



Advancing Equality and Rights for Children with Special Educational Needs and Disability (SEND)

Event Briefing Report

March 2025

Background

The Department of Education (DE) launched its SEN Reform Agenda and Five-Year Delivery Plan on 4 February 2025. The Delivery Plan identifies 148 specific actions across the areas of Right Support, from the Right People, at the Right Time and in the Right Place, and includes details on the governance and accountability structures to ensure progress.

On 6 March 2025, the Equality Commission for Northern Ireland (ECNI) and the Northern Ireland Commissioner for Children and Young People (NICCY) organised a stakeholder engagement event on Advancing Equality and Rights for Children with Special Educational Needs and Disability (SEND). The event, which took place in Equality House, Belfast, had over 40 participants and provided an opportunity for stakeholders to share information and discuss next steps and actions going forward. The Children's Law Centre (CLC) participated by presenting an overview of the SEN legal framework and recommendations for SEN reform that are child-rights compliant.

This report summarises the presentations and discussions that happened throughout the event.

Key Themes Shared During the Event

- Participants reiterated that all children with SEND should be able to access and receive a high-quality education.

- There is a need to develop an agreed definition of 'inclusion', specifying how this will be measured. Schools need to become more accessible and inclusive educational spaces for all children.

- While elements of the Delivery Plan were welcomed, concerns regarding funding and feasibility were shared by most stakeholders.

- Further detail is needed on outcomes, targets, and governance and accountability structures to ensure progress on the Delivery Plan.

- The Delivery Plan needs to detail specific actions to address inequalities experienced by children with SEND across the equality groups, for example, newcomer children and Traveller children.

- It is essential that SEND reform takes a child-centred and child-rights approach which promotes equality of opportunity for all children with SEND.

- Decision-making in the placements process needs to be improved by considering the views of schools and parents. For example, clear and transparent parental guidance on educational provision in Specialist Provision in Mainstream Schools (SPiMs) should be produced.

Opening Remarks

“Every child deserves an equal chance to succeed. While we welcome the inclusion of SEN as a priority area within the Programme for Government, decision-makers must take urgent and meaningful action to tackle the range of inequalities faced by children with Special Educational Needs. This remains a key priority for the Equality Commission which is committed to continuing advocacy and engagement in this area.

“Addressing inequalities experienced by children with SEN is embedded in the Equality Commission’s Corporate Plan, and we will continue to advocate for positive change for children with SEN and their families.”

Geraldine McGahey

Chief Commissioner
Equality Commission
for Northern Ireland



Session One

Advancing Equality for Children with SEN: Latest Context and Next Steps

Key Themes

- While elements of the Delivery Plan were welcomed, concerns regarding funding and feasibility were shared by most stakeholders.
- The Delivery Plan needs to detail specific actions to address inequalities experienced by children with SEN across the equality groups.
- Further detail is additionally needed on outcomes, targets, and governance and accountability structures to ensure progress on the Delivery Plan.

Inequalities Across the Equality Groups

The first session was facilitated by Dr. Chris Jenkins (Senior Policy Officer, Equality Commission for Northern Ireland) and focused on considering the needs of children with SEN across the equality groups, including children with complex disabilities, newcomer children, and Traveller children. Chris emphasised that children with SEN have different needs, challenges, experiences, and identities, and therefore require different and appropriate solutions. Specific and appropriate support (for example, support materials and translation services) is required for children with SEN who speak English as an additional language, and targeted support may be required for groups such as Travellers, children on free school meals, and children with SEN educated through the medium of Irish.

Challenges include delays in assessment (sometimes due to assuming challenges experienced by children were due to a lack of English language proficiency rather than a special educational need), lack of support for parents, lack of accessible information and signposting, and experiences of prejudice and stereotyping. Participants highlighted that, while it is welcome that the SEN Reform Agenda highlights the need for an inclusive approach, further work was needed to move away from a deficit-based model of service delivery towards genuinely inclusive and culturally competent models, and to raise expectations for all children and young people with SEN.

Views on the Delivery Plan

The session included an analysis of the Department of Education's SEN Reform Agenda and Delivery Plan and compared the actions within the Plan to recommendations made by the Equality Commission to advance equality for children with SEN. While welcoming elements of the Delivery Plan, including the commitment to support young people with SEN post-19 and to develop data collection systems, the Equality Commission's initial analysis also highlighted a range of concerns.

These include:

- the lack of targets, focus, and specific and tailored actions to address inequalities across the different equality groups, for example, newcomer children with SEN and Traveller children with SEN.
- the lack of actions related to areas disproportionately impacting equality groups, such as restrictive practice and bullying.
- a lack of commitment to law reform to strengthen rights for young people with SEND.

