section 20 Children and Families Act 2014:

- (1) "Special educational provision" (SEP) means educational or training provision that is addition to, or different from, that made generally for others of the same age in mainstream provision
- Section 21(5) – health/social care provision that educates or trains is to be treated as SEP
- The Local Authority is under a duty to secure provision to meet SEN of child
- "Needs" means "*what is reasonably required*"
- It is likely that Occupational Therapy and Speech and Language Therapy will be considered SEP

## Education Establishments

Where a child or young person is covered by SEN or disability legislation, reasonable adjustments and access arrangements should be considered as part of SEN planning and review. All settings should have a clear approach to identifying and responding to SEN. The benefits of early identification are widely recognised – identifying need at the earliest point and then making effective provision improves long-term outcomes for the child or young person. Class and subject teachers, supported by the senior leadership team, should make regular assessments of progress for all pupils. These should seek to identify pupils making less than expected progress given their age and individual circumstances.<sup>2</sup>

High quality teaching that is differentiated and personalised will meet the individual needs of the majority of children and young people. Some children and young people need educational provision that is additional to or different from this. This is special educational provision under Section 21 of the Children and Families Act 2014. Schools and college must use their best endeavours to ensure that sure provision is made for those who need it. Special educational provision is underpinned by high quality teaching and is compromised by anything less.

## Definitions of SEND

### Four broad areas of need:

1. **Cognition and Learning needs:**
  - Moderate Learning Difficulty (MLD)
  - Specific learning Difficulty (SpLD)
  - Severe Learning Difficulty (SLD)
  - Profound and Multiple Learning Difficulty (PMLD)
2. **Social, Emotional and Mental Health difficulties (SEMH)**
3. **Communication and Interaction needs:**
  - Speech, Language and Communication Needs (SLCN)
  - Autistic Spectrum Disorder (ASD)
4. **Sensory and/or Physical needs:**
  - Visual Impairment (VI)

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<sup>2</sup> Special Educational Needs and Disability Code of Practice 2015

- Hearing Impairment (HI)
- Multi-Sensory Impairment (MSI)
- Physical Disability (PD)

## Cognition and Learning needs:

- **Specific Learning Difficulty (SpLD)** - a particular difficulty in learning to read, write, spell or manipulate numbers so that their performance in these areas is below their performance in other areas. Pupils may also have problems with short-term memory, with organisational skills and with co-ordination. SpLD includes:
  - Dyslexia
  - Dyscalculia
  - Dyspraxia
- **Moderate Learning Difficulty (MLD)** - significantly below expected levels in all core areas of the curriculum, despite appropriate interventions. Greater difficulty in acquiring basic literacy and numeracy skills and in understanding concepts. May also have associated speech and language delay, low self-esteem, low levels of concentration and under-developed social skills.
- **Severe Learning Difficulty (SLD)** - significant intellectual or cognitive impairments. This has a major effect on their ability to participate in the school curriculum without support. They may also have associated difficulties in mobility and co-ordination, communication and perception and the acquisition of self-help skills.
- **Profound and multiple learning difficulties (PMLD)** - complex learning needs. In addition, pupils have other significant difficulties including physical disabilities, sensory impairment. Pupils require a high level of adult support, both for their learning needs and also for personal care.

## Communication and Interaction needs:

- **Speech, Language & Communication Needs (SLCN)** – Pupils with SLCN cover the whole ability range. May have difficulty in understanding and/or making others understand information conveyed through spoken language. Acquisition of speech and their oral language skills may be significantly behind their peers. Speech may be poor or unintelligible. Pupils with language impairments find it hard to understand and/or use words in context.
- **Autism Spectrum Disorder (ASD)** - Pupils with autism cover the full range of ability and the severity of the impact of their autism on their learning varies. This will have been identified by a Community Paediatrician or other medical doctor. Some pupils also have learning disabilities or other special educational needs.



## Sensory and/or Physical needs:

- **Visual Impairment (VI)** - refers to a range of difficulties from partial sight through to blindness. Pupils with visual impairments cover the whole ability range. For educational purposes, a pupil is considered to be visually impaired if they require adaptations to their environment or specific differentiation of learning materials in order to access the curriculum.
- **Hearing Impairment (HI)** - range from mild hearing loss to those who are profoundly deaf. They cover the whole ability range. For educational purposes, pupils are regarded as having a hearing impairment if they require hearing aids, adaptations to their environment and/or particular teaching strategies in order to access the concepts and language of the curriculum.
- **Multi-Sensory Impairment (MSI)** - Pupils with multi-sensory impairment have a combination of visual and hearing difficulties. Many also have additional disabilities, but their complex needs mean that it may be difficult to ascertain their intellectual abilities.
- **Physical Disability (PD)** - wide range of physical disabilities and pupils cover the whole ability range. Some pupils are able to access the curriculum and learn effectively without additional educational provision. They have a disability, but do not have a special educational need. There are medical conditions associated with physical disability which can impact on mobility. These include cerebral palsy, spina bifida, hydrocephalus and muscular dystrophy. Pupils with physical disabilities may have associated sensory impairments, neurological problems or learning difficulties.

## Assessment of special educational needs

As part of the pre-entry health assessment, the clinician should assess the neurodevelopmental and special educational needs of the individual as appropriate, and the outcome recorded in the medical form to identify those individuals with special educational needs at the earliest opportunity. This will assist in ensuring better placements with receiving authorities and appropriate support/schooling is in place upon their arrival in the UK.

It is not feasible to complete a full assessment of child development and SEND during the health assessment. The aim is to screen for potential issues that would merit fuller assessment (and potential support) in the UK. For instance, it could be highlighted that children with potential developmental delay would benefit from the Ages and Stages Questionnaire assessment<sup>3</sup> on arrival.

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<sup>3</sup> Ages & Stages Questionnaires. Available: <https://agesandstages.com/>

The following prompts can be used to screen the individual:

- Are there any identified learning difficulties and/or disabilities specifically relating to the following:
  - Communication and Interaction
  - Social Emotional Mental Health
  - Cognition and Learning
  - Physical and Sensory disabilities
- Any known support that the child has received in the past relating to learning needs and/or disabilities

All individuals with significant suspected or obvious developmental issues and/or requiring special schooling or employment needs should have the Significant Medical Conditions form filled out, highlighting the need for full assessment after resettlement. If there are associated medical issues or care needs, these should be investigated, treated or recorded in the Significant Medical Conditions form as appropriate prior to travel.

The outcome of the SEN assessment should be included in the medical report. Details should be provided in the Remarks to the physical examination section. Medical Conditions Remark on the front page of the form should indicate "SEN: diagnosis (if available)". The condition should be classified as Grade B, Others, and SMC form should be filled out.