‘TOO LITTLE, TOO LATE’

A Rights Based Review of Special Educational Needs Provision in Mainstream Schools

Main Report

March 2020
For every child all adults should do what is best for you.
Acknowledgements

We would like to thank the following people; without their support this report would not have been possible.

Our SEN Advisory Group who provided important input at key points as the Review was being undertaken, and whose advice and support has been invaluable.

The wide range of professionals and practitioners working with children with Special Educational Needs (SEN) in mainstream settings including Educational Psychologists, SENCOs and school leaders who took the time to share their experiences and challenges in providing for pupils with SEN.

Stranmillis University College for comprehensively and authentically capturing the voice and experiences of parents and carers.

Last but certainly not least, the parents and carers across Northern Ireland who gave up their time to share their experiences of accessing supports and services for their children and to convey their children’s views and experiences through a survey, focus groups or interviews.

Artwork

The artwork presented on the cover and throughout this Report was captured from children at a celebratory event on the 20th November 2019 to mark the 30th Anniversary of the UNCRC. It depicts what children’s rights mean to them, including the importance of an effective education and the right to be treated equally.
Young people's rights.

The rights in the Convention apply to everyone under 18, no matter who you are.
CONTENTS

Foreword 4
Executive Summary 6
Recommendations 13

1.0 Introduction 20
   1.1 Policy and Legislative Context for SEN in Northern Ireland 23
   1.2 SEN Education Funding 31

2.0 A Children’s Rights Based Review 34
   2.1 The United Nations Convention on the Rights of the Child (UNCRC) 35

3.0 Methodology 38
   3.1 Overview of Stakeholder Engagement 39
   3.2 Analysis of Stakeholder Feedback 43
   3.3 Official Statistical Information 43
   3.4 SEN Professional Advisory Group 44
   3.5 Presentation of Main Findings 44

4.0 Exploring the Impact of the Current SEN System on Children’s Right to an Effective Education 46
   4.1 Impact on Children’s Education 49
   4.2 Impact on Children’s Mental Health and Wellbeing 52
   4.3 Impact on the Family 53

5.0 Barriers to Children’s Right to an Effective Education 56
   5.1 Lack of Timely Assessment and Intervention 57
   5.2 Further Issues with the Statementing Process 70
   5.3 Lack of Transparency in the SEN System 72
   5.4 Availability, Accessibility and Effectiveness of Supports and Services 74
   5.5 Statutory Supports and Services 84
   5.6 Availability of EP Resource and Time 93
   5.7 Lack of Multi-Disciplinary Working 97
   5.8 Communication and Engagement 99
   5.9 Involvement of Children and Young People 103
   5.10 Involvement of Parents/Carers 104
   5.11 Incidence of Appeals, Disputes and Resolutions 106
   5.12 Private Assessments 111

6.0 Conclusion and Recommendations 114
   References 122
   Glossary 125
   Appendix 126
Foreword

“It has been a long and exhausting fight, not to mention an emotional rollercoaster, to get my son the supports he needs. It did not need to be like this.” (parent/carer)

On becoming the Northern Ireland Commissioner for Children and Young People in March 2015, I laid out the priorities of the office for my term. One of these was educational inequalities. I will be honest and say what I had envisaged was addressing the way our system appears to discriminate against children from socially disadvantaged backgrounds and indeed, whilst NICCY continues to work on that issue, we have found inequalities in other areas. I was not prepared for the scale of the concerns regarding the access to mainstream education for children with Special Educational Needs and was taken aback, during my first years in office, at the amount of times I found myself in the office of a primary school principal with them telling me about the lack of support and services for children who they believed had SEN.

This issue represents the biggest area of work for our Legal and Investigations team as well as for third sector child rights organisations. We have met with many groups of parents who described their constant “fight” to have their child’s right to education met but also that they did not feel that their role was fully respected.

It became apparent to us that despite the evidence from our work, parents and schools, the Education Authority (EA) did not always share our perspective on the systemic issues for children with SEN in mainstream settings. It was apparent that the facts and realities needed to be outlined in a robust and evidence-based piece of work. Therefore whilst continuing to work with families, schools and EA to address individual complaints, we decided to review the systems and processes to ensure that every child enjoys their right to education.

The United Nations Convention on the Rights of the Child (UNCRC) is the framework that guides the delivery of law, policy and services for all children and young people, of which the UK is a signatory. The Convention is not an aspirational set of ideas but a basic set of minimum standards which should be upheld for the promotion, protection and realisation of the rights of all our children. In accordance with the NICCY legislation, this Review is underpinned by the UNCRC and based on the experiences of families and professionals alongside an analysis of data. As with previous reviews, it has been our intention to demonstrate how the SEN system in Northern Ireland can be rights compliant.

As our government prepares for the next examination by the UN Committee on the Rights of the Child it is timely that we examine what they recommended in 2016. They said that the State party:

*Enhance its efforts to reduce the effects of the social background or disabilities of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State party… (UNCRC 2016, para 73(a))*
This recommendation, and indeed the UNCRC as a whole, reminds us when applying rights, that each and every child must be viewed as a unique individual with their own strengths and challenges. This is something our schools do every day; they educate our children in groups whilst recognising each and every child in their classroom as a unique individual.

Sustaining this approach presents significant challenges to an education system that is cumbersome and in need of fundamental reform. A fully rights compliant system is one that can work to ensure that all children have their talents, personalities and abilities developed to the full. In order for this to be achieved, children with special educational needs must have their needs assessed and be given the appropriate additional supports. Parents must never again have to battle to protect the rights of their children.

This report, “Too Little, Too Late”, reflects the harsh reality of aspects of our SEN system. It outlines 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 the perspective of these key stakeholders. There is clear evidence that our education system, as currently organised, cannot fulfil its obligation to all children with SEN.

The 40 recommendations of this report are intended to be practical, constructive and realistic. We now have a greater understanding of key stakeholder experiences of processes and services, of the data collected and held by the system, and some of the resources expended. We have assessed this information against the UNCRC and other human rights standards and, regrettably, have found the system wanting.

Having learned from previous reviews, NICCY will spend the next three years carefully monitoring the implementation of the recommendations and advising on the reform of Northern Ireland’s education system generally.

As is evident, this Review represents a significant amount of work not only by the amazing staff at NICCY but also our Advisory Group whose advice and support has been invaluable.

We are incredibly grateful to the Educational Psychologists, SENCOs and school leaders who took the time to make sure we understood their experiences and frustrations. The work of Stranmillis University College to ensure that the experiences of parents and carers were authentic was crucial to the success the report. The time and generosity of parents and carers across Northern Ireland has grounded this report in the realities of their lives, their struggles and determination to do the very best for their children.

It is with huge pride that I present “Too Little, Too Late” to you. The education of children with special educational needs is an area that has caused deep concern, frustration and, at times, distress for all of us at NICCY. However, we are all committed to work with every part of the system to make sure that every child in Northern Ireland enjoys their right to an effective education.

The work continues.

Koulla Yiasouma
Northern Ireland Commissioner for Children and Young People
March 2020
Executive Summary

This Report presents the findings of a Rights Based Review of Special Educational Needs (SEN) provision in mainstream schools in Northern Ireland, carried out by the Northern Ireland Commissioner for Children and Young People (NICCY) in accordance with her functions under Article 7(2) and 7(3) of the Commissioner for Children and Young People (Northern Ireland) Order 2003.

The aim of the Review was to explore the extent of SEN in mainstream schools; whether needs are being met; the barriers that prevent children and young people from fully realising their rights to an effective education in the context of SEN provision in mainstream schools; and the impact this has had. The Review also set out to examine whether the current system is fit for purpose and ensures equality of educational opportunity regardless of circumstance; and whether it is responsive to the current and future needs of the diverse population of children in schools in Northern Ireland. Most critically, it looks at whether the system supports children with SEN in mainstream settings to thrive and fulfil their full potential - aims which are at the heart of NICCY’s vision for education in Northern Ireland. In doing so, we wanted to increase public awareness of the rights of all children and young people to an effective education, and to identify recommendations for improving the system.

The Review involved a comprehensive process of engagement to capture the views of various stakeholders including parents/carers, Principals/Special Educational Needs Coordinators (SENCOs), Educational Psychologists (EPs) and representatives from the Voluntary Community Sector (VCS). An analysis exercise of available operational data on SEN provision in mainstream schools was also undertaken. However, the Review found alarming gaps in the collation of vital, disaggregated, basic operational data regarding SEN provision in mainstream schools. This includes the number of children who have not been prioritised for an EP assessment but require access to specialist Stage 3 services; the number of children referred to the Education Authority (EA) Educational Psychology Service; the waiting lists for Stage 3 services across EA regions; compliance with procedures put in place for transfer of information between EA and the Health Trusts; and the number of vacant Educational Psychologist posts in the Educational Psychology Service. These, and other gaps, are explained further within this summary.

The Review found a system under extreme pressure, finding it difficult to respond to the scale of need and the complexity of issues that children are presenting. This is partly because the past 15 years has seen a significant rise in the number of children with SEN in Northern Ireland. The overall number of children with SEN in Northern Ireland has risen by 48% since 2004/05, and over the same period the number of children with statements has risen by 60%.

1 A separate report is available on NICCY’s website that explores the views of parents/carers on their child’s experiences of the SEN process in mainstream schools. This report was commissioned by NICCY and produced by Stranmillis University College.

2 At Stage 3, the school continues to be responsible for the child’s SEN, however, at this stage, teachers and the SENCO are supported by specialists from outside the school. The type of specialist support provided will be dependent on the nature of the child’s Special Educational Needs. However, it typically involves the child being referred to the Educational Psychology Service, Pupil Support Services, the Health & Social Care Trust and/or Allied Health Professionals.

There are 78,917 pupils in schools who have some form of SEN; this is 22.8% of the entire school population. Of this, 18,425, or 5.3% of pupils, have a statement of SEN. Challenges in the system have further been exacerbated by extensive delays in the implementation of the new policy and legislative framework for SEN in Northern Ireland. Although the Special Educational Needs and Disability Act (Northern Ireland) 2016 received Royal Assent on 23rd March 2016, only one clause, relating to a reduced time-frame for parental submissions in the statementing process, has been commenced to date. Revised Regulations and a new Code of Practice are still awaiting release for consultation.

NICCY welcomes that the EA recently completed an internal audit of practice in Special Education, and has developed recommendations and an Improvement Action Plan to address the issues identified. NICCY also welcomes that the Department of Education and EA have commenced further work aimed at improving the SEN system. This includes reviewing processes for communicating and engaging with children and young people and their parents/carers throughout the SEN process; baselining Stage 3 pupil support services, how they are accessed and delivered; and the operation of the Time Allocation Model (quotas relating to the number of children that schools can refer for assessment by the EA Educational Psychology (EP) Service). The findings and recommendations from NICCY’s Review will inform, enhance and progress the work commenced by EA and DE, and address the myriad issues facing children with SEN in mainstream settings.

Children’s Rights Standards

A child’s rights framework was used to assess the adequacy of the current SEN system in meeting children’s learning needs and facilitating their right to an effective education. Results from the survey of parents/carers highlight that in terms of ‘Availability’ the SEN system is currently severely lacking: only 1 in 8 respondents felt there were adequate facilities and services in place to meet the needs of all children and young people with SEN. In terms of ‘Accessibility’, only 1 in 6 respondents felt that all children with SEN have equal access to services without discrimination of any kind. Less than 1 in 5 believed that the SEN process is child-centred (‘Acceptability’), while a similar proportion felt that the education environment is adaptable in order to meet the needs of children with SEN (‘Adaptability’). Only 1 in 7 felt that children and young people with SEN receive a quality service which meets their needs (‘Quality/Impact’), and the same proportion of parents felt that the views of children with SEN are sought and taken into account in their education and development of policy and services (‘Participation’). Only 1 in 10 agreed that there is timely and appropriate cooperation and integration of services to ensure a holistic approach is taken to meet the needs of children with SEN (‘Cooperation’).

Review findings revealed particular issues with the procedures for the identification and assessment of children’s needs, the extent to which children are able to access vital educational supports, the adequacy of supports and services, and the overall timeliness and efficiency of the system in meeting the needs of children with SEN in mainstream settings.