Participants were asked for their views on the Delivery Plan and what could be done to ensure the needs of children with SEN across the equality groups are appropriately considered going forward. Broadly, participants agreed with the Department's analysis of the challenges. Participants acknowledged and were supportive of the need to reform and support the educational psychology services to ensure children are assessed in a timely manner and placed appropriately in the right school, and to explore options for reforming the current model of one-to-one support using classroom assistants for some children with less complex and severe learning difficulties. Participants, however, also shared concerns regarding the feasibility of the Plan, particularly given the financial context and lack of sufficient resourcing and advocated for the inclusion of specific and measurable targets in order to assess the progress of the Plan.

Support for Teachers and Training

Teachers and teaching unions shared a feeling that teachers lack support to best support children with complex needs, and that details on training and support for teachers are not adequately outlined in the Plan. Some participants welcomed the inclusion of mandatory minimum content and accredited basic level of training in SEN within the Delivery Plan, however, they also highlighted the need for wider reform of teacher education, the need for continuous professional development, and a greater focus on multidisciplinary support for children and young people with SEND. The Equality Commission has also highlighted the need for training and support for teachers (within initial teacher education and as part of continuous professional development), across a number of equality issues.

The Need for Consultation and Engagement with Parents and Young People

Finally, views were also shared that the Plan had not received sufficient public consultation, including that parents had not been involved sufficiently in the design of the Plan. Concerns were highlighted that equality impact assessments relating to the Plan have not been published. Participants felt the Plan required further detail in terms of accountability and governance structures and wanted clarity on how stakeholders would be engaged as actions to deliver the Plan are progressed.

Session Two

Specialist Provision in Mainstream Schools (SPiMs): Expediency or Inclusion?

Key Themes

- There is a need to develop an agreed definition of 'inclusion', specifying how this will be measured.
- Decision-making in the placements process needs to be improved by considering the views of schools and parents. Clear and transparent parental guidance on educational provision in SPiMs should be produced detailing specific support provision, access to health professionals, and curriculum options.
- Pupil voice should be enhanced in discussions about SPiMs and SEND issues more broadly.
- A rigorous and holistic approach to assessment and monitoring of children's outcomes is required.
- The current gap in post-16 provision in mainstream schools for pupils with SEND should be addressed.

This session, which was facilitated by Dr. Arlene Robertson (Policy and Research Officer, NICCY), focused on key findings from NICCY's work on Specialist Provisions in Mainstream Schools (SPiMs). In recent years, SPiMs classes have been opened at pace by the Education Authority (EA) in primary and post-primary schools as an emergency response to the SEND placements crisis.

NICCY's examination of SPiMs draws on Article 24 and General Comment 4 by the United Nations Committee on the Rights of Persons with Disabilities (UNCRC), which set out the right to inclusive education in detail.

Arlene presented key findings gathered during visits to SPiMs in schools across Northern Ireland, as well as engagement with a range of stakeholders, including parents, education staff and advocacy groups. Findings were summarised under three key themes: appropriateness of placements, quality and inclusivity of SPiMs placements, and impacts on children's education, health and wellbeing.

Participants' views on how to ensure children who are placed in SPiMs experience their right to an inclusive education were as follows:

Inclusion

The recent rapid expansion of SPiMs across mainstream schools was viewed as expediency rather than inclusion, or, at best, a tentative first step towards inclusion. An agreed definition of inclusion is urgently needed, with attention to how this will be measured and aligned with the purpose of education.

Participants cautioned against the assumption that mainstream education is inclusive for pupils with SEND, noting the risk of segregation. Locating SPiMs centrally within the school environment is crucial in ensuring that pupils and teachers do not feel isolated from their peers. Social participation is an important aspect of inclusive education, and extra-curricular and lunchtime clubs can play a role in facilitating this.

Appropriateness of Placements

A first step in supporting inclusion is to ensure that children are placed appropriately. Consideration must be given to pupils' individual needs and the wider mix of needs in the SPiM class when placing children. Schools' and parents' views must also be given due consideration by the EA. Parents require clear and transparent information about educational provision in SPiMs, including specific support provision, access to health professionals and curriculum options.

Children who are placed inappropriately can feel emotionally unable to attend school and miss out on their education. The lack of alternative educational provision currently offered in such circumstances must be addressed.

