

SPECIAL EDUCATIONAL NEEDS

Policy Consultation Paper



May 2021

Introduction

The DUP is committed to improving the quality of our education system for all in Northern Ireland and we want to ensure children who have Special Educational Need (SEN) have the suitable support they require.

In the 2019 Northern Ireland Plan we set out SEN as a priority:

“The DUP has ensured Special Educational Needs will be prioritised with the extra funding received through Confidence and Supply.

We will ensure:

- *Identification of special needs at an early age.*
- *Pupil statements should be given when needed.*
- *Statemented pupils are given the best support possible.*
- *Further training is given to teachers and assistants in this area.”*

The core aims of the policy paper will ensure that:

- That all parents have access to the right education for their child.
- We enable parents can have a choice when it comes to choosing the right school for their child.
- Early intervention and diagnosis to ensure children have support to reach their full potential.

In this paper, a range of options and proposals will be presented on how the DUP believe this can be achieved.

Consultation process

This development of this paper will include research and consultation. Within the relevant COVID-19 restrictions a two-stage consultation process will take place;

- Pre consultation paper – This paper will set out the planned scope of the full public consultation document. It will detail the issues that the DUP have identified for the full policy paper. Engagement internally and externally will be sought on these issues.
- Full consultation paper – This will propose policy ideas and options to address the identified issues and those highlighted in the pre-consultation process. Throughout this process, it is also envisaged that there will be direct engagement with some of those who are currently working in this field, and visits to some best practice examples, if possible.
- There will be internal consultation with elected representatives on relevant committees and those with an interest in the policy area.
- Final policy document – Following the consultation process a final policy paper will be adopted that will inform future DUP manifestos.

External engagement will take place with relevant organisations both online and physically where COVID-19 restrictions can be adhered to.

Background

The term '*Special Educational Needs (SEN)*' covers a range of learning difficulties, including physical disability; speech and language difficulties; hearing and sight difficulties; medical and health issues, and reading and writing problems.

There are approximately 67,000 children and young people in Northern Ireland on the current Special Educational Needs (SEN) register; 13,000 are receiving EA support services (Stage 3) and almost 19,000 have statements (Stage 5).

The process to receive a '*Statement of Educational Needs*' is a five-stage approach and includes;

- An individual education plan.
- Stages one, two and three are assessed in the classroom.
- If by stage three a child is not improving, an educational psychologist is brought in.
- By stage four there is consultation in partnership with family.
- Stage five of this process is receiving the proposed statement.

Current position in the UK

Across the United Kingdom SEN diagnosis is rising and support is adapting to meet the needs of children and young people. The different nations have taken the following approaches:

England and Wales

Across all schools, the number of pupils with an Education Health and Care Plan (EHC) has increased by 8.7%, from 271,200 in 2019 to 294,800 in 2020. This represents 3.3% of all pupils, an increase from 3.1% last year. This continues the trend of increases seen from 2018, after remaining steady at 2.8% of the total pupil population from 2007 to 2017.¹ In Wales there were 103,976 pupils with special educational needs in maintained schools (22.2 per cent of all pupils) in 2019, down from 105,625 (22.6 per cent) in 2018. Around half of these had School Action provision and around a third of these had School Action Plus provision, to include assistance from a speech and language therapist or educational psychologist.

The current regulations for SEN for both nations are set out in the Children and Families Act 2014. Different levels of support are given and most children are eligible. SEN support for under-5's in England and Wales include a written assessment in the summer term of a child's first year at school and reasonable adjustments. For children 5 to 15 years old support can

¹ [Special educational needs in England, Academic Year 2019/20 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://explore-education-statistics.service.gov.uk)

be given through a classroom assistant and an EHC plan. An EHC plan is issued to a child between the ages of 0 and 25 for more support in the school system.

Scotland

In Scotland, the term '*additional support needs*' (ASN) is used instead of SEN.