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4 Ibid.
6 Ibid, Article 6.
The Review highlighted the detrimental impacts for children with SEN in mainstream schools when their needs are not identified and supported. Stakeholders relayed incidences where children’s academic progress is being hindered by the current SEN system. They identified developmental challenges arising for children who have been delayed access to assessment and therefore not received the individualised supports required to develop their social and emotional capacities. Parents/carers also highlighted the severe negative consequences of the current over-stretched system on children’s mental health and wellbeing.

There was a general consensus that a lack of early identification and intervention is a major failing of the current system. The Review identified delays at all stages of the SEN process: in the identification of children’s needs, in the provision of supports and services to meet these needs, in the delivery of information and guidance to parents/carers, and in the assessment of children’s progress. The majority of the parents/carers who participated in the Review represented children with late or no diagnosis, among whom were a significant number of families who had been involved with the process for many years (up to five years or more). A concerning number of respondents remained in the process without diagnosis and reported that the needs of their child remained unmet across primary and post-primary schools. The Review found that, by delaying children’s right to supports and services, the system is effectively denying them their right to a quality education.

**Identification and Assessment of Need**

The Review found that a predominant barrier to the timely identification of children and young people’s needs, and subsequent provision of supports, is the imposition of quotas or time allocation relating to the number of children that schools can refer for assessment by the EA Educational Psychology (EP) Service. All stakeholders consulted for the Review highlighted that this Time Allocation Model is not sufficient to meet the needs of all children with SEN in mainstream schools. They reported that it limits children’s access to earlier assessment and therefore the specialist supports/services required. The EA was unable to provide data on the number of pupils referred to the Educational Psychology Service as the EA does not centrally collect or monitor data on the number of pupils referred to EP service; instead it operates on the basis that “schools hold details of referrals.”

Stakeholders reflected that the Time Allocation Model means that only those children viewed by schools as ‘most in need’ are referred for educational psychology assessments. Often, children perceived to have less complex needs are not prioritised for assessment and wait unacceptably long periods of time for referrals, which adversely impacts on their education. There is no formal mechanism for schools to record the number of pupils who are not prioritised for an EP assessment but who require access to specialist Stage 3 services. Therefore, the scale of unmet need is currently unknown.

The Review found that, as a result of lengthy waiting times for assessment, some parents/carers resorted to paying for their child to be assessed by a private EP, in hope that this
would eventually lead to the recognition of their child’s needs and the relevant provisions put in place. Many parents/carers indicated that they decided to pay privately because their child was unable to access assessment in any other way. This was often the case for parents of children with specific learning difficulties such as dyslexia. It is deeply concerning that some parents/carers perceive private assessment to be the only way that they can access support for their child.

Adequacy of School-Based Supports and Services

All Principals and SENCOs described a school system under inordinate strain. They reflected that the capacity and resource in schools is not sufficient to meet the rising numbers of children with SEN in mainstream settings and the diversity of need in schools. Feedback from Principals also highlighted that a lack of funding, combined with insufficient time, opportunity and resource, has impeded schools’ ability to effectively and efficiently respond to children’s needs; to implement supports that are appropriate and tailored to children’s needs; and to engage in early intervention practice. Many stakeholders also raised concerns about the adequacy of provision for children with SEN in early years’ settings; particularly, the extent to which children’s needs are identified and subsequent supports put in place at the earliest opportunity.

The Review found that many teaching staff lack sufficient training, and subsequent knowledge and skill, to identify and respond to the varied support requirements of children with SEN in mainstream schools. Stakeholder feedback highlighted that schools specifically lack the capacity and skill to support children with social, emotional and behavioural difficulties.

The Review also highlighted the vulnerability of children with SEN and/or disability to suspension and expulsions, including informal exclusion. This was often attributed to a lack of capacity in schools to adequately manage children’s behavioural conditions. Trend data from the Department of Education (DE)\(^9\) revealed that pupils with SEN are almost twice as likely to be suspended as pupils without SEN. Data also demonstrated that almost half of expulsions since 2015-16 have related to children with SEN. Parents/carers and representatives from non-governmental organisations (NGOs) relayed experiences of where children with SEN were suspended or excluded from school or where children were sent home early and/or placed on part-time timetables.

Adequacy of Statutory Supports and Services

Throughout the Review, stakeholders were unanimous in their concern about the quantity, quality and accessibility of supports for children at all stages of the SEN process. They consistently stated that there are not enough statutory supports and services and, where these are available, that they are poorly resourced or unevenly distributed across the region. Educational Psychologists consulted for the Review also highlighted the weaknesses of the EA Educational Psychology Service. They reported that psychologists lack time and resource for intervention work; that they have insufficient time for assessment and other tasks; and that their time is not being used to best effect. Many commented on the increased waiting times for assessment which they attributed to the inadequate resource.

The Review also highlighted inadequacies in the extent to which services are responsive and tailored to children’s needs and are appropriately resourced.

9 Department of Education Suspensions and Expulsions Management Information provided on the 29th November 2019.
Some indicated that children do not make active progress as services are not of sufficient duration or intensity to yield lasting positive effects. Some services were described by EPs as predominately advisory rather than intervention-based. Stakeholders also expressed concern that services are not evidence based nor subject to regular, robust, independent evaluation.

**The Statutory Assessment and Statementing Process**

A considerable area of concern for all stakeholders was the timeliness and effectiveness of the statutory assessment and statementing process. Respondents to the Review repeatedly reflected on delays in the issuing of proposed and final statements, in violation of the statutory time limits. **Data provided by the EA**\(^\text{10}\) revealed that 88.8% of statement requests in 2018/19 exceeded the 26 week statutory limit. In 2018/19, the average time waited for a final statement was 40 weeks\(^\text{11}\). The survey of parents/carers corroborates delays in the system. Just 27.2% of parents/carers received a proposed statement within 18 weeks and only 38.1% (n=91) reported that the final statement was issued within 8 weeks of the proposed statement.

Whilst delays can occur at any stage of the statutory assessment and statementing process, evidence from stakeholders suggests that these are most common when referrals are first received and awaiting being processed, when engaging and considering the advice of various professionals, and when processing and issuing proposed and final statements. Such delays lead to financial pressures on schools because, until a statement is obtained, children’s needs are almost entirely met from a school’s existing resource.

NICCY welcomes that the new SEN Framework proposes to reduce the time-frame that the EA has to issue final statements from 26 weeks to 22 weeks. However, as the EA has consistently failed to issue the majority of statements within the existing statutory time-frame, this raises concerns about its ability to manage a shorter time-frame. As such, the source of existing delays must be addressed immediately.

The Review also revealed issues with the format, content, specificity and accuracy of statements. Survey results found that less than half of parents/carers (49%, n=117) fully agreed that the proposed statement gave an accurate description of their child’s needs. Over two-fifths (43%, n=103) requested a change in the proposed statement. Almost one in three parents/carers (30%, n=71) did not feel that the proposed statement was specific to their child’s needs.

A further frustration reported by EPs and Principals is that, as a result of the five stage Code of Practice\(^\text{12}\), children are required to have exhausted Stage 3 services before they will be considered for statutory assessment. Some EPs identified cases where they have been required to refer a child to a Stage 3 service despite poor likelihood the service would meet that child’s needs. Some spoke of an almost inevitability that the child would make limited progress in that service and would ultimately need a statutory assessment.

Frustrations with the statutory assessment and statementing process were further

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10 Information provided by the EA on the 14th January 2020.
11 From the date the case was opened to the final statement being issued: aims.niassembly.gov.uk/questions/writtensearchresults.aspx?&qf=0&qfv=1&ref=AQW%20725/17-22
evidenced by official statistics that revealed a **clear increase in the number of appeals** to the Special Educational Needs and Disability Tribunal (SENDIST) between 2015/16 ($n=145$) and 2018/19 ($n=378$). It is also notable that data held by the NI Courts and Tribunal Service\textsuperscript{13} reveals a steady rise in the number of appeals to SENDIST based on the contents of statements.

**Transparency of the SEN System**

Throughout the Review, stakeholders consistently identified a **lack of transparency** in the SEN system, specifically with the statutory assessment process and the criteria for identifying and establishing the relevant provision for children with SEN in mainstream settings. Stakeholders identified particular issues with the decision making processes at the statutory assessment and statementing stage. Alarmingly, many EPs reported that their autonomy has been diminished and that recommendations are not being taken on board or progressed by the Education Authority. They indicated that recommended provisions are ‘disputed’ and often turned down by EA assessment panels without adequate explanation. It was also reported that **decisions regarding necessary educational provision are driven by the resource that is available rather than the needs of the child** and, as such, EPs are increasingly directed by senior officials on what they can and cannot recommend for pupils.

Throughout the Review, stakeholders expressed concern about the lack of clarity surrounding the EA assessment panels who have responsibility for making decisions on whether to conduct a statutory assessment and on whether to issue, revise or cease to maintain a child’s statement. Queries were expressed about the composition of panels, the associated terms of reference, and criteria used to make decisions regarding the issuing of statements. This lack of clarity is deeply concerning, not least because EPs identified these panels as having the most influence in determining the route and support provided to children with SEN. NICCY requested information on the composition and terms of reference of assessment panels but the EA declined to provide it. They stated that panels do not have responsibility for making decisions regarding the allocation of resource\textsuperscript{14}. However, it was not made clear where this responsibility lies.

Concerns about transparency largely relate to the fact that the system is driven by the resource that is available rather than the needs of the child. A consistent theme emerging from stakeholder engagement is the **significant under-funding** of the SEN system in Northern Ireland. Although expenditure on special education in mainstream schools has increased year-on-year\textsuperscript{15}, **it is clear that the budget for SEN provision is wholly inadequate to meet the growing numbers of children with SEN**.

**Communication and Engagement with Parents/Carers**

A recurrent theme from the Review was a **lack of clear and comprehensible information for parents/carers and other stakeholders** from both the EA and schools at different stages of the SEN process. This includes at the initial identification stage; when drawing up an Individual Education Plan (IEP); when attempting to access supports; and, most commonly, during the statutory assessment and statementing process. Contrary to the requirements set out in the Code of Practice, just a third

\textsuperscript{13} Data provided by the EA on 12th November 2019.

\textsuperscript{14} Information provided by the EA on 16th January 2020.

\textsuperscript{15} Financial data provided by the EA on the 16th January 2020.
of respondents to the parents/carers survey (33%, n=110) were notified of a named EA officer when their child was referred for statutory assessment and only a fifth (21%, n=68) reported that the EA officer kept them informed throughout the process.

In the absence of support, guidance or consultation, the majority of parents reflected on the need to navigate the process alone.

Many described subsequent feelings of isolation, confusion and frustration. In some cases, parents resorted to completing training courses to develop their knowledge of the SEN process and to enhance their ability to engage with experts and professionals. Others engaged the help of voluntary/community organisations who were seen as vital in supporting them through the system.

**Involvement of Children and Young People**

A key shortcoming of the existent SEN system, identified by parents/carers and NGOs throughout the Review, was the lack of effort and opportunity provided by schools and services to involve children and young people in the SEN process. Survey results highlighted that only 1 in 7 parents/carers felt that the views of children with SEN are sought and taken into account in their education and development of policy and services. Feedback also revealed the absence of a child-centred approach in the planning and development of IEPs, the statutory assessment and statementing process, and the Annual Review Process. The survey of parents/carers found that only a quarter (25%, n=84) believed that the EA had sought the views of their child on their SEN and the way in which their needs might be met. Forty per cent felt that the voice of their children was not attended to or respected.

The Review found that parents/carers also felt ‘unheard’ throughout the SEN process, particularly at the statutory assessment stage. 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’ or a ‘fight’ to have their child assessed, to receive an appropriate statement and to receive the necessary supports.

**Multi-Disciplinary Working**

All stakeholders reflected on poor coordination and communication between education and health in relation to the initial identification and diagnosis, assessment and implementation of support needs, and the ongoing monitoring procedure in support of the child’s and family needs. Only 1 in 10 parents/carers who responded to the survey agreed that there is timely and appropriate cooperation and integration of services to ensure a holistic approach is taken to meet the needs of children with SEN. EPs also highlighted poor communication, lack of continuity between services, and ineffective multi-disciplinary arrangements. Where collaboration does occur, it was deemed sporadic and largely instigated by individual personnel rather than via formal processes. Findings revealed the negative repercussions of poor cooperation on clarity of communication, timeliness of assessment, and provision of support.