Whole Person Approach

Participants highlighted the importance of recognising children's academic aspirations, individual capacities and potential to learn. Expectations for children with SEND should not be lowered because they are placed in a SPiM. Current constraints in the provision of support and resources, including health interventions, were depicted as tantamount to setting some children up to fail. A rigorous approach to the assessment and monitoring of children's outcomes is needed. This should take a broad and holistic approach that encompasses academic, developmental, happiness and wellbeing outcomes.

Children and Young People's Voices

Participants emphasised the importance of listening to children's voices and responding appropriately. Depending on age and capacity, children's voices may be captured through their parents or guardians. Parents stressed that they do not feel listened to, even when their child is in crisis, and feel very disempowered by the current system.

Transitions

The lack of post-16 provision in mainstream schools for pupils who are educated in SPiMs was identified as a significant gap. Parents emphasised that young people who are placed in SPiMs are not being provided with opportunities for educational success on an equal basis with their peers. Attention was drawn to good practice examples in the Irish medium sector, facilitated by SPiMs at each key stage in post-primary school and an inclusive ethos.

Training and Support

Participants suggested that for SPiMs to work effectively, significant investment in training and support for both newly qualified and more experienced education staff is needed. The importance of softer skills such as empathy, passion and talent was noted.

Session Three

Overview of Legislative Context and Possible Next Steps

Key Themes

- Success of SEN Reform is dependent on significant and sustainable funding to stabilise and embed SEND services, transparent processes for access to school-based and external support, and enhanced cooperation between children's services providers (in compliance with statutory duties under the Children's Services Cooperation Act (NI) 2015).
- It is essential that SEN Reform takes a child-centred and child-rights approach, which promotes equality of opportunity for all children with SEND.
- Schools need to become more accessible and inclusive educational spaces for all children.

This session was facilitated by Kathryn Stevenson (Head of Legal Services, Children's Law Centre), and focused on the Children's Law Centre's (CLC) analysis of the Department's Delivery Plan in the context of the current SEN legislative framework and pending legislative reforms included in the Special Educational Needs and Disability Act (Northern Ireland) 2016, associated regulations, and revised Code of Practice.

Kathryn highlighted that the CLC has broadly welcomed the Department of Education's SEN Reform Agenda and Five-Year Delivery Plan, however, she also highlighted several critical concerns about how the Department can ensure the delivery of an effective, legally compliant SEND reform process that upholds children's rights and meets the needs of all children with disabilities and special educational needs. These concerns, and the discussions from participants related to each, are categorised under the following key themes:

Prioritising Disability Rights and Legal Obligations

Kathryn highlighted that the Department's use of 'SEN' (instead of 'SEND') could potentially make children with disabilities less visible within the policy. Given the fact that the inclusion of children with SEND in mainstream education is a key driver for this Plan, it is crucial that disability rights and equality are at the forefront of the Plan, reinforcing the clear legal obligations designed to protect disabled children's rights. Participants also highlighted concerns about the lack of actions to address disability within the Programme for Government and the need for legislative change across a number of areas, including the incorporation of UNCRPD and UNCRC (United Nations Convention on the Rights of the Child).

Ensuring the Graduated Response Framework Works for Children

The Plan introduces a graduated response framework to streamline support processes. CLC stressed that this framework must not introduce unnecessary bureaucracy that will delay or complicate children's access to essential support. Above all, it must align with the existing SEND legal framework and statutory Code of Practice to ensure children's rights remain protected.

The graduated response approach has been taken from a draft revised SEN Code of Practice that was consulted on in 2021 but has yet to complete Assembly scrutiny. CLC stressed that the Department of Education has failed to respond to the significant concerns raised previously by the CLC and other key stakeholders when consulting on the Code of Practice, and the revised Code of Practice has not been published. CLC further highlighted their concern that the graduated response framework is implementing the draft revised SEN Code of Practice through the back door.

Early Intervention and Capacity Building

The Graduated Response Framework puts greater emphasis on schools and pre-school providers to identify children's needs and put in place early learning support.

CLC highlighted that for early intervention to succeed, education settings need adequate internal capacity – including human and financial resources – and, where necessary, access to appropriate and timely external support. Therefore, special educational provision must be available, accessible, and transparent, ensuring that children receive timely support without facing administrative bottlenecks.

The Need for Proper Consultation, Equality Compliance and Accountability

As highlighted during the first session, concerns were raised regarding whether the Department of Education has fully met its statutory equality duties under Section 75 of the Northern Ireland Act 1998. CLC has urged the Department to publish its equality impact assessments and monitoring arrangements as it implements the Five-Year Delivery Plan.

It was further highlighted in discussions that effective consultation with children, families, and service providers must remain a core part of the process. The voices of those directly affected by SEN policies should shape the development and implementation of reforms to ensure they meet needs. Active involvement from families, teachers and service providers in monitoring the impact of investment will also be essential.