215,897 pupils in Scotland's schools were identified with ASN.² The Education (Additional Support for Learning) (Scotland) Act (2004) makes provision for such additional support as is required by that child or young person.³ There have been amendments made to this act to include 2009, 2014 and 2016. This act provides includes support for:

- Additional support needs
- Co-ordinated support plans
- Children and young persons

The Act imposes various duties on education authorities in connection with the provision of school education for children and young people with additional support needs belonging to their area. Some of the main duties are listed below:

- make adequate and efficient provision for the additional support required for each child or young person with additional support needs for whose school education they are responsible, subject to certain exceptions
- make arrangements to identify additional support needs
- keep under consideration the additional support needs identified and the adequacy of support provided to meet the needs of each child or young person
- provide appropriate additional support for certain disabled children under school age (in this case, generally children under 3 years of age) belonging to their area who have been brought to the attention of the authority as having additional support needs arising from their disability
- publish, review and update, as necessary, specified information about their policy and arrangements in relation to provision for identifying, addressing and keeping under consideration such provision for each child or young person with additional support needs for whose school education the authority are responsible

² <https://www.thescsc.org.uk/campaigns/additional-support-needs-asn/>

³ [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/10/section/1)

- provide parents of children with additional support needs (eligible children and young people with additional support needs), for whose school education the education authority is responsible with all of the information they are required to publish under the Act
- assess the capacity and impact on wellbeing of a child over the age of 12 years to be able to exercise their rights in respect of additional support for learning, where a child of this age seeks to exercise any right under the Act
- provide independent and free mediation services for those parents and young people who want to use such services and publish information on these services
- at least 12 months prior to the expected school leaving date, request and take account of information and advice from appropriate agencies likely to make provision for the child or young person when he or she leaves school
- no later than 6 months before the child or young person is expected to leave school provide information to whichever appropriate agency or agencies, as the 13 authority think appropriate, may be responsible for supporting the young person once he or she leaves school, if the child (where the child has attained the age of 12 and has capacity), the child's parent or young person agrees⁴

Northern Ireland

The number of children being recorded with SEN has been steadily rising over recent years.

The Special Educational Needs and Disability Act (2016) came into effect in March 2016. This legislation includes a range of duties for the EA and Boards of Governors to adhere to as well as outlining appeals, claims and the rights of the child. As part of this, schools will have to record children with SEN by registering this information on the school's information management system. The Department of Education has developed new guidance to assist schools with the recording of children with SEN and other medical diagnoses. This will define whether a child or young person needs support because of Autism or Diabetes.

⁴ [Supporting Children's Learning: Statutory Guidance on the Education \(Additional Support for Learning\) Scotland Act 2004 \(as amended\): Code of Practice \(Third Edition\) 2017 \(www.gov.scot\)](http://www.gov.scot/Topics/education/schools/learning/scotlandact2004/amended/codofpractice/2017)

The Department of Education has a new Special Educational Needs framework. This has three elements:

1. Special Educational Needs and Disability Act (Northern Ireland) 2016 (the 2016 Act) - The Act places new duties on Boards of Governors, the Education Authority (EA) and health and social services authorities, and provides new rights for parents and children over compulsory school age.
2. New draft SEN Regulations - The Department previously consulted on a set of new draft Regulations back in 2016 but due to the time delay, the absence of the Assembly, the COVID-19 pandemic, and the significant improvements made to the new draft SEN Regulations since the 2016 consultation, the Department is taking the unusual step of consulting again on the Regulations. This consultation closes in March 2021.
3. A new draft statutory Code of Practice – There are 14 sections being consulted on, to include review of statements, intervention and children not of compulsory school age. This is being consulted on again and closes in March 2021.⁵

The Framework and code of practice are extensive documents. The Executive's New Decade, New Approach 2020 states that it will deliver a new Special Educational Needs Framework to support young people with special needs to achieve their full potential.

