

6 August 2026

Children & Young People Services
Education Authority

Issued via email to: spframeworkconsultations@eani.org.uk

Dear Children and Young People Services team,

Re: Response to the Public Consultation on the Refreshed SEN Framework for Specialist Provision

The Commission welcomes the publication of the Refreshed SEN Framework for Specialist Provision and the opportunity to respond to the public consultation. We additionally appreciate the flexibility shown by EA in granting a one-week extension to enable us to respond.

The Commission has consistently identified systemic challenges regarding access to and equality of opportunity in education experienced by children with SEN and those in specialised provision. These range from challenges in securing a place in a timely manner, lower attendance and attainment, higher levels of exclusion and use of restrictive practices, and being more likely than their peers to experience bullying.

The Commission recently updated our recommendations on [Advancing Equality for all children with SEN](#), in which we highlighted that all children with SEN should be able to access high quality education that meets their individual needs. Children with SEN have different needs, challenges, experiences, and identities, and therefore require different and appropriate solutions. This means ensuring placements are appropriate and providing specific additional support for children for need it, for example children who speak English as an additional language may require translated materials and language support. Extra support is also needed for Traveller children and those from the most disadvantaged areas, who may face additional barriers.

Within this context, we welcome the refreshed Framework and principles highlighted within it, namely, that specialist provision is child-centred, inclusive, sufficiently flexible, and delivered in a collaborative manner between both educationalists and health care providers as required.

There are a number of points that follow which we would hope to see addressed in the final Framework and in relation to fulfilling the statutory equality duties under Section 75 of the Northern Ireland Act 1998.

1. There is an apparent contradiction within the screening and EQIA processes underpinning development of this policy. In the draft Framework, it states “The draft refreshed Framework has been considered in the context of Section 75(1) and Section 75(2) of the Northern Ireland Act 1998 and decision was taken not to conduct an equality impact assessment as there are no negative impacts on any of the equality of opportunities and/or good relations categories”. Yet, an EQIA was published in relation to the policy, in which the EA identified adverse impacts across several equality groups. **We recommend that the EA reconciles these matters and that the outcome of that reconciliation is considered in the final decision-making process for the Framework.**
2. The refreshed Framework emphasises inclusivity as a key principle, and that the purpose of specialist provision is to “provide specialist teaching strategies to meet the specific educational needs of individual children assessed as needing this approach”, however, the Framework broadly lacks detail regarding specific measures that will be taken to ensure equality of opportunity for children in specialist provision across all the equality groups. It is also important that the EA acknowledge that the challenges experienced by children with SEN and those in specialist provision often differs by equality group and socio-economic status. **We recommend that these points are explicitly included in the final Framework.**
3. We note the identification of specific needs within the EQIA¹, for example relating to possible mitigations to support minority ethnic children in specialist

¹ For example, the EQIA (page 35) states:

“Children and young people with SEN exist across all ethnic groups. However, evidence suggests that minority ethnic families may experience additional structural barriers in accessing services. Ethnic minority families may experience:

provision, namely to “highlight the potential for consultation documents to be translated into ethnic minority languages; provide interpreter access at consultation events when requested; engage through Intercultural Education Service networks; monitor consultation responses by ethnicity; include cultural competency components in workforce training; and post-implementation monitoring”. We note the EA’s own analysis that there is a “moderate implementation risk if accessibility and engagement are not proactively addressed.” **We recommend that these mitigations and others (identified by EA across the equality groups, for example in relation to disability, age, dependents), should not only be reflected within the EQIA, but also should be referenced within the final Framework.**

4. While welcoming the proposed expansion of specialist provision given its potential to provide inclusive, accessible, flexible and tailored education for many children with SEN, we reiterate the importance of ensuring the children with SEN are placed in the right settings for their individual needs. We note NICCY’s recent report ‘Every Child’s Right to Inclusive Education’ that states: “With regard to the perceived growth in inappropriate placements, a particular issue of concern was the misplacement of children in SPiMS due to insufficient capacity in special schools. Education staff and other stakeholders cautioned that SPiMS should not be considered as a direct substitute for special school settings, particularly for children with more profound and complex disabilities”. Given that the proposed policy will likely have both potential positive impacts and negative impacts for children with a

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- Language barriers navigating the statutory assessment process.
 - Limited familiarity with SEN terminology and processes.
 - Cultural differences in understanding disability.
 - Reduced confidence in challenging decisions.
 - Delayed identification of SEN where language barriers mask underlying needs.