CLC and other stakeholders have also called for robust outcomes monitoring and data collection to track the Plan's impact, including assessing whether schools have the capacity to provide early intervention, evaluating whether EA pupil support services can meet demand, and measuring how special educational provision improves outcomes for children with SEND. Participants also highlighted the need for Annual Progress reports to be published to ensure transparency, as well as the need for greater accountability of the EA and schools, including reform of the powers of the SEND Tribunal.

Online Participation

In order to facilitate participation of parents and those requiring reasonable adjustments, a link to join the event online was made available. Given the challenges of enabling full participation in a hybrid event, officers from ECNI and NICCY met with parents following the event to get their views on the main themes of discussion.

We were told that:

- Some children in secondary education SPiMS were not able to access the full educational curriculum and were not being supported to take examinations.
- Post-16 education provision was often not available or appropriate for what is outlined in young people's statements of SEN (which describes support required up to the age of 19).
- Concerns were raised around the use of restrictive practices in schools, the need to repeal Article 4(1)c of the Education Order 1998, the lack of guidance to support teachers and schools, and the lack of engagement from the Department in the design of updated guidance.
- Concerns were highlighted regarding accountability in schools and lack of inspections due to action short of strike by teaching staff.
- It was emphasised that all children should have access to appropriate communication and supportive technologies. Participants discussed the need for legislative reform, including the Equality Commission's recommendation to make changes to SENDO 2005 in order to place an additional duty on schools to provide auxiliary aids and services for disabled pupils, where reasonable.

Closing Remarks

"I want to pay tribute to children and their parents who work hard to navigate Northern Ireland's complicated SEND system. Children and young people are being failed and cannot wait any longer for change. As a crucial first step in bringing forward meaningful change, relevant authorities must rebuild broken trust and take immediate action to make the SEND system more accessible to all. It is EA and DE's responsibility to ensure children have access to suitable education and that they need to make the system less complicated.

"I'm calling for a radical and collaborative approach to transformation, with children's voices at the centre of that process. I suggest a universal design approach for all-inclusive schools, with enhanced support for all and smaller class sizes. NICCY and others will monitor and review the Government's progress against its own priorities for SEND.

"We need stronger legal protections, including incorporation of the UNCRC, which will strengthen the protection of children's right to education, including appropriate support and teaching methods based on their unique talents and abilities."

Chris Quinn

Northern Ireland Commissioner
for Children and Young People



Further Information

For further details on Advancing Equality and Rights for Children and Young People with SEND, please visit the following web pages:

[ECNI – Special Educational Needs](#)

[NICCY - Review of SEN Provision – ‘Too Little, Too Late’](#)

[CLC - SEN Reform Agenda and Five Year Delivery Plan: Key Considerations from CLC](#)

Participant List

In addition to a number of parents of children and young people with SEND, the following organisations were represented at the event:

Altram

Angel Eyes

Autism NI

Independent Autism Reviewer for Northern Ireland and the Department of Health's Autism Reviewer Office

Ballynahinch High School

Caleb's Cause

Children's Law Centre (CLC)

Comhairle na Gaelscolaíochta

Craigavon Traveller Support Committee

Disability Action (DA)

Early Years

Equality Commission for Northern Ireland (ECNI)

Guide Dogs NI

The Irish National Teachers' Organisation (INTO)

Mencap

NASUWT, The Teacher's Union

National Deaf Children's Society (NDCS)

National Education Union (NEU)

The Northern Ireland Commissioner for Children and Young People (NICCY)

Queens University Belfast (QUB)

Royal College of Speech and Language Therapists (RCSLT)

Royal National Institute of Blind People (RNIB)

SEN Reform NI

The Special Educational Needs Advice Centre (SENAC)

Stranmillis College

Ulster Teachers' Union (UTU)

Ulster University (UU)

Note

We want to thank all the participants who attended this event and shared their insights, experiences and expertise. This report was written by officers at the Equality Commission for Northern Ireland, NICCY, and the Children’s Law Centre. While we endeavoured to best reflect the views of participants, this report is only a summary of recurring themes and will not reflect the diversity of views in the room. Given time constraints, this report has not been co-written and has not been endorsed by the organisations in attendance. This report is available for public use.

For further information and guidance, please contact:

**Equality Commission
for Northern Ireland**

Telephone: +44 028 90 500 600

Email: information@equalityni.org

Web: www.equalityni.org

NICCY

Telephone: +44 028 90 311 616

Email: info@niccy.org

Web: www.niccy.org