SEN takes in a range of conditions, one of the conditions that has seen an increase is Autism. Autism is a lifelong developmental condition which affects the way that people communicate and interact. As part of the Autism act in 2011 this was due to work across government departments to improve lives of families and children affected. The Broken Promises report published in 2016 by Autism NI and the National Autistic Society highlighted a number of concerns around involvement of autistic people in services, waiting times for assessment, support for carers, access to education and employment and the provision of training and awareness. Whilst there have been some positives out of the act, there still remains criticism of its implementation.

⁵ [New SEN Framework | Department of Education \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/new-sen-framework)

The Catholic Maintained Schools Sector (CCMS) produced a report in 2018, some of key findings of engagement with schools include:

- Lack of joined up thinking and partnership working at Government, system and school level to address SEN
- Restrictions in the number of children that schools can refer for assessment to the Educational Psychology Service;
- Bureaucracy of the statementing process and the negative impact this has on access.
- Limited availability of, and access to, high quality specialist training.⁶

Health and Education Cross-Departmental Approach

There are significant interactions between the Health and Education departments and systems in relation to SEN strategy. This is clearest in the diagnosis, statement process and continued support after diagnosis. A child with SEN will come into contact with a wide range of professional supports including a psychologist, speech and language therapist, counselor, occupational therapist and other health professionals whilst in the education system. The Department of Health also takes the lead on early years development and children with medical issues. Those with medical issues can also be placed on the SEN register or have a statement.

Therefore, when looking at ways to do better the approach must be pro-actively pursued as a cross-departmental responsibility and be managed with an appropriate structure:

The DUP recommend:

- The SEN steering group where Health and Education already meet, we will support in their work and engage with relevant agencies and parents to improve this where needed.
- A mapping exercise of where SEN children live and the support available.

⁶ [Main Report - A Call for Change - SEN \(2\).pdf](#)

SEN identification

The journey for children and young people as learners, as well as their parents and carers, involves a significant number of stages and processes.⁷ This includes inclusion on the SEN register, statutory assessment and statementing stages (if required).

A 'Statement of Special Educational Needs' sets out a child's challenges and the help they should receive. It is reviewed every year to make sure that any extra support that might be required to meet the child's needs is identified. The Education Authority (EA) is obligated to carry out an assessment of the child's needs within 26 weeks.

The statementing process must reflect the needs of the young person, carefully considering the information received from all stakeholders and be delivered in a timely manner as other support cannot be implemented until a statement of educational needs is provided. Funding from the EA for Special Educational Needs is provided where a child has a statement of educational needs. Before this statement is provided it is up to the school to employ classroom assistants or provide required support.

Every school will have a special educational needs co-ordinator SENCo. The SENCo is the school teacher who is responsible for assessing, planning and monitoring the progress of children with special needs. Through the Common Funding Scheme, the Board of Governors of every school receives a delegated budget to meet the on-going costs of running their school, enabling them to plan and use resources to maximum effect in accordance with their school's needs and priorities.

The processes in the UK differ slightly in regard to SEN support as in England and Wales a request can also be made by anyone who thinks an assessment may be necessary, including a parent or doctor. For an Education, Health and Care plan (EHC) a local authority will create a draft EHC plan and send you a copy within 20 weeks of the request for an assessment. In Scotland, the term '*Additional Support Needs (ASN)*' is used instead of SEN. Children with

⁷ <https://www.education-ni.gov.uk/articles/sen-learner-journey-project>

complex needs who require support from external organisations are given a co-ordinated support plan.

Special Educational Needs Framework

The Department of Education has an evolving Special Educational Needs framework. This has four elements:

1. Special Educational Needs and Disability Act
2. New SEN Regulations
3. New SEN Code of Practice
4. SEN Capacity Building (training) on the new SEN framework

The Special Educational Needs and Disability Act 2016 came into effect in March 2016. This legislation includes a range of duties for the EA and Boards of Governors to adhere to. It also outlines appeals, claims and the rights of the child.

In 2020 the Department of Education launched a consultation on the new draft regulations and code of practice. As part of this schools will have to record children with SEN by registering this information on the school's information management system.