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Recommendations

The Review has yielded a number of core recommendations to address the challenges outlined in the Review. These recommendations 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.

It is imperative that a system-wide response is adopted to address the challenges in this Review. Although some recommendations identify a specific Department or agency who should assume responsibility for taking the recommendation forward, all relevant agencies and sectors must engage together to cooperatively deliver the outlined recommendations.

NICCY recognises that the SEN Framework provides an opportunity for systemic improvements to be made, and that the revised Regulations and new Code of Practice are vehicles through which the recommendations can be actioned. The Framework must be implemented as a matter of immediate priority.

NICCY also urges the Department of Education to ensure the following recommendations are incorporated within the new strategic, policy, and legislative context for children with SEN in Northern Ireland.

Appropriate funding must be allocated to ensure that the recommendations can be fully enacted.

Accessibility, Availability and Effectiveness of Statutory Supports and Services

1. The EA must conduct a systematic review of all supports and services for children with SEN. This should include:
   a. a review of the accessibility and availability of services, the extent to which they are appropriately resourced, evaluated, and founded on evidence based practice; and
   b. a review of the gaps in services, including the lack of numeracy support services for children and young people with dyscalculia.

2. The EA should review and make explicit the criteria to access Stage 3 services, and take all necessary measures to ensure that access to services is always allocated on the basis of need. This should involve:
   a. the development of a comprehensive awareness raising programme for schools, EPs and other health and education professionals, to ensure that all relevant stakeholders are aware of the referral criteria for each service;
   b. the involvement of relevant stakeholders and service users in service reviews; and
   c. openness, transparency and the use of co-design processes in the restructuring and redevelopment of Stage 3 services.

3. Comprehensive Stage 3 pupil support services must be made available. Information on referral pathways, criteria for access, waiting times, expected outcomes and processes for monitoring and evaluation must be transparent and publicly available.

17 Colour coding is used to denote recommendations assigned to a particular Department, Authority, or agency.
4. The **EA** must assess the feasibility of using school-based assessment to inform access to Stage 3 services.

5. The **EA** must progress the development and provision of guidance to schools on supplementary evidence-based strategies that can be implemented whilst referrals for assessment are being processed.

6. Quality training opportunities and funding for appropriate assessment tools should be provided to EPs by the **EA**.

7. Systems must be developed by the **EA** to ensure the routine collection and monitoring of waiting time statistics:
   a. waiting times between a referral for assessment being made by the school and the assessment being conducted by the **EA** Educational Psychology Service;
   b. waiting times between a referral being made for a Stage 3 service and the referral being accepted or not accepted; and
   c. waiting times between the referral being accepted and the child gaining access to a Stage 3 service.

8. Processes must be established by the **EA** to ensure that children with SEN in both statutory and non-statutory early years’ settings can avail of the services and support they require.

**Capacity Building in Schools**

9. The **DE** and **EA** must ensure that all school staff are trained, guided, supported and assessed on their ability to meet the diverse needs of pupils with SEN and disabilities in mainstream schools:
   a. The **EA** and Teacher Training institutions must introduce a mandatory programme of early (EPD) and continuous professional development (CPD) for all school staff in identifying, providing for, and ensuring full and equal inclusion of children with SEN. This should expand on the existing Children and Young People’s Services Training Programme 2019-2020.18
   b. Teacher training colleges should ensure that all trainee teachers have opportunity to work in a specialist classroom setting within mainstream and/or in a special school to gain direct experience of assessment/intervention work with children who have SEN and disabilities.
   c. The **DE** and **EA** must ensure comprehensive pre- and in-service SEN and disability equality training for teachers, SENCOs, classroom assistants and other professionals.

10. Specific guidance must be provided to teaching staff on the identification and assessment of SEN amongst Newcomer children. Existing assessment of SEN from other countries should be recognised and services provided accordingly.

11. The **EA** must introduce robust evaluation of learning and development opportunities, to monitor reach throughout the region, and impact on the knowledge, skill and capacity of professionals supporting children with SEN in mainstream settings.

12. Area based learning clusters must be consistently and regularly facilitated by the **EA** across the region as a mechanism for staff in pre-school, primary and post-primary settings, including both mainstream and special schools, to:
   a. share learning and best practice techniques;
   b. identify opportunities for collaboration; and
   c. facilitate transition planning.

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13. School leaders, including Boards of Governors and Principals, must be supported to foster an inclusive culture and ethos founded on equality, and to ensure that children with SEN and disabilities maximise their educational potential.

14. Schools should be inspected by the Education and Training Inspectorate (ETI) on their willingness and ability to establish the conditions required to foster an inclusive culture.

15. ETI should inspect schools on their ability to fulfil their duties regarding the preparation and review of Individual Education Plans (IEPs)\textsuperscript{19}. Where health and social care provision is to be made, the Regulation and Quality Improvement Authority (RQIA) should work with ETI to ensure compliance of the statutory duty upon every children’s authority to cooperate\textsuperscript{20}. This should include an assessment by ETI and/or RQIA of:
   a. the effectiveness of collaborative processes to support the joint planning and identification of pupil targets and outcomes in IEPs between education and health professionals;
   b. evidence from schools that children and parents/carers have been facilitated to actively contribute to the process; and
   c. the extent to which outcomes identified within IEPs have been fulfilled.

**Strategic Planning for Behavioural Support Services**

16. An early intervention and preventative approach to behavioural management should be introduced by the DE and implemented by the EA.

17. A comprehensive range of therapeutic interventions including nurture groups, sensory rooms, and counselling in all primary settings must be made available to children and young people in mainstream settings.

**Suspensions, Expulsions and Informal Exclusions**

18. Robust data is required to identify the causes of the variance in rates of suspension and expulsion between children with and without SEN.

19. The DE should undertake an urgent review regarding potentially unlawful informal or unregulated exclusions and issue comprehensive guidance to schools and the EA. This guidance should include formal recording of practices such as:
   a. sending children home early from school;
   b. placing children on reduced school hours outside the statutory framework and guidelines for school exclusion;
   c. informally excluding children from participation in school activities such as classroom based-activities, school trips, school plays and school photos;
   d. placing children in isolation or segregating them from peers; and
   e. where children are ‘managed out of school’ (told to find another school to avoid expulsion).

\textsuperscript{19} To be later replaced with Personal Learning Plans through implementation of the new SEN Framework.

\textsuperscript{20} Section 2, Children’s Services Cooperation Act (Northern Ireland) 2015, available online at www.legislation.gov.uk/nia/2015/10/pdfs/nia_20150010_en.pdf. Also, Article 4 of the Special Educational Needs and Disability (Northern Ireland) Act 2016 (SEND Act).
20. **ETI** must include the reviewing of these records as part of the school inspection process.

21. Boards of Governors must be satisfied that schools have evidenced that all appropriate pastoral measures have been employed before suspension, expulsion or informal exclusion has been considered.

22. The **EA** should work constructively with parents/carers to ensure that any children with SEN being educated outside of school, whether statemented or not, are provided with the specialist SEN services required. This should include additional support to parents/carers home educating children with SEN.

### The Role of the Educational Psychology Service

23. The **EA** must review and systemically revise its existing model for enabling children access to an EP assessment. This should include:
   a. reviewing and replacing the current Time Allocation Model so that the needs of all children suspected to have SEN are assessed at the earliest opportunity; and
   b. the development of mechanisms to enable schools, **EA** and **DE** to record data on unmet need. This should include recording the number of children awaiting referral to the **EA** Educational Psychology Service for a Stage 3 assessment.

24. A more efficient and effective model of Educational Psychology service delivery is required with appropriate levels of investment:
   a. EPs should be assigned to schools on the basis of age and stage;
   b. EP specialisms should be harnessed and more regular opportunities provided to deliver specialist advice and training of school staff;
   c. Appropriate levels of professional autonomy for EPs, including to decide to move to Stage 4 or 5 of the Code of Practice without the requirement to exhaust Stages 1 to 3.

25. The **DE** and **EA** must issue a policy that ensures that all children who have, or may have SEN, have equal access to assessment and services regardless of their socio-economic background. Such a policy therefore must address the use of private Educational Psychology and other professional assessment reports.

### Statutory Assessment and Statementing

26. The **EA** must ensure that its operational processes enable legal compliance with statutory time limits. An action plan to address the delays in the statutory assessment process must be agreed between the **health services** and **EA**. Accountability measures must be established and investigative action taken by **ETI** and **RQIA** if breaches arise.

27. The **EA** must establish a more robust and transparent model of quality assurance and decision making at the statutory assessment stage. This must include:
   a. a review of existing assessment panels to explore the effectiveness, efficiency, and validity of their role in informing the route of children and the supports they will receive;
   b. the immediate publication of details about all existing assessment panels. This should include the terms of reference for each panel, the composition of the panel, frequency of meetings and the criteria used for making decisions. Evidence must be provided to validate the independence of panel members; and
   c. the introduction of a revised model of quality assuring assessment decisions.
Transparency of the SEN Process

28. Steps must be urgently taken by the **EA Board** and DE to investigate feedback from Educational Psychologists that their advice is not routinely accepted, and that recommended provisions are not put in place, at the statutory assessment and statementing stage.

29. The **EA** should immediately adjust its statutory operation processes to ensure compliance with the legal requirement under Article 16 of the Education (NI) Order 1996 to specify special educational provision in Part 3 of statements of special educational need.

30. The **EA** must, as a matter of urgency, publish, review and revise plans in relation to SEN provision, as per its new duty\(^{21}\) in the SEND Act.

31. The Annual Review process must be evaluated to examine its effectiveness in improving outcomes for children with SEN in mainstream settings. This should:
   a. identify the extent to which the existing process is sufficiently outcomes focused;
   b. explore the extent of the active involvement of children and parents/carers;
   c. review the criteria used by the **EA** when considering whether to maintain, amend, or cease to maintain a statement; and
   d. assess the adequacy of processes involved in reviewing the effectiveness of existing provision.

Communication and Engagement

32. The **EA** must review its policies for communication with parents and carers. Mechanisms must be established to give clarity to the SEN process for children, young people and their families. Therefore, the **EA**:
   a. should develop user-friendly guidance for children, young people and their parents/carers which explains the various stages of the SEN process; their entitlements at each stage; and guidance on where they can access additional information/support;
   b. conduct a comprehensive review of community based services for children and young people with SEN, and their parents/carers, and produce a directory to be shared with parents/carers and schools; and
   c. give consideration to the development of a free, accessible and one-to-one service, where each family has a named **EA** officer who could hear concerns and issues as well as provide individual advice from Stage 1 to Stage 5 of the current Code of Practice.

33. The **DE** and **EA** must establish meaningful and robust consultation mechanisms concerning proposed changes in SEN policy or models of service delivery.

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\(^{21}\) Article 2 of the Special Educational Needs and Disability (Northern Ireland) Act 2016 (SEND Act)
Involvement of Children and Young People

34. In order to ensure that decisions are made in their best interests, children and young people must be placed firmly at the heart of the SEN system. Systems must be developed for engaging children and young people, and their parents and carers, and evaluating the impact of their contribution:
   a. guidance should be developed by the EA to support schools to ensure the active involvement of all children and young people in decision making processes; and
   b. the involvement of intermediaries and advocates should also be explored and their participation considered, particularly where children or young people are reluctant to speak to parents, carers or education professionals.

Multi-Disciplinary Working

35. Article 4 of the Special Educational Needs and Disability (Northern Ireland) Act 2016 (SEND Act) must be enacted immediately.

36. The DE, EA, the Department of Health (DoH), the Health and Social Care Board (HSCB) and Public Health Agency (PHA) must review and revise arrangements for the planning, assessment, diagnosis and implementation of supports/services to ensure that key services work collaboratively. This should include the establishment of:
   a. localised, specialised, multi-disciplinary teams across Northern Ireland. These teams should have a clear remit for cross-consultation, assessment and provision of advice and support for children with SEN in mainstream schools;
   b. protocols for the joint planning, assessment, diagnosis and implementation of supports/services. These must be informed by the staff and professionals working across the agencies involved; and
   c. fora across Northern Ireland, which involve statutory education and health & social care agencies and VCS organisations to develop local relationships and exchange knowledge. Consideration should be given to a facilitative role for the Children and Young People’s Strategic Partnership (CYPSP) through its Outcomes and Locality Planning Groups.

