Oral briefing from Koulla Yiasouma, Northern Ireland Commissioner for Children and Young People to the NI Assembly Education Committee on 10 June 2020.

\*Please check against delivery\*

I am going to give a brief overview of Too Little Too Late, my Rights Based Review of Special Education Needs Provision in Mainstream Schools. The provision of appropriate, effective, and timely educational support and services for children and young people with special educational needs (SEN) is a critical issue and has been a consistent and important focus of NICCY’s work since it was established 17 years ago.

On becoming Commissioner in 2015, I laid out the priorities of the office, one of which was educational inequalities. I had envisaged that our work in this area would be to address ways in which our system appears to discriminate against children from socially disadvantaged backgrounds and indeed it has. I was not, however, prepared for the scale of the concerns regarding the access to education for children with special educational needs and was taken aback, during my first years in office, at the amount of times that school principals and parents raised with us the lack of support and services for children. Many parents described their constant “fight” to have their child’s right to education met.

This issue also represents the biggest and an increasing area of work for our Legal and Investigations team as it does for third sector child rights organisations.

It became apparent to us that despite overwhelming evidence, we could not arrive at a common understanding with relevant authorities, and particularly EA, on the nature of the difficulties that children were facing. Hence this systemic piece of work. The Review set out to examine whether the system as operated is fit for purpose and whether it supports children with SEN in mainstream settings to thrive and fulfil their full potential as outlined in the UN Convention on the Rights of the Child.

**What we did:**

The Review involved a comprehensive process of stakeholder engagement which included capturing the views of over 600 Parents and Carers across Northern Ireland, as well as Principals, Special Educational Needs Coordinators, Educational Psychologists and NGOs. It also involved an analysis of official statistical data; all data collected was benchmarked against child rights standards.

**What we found:**

The Review found a series of significant flaws in a system which is under extreme pressure and unable to respond to the scale of need and the complexity of issues that children are living with. To put it bluntly we found a system that is failing far too many of our children and young people.

Too Little Too Late highlighted the frustrations of many parents and professionals in trying to get their voices heard by an education system that has, to date, consistently demonstrated an inability to prioritise and respect their needs. Rather than identifying as partners in the SEN process, as per the fundamental principles of the Code of Practice, parents/carers in all focus groups described the process as a ‘battle’ to have their child assessed, to receive an appropriate statement and to receive the necessary supports.

Over three quarters of parents/carers reported barriers in accessing services and when they were able to access services, they spoke of delays and inaccuracies in Statements.

A profound shortcoming of the current system is that children’s needs are often not identified at the earliest opportunity with schools lacking the funding, resource, time and capacity to implement individualised early intervention supports. This, added to the quota on the number of children who can be assessed from each school by an Educational Psychologist, results in a ‘bottleneck of need,’ and Principals reported struggling professionally and ethically to ‘prioritise’ particular children over others. Some admit this can at times, be based on how ‘disruptive’ a child’s behaviour is in the classroom rather than educational need.

Additionally, the long waiting times has seen an increase in parents who can afford to, paying for private assessments. There remains a lack of clarity as to whether this allows them to ‘leapfrog’ over other children to gain access to supports and services.

There is also a data collection issue and, as a result, there is a lot we do not know about how the SEN system works. Neither EA nor anyone else is aware of how many children are waiting for a Stage 3 assessment or for how long. Some parents report waiting five years or more, while Principals told us that others never get to the top of the waiting list.

Inevitably there are negative repercussions on children’s educational progress and their mental health and wellbeing as well as developmental issues arising from late or no assessment of their educational needs.

There is a concerning lack of transparency in the process with Educational Psychologists reflecting the experiences of parents when they state that there is an increasing and deliberate lack of detail in children’s statements which leaves recommendations ‘open to dispute’ and therefore ‘less enforceable’.

**Recommendations**

We made **40 recommendations across 12 thematic areas** which aim to address the fundamental weaknesses in the current system; to support delivery of a more responsive and effective system of intervention and support and, critically, to ensure that the rights of children with SEN in mainstream schools to an effective education are realised. Whilst most of the recommendations concern the Education Authority and the Department, system-wide reform is required.

**Current Status**

I formally launched Too Little Too Late on the 31st March but this is just the first step in NICCY’s work to ensure systematic reform of SEN operations and provisions. I am committing my office to monitoring the implementation of the recommendations.

We welcomed that EA undertook an internal audit of practice in Special Education and have been actioning an associated improvement plan. However, I regret this took so long to be initiated and note its limited scope*.*  I also want to note that EA have recently been more open to acknowledging their failings and delivering improvements and I am more confident now that they can actually achieve this*.*

Therefore, I have been particularly pleased with the response to the report with the Department of Education committing to co-ordinate the response and implementation.

We look forward to receiving a detailed update on progress in the coming weeks. This should include a clear timeline for the establishment of an implementation mechanism to progress the recommendations and the publication of an action plan. And of course my office will continue to engage all agencies to ensure the recommendations are actioned and outcomes improved for children and young people.

**Covid – 19**

I want to briefly touch on issues as a result of Covid-19. NICCY recognises that the education and health systems are operating in an unprecedented context. The full impact of the pandemic is not yet known, however, the risk to the most vulnerable children and young people, including those with SEN, is quite evident. Additional supports will undoubtedly be needed for these children and their families for some time to come.

We have further concerns about the impact of the Coronavirus Act 2020 Temporary Modification of Education Duties (No.7) Notice (Northern Ireland) 2020 on the statutory assessment and statementing process, and on other areas of SEN provision. This will undoubtedly exacerbate the already extensive delays and waiting times, and will impact on the processes for reviewing and appealing Statements of Special Educational Need.

I am deeply concerned about the continued closure of special schools and the fact that, 12 weeks after schools initially closed in response to the health crisis, there are still widespread concerns with regards to the level of support for children and young people with disability and their families.

I am deeply concerned that, in addition to a lost educational experience, children are not getting the medical and therapeutic interventions that they normally receive from their Special School setting nor families the respite they need. Of course, we recognise that it is difficult to implement and maintain social distancing measures in special schools and therefore the risk assessments for those schools are likely to present added complications.

Given the significant issues for children who attend special school and their families, I am reassured by the establishment of multi-disciplinary panels, comprising Education and Health representatives along with Special School Principals, who have been tasked with meeting the needs of children with the most complex needs and/or challenging behaviours. We are in the process of receiving quality assured information on the success of this initiative.

It is imperative that Health and Social Care, Education and Schools co-operate effectively to alleviate the stress being experienced by families and children with SEN and disability and I remain concerned that this is not the case.

Families are under such an enormous pressure that we must find a way to support them now and over the summer months.

There are a number of other **Covid-19** related issues that we would be very happy to discuss in more detail with the Committee. These include the widening gap including digital poverty, understanding the quality of remote education that children are experiencing and the challenges that children and schools are facing so that the Education Restart Programme can publish robust and reasonable guidance and criteria. Also there is the proposed continuation of transfer tests and provision of free school meals into the holiday period.

**Concluding Remarks**

Thank you for listening and look forward to the discussion.

We look forward to working constructively with the relevant authorities on this journey towards making sure that all children experience an education which develops their talents, personalities and abilities to the fullest extent. In order for this to be achieved, children with special educational needs must have their needs assessed at the right time and be provided with the appropriate additional support and services. Parents must never again have to battle to protect the rights of their children.