The Department of Education has developed new guidance to assist schools with the recording of children with SEN and medical diagnoses.

A child that has a medical need doesn't always have a SEN, but at times children have both a medical need and Special Educational Need. Principals, Vice Principals and teachers are not contractually required to administer medicines to pupils. Health and Social Care authorities have a responsibility to provide advice and training for school staff in procedures which deal with a pupil's medication needs, which in turn should support that child's access to education.⁸ In Northern Ireland statements can be applied for if a child is diabetic or other serious medical need. This in turn will have an impact on the SEN budget.

⁸ <https://www.education-ni.gov.uk/sites/default/files/publications/de/supporting-pupils-with-medical-needs.pdf>

The DUP recommend:

- The SEN regulations and Code of Practice is prioritised as a matter of urgency.
- At present if a child requires a statement for medical purposes only, the finance of a classroom assistant will have to be met by the school. The DUP propose the Department of Health finance this.
- Earlier in the paper we supported a regional steering group for SEN Health and Education professionals to engage with both government Departments and other relevant agencies. Organisations to include church playgroups that provide support in early years also be involved in this group. This steering group will have a specific aim of SEN that will feed into the community and Health and Social Care trust to enable to best support for children.
- Where a statement is provided for a medical need, this support should be financed by the Health and Social Care Trust.

Pupil support

Government funding is the primary source of assistance to support children with disabilities and SEN. Failure to provide sufficient funding year-on-year will negatively impact on the sector's ability to meet these needs and be truly inclusive. Government has a duty to ensure there is sufficient funding allocated to help children with SEN realise their full potential.

One in four children who struggled with language at age five did not reach the expected standard in English at the end of primary school, compared with one in 25 children who had good language skills at age five.⁹

Targeted support is needed for children with SEN and disabilities which recognises the importance of inclusion at an early age. The earlier the intervention the better the longer-term impact. The Extra Help Plans in England show that extra support makes a difference longer term;

"The number of young people 16-19 with EHCPs has been slow to rise. As these were the first target for transfer from LDAs and statements, you would have thought that, if properly implemented, there would have been bigger rises in 2015 and 2016. However, the trend is now upwards as mentioned, though clearly many who had

⁹ <https://onlinelibrary.wiley.com/doi/full/10.1111/jcpp.12573>

statements are not moving on to EHCPs and there are still low rates of EHCPs for those 19-25.¹⁰

Children and Young Peoples Services (CYPS), a unit within the EA, is responsible for Special Education Operations and Provision, Pupil Support Services and Pupil Welfare Services. This section also looks after the statementing process for children. Parents often find the statementing process frustrating as often there is not a single named caseworker assigned to deal with each individual case.

A core target of the statement process is that the process is completed in 26 weeks. However, the Northern Ireland Assembly Education Committee heard in February 2020, from an EA senior representative that;

“somewhere in the region of 80%” of statement applications were beyond the 26-week statutory period for a SEN assessment to be conducted and for a statement to be provided.”¹¹

In one case the process had been ongoing for two years. There can be legitimate reasons for the process taking longer, for example, child specific advice from other agencies is needed. However, an EA investigation report of the assessment and statementing process in 2019 showed unnecessary and undue delays in the operation of the process. These delays impact upon children and ensuring they get the education and support they require. In the last year the waiting time for the statementing of children has dropped significantly and this is of course to be welcomed. Currently all assessments are being delivery within the statutory timeframe, but it is critical that this is maintained. It’s now true that all assessments for statements have been brought down to within 26 weeks, and all backlog cleared. This is possibly the first time in history that this has been done although in the short term it creates some knock on problems.