DARS and Appeals

37. The EA must ensure that the opportunity to resolve disputes as early as possible is made available to parents/carers:
   a. information should be produced to raise parents/carers’ awareness of the Dispute Avoidance Resolution Service (DARS); and
   b. an evaluation of the effectiveness of the new mediation mechanism should be conducted in order to engender confidence in the process and encourage other individuals to participate.

38. An action plan should be prepared by the EA outlining the steps which will be taken to reduce the number of appeals to SENDIST.

39. The Department of Justice (DoJ) must provide legal aid to support parents/carers’ requests for appeal at SENDIST.
Systemic Review

In view of the deeply concerning findings in this Review we also recommend that:

40. The Terms of Reference for the ‘external, independent review of education provision’\(^{22}\) must include the structure and effectiveness of the EA in meeting the needs of children with SEN and disability.

**The Northern Ireland Commissioner for Children and Young People commits to monitoring the implementation of these recommendations, and will engage all relevant agencies to ensure improved outcomes for children and young people. NICCY will publish monitoring information on an annual basis.**

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1.0 Introduction

Every child has a right to education.
1.0 Introduction

The Northern Ireland Commissioner for Children and Young People (NICCY) was created in accordance with ‘The Commissioner for Children and Young People (Northern Ireland) Order’ (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2)(3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. The remit of the Office is children and young people up to 18 years, or 21 years of age if the young person is disabled or in the care of social services. In determining how to carry out her functions, the Commissioner’s paramount consideration is the rights of the child and NICCY is required to base all its work on the United Nations Convention on the Rights of the Child (UNCRC).

NICCY’s vision for education is one where the education received by all children in Northern Ireland is of high quality and which develops every child’s personality, talents and abilities to the full. NICCY wants to see inequalities in educational attainment being comprehensively addressed and all children succeeding in education and developing to their maximum potential. The provision of appropriate, effective, and timely educational support and services to children and young people with special educational needs (SEN) is a critical issue for NICCY and has been a consistent and important focus of our work since the Office was established in 2003.

In recent years there has been increasing attention on the adequacy of the existing SEN Framework in meeting the needs of children in Northern Ireland. This has largely been due to the fact that the number of children with SEN has been steadily rising. There are 78,917 pupils in schools who have some form of SEN; this is 22.8% of the entire school population. Of this, 18,425, or 5.3% of pupils, have a statement of SEN (a formal document detailing a child’s learning difficulties and the support to be provided after a statutory assessment has been carried out for the child)\(^23\).

The past 15 years has seen a significant rise in the number of children with SEN in Northern Ireland. The overall number of children with SEN in Northern Ireland has risen by 48% since 2004/05, and over the same period the number of children with statements has risen by 60%\(^24\). From 2008 to 2018 the number of pupils enrolled in special schools in Northern Ireland has also risen by 30\(^25\).

Furthermore, there has been a noticeable shift towards educating pupils with special needs in mainstream schools in recent years. The vast majority of children with SEN attend mainstream schools and their needs are expected to be met within the school through reasonable adjustments and support. The costs associated with providing for children are primarily funded from school budgets.

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Although recent reviews of the SEN system in Northern Ireland have highlighted the Education Authority’s (EA) rising expenditure on SEN in recent years, support for children has been scaled back due to budget pressures within individual schools26.

In its 2017 review of Special Educational Needs27, the NI Audit Office also raised the concern that there been no strategic evaluation of the support provided to children with SEN to ensure the best possible outcomes.

Rationale for the Review

The increasing SEN population in mainstream schools, combined with evidence from recent published reviews of the SEN system in Northern Ireland, highlight a system under pressure. These pressures have been exacerbated by the fact that there have been extensive delays in the implementation of the new SEN Legislative Framework. Whilst the Special Educational Needs and Disability Act (Northern Ireland) 2016 (SEND Act) received Royal Assent on 23rd March 2016, only one clause28, relating to a reduced time-frame for parental submissions in the statementing process, has been commenced to date. NICCY has long expressed the view that there is a pressing need for meaningful reform of the SEN Framework in a manner which ensures better outcomes for children and young people. A great deal of the SEN cases which NICCY deals with illustrate an urgent need for increased investment in, and improved processes associated with, SEN. Evidence from individual cases dealt with through NICCY’s legal advice line has also highlighted a number of concerning trends with regard to the operation of the SEN system. These specifically relate to:

- the imposition of quotas or time allocation relating to the number of children that schools can refer to Educational Psychology (EP) for assessment;
- the fact that many children not considered as most in need are waiting unacceptably long periods of time for referrals and/or not receiving a referral at all, which adversely impacts on their education;
- in most cases a diagnosis of SEN is required to enable children and young people to access services which would support them in education. However, without an assessment of SEN, services cannot be accessed; and
- statements of SEN have become vague and therefore unenforceable in terms of specified provision.

In our experience, such issues and inefficiencies in the system have significantly hindered the timely assessment of children’s needs and access to much needed educational supports. This has resulted in numerous cases dealt by NICCY’s Legal and Investigations Team where children’s learning needs are not being met; children have been denied the opportunity to develop their talents, skills and abilities to the full; and, critically, denied their right to an effective education.

In response to such concerns, the Commissioner undertook to conduct a rights based Review of SEN provision in mainstream schools. The aim of this was to further explore the challenges to realising children and young people’s rights with respect to SEN provision in mainstream schools and to identify solutions or recommendations for removing or reducing these obstacles. This report presents the main findings from the Review.

26 Inquiry into Education Funding in NI, Report by the NI Affairs Committee, 19th July 2019.
The report commences with a comprehensive overview of the policy and legislative context for SEN provision in Northern Ireland. This is followed by an overview of expenditure on SEN in mainstream schools. It then presents the framework that was used to assess children’s rights to SEN services and supports in mainstream schools. This is followed by a summary of the methodology employed to conduct the Review.

The report then turns to the findings from the Review: firstly, the impact on children, young people and their families arising from current failings in the system; and, secondly, an in-depth consideration of the key issues impeding children’s right to an effective education.

1.1 Policy and Legislative Context for SEN in Northern Ireland

Legislation for children with special educational needs in Northern Ireland is contained within the Education (Northern Ireland) Order 1996 (the 1996 Order)\(^{29}\) and the Special Educational Needs and Disability (Northern Ireland) Order 2005 (the 2005 Order)\(^{30}\), supported by Codes of Practice and a number of Statutory Rules\(^{31}\). The current system for the identification, assessment and statementing of children with SEN was introduced in 1986, in line with legislation in England and Wales.\(^{32}\) It was updated by Part II and Schedules 1 and 2 of the 1996 Order. The 1996 Order provides a legal framework for the assessment of, and provision for, SEN. New legislation for children with SEN awaits implementation in the Special Educational Needs and Disability (Northern Ireland) Act 2016 (SEND Act).

### 1.1.1 The Code of Practice on the Identification and Assessment of Special Educational Needs

The Code of Practice\(^{33}\) sets out five key principles which highlight that the needs of all pupils with learning difficulties must be addressed, giving them the greatest possible access to the Northern Ireland curriculum. Where possible, this should be within a mainstream setting, taking into account the knowledge, views and experience of parents. Given their relevance to this research, the principles of the Code are reproduced in full below:

The fundamental principles of the Code are that\(^{34}\):

- the needs of all pupils who may experience learning difficulties during their school careers must be addressed; the Code recognises that there is a continuum of needs and a continuum of provision which may be made in a variety of forms;

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\(^{34}\) Ibid, Paragraph 1.6.
The Code of Practice also establishes a series of essential practices and procedures to be followed by the Boards (now EA) and schools which prioritise early identification, partnership with parents, efficiency of assessment, clarity and thoroughness of written statements, involvement of the child, and close cooperation between relevant agencies. The relevant section is once again included in full below:

1.7 The essential practices and procedures which the Code embodies are that:

- children with special educational needs should be identified as early as possible and assessed as quickly as is consistent with thoroughness;
- provision for children with special educational needs should be made by the most appropriate agency.

The Code of Practice addresses the identification, assessment and provision made for all children who may have special educational needs at some time in their school careers or even earlier. It sets out a five stage approach to the identification of children with SEN, the assessment of their needs and the making of whatever special educational provision is necessary to meet those needs. The first three stages are based in school, with additional support provided by external specialists at Stage 3. At Stage 4, the EA is responsible for undertaking assessment and at Stage 5, the EA is responsible for the additional provision outlined in any statement issued. Each stage is presented in detail below.
Stage 1
At the first stage of the Code of Practice, a concern is raised that a child may have special educational needs. The Code outlines that the class teacher has a lead role in identifying the child’s need and overall responsibility for registering a child’s special educational need. In liaison with the school’s Special Educational Needs Coordinator (SENCO), the class teacher takes initial action. This stage involves the development of an action plan which identifies the child’s difficulties and the strategies to be put in place by the teacher to address the identified difficulties.

Stage 2
Stage 2 begins with a decision at a Stage 1 review to move to the next stage of the Code of Practice and intensify the interventions. Occasionally, following discussions between teachers and parents, the decision might be made to proceed straight to Stage 2 to ensure intensive action is employed as soon as possible. Stage 2 is led by the school SENCO who has responsibility for drawing up an Individual Education Plan (IEP) outlining the further strategies to be taken by the school to address the child’s special educational needs. This will be drawn up with input from the parent/carer and subsequently approved by the parent/carer to signify their agreement and commitment to the plan. Guidance states that at this stage additional resources may be used and the school may offer more individualised help such as literacy support either within or separate from the class. Statutory guidance highlights that the SENCO, working with the class teacher and other subject teachers as appropriate, should ensure that the education plan takes into account the child’s own views of his or her difficulties and the proposed provision. The plan should usually be implemented fully, or at least in large part, in the normal classroom setting. The SENCO should ensure close liaison with all relevant teachers, and parents should be told of the action to be taken and advised how best to help their child at home. Furthermore, the IEP should be reviewed with parents/carers on a termly basis or more frequently, if required, to explore the child’s progress. The Code of Practice emphasises that, where possible, this review should take account of the child’s views.

Stage 3
At Stage 3, the school continues to be responsible for the child’s SEN, however, at this stage, teachers and the SENCO are supported by specialists from outside the school.

Guidance37 from the EA highlights that the type of specialist support provided will be dependent on the nature of the child’s Special Educational Needs, however, typically involves the child being referred to:
• Educational Psychology Service;
• Stage 3 pupil support services; and/or
• Health & Social Care Trust/Allied Health Professionals.

Most Stage 3 pupil support services can only be accessed following an assessment by an Educational Psychologist. Further information can be found at Section 5 of this report. The Code of Practice38 further sets out the form of supports39 that should be provided by external services. This includes the specialist(s) working with the child directly, acting in an advisory capacity, supporting the class teacher or subject teachers in implementing the individual

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39 Some of these services provide supports at Stages 4 and 5 of the Code of Practice.
education plan or may involve recommending additional specialist support.

Stage 4
If a child is not making progress at the school-based stages of the Code of Practice, the EA must consider the need for a statutory assessment. A statutory assessment is an in-depth, multi-disciplinary assessment which aims to determine the nature of the child’s need, whether the needs can be effectively met within the normal resources available to a school and, if this is not the case, what additional provision should be made by the EA through a statement of special educational needs.

There are various phases to the assessment process and associated statutory timescales for the completion of each phase (see Figure 1.1)

A request for a statutory assessment does not always lead to an assessment being carried out nor does a statutory assessment always result in the production of a statement. The EA will only carry out a statutory assessment if they believe a child’s needs cannot be met within the school resource and/or through additional Stage 3 supports.

Stage 5
If the EA decides that it is necessary for it to determine the special educational provision necessary to meet a child’s special educational needs, and make provision over and above what is ordinarily available in a mainstream school, it must make and maintain a formal statement of those needs under Article 16 of the Education NI Order40. A proposed statement should first be shared with parents/carers and their views sought.

If the panel rules that the child’s needs can be met within the school resources, the EA should issue a ‘Note in Lieu’ to parents/carers which provides a full explanation of its decision and how their child’s Special Educational Needs can be met by school and, if required, Stage 3 Support Services. Parents will be given a right of appeal to the Special Educational Needs and Disability Tribunal (SENDIST).

The Code of Practice41 specifies that every effort should be made to ensure that parents are satisfied with the proposed statement, that they understand the background to the proposals made for their child and consider that their wishes and feelings have been given full and sensitive consideration. Similar effort should be made to ensure that, as far as possible, the child’s views are reflected in the proposed statement and that the child understands the reasons for the proposals.

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40 Education (Northern Ireland) Order 1996.
Figure 1.1: Assessment Process Statutory Timescales

1. **Start Request made**
   - Start of the process
   - A request is made for statutory assessment

2. **Assessment Decision**
   - 22 days later
   - Deadline for parents and carers to provide evidence about their child

3. **Statement Decision**
   - 6 weeks after a decision is taken to conduct a statutory assessment
   - EA must seek advice from parents/carers and other professionals. This must be submitted within 6 weeks

4. **Proposed Statement**
   - 18 weeks from start of the process
   - EA issues proposed statement

5. **End Final Statement**
   - 26 weeks from the start (8 weeks after proposed statement is issued)
   - EA issues final statement

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*The new SEN Framework proposes to reduce the process to 22 weeks.*
1.1.2 The Special Educational Needs and Disability (NI) Order (SENDO) 2005

The Special Educational Needs and Disability (NI) Order (SENDO)\(^\text{42}\) came into effect in Northern Ireland on 1 September 2005 and strengthened the right of children with a statement to be educated in an ‘ordinary’ (mainstream) school “unless that is incompatible with (a) the wishes of his parent, or (b) the provision of efficient education for other children” (Article 3).

The SENDO makes it unlawful to treat disabled people less favourably for a reason related to their disability. It places duties on Education and Library Boards (ELBs - now EA) to make ‘reasonable adjustments’, to ensure, where reasonable, education is fully accessible to disabled people and to ensure victimisation does not occur.

The SENDO also includes a section (21A) entitled “Advice and Information for Parents” which states that “A Board shall arrange for the parent of any child in its area with special educational needs to be provided with advice and information about matters relating to those needs” and adds that the Board (now EA) shall take all appropriate steps to make their SEN services known to the parents of children in its area (as well as school principals).

Another major feature of SENDO is the requirement placed on ELBs to provide a means of avoiding or resolving disputes between ELBs or schools and parents of children in its area (which led to the establishment of the cross-Board independent Dispute Avoidance and Resolutions Service – DARS), and further required the ELBs to comply with the outcome of any (SENDIST) Tribunal within the stipulated time-frame. The SENDO also set out the grounds on which an appeal could be made to the Tribunal to include an appeal against the statement’s description of the child’s SEN, the statement’s specified special educational provision or if no school was specified at all in the statement.

A duty is also placed on a school under Article 9 of the SENDO to inform parents if special educational provision is being made for their child because it is considered that he/she has special educational needs.

In light of the significant changes introduced by the SENDO, a Supplement\(^\text{43}\) to the Code of Practice on the Identification and Assessment of Special Educational Needs was published operative from 1 September 2005, which includes detailed information and guidance to schools and ELBs as well as a series of 11 case studies in the appendices to illustrate good practice in relation to the ‘efficient education’ caveat and also the notion of ‘reasonable steps’ to be taken by schools to accommodate/include pupils with special educational needs and/or disabilities.

In 2005, the Department of Education also issued guidance\(^\text{44}\) to schools to help them categorise the special educational needs of the children for recording purposes. The guidance identified seven main areas of SEN: cognitive and learning; social, emotional and behavioural; communication and interaction; sensory; physical; medical conditions/syndromes; and other.

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42 Special Educational Needs and Disability (NI) Order 2005.
In January 2019, new guidance\(^{45}\) was issued to schools to replace the 2005 categorisation model. Entitled Recording SEN and Medical Categories, this guidance followed a full review of SEN categories undertaken in 2017/18 and comprised a new list including a comprehensive list of medical categories. Notably, the guidance advises that “Pupils with a medical diagnosis/es who do not have an associated special educational need (SEN) should be recorded on a school’s Medical Register only.”\(^{46}\)

1.1.3 The New SEN Framework

A review of SEN has been ongoing for almost 15 years. This commenced in 2006, when the Department of Education initiated a review of SEN and inclusion. This was followed by the Department issuing its proposals for consultation *Every School a Good School -The Way Forward for Special Educational Needs and Inclusion*\(^{47}\). After several years of discussion and significant revisions to the original 2009 proposals, new legislation was finally passed by the Northern Ireland Assembly in 2016, in the form of the Special Educational Needs and Disability (Northern Ireland) Act 2016 (SEND Act).

The SEND Act means that the Education Authority (which replaced the five Education and Library Boards on 1 April 2015) must publish a plan of its arrangements for special educational provision at least annually, Boards of Governors must appoint a Learning Support Coordinator (a new role replacing the SENCO) with responsibility for coordinating provision. Each child with SEN must also have a Personal Learning Plan (replacing the previous Individual Education Plan). In addition, a duty is now placed on the EA to consider the views of the child when making decisions about their SEN, and a duty is placed on Health and Social Care bodies to provide services identified by them as likely to be of benefit in addressing the child’s SEN.

In essence, the new Act provides the legislative changes necessary to support a new SEN framework. The passing of the new legislation was followed by a public consultation on new draft SEN regulations (February–May 2016) but thereafter progress has been halted by the collapse of the Northern Ireland Executive in January 2017. At the time of writing, more than ten years after the publication of the original SEN Review consultation, the SEN regulations have not been passed and the 1998 Code of Practice remains in use.

The Department of Education has indicated that it intends to re-consult on the Regulations alongside the new SEND Code of Practice in spring 2020\(^{48}\).

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\(^{46}\) Ibid, Page 2


\(^{48}\) Information received from the DE on 6th February 2020.
1.1.4 Recent Developments

Recent political developments hold potential to progress the implementation of the new SEN Framework. On the 11th January 2020, devolved government was restored in Northern Ireland on the basis of an agreement on the ‘New Decade, New Approach’ deal. This deal seeks to transform public services in Northern Ireland, and amongst its key priorities, reflects that ‘The Executive will deliver a new special educational needs framework to support young people with special needs to achieve their full potential’.

NICCY notes that work is already being progressed under the Department of Education’s Transformation Programme, which seeks to improve the SEN process and the provision of education to children with SEN. This includes:

a. the SEN Learner Journey, which aims to transform communication and engagement with learners, parents/carers and stakeholders in implementing the new SEN framework;

b. the SEN Data Project which intends to improve the data-driven decision making process to improve outcomes for Children and Young People with SEN; and

c. the review of pupil support services which seeks to explore the continuum of provision for children with special needs, particularly those at Stage 3 of the current 5 stage statementing process.

NICCY understands that the review of support services will focus on psychology, autism, sensory, literacy, language and communication, Early Years SEN, SEN inclusion, critical incident, behaviour support, and exceptional training arrangements. It will include an assessment of the processes, outcomes, and monitoring and evaluation arrangements of each service. It also includes baselining Stage 3 pupil support services, how these are accessed and delivered and the operation of the Time Allocation Model.

The work being undertaken under the DE Transformation Programme provides a foundation from which further changes can be made. In addition, the Department led a joint project to identify improvements in order to streamline the seeking and sharing of advice between the EA and Health and Social Care Trusts regarding the statutory assessment of children with SEN.

NICCY welcomes that the EA recently completed an internal audit of practice in Special Education, and has developed recommendations and an Improvement Action Plan to address the issues identified.

NICCY also recognises planned developments by the EA to reform parts of its service. This includes proposals to restructure the Educational Psychology Service, the Sensory Support Service, the Literacy Support Service and the EA Special Education Section. Proposals are aimed at improving the efficiency and effectiveness of the system, to support service delivery and to address regional variations that remain from the


50 www.education-ni.gov.uk/topics/education-transformation-programme

51 EA Psychology Service – proposed restructuring (CYPS/5/19/7). Document provided by the EA on 12th November 2019.

52 EA Sensory Service - proposed restructuring (CYPS/5/19/8).

53 EA Literacy Service – proposals for staff alignment (CYPS/6/19/8).

54 EA Special Education Services – proposed staffing structure (CYPS/6/19/9).
NICCY warmly welcomes the planned developments to improve the SEN system for children and young people in NI. This Report “Too Little, Too Late, will support the developments being made by informing the fundamental changes to be addressed and establishing a baseline from which progression can be measured.

1.2 SEN Education Funding

Prior to 1 April 2017 the Department of Education was the funding authority for Voluntary Grammar and Grant Maintained Integrated Schools and the Education Authority for controlled and maintained schools. From 1 April 2017, the EA has been the funding authority for all types of school.

The EA allocates funding to:

- mainstream schools - the total amount allocated to mainstream schools is the Aggregated Schools Budget (ASB);
- special schools – special school budgets are partially delegated with staffing and other costs met centrally by the EA;
- support for children with a statement attending a mainstream school – this includes the cost of adult assistance and costs relating to learning support centres attached to mainstream schools. Budgets allocated to learning support centres are not ring-fenced and can be diverted by the school to other spending priorities; and
- pupil support services – this refers to the range of services available to schools to support a pupil with SEN.\(^{55}\)

The costs associated with providing support for children with SEN without a statement (i.e. those children at Stage 1-4 of the SEN Code of Practice) are primarily met from school budgets. No money is specifically earmarked for pupils with SEN in the Aggregated Schools Budget (ASB) although weighting is given to pupils with additional social and education needs. This money is not ring-fenced and can be spent by schools on other priorities. In addition, pupils without a statement can access a range of pupil support services that are funded by the EA.

Once a child has a statement, the special educational provision specified in the statement is centrally funded by the relevant authority. The EA is responsible for funding educational provision while the Health Authority is responsible for funding non-educational provision.

In recent years, there has been increasing concern expressed and attention given to the adequacy of funding for children with SEN. In its 2017 review of SEN, the NI Audit Office report concluded that “neither the Department nor the EA can currently demonstrate value for money in terms of economy, efficiency or effectiveness in the provision of support to children with SEN in mainstream schools”\(^{56}\).

The Northern Ireland Affairs Committee published its Inquiry into Education Funding in NI in July 2019\(^{57}\). This report further highlighted the shortcomings in the way children with Special Educational Needs and Disabilities are supported. It also concluded “It is clear that the system does not currently have the resources it needs to meet demand for SEND support” and recommended that future budget allocations to DE reflect the growing numbers of children with SEND in the school system.

\(^{55}\) Special Educational Needs, Report By The Comptroller And Auditor General, 27th June 2017.

\(^{56}\) Ibid.

\(^{57}\) Inquiry into Education Funding in NI, Report by the NI Affairs Committee, 19th July 2019.
Financial data provided by the EA demonstrates a clear rise in expenditure on special education provision in the last three years across all categories of spend as presented at Table 1.1. In 2018/19, over £263 million was spent on SEN provision overall; over £100 million of this was on special education in mainstream and over £49 million on Pupil Support Services.

Further analysis of expenditure on special education in mainstream demonstrates that the vast proportion of spend was on adult assistance (classroom/teaching assistance) as presented at Table 1.2. In 2018/19, this accounted for 85% of spend on special education in mainstream schools.

Table 1.3 provides detailed spend on Pupil Support Services for the last three years. It highlights that the biggest areas of spend are Behavioural Support Services, Educational Psychology and ‘other SEN services’.

Further consideration is given to the availability and effectiveness of pupil support services at Section 5.

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58 Financial data provided by the EA on 16th January 2020. Information does not include Voluntary Grammar or Grant Maintained Integrated schools.
Table 1.1: Expenditure on SEN provision

<table>
<thead>
<tr>
<th></th>
<th>2016-17 £’000</th>
<th>2017-18 £’000</th>
<th>2018-19 £’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Education in Mainstream</td>
<td>82,939</td>
<td>90,578</td>
<td>101,010</td>
</tr>
<tr>
<td>Pupil Support</td>
<td>45,754</td>
<td>46,425</td>
<td>49,847</td>
</tr>
<tr>
<td>Special Schools</td>
<td>100,492</td>
<td>106,554</td>
<td>110,682</td>
</tr>
<tr>
<td>SEN Earmarked Figures</td>
<td>479</td>
<td>716</td>
<td>1,862</td>
</tr>
<tr>
<td>Total</td>
<td>229,664</td>
<td>244,273</td>
<td>263,401</td>
</tr>
</tbody>
</table>

Table 1.2: Expenditure on Special Education in Mainstream

<table>
<thead>
<tr>
<th></th>
<th>2016-17 £’000</th>
<th>2017-18 £’000</th>
<th>2018-19 £’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Education in Mainstream (total)</td>
<td>82,939</td>
<td>90,578</td>
<td>101,010</td>
</tr>
<tr>
<td>Classroom / Teaching Assistance</td>
<td>69,840</td>
<td>75,475</td>
<td>85,585</td>
</tr>
<tr>
<td>Learning Support Centres</td>
<td>13,099</td>
<td>15,103</td>
<td>15,335</td>
</tr>
</tbody>
</table>

Table 1.3: Expenditure on Pupil Support Services

<table>
<thead>
<tr>
<th></th>
<th>2016-17 £’000</th>
<th>2017-18 £’000</th>
<th>2018-19 £’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupil Support (total)</td>
<td>45,754</td>
<td>46,425</td>
<td>49,847</td>
</tr>
<tr>
<td>Educational Psychology</td>
<td>10,040</td>
<td>9,814</td>
<td>9,441</td>
</tr>
<tr>
<td>Autism Intervention</td>
<td>2,101</td>
<td>2,017</td>
<td>2,909</td>
</tr>
<tr>
<td>Independent Counselling</td>
<td>1,524</td>
<td>2,123</td>
<td>1,935</td>
</tr>
<tr>
<td>Sensory Impaired Services</td>
<td>1,595</td>
<td>1,640</td>
<td>1,963</td>
</tr>
<tr>
<td>Peripatetic Services</td>
<td>4,408</td>
<td>4,210</td>
<td>-</td>
</tr>
<tr>
<td>SPLD</td>
<td>2,741</td>
<td>2,712</td>
<td>6,120</td>
</tr>
<tr>
<td>Behavioural Support Services</td>
<td>13,164</td>
<td>12,541</td>
<td>13,203</td>
</tr>
<tr>
<td>Other SEN Services</td>
<td>10,181</td>
<td>11,368</td>
<td>14,276</td>
</tr>
</tbody>
</table>
This section outlines the framework employed during the Review to assess whether children’s rights to an effective education are being realised in mainstream schools.
2.1 The United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC is a set of legally binding minimum standards and obligations in respect to all aspects of children’s lives that the Government has ratified and must comply with in the discharge of its functions. The Northern Ireland Government Departments, including the Department of Education and its arm’s length bodies, are obliged to comply with the obligations under the UNCRC by virtue of being a devolved administration of the UK Government, a signatory to the UNCRC.

There are a number of UNCRC articles, Committee recommendations and Committee General Comments which are relevant to the review of SEN. Articles 28 and 29 are the main UNCRC articles which relate to education. Article 28 outlines the right to education. Article 29(1) details the aims of education and adds a qualitative dimension to the general right to education under Article 28. Article 29(1) reflects the rights and inherent dignity of the child; it insists on the need for education to be child-centred, child-friendly and empowering and highlights the need for educational processes to be based upon the principles outlined in Article 29(1). General Comment 1 on the Aims of Education also highlights a number of other Convention articles which are relevant to the fulfilment of the aims of education as detailed under Article 29 of the Convention. These include, but are not limited to, the rights and responsibilities of parents (Articles 5 and 18), freedom of expression (Article 13), freedom of thought (Article 14), the right to information (Article 17), the rights of children with disabilities (Article 23), the right to education for health (Article 24) and the linguistic and cultural rights of children belonging to minority groups (Article 30).

With regard to the funding of education for children with SEN, Article 4 of the UNCRC states that,

“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.”

60 Ibid.
The Committee’s General Comment No.5 on General Measures of Implementation of the UNCRC, is clear that children should be visible in budgets and that analysis of resources for children should take place to ensure that States are fulfilling their obligation to allocate resources to the maximum extent to ensure the realisation of children’s rights. In addition, it outlines the obligation on States to ensure that budget decisions which will impact on children are made with the best interests of the child as a primary consideration. It states that,

“The Committee needs to know what steps are taken at all levels of Government to ensure that economic and social planning and decision-making and budgetary decisions are made with the best interests of children as a primary consideration and that children, including in particular marginalized and disadvantaged groups of children, are protected from the adverse effects of economic policies or financial downturns.”

The Committee went on to recommend that the Government,

a. make children a priority in the budgetary allocations as a means to ensure the highest return of the limited available resources; and make investment in children visible in the State budget through detailed compilation of the resources allocated to them; and

b. consider using rights-based budget monitoring and analysis, as well as child impact assessments on how investments in any sector may serve “the best interests of the child.”

Article 2 of the First Protocol to the European Convention on Human Rights (ECHR) as incorporated by the Human Rights Act 1998, also provides that no one shall be denied the right to education. This has been interpreted by the European Court of Human Rights to mean that every child is entitled to access effective education. Taken together with Article 14 of the ECHR, the non-discrimination principle, the right to access available educational facilities must be secured for all children without discrimination.

Also of relevance is the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which was ratified by the UK Government on 8th June 2009. Article 5 provides that persons with disabilities shall have equal access to all the protections afforded by the law. Article 7 provides that all children with disabilities shall have full enjoyment of all human rights and fundamental freedoms; that their best interests shall be a primary consideration and that their voices shall be heard in all matters concerning them. Article 24 provides the right for persons with disabilities to access an inclusive education system at all levels.

2.2 Children’s Rights Standards

This Review drew on two relevant sets of children’s rights standards as the benchmark to assess services and experiences against. This included:

a. the UNCRPD Committee’s General Comment No.4 on the Right to Inclusive Education (Article 24 - UNCRPD) which contains useful children’s rights standards with regard to what is expected of members states in the provision

63 Ibid, Paragraph 51.
65 UNCRPD Committee’s General Comment No.4 on the Right to Inclusive Education (Art. 24 - UNCRPD), Jan 2016.
of an “inclusive education” for children with disabilities; and

b. the UN Committee on the Rights of the Child’s General Comment No. 15 (2013). This focuses on the right of the child to the enjoyment of the highest attainable standard of health (Article 24)\(^66\) and contains six key standards which primarily relate to healthcare but also can be applied to education, particularly as this relates to SEN.

Both sets of standards were merged and used as the children's rights benchmark for this work. These are as follows:

a. **availability**: adequate facilities and services must be in place to meet the needs of all children and young people. Effective education must be available to people with disabilities at all levels;

b. **accessibility**: there must be equal access to services for all children without discrimination of any kind. Educational institutions and programmes must be accessible to everyone without discrimination. This should include buildings, information and communication tools, the curriculum, educational materials, teaching methods, assessments and language and support services, with a particular focus on universal design;

c. **acceptability**: facilities and services and the form and substance of education must be designed and delivered in a person-centred way, i.e. respectful of children’s needs, expectations, views, cultures and languages;

d. **adaptability**: the education environment must be adaptable for people with disabilities. People with disabilities should be able to attend primary and secondary schools in the communities where they live and have accessible transportation. People with disabilities must be provided with reasonable accommodation so they can have access to education on an equal basis with others;

e. **quality / Impact**: children and young people should be offered a quality of service which adequately meets need, is appropriate and which improves wellbeing. This includes choices regarding evidence based interventions and adequately skilled and trained staff to offer child specific support;

f. **participation**: whether the views of children and young people are gathered, seriously considered and taken into account in their own education and in the development of education policy and services; and

g. **co-operation**:\(^67\) whether there is timely and appropriate co-operation and integration of services to ensure a holistic approach is taken to need. This includes between schools and education bodies, NGO’s and the statutory sector and between education, health and other relevant agencies and Government Departments.

In considering the extent to which the relevant standards are being met by the current system, it was intended that the Review would identify some of the more serious issues for children with SEN when accessing education. It also aimed to highlight the impact such issues have had on children and young people’s right to an effective education, and to identify recommendations for improving services and access to SEN services in mainstream settings.

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66 UN Committee on the Rights of the Child’s General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24, February 2013).

67 This is particularly important now given the new statutory duties to co-operate set out in the SEND Act (2016) and the Children’s Services Cooperation (NI) Act 2015.
3.0 METHODOLOGY

A mixed methods approach was taken to this Review. This involved (1) a comprehensive process of engagement to capture the views of key stakeholders including parents/carers, Principals/SENCOs and Educational Psychologists and (2) analysis of operational data provided by relevant authorities. Both aspects are considered in more detail in this section.
3.1 Overview of Stakeholder Engagement

The stakeholder engagement comprised four strands of work; each strand is set out in the paragraphs that follow.

3.1.1 Capturing the Views of Parents and Carers

Stranmillis University College was commissioned to gather the views of parents/carers of children with SEN or suspected SEN. This strand of engagement focused on their and their child’s experience of accessing or trying to access services or support for SEN in mainstream schools.

The first phase involved an online survey focused on the goals and objectives of the study and which captured information such as experiences of the SEN process in general; barriers to accessing support; experiences of engagement with school, EA, DE, health professionals; and actions recommended to improve the SEN process. There was also a question that asked parents/carers to identify the most positive aspect of the SEN system in their experience.

Drafts of the survey were piloted with a small sample of parents to allow for feedback and review of the order and clarity of questions. A link to the anonymous online survey was then sent to all mainstream nursery, primary and post-primary schools in Northern Ireland for distribution to parents/carers. Principals were strongly encouraged to forward the email and survey link to all parents/carers of registered pupils - rather than just those already on the SEN register as it was important that the voices of parents of children with a “suspected SEN” were also included.

A total of 681 responses were submitted, but following screening and in line with the project specification, 73 responses were removed as the children either attended special schools or were aged 0-3 and not yet in mainstream nursery education. This left a total of 608 valid responses which were subsequently exported to SPSS for analysis.

Demographic information revealed:

- 591 parents and 17 carers submitted survey responses. Of the 17 carers in the sample, 11 identified as kinship foster carers (i.e. a relative or person known to the child), 5 as non-kinship foster carers and 1 as a respite carer;
- there was a spread across the five EA regions with the highest percentage of schools in the South Eastern region (33%, n=201) and the lowest in the Western region (11%, n=65). There were 13 parents/carers (2%) who didn’t know which EA region their child’s school was situated in;
- 71% of parents/carers (n=429), indicated that their child was male, 29% (n=176) were female, two parents (0.3%) preferred not to say and one parent (0.2%) indicated “other” (“born girl but with gender issues”);
- 63% of the parents/carers (n=381) responded that their child attended a primary school, while 31% (n=189) were at post-primary school and the remaining 6% (n=38) were at nursery school;
- 94% (n=571) of parents/carers responded that their child received their education in a mainstream class, while the remaining 6% (n=37) received their education in a learning support centre attached to a mainstream school;
- the most common school management type was the Controlled sector (40%, n=243), followed by the Maintained sector (25%, n=152), Integrated sector (15%, n=89) and Voluntary Grammar sector (8%, n=51);
79% of parents/carers (n=483) reported that their child is on the SEN register. When analysed further by school type, there was very little difference between the percentage of primary school children (79%, n=302) and post-primary children (82%, n=155) on the SEN register in this study sample. Within the nursery sector, perhaps unsurprisingly, there was a lower percentage of children already on the SEN register (68%, n=26); and

51% of children (n=250) were at Stage 5 (statement) of the Code of Practice and 8% (n=37) currently at Stage 4 (the statutory assessment stage). 18% (n=88) were at Stage 3 (in school but receiving external support), 10% (n=48) at Stage 2 and 4% (n=20) at Stage 1. A total of 40 parents/carers (8%) did not know what Stage of the Code of Practice their child was currently at. There were no significant differences by gender.

The online survey was designed using Smartsurvey and was accessible to users on multiple devices including tablet, PC and smartphone. The survey was open for a period of 4 weeks from 3rd to 31st May 2019. Both NICCY and Stranmillis University College promoted the survey through a range of social media platforms (e.g. Facebook and Twitter).

The second phase of engagement involved semi-structured focus groups with parents/carers who expressed interest in participating and provided contact details via the online survey. A total of 10 focus groups were organised across Northern Ireland, three in Belfast and seven more in different towns across each of the EA regions, and were attended by a total of 55 parents/carers.

The focus groups centred on:
- parents/carers’ experiences of the SEN process;
- barriers to accessing support;
- experiences of parents/carers in engaging with school;
- experiences of parents/carers in engaging with EA;
- experiences of parents/carers in engaging with DE;
- experiences of parents/carers in engaging with health professionals; and
- actions recommended to make the SEN process easier for parents/carers.

Innovative activities were used to capture participants’ perceptions of ‘what works’ and what ‘could be improved’ regarding various aspects of the system.

The third phase comprised a series of six individual interviews with parents/carers, which allowed them to tell their individual stories and experiences in much more detail than the survey or group interview would permit. Selection for participation in this section of the study was based on involving a representative range of parents/carers (in the end interviews were carried out with five parents and one carer), with children in a range of phases of education and including a range of special educational needs and experiences, both positive and negative. These in-depth interviews led to the creation of a set of six detailed case studies, some of which are presented in this report.

A separate report is available which sets out the findings from all phases of engagement with parents and carers.68

This can be accessed on NICCY’s website.

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3.1.2 Capturing the Views of School Principals and SENCOs

The Review sought to capture the views of Principals / SENCOs in relation to meeting the learning needs of children and young people in mainstream schools with SEN and the current challenges schools face in meeting their needs. Feedback was captured in two ways.

The first involved an online questionnaire which was issued to all primary and post-primary schools in NI via the C2K network and hosted on the NICCY website between April and December 2018. It explored schools’ experiences of the processes involved in identifying and assessing children’s needs, including schools’ access to Educational Psychologists. A total of 84 Principals responded to the survey. Respondents represented primary and post-primary schools of various sizes and settings, from both maintained and controlled sectors, and across urban and rural localities. All Principals reported that there were pupils in their school on the SEN register, with the number of pupils registered varying based on the size of the school.

The second phase of engagement with Principals and SENCOs involved the facilitation of focus groups with schools across Northern Ireland. The focus groups sought to explore schools’ experiences of the SEN system, with a specific focus on the processes involved in identifying and registering a pupil with SEN, experiences and supports available for children at the various stages of the Code of Practice, the role of EPs in schools, and the impacts of access to services and support for SEN in mainstream schools.

A total of 17 primary and 10 post-primary schools participated in six focus groups. The groups comprised 21 Principals and one Vice Principal, seven SENCOs and two representatives from the Council for Catholic Maintained Schools (CCMS). The majority of focus groups were conducted between April and June 2019, and one final focus group discussion was facilitated on 2 October 2019.

3.1.3 Capturing the Views of Educational Psychologists

Similar to engagement with schools, the feedback from EPs was captured in two ways. The first involved an online survey which was circulated to EPs via the Association of Educational Psychologists (AEP)69 and hosted on the NICCY website between July and August 2019. It captured the views of EPs on meeting the needs of children and young people in mainstream schools with SEN and the current challenges that they face in meeting their needs. Questions focused on the specific duties fulfilled by EPs in schools. This included their role in diagnosing SEN and identifying supports for children, perceptions of the time allocated for educational psychology assessment and other duties, and proposed recommendations to the SEN system in Northern Ireland.

A total of 57 EPs responded to the survey, with 21 completing the survey in full. All valid responses were taken into account therefore the response rate varied per question. Two thirds of responses were received by EA employed EPs, whilst a further nine work in private practice and/or the voluntary and community sector. Around three quarters of respondents currently work in the Belfast and South Eastern Regions (17 and 16 respondents respectively); eight in the North Eastern Region and six in the Western and/or Southern region.

The second phase involved follow up interviews with six EPs who responded to the

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69 The AEP is the trade union and professional association for Educational Psychologists in the UK.
survey and gave permission to be contacted for an in-depth telephone interview.

The interviews were designed to tease out some of the issues raised in the questionnaire and gather more detailed information about SEN decision-making and types of SEN provision in mainstream schools, the challenges faced and good practice.

3.1.4 Capturing the Views of Non-Governmental Organisations (NGOs) and Other Education Stakeholders

Throughout the Review, NICCY maintained contact with various NGOs, health and social care representatives, and other stakeholders who have carried out work on SEN, such as the NI Audit Office (NIAO). In November 2019, a workshop was conducted with four NGOs who advocate on behalf of children with SEN. All provide activities and services for children with SEN and their families, including school-based services, one-to-one supports, and capacity building for professionals. This session focused on the barriers that prevent children and young people from accessing an effective education in the context of SEN provision in mainstream schools, and examples of good practice in this area.

3.1.5 Ethical Considerations

The primary focus of the Review was children and young people who may be waiting on an assessment or who are being refused an Educational Psychology referral by their child’s school through the Time Allocation Model. Due to ethical concerns about the potential distress caused by consulting children and young people who may be unaware of their suspected SEN, the decision was taken to explore the experiences of children and young people through their parents/carers and teachers. In the end, most of the parents/carers were of children who had received a statement. It proved difficult to recruit parents of children at the earlier stages of the Code of Practice.

Engagement with all stakeholders was conducted in line with NICCY’s Corporate Ethical Policy and Stranmillis University College’s Code of Ethics (2018). All participants were informed in advance of the purpose of the study, all gave their consent to take part, and all were assured of anonymity and confidentiality. Participants were made aware of their right to withdraw at any stage of the study. Every effort was made to explain to participants the focus and purpose of the research and the role and requirements of the participants.

All information was held and processed in accordance with the General Data Protection Regulations (2018). Data collected was used for the sole purposes of the research study (and subsequent research articles and/or presentations) and was held securely. All personal information was encoded or made anonymous as far as was possible, and as early as possible after collection/transcription. The names of any teachers/SENCOs, pupils, schools, parents or Principals or any other individuals (e.g. EA or health professionals) have not been included in this report.

Data and files generated in the course of the study were stored securely on a secure, cloud-based server. Any hard copies of consent forms or focus group practical activities were held in locked NICCY and Stranmillis University College filing systems.

The potential for physical/psychological distress to the participants was low.
3.2 Analysis of Stakeholder Feedback

3.2.1 Analysis of Survey Data

The surveys of Principals and EPs were hosted on Survey Monkey, and the parents/carers’ survey was hosted on Smart Survey. In all instances, the results were downloaded from the respective servers. Close-ended responses were analysed via basic frequencies and, where applicable, cross-tabulations conducted to explore any potential correlation/differences based on respondents’ demography.

Open ended questions were also analysed by theme, coded and represented in tables/figures.

3.2.2 Analysis of Focus Group/Interview Data

All focus groups/interviews (Principal/SENCO, EP and parents/carers) were audio-recorded with respondents’ permission and subsequently transcribed.

The transcribed focus group / interview data was systemically reviewed and thematic concepts identified. Two Computer Assisted Qualitative Data Analysis tools were used to support the process, including both NVivo12 and Leximancer for the analysis of parent/carer feedback.

3.3 Official Statistical Information

The second strand of work involved the request for and analysis of available official statistical information on the operational aspects of SEN and a breakdown of budgetary spend on SEN. This involved requests for information from the EA on:

- the number and role of EPs and psychology assistants across EA regions;
- supports available to pupils with SEN in mainstream school settings including criteria to access and waiting times for Stage 3 support services;
- waiting times and the time allocated to statutory assessment;
- the extent to which private assessments are accepted by the EA;
- composition and terms of reference for SEN assessment panels;
- breakdown of expenditure on SEN; and
- incidence of requests to the DARS and SENDIST.

The Review team experienced considerable challenges and delays in receiving the requested information. In order to expedite and supplement the information request, in October 2019, NICCY asked for documents cited in the minutes of the EA Children and Young People’s Services Committee meetings and, from which, we were able to extract some of the required information. Requested documents were received in November 2019 and, after repeated requests, the remaining requested data was provided in January 2020.

Analysis of the data revealed alarming gaps in the collation of vital, disaggregated, basic operational data regarding SEN provision in mainstream schools.

For example, the EA indicated that it does not currently hold data centrally on:

- the number of children who have not been prioritised for an EP assessment but who require access to specialist Stage 3 services;
- the number of children referred to the EA Educational Psychology Service;
- the waiting lists for Stage 3 services across EA regions;
- compliance with procedures put in place for transfer of information between EA and the Health Trusts;
the number of vacant EP posts in the Educational Psychology Service;
the number of contacts made to DARS; and
robust data on statement amendments or statement cessation is not yet available from the EA Information System, nor are the costs associated with statement review.

Furthermore, some aspects of our request were not fully responded to, such as the composition and terms of reference for EA assessment panels. Where data has been provided, it has been analysed and presented throughout Section 5.

3.4 SEN Professional Advisory Group

The SEN Professional Advisory Group comprised representatives from academia, NGOs and education. It provided valuable support and advice to NICCY during all stages of the Review, including:

- supporting the development of the methodology for the Review; and
- supporting the interpretation of data collated and the development of recommendations for key Government Departments and agencies. See the Appendix for the full list of Advisory Group members.

3.5 Presentation of Main Findings

The predominant themes captured through stakeholder engagement relate to the (1) impacts on children, young people, and their families arising from current failings in the system and (2) the key issues impinging on children’s right to an effective education. These themes are comprehensively considered in the sections that follow.

The information presented in each section is based on stakeholder feedback gathered through surveys and focus groups/interviews. Where operational data has been provided by the EA, this is considered and discussed alongside stakeholder experiences.

In most instances, stakeholder responses to survey questions are considered within the body of the text. However, charts and tables are occasionally included to illustrate stakeholders’ responses to particular survey questions. Colour coding has been used within tables to visually illustrate the extent to which stakeholders positively responded to the questions. Red indicates that between 0 – 50% of stakeholders responded positively, amber indicates between 51 – 69%, and green indicates that over 70% responded positively to the question.

![Colour Coding Table]

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-50%</td>
<td>Red</td>
</tr>
<tr>
<td>51–69%</td>
<td>Amber</td>
</tr>
<tr>
<td>70+%</td>
<td>Green</td>
</tr>
</tbody>
</table>

70 Due to rounding, figures may not precisely total 100%. 
Quotes are integrated throughout to exemplify the range of points made. Evidence from NICCY’s casework experience is presented within particular sections to further reinforce the experiences of children, young people, and their families when accessing or attempting to access SEN support in mainstream schools. Short case studies of children and their parents/carers’ experiences of the system are also included.71 Names have been changed to preserve the anonymity of children and their families.

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71 These are based on longer case studies, produced by Stranmillis University College as part of the commissioned engagement with parents/carers for the Review. The full report of parental engagement can be accessed on NICCY’s website.
4.0 EXPLORING THE IMPACT OF THE CURRENT SEN SYSTEM ON CHILDREN’S RIGHT TO AN EFFECTIVE EDUCATION

we all have a right to an education
4.0 Exploring the Impact of the Current SEN System on Children’s Right to an Effective Education

The evidence captured throughout the Review points to a system under extensive and sustained pressure. Stakeholders repeatedly queried whether the current system is fit for purpose, responsive to the diverse needs of children and young people in Northern Ireland and, critically, whether it facilitates children’s right to an effective education.

Parents/carers reflected on systemic failings in meeting the learning needs of children with SEN in mainstream settings. When asked to consider the SEN system against the children’s rights benchmark standards, less than one in five parents/carers ‘agreed’ or ‘strongly agreed’ that any of the rights standards are being fulfilled within the current SEN framework, as summarised at Figure 4.1.