Intersectional risk may arise where ethnicity overlaps with disability, socio-economic disadvantage, or rural isolation. Parents with limited English proficiency may struggle to engage in consultation unless materials are translated or interpreters provided. There are potential risks if implementation is not consistent, and these include:

- If consultation materials are not translated, minority ethnic families may be underrepresented in engagement.
- Workforce shortages in diverse urban schools could disproportionately affect ethnic minority pupils.
- If cultural competency training is not embedded, misunderstanding of need may persist.

There is no evidence that the proposal design disadvantages any ethnic group. However, there is a moderate implementation risk if accessibility and engagement are not proactively addressed.”

disability (as evidenced in NICCY's report), we would have expected to see further analysis, data, and mitigations to both understand potential negative impacts and develop appropriate mitigations for them. **We recommend that the final Framework provides this information, and that the finalised EQIA reflects this point and informs final decision making on the Framework.**

5. As well as using the equality assessment process to consider mitigations, **we recommend that EA should set out in its final EQIA any alternative policies considered to better achieve promotion of equality of opportunity, alongside further information and detail regarding the phased implementation period of the Mitigation Plan.**
6. Given the shortened consultation period (8 weeks) and the timing of the consultation over the summer months, and that the Framework is due to operate from September 2026, there is little time to finalise the Framework following consultation. We have concerns that this consultation has had neither sufficient time, nor has been broad enough, to secure a cross-section of views on a policy of such importance to many young people and their education.

Also, further information would be useful on any adaptations (translations, interpreter access) that were provided, or regarding any proactive measures that were taken to consult on the proposals across all equality groups, including with children with SEN, and their parents and carers. We note in the Framework that "The EA will ensure that specific efforts will be made so that the consultation reaches groups in the format that best meets their needs".

Regarding the EA's compliance with its Equality Scheme requirements for assessing and consulting on the likely impacts of proposed policies, **we recommend that the final EQIA report provides greater transparency and detail on the consultation process and stakeholder engagement activities.**

7. The Commission has previously highlighted that both collaboration between public bodies and multidisciplinary working is essential in delivering effective

services for children with complex needs. We have also highlighted the importance of utilising the Children’s Services Cooperation Act, particularly within the context of supporting children with SEN². While also welcoming the principle of collaboration throughout the refreshed Framework, it would be beneficial to have further detail on the engagement that EA had with various public bodies and wider key stakeholders in the development of this Framework. For example, the refreshed Framework states the principle of “work(ing) in partnership with other key stakeholders including health and social care trusts to help meet the special educational needs of children and young people”. **We recommend that EA outline any engagements with the Health and Social Care Trusts during this consultation process.**

8. The Commission has consistently highlighted that there is a need to ensure the collection and sharing of comprehensive equality data to underpin the targeting and tracking of policies. **We recommend that monitoring of both the overall Framework and the Mitigation Plan should ensure comprehensive collection and disaggregation of equality data to ensure confidence regarding the impact of the policy on specific Section 75 groups.**

I trust these recommendations are helpful, both for the final Framework and EA’s compliance with its statutory equality duties in Section 75 of the Northern Ireland Act 1998. I confirm our continuing availability to advise and provide further support on these matters. Should you require any clarification of points in this letter, further information or advice, please contact our Senior Policy Officer, Chris Jenkins, at cjenkins@equalityni.org

Yours faithfully

Lisa King
Director of Policy and Research

² See ECNI (2024) [Advancing equality and The Children’s Services Co-operation Act | Equality Commission NI](#)