Behaviour management issues with some pupils on the SEN register can result in them being sent home. There will always be a balance between class and individual pupil needs requiring

¹⁰ <https://www.specialneedsjungle.com/send-2017-state-special-educational-needs-system-revealed/>

¹¹ [Minutes Of Evidence Report \(niassembly.gov.uk\)](https://www.niassembly.gov.uk/minutes-of-evidence-report/)

difficult decisions. A consequence of such a decision is the student is not receiving their education. This isn't always on the student's attendance records;

If a child is sent home more than once a week, an assessment of how the needs of the child will be best met must be carried out, although an assessment is carried out annually on each SEN pupil, this assessment needs to be carried out earlier if a child is missing out on their education.

The DUP recommend:

- The Department of Education conducts a review of SEN services and provision in line with the recommendations of the Audit Office report.
- Interventions on early years follow recommendations of review conducted by the Department of Education.
- Examine closely the merits of a 'patch manager' system similar to the Northern Ireland Housing Executive for individual named cases in CYPS.
- Further advertising of the Education Authority SEN helpline that will give advice on the statementing process.
- The information of how often a child on the SEN register is sent home should be recorded.
- Swift delivery from SEN governance board on how unnecessary delays on statementing are being addressed.

Early Diagnosis and Support

In the early years of a child's life, their first contact in regards to early diagnosis and support will be with health professionals. Midwives and health visitors provide parents with information regarding milestones and areas of expected development as well as various assessments at different stages.

If a child appears to be behind anticipated levels of development, or where a child's progress gives cause for concern, all of the information should be considered and suitable action taken

as soon as possible to ensure, where appropriate, that a diagnosis can be given. This information will be recorded as part of a child's red book and health visitor assessments. Timely referrals should be made when it is picked up by professionals that further assessment is required.

It is imperative that the family/carers of a pre-school child currently being assessed for SEN has the opportunity to work with health professionals for a place in a nursery that specialises in children with SEN.

Mencap have a specialist nursery that will have appropriate equipment and cater for any child with a SEN. Specialist nursery are funded by the Health Trust, the Preschool education element by the Department of Education and the charities providing the service. There is a limit on how many children can avail of this service and providers will have to make an assessment of need. Where it is needed children must be able to avail of a specialist nursery and pre-school. A key principle underpinning the SEN reforms is the importance of taking into account the wishes, views and feelings of children themselves.

There is some disparity between special preschools and notice of placement. Children without a SEN will receive a notice in April, while parents that require a special nursery place do not receive their notice until later. A common issue in this situation is as the statement process does not tend to begin until primary school, securing a specialist nursery place can be difficult without a diagnosis. Whilst we understand diagnosing a child with a SEN can be a lengthy process, this needs to be more efficient to ensure that parents and carers are able to put plans in place regarding notice of placement as soon as possible.

In the early years of a child's life there are many playgroups, community groups and churches that offer support to parents and children. Although a lot of this is done on a voluntary basis, it would play a role in ensuring where concerns are raised, relevant support can be provided.

Non-statutory PSEP providers must apply for funding if a child requires SEN support, but only if supported by a complete statement of need by a health visitor, speech and language therapist, occupational therapist, educational physiologist and pediatrician. A statement of

need for a pre-school child can be difficult as some SEN cannot be diagnosed until a child reaches a certain age.

Currently schools can only include a limited number of children per year for a statement of educational need. This unfortunately prevents many children with a SEN from going through the statement process.

Investment in early years will enable effective transitions from home to pre-school services, to school. Early identification of SEN and support for children is crucial to ensure that children develop to their full potential.

The DUP recommend:

- Every child that requires a specialist nursery place is able to avail of one.
- SEN reform for the Early Years system, ensuring health professions and nursery settings equip staff to identify children with possible SEN as early as possible. Where a child is diagnosed early, support can be provided to the child and parents. Early intervention is key, particularly for pre-school placement.
- Support needs to be provided to a child that has SEN and hasn't been put forward for statement if a strong case can be made. This would only be applicable if the school plan to start the statement process.
- Training is provided for voluntary and community groups in SEN with a direct link to the steering group proposed earlier in the paper.
- Waiting times for assessments for SEN needs to be prioritised.
- Statutory screening of children at 3 years old, prior to pre school
- Pre-school, primary and post-primary schools can make referrals to the Educational Psychology Service when required.