### Figure 4.1: Children’s Rights Standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Undecided</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Availability: adequate facilities and services are in place to meet the needs of all children and young people with SEN</td>
<td>4%</td>
<td>9%</td>
<td>15%</td>
<td>27%</td>
<td>46%</td>
</tr>
<tr>
<td>Accessibility: all children with SEN have equal access to services without discrimination of any kind</td>
<td>7%</td>
<td>11%</td>
<td>14%</td>
<td>25%</td>
<td>44%</td>
</tr>
<tr>
<td>Acceptability: the SEN process is child-centred</td>
<td>5%</td>
<td>14%</td>
<td>19%</td>
<td>22%</td>
<td>40%</td>
</tr>
<tr>
<td>Adaptability: the education environment is adaptable in order to meet the needs of children with SEN</td>
<td>5%</td>
<td>16%</td>
<td>20%</td>
<td>22%</td>
<td>37%</td>
</tr>
<tr>
<td>Quality/Impact: children and young people with a SEN receive a quality service which meets their needs</td>
<td>4%</td>
<td>11%</td>
<td>20%</td>
<td>24%</td>
<td>41%</td>
</tr>
<tr>
<td>Participation: the views of children with a SEN are sought and taken into account in their education and development of policy and services</td>
<td>3%</td>
<td>11%</td>
<td>26%</td>
<td>24%</td>
<td>37%</td>
</tr>
<tr>
<td>Co-operation: there is timely and appropriate co-operation and integration of services to ensure a holistic approach is taken to meet the needs of children with SEN</td>
<td>3%</td>
<td>8%</td>
<td>20%</td>
<td>23%</td>
<td>47%</td>
</tr>
</tbody>
</table>
Survey results highlight that in terms of ‘Availability’ the SEN system is currently severely lacking: only 1 in 8 respondents felt that there were adequate facilities and services in place to meet the needs of all children and young people with SEN. In terms of ‘Accessibility’, only 1 in 6 respondents felt that all children with SEN have equal access to services without discrimination of any kind. Less than 1 in 5 believed that the SEN process is child-centred (‘Acceptability’), while a similar proportion felt that the education environment is adaptable in order to meet the needs of children with SEN (‘Adaptability’). Only 1 in 7 felt that children and young people with SEN receive a quality service that meets their needs (‘Quality/Impact’), and the same proportion of parents felt that the views of children with SEN are sought and taken into account in their education and development of policy and services (‘Participation’). Only 1 in 10 agreed that there is timely and appropriate cooperation and integration of services to ensure a holistic approach is taken to meet the needs of children with SEN (‘Cooperation’).

Throughout the Review, stakeholders expressed particular concern about the efficiency and effectiveness of the SEN process for children in mainstream schools and the impact that this has on children’s right to an effective education.

Stakeholders highlighted that children are waiting lengthy periods for their learning to be assessed and to receive the learning supports that they need, and are entitled to, under legislation. For instance, almost half of parents/carers surveyed disagreed that their children’s needs are being adequately met, as depicted at Figure 4.2.

In addition, almost two-thirds of the respondents either ‘disagreed’ (25%, n=89) or ‘strongly disagreed’ (42%, n=153) that additional support has been provided without unnecessary delay. Over three quarters of parents/carers (78%, n=473) reported that they had experienced barriers to accessing support for their child. The Review found a range of negative impacts on children and their families as a result of such barriers to accessing support.

This section outlines the impact of the assessment delays on every child’s right to a quality education, as well as the broader impacts on a child’s mental health and wellbeing and on their parents/families. The impacts have been categorised into three areas as reported by Stranmillis University College:72 the impact on the child’s education, the impacts on their mental health, and the impact on their families and family life.

Short case studies of children and their parents/carers’ experiences of the system, are interspersed throughout this section. These are based on longer case studies, produced as part of the commissioned engagement with parents/carers for the Review.73 The full report of parental engagement can be accessed on NICCY’s website.

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73 Ibid.
4.1 Impact on Children’s Education

During focus groups, parents reported that their child’s academic progress was being hindered by the current SEN system. The parents noted different reasons depending on their child’s specific needs. For those with medical difficulties, parents gave examples of the time taken out of schools to attend medical appointments which led to missed and disconnected learning, and resulted in lower attainment levels. For children awaiting diagnosis, parents noted that some schools did not recognise or attempt to meet the child’s needs. In more proactive schools, a lack of clear understanding of SEN meant that schools could not develop more specific strategies or gain access to additional resources to meet children’s need. In a few cases, children received incorrect diagnoses or placements:

“I’m doing P3 work mummy’, this is the way it went on. He was leaving P5 about to do 11+ work and doing P3 work... And then the Education Authority, eventually they did say, ‘Oh, he has been wrongly placed.’”

(parent/carer)

One Educational Psychologist employed by the EA highlighted the developmental challenges facing children who have been delayed from receiving a statutory assessment and, therefore, are not receiving the individualised supports required to develop their social and emotional capacities:

“The lack of a timely process for a statement means that they’re not having that individualised support, such as a classroom assistant who can help them to regulate their emotions, help them to develop social skills, even just helping them — freeing up the teacher to work with them on literacy and numeracy skills.”

(EP)

Another EP working for the EA remarked on the potential dire consequences for children’s educational progression due to insufficient statutory supports. Specific groups of children were deemed particularly vulnerable, such as Newcomer children. Some Principals highlighted that pre-existing diagnoses of SEN from a child’s home country are not recognised in Northern Ireland and that children are experiencing significant delays in re-assessment. They highlighted that this delay in assessment and provision of relevant support is a further impediment to the educational progression of children transferring to Northern Ireland from other parts of the UK and beyond. This was apparent in the case study of James and his mother Esther.

Esther and James’ Story

Esther moved to Northern Ireland from London in 2017. Her son, James, had received special care at birth and due to his illness, was at risk of developmental delay. Because the referral process had begun in London, a new application for support had to be made when the family relocated to Northern Ireland. Without a defined diagnosis in place, Esther faced challenges from the Education Authority in progressing the referral for assessment and obtaining the preferred school place for her son. This led her to seek a private Educational Psychologist assessment of her son. Esther found her experience with the EA extremely complex. She described the process as a maze which was very hard to navigate through, with no defined processes and frequent resistance from the EA:

“I just didn’t realise that it would be so difficult to get the support that James needed when we moved here. It left me feeling quite anxious because he was distressed and is still distressed. It was just a horrible situation to see your child in distress and not being able to fix it for them.”
Esther recounted the grave effect on James when he started school with no provision having been put in place to meet his needs:

“James started P1 in September and it was horrendous. He could not cope at all in school. The first day he came out covered in blood. He had had a major meltdown at school and it was very, very distressing and I just thought to myself ‘I cannot and I don’t know how to take him back to school the next day’.”

Esther and James’ story highlights the deeply adverse impacts on children’s mental health and wellbeing when the necessary supports are not provided in school.

The Review highlighted that parents of children with dyslexia felt that their child’s SEN was secondary to other children with SEN and that provision could not be as specific as required because of a lack of teacher expertise and large class sizes. There was also concern for children with Autistic Spectrum Disorder (ASD). Parents felt that an over-focus on their child’s behaviour meant insufficient effort was being made to help them achieve their academic potential:

“The primary school did not consider our son’s difficulties to be “bad enough” to warrant an assessment. We could see, however, that he was a bright boy who was struggling to understand why he was having difficulties. We were concerned that he was losing confidence before changing to secondary school. The school were concerned about “labelling him”. We hoped that a confirmation of dyslexia would help him and his teachers to understand his strengths and difficulties much better.” (parent/carer)

A lack of both appropriate diagnosis and the provision of a ‘tailored environment’ was perceived to be affecting children’s behaviours. For instance, one parent pointed out that:

“Education Authority were totally inadequate. My son was misdiagnosed and support was inadequate. He suffered a lot due to their total incompetence and so I learned a lot about the system and the disability, thus my daughter has benefited from my experience and knowledge and has had a better educational experience as I bypassed the normal educational psychology routes.” (parent/carer)

Parents also reported that, occasionally, classroom assistant time was being misused, resulting in poor attention or emotional outbursts and ‘meltdowns’.

“[The classroom assistant] wasn’t with my child half the time and he was missing out on lessons because he couldn’t cope in the classroom.” (parent/carer)

The adverse impact the SEN process has on children’s social development was also noted. Parents of children with behavioural issues reported that their children were becoming ‘utterly socially isolated’. This was a particular issue for children with Attention Deficit Hyperactivity Disorder (ADHD) or ASD. In five of the ten focus groups, children had been or were still being bullied.

One example of social isolation is depicted by Tim and his mother Cathy’s story. In this case, a lack of additional supports and services within the school setting had a detrimental impact on Tim’s confidence and motivation. This ultimately resulted in Tim refusing to attend school.

Tim and Cathy’s Story

Tim is 14 years old. His additional needs became apparent in the primary setting, when Cathy expressed concern about potential Social Emotional and Behavioural Difficulties (SEBD). As Tim progressed through primary school, things became increasingly difficult with little credible support from the school. Cathy relayed that
the school believed Tim’s behaviour and actions were a choice he was making. He was told that the primary school had never had a more badly behaved child, a conversation he still recalls. In his final term of P7, Tim mentioned the need for a “fresh start” which Cathy found to be very sad for a child of Tim’s age.

Following Tim’s transfer to post-primary education, things began to improve with the school being increasingly supportive and willing to listen to Cathy as a parent, as well as implementing a number of strategies to support Tim. Finally, at the age of 12, Tim was diagnosed as suffering from Auditory Processing Disorder alongside ADHD, which was felt to have contributed to his SEBD. In the process of gaining this diagnosis and relevant supports, Cathy experienced a lack of communication, coherence and clarity between the various EA regions and services. Evidence of further disconnection within the system was apparent in that Cathy was the main conduit of communication between the health and educational professionals regarding Tim’s progress. Even though Tim eventually received his statement, she spent many nights in tears of frustration, searching the internet for services offering support for the difficulties he exhibited.

Despite the initial support of Tim’s post-primary school, a lack of appropriate specialist services meant that the situation deteriorated to the point that he became a school refuser. This resulted in Cathy beginning the process of moving Tim to another secondary school outside her local area in order to access the support of an EA support service, which, although perfect for his needs, would not be made available to Tim if he remained in his current school.

Cathy commented:

“Although we received immense support from Tim’s grammar school and, in some instances, the EA, I have nonetheless found a lack of communication, coherence and clarity between the various EA regions and services. Through self-research I became aware of a specific service tailored for children like Tim, which can offer much needed support in terms of school anxiety and reintegration into a school setting – the Link Centre. Although an EA coordinated service, it is only available in some regions and not for children attending grammar schools. Despite the need, and the fact that this service has achieved ‘outstanding’ from ETI, it appears to be limited in availability. This prompted our decision to transfer Tim to a local secondary school in order to access this service. As his school move has resulted in a move of EA region this has in turn, created a prolonged delay in Tim’s accessing the required help in what should have been a smooth transition.”

Whilst Tim was able to access the service in his new school, the transition led to a delay in the provision of other supports.

Unfortunately, Tim continued to exhibit difficulties regarding SEBD and, despite the support of the school, his inability to concentrate was detrimental to his academic work. His anxiety also increased when attending class and particularly when completing exams. Cathy noted that the school was extremely supportive and enabled Tim to complete exams at home. Despite this, Tim is currently a school refuser.
4.2 Impact on Children’s Mental Health and Wellbeing

Within all focus groups, parents reflected on the anxiety experienced by their children. They reported that this presented in a range of ways both in school and at home.

In school, children were feeling sick, crying, running to the toilet, soiling themselves, having ‘meltdowns’ and refusing to complete work or engage in school activities.

Parents were aware that this increased teacher workload impacted other children in the classroom and, consequently, further isolated their children from the teacher and their peers. Some children were school refusing. These behaviours were replicated at home:

“We were still sitting at home with a child who stripped himself naked every morning and paced the floor, wetting himself and being sick and crying because he had to go to school and they’re [the EA] telling me, you’re not getting another assessment.” (parent/carer)

Parents also reported grave examples of the impact on their child’s mental health and wellbeing. Some reported incidences of self-harming. In two focus groups, parents reported that their child had suicidal thoughts and in seven focus groups, parents reported that Child and Adolescent Mental Health Services (CAMHS) had been involved. It was the utmost priority for parents that their child’s needs should be understood so that they could develop strong emotional and mental health:

“I am most concerned with strengthening them, encouraging them and protecting them from a negative impact that either the diagnosis has or not having a diagnosis has.” (parent/carer)

Throughout the Review, stakeholders expressed deep concern about the impact of the overstretched system on children’s mental health and wellbeing. Parents, EPs, and representatives from voluntary organisations all reported the detrimental impact on children’s self-esteem, confidence and self-worth as a result of not receiving the necessary supports and services in school:

“Where a child has not received the individualised support needed, and therefore, are not able to develop socially or emotionally...the impact is on their self-esteem, and it’s on their emotional well-being. They become increasingly anxious. They become increasingly isolated. They’re withdrawn or they start to act out through some challenging behaviour. They become reluctant to follow instructions, or they become aggressive or angry”. (EP)

Karl and Paula’s story illustrates the negative impact on a child’s self-esteem when necessary supports are not provided at the earliest opportunity.

Karl and Paula’s Story

Karl is 10 years’ old. He has Attachment Disorder and behavioural issues. Paula is Karl’s kinship carer. She reflected that Karl did not receive sufficient early intervention supports to meet his needs in school. As a result, Karl has a negative view of school. He felt he was being