Practitioners and Professionals training and support

Currently teachers during their training do not complete a SEN section and professionals in the early years sectors do not undergo mandatory training for SEN. Any training that is

completed will be on a voluntary basis. Pam Cameron DUP MLA previously brought a motion to the Northern Ireland Assembly which called for mandatory autism training which would be introduced to teachers and classroom assistants. This motion was supported by all Parties in the Northern Ireland Assembly and this will be implemented by the Department of Education.

Teachers, classroom assistants, nursery teachers and parents require more support when dealing with SEN. At present there is limited training provided. If the training is not provided teachers can be unaware of simple adjustments that can be made, for example if a child has autism, they may require a consistent routine or sensory activities.

Schools are given flexibility for delivery in 5 training days and guidance has been issued by the Department of Education in 2021 that at least one day should focus on SEN training and a further half day on trauma informed teaching. Some of this training could possibly be delivered by the Middletown Centre or Autism NI.

The DUP recommend:

- The EA review with teaching professionals the current support and what additionally is required going forward. Currently this training happens on a school by school basis, some schools offering general training whilst other more specific. This training could be provided by organisations that specialize in a certain SEN area, such as Autism NI or the Royal Institute for the Blind Northern Ireland.
- The EA will consult with parents and organisations to improve support.
- University courses in Teaching should be amended to include specific training on SEN.
- Mandatory training on SEN during undergraduate teaching degrees.
- We will examine closely the particular merits of autism and dyslexia training for teachers.

Special Schools

Currently in Northern Ireland there are approximately 6000 children attending special schools. Special schools provide an education for children with a special educational need

and/or physical disability. There are many different types of special school, but fundamentally, they all educate children whose needs cannot be met within a mainstream setting. In Northern Ireland we have need to ensure our schools and special schools are supported. The places in special schools are limited. We need to ensure that applications are examined and where a child needs a place in a special school the Department for Education fund further places. At present mainstream schools have a limited resource to deal with SEN pupils.

The DUP recommend:

- EA must continue to consult with special schools on for the SEN sector in Northern Ireland. This is happening at the moment and the communication must remain open.
- Review of special schools to ensure an appropriate network of specialist provision.
- Current Area Plan 2017-20 by the EA should be reviewed to ensure there are enough places for children, especially as they move from Primary to Post Primary.

Covid-19 and SEN

The coronavirus pandemic has been challenging to everyone. Those with SEN will have been negatively affected due to routine changes. This was the reason DUP Education Minister ensured special education remained open but it must be recognised there are children not diagnosed or were clinically extremely vulnerable, therefore parents and children were facing difficult circumstances.

During covid families that are affected by SEN have been affected by covid in some of the following ways:

- Queuing at shops
- Face to face appointments and services stopped, affecting diagnosis for example
- Face to Face teaching stopped during the first wave but teaching still remained virtually

The 'Left Stranded report' published in September 2020 by the National Autistic Society, called for all four governments must prevent more distress and uncertainty for autistic people by creating an action plan covering social care, health, education, transport and shops in case of a second wave. Although again this refers specifically to Autism, any plan must ensure that the entire SEN family are included. As we know in Northern Ireland, there has been a second spike and a third can't be ruled out at this stage.

The DUP propose:

- Action plans for children with SEN to cover Health, Education, Transport and Shops

Questions

1. How could the developing Special Educational Needs Framework work most effectively?
2. How could Children and Young Peoples Services work on SEN be improved?
3. How should the statement process be improved?
4. How could early diagnosis of SEN be supported?
5. How can SEN pupils be best supported?
6. Do you think our support for health, teaching and learning professionals is appropriate?
7. Should there be an increase in special school places?
8. Do you see the benefit of the Department of Health and Education working together?

Please reply to the consultation to sskillen@dup.org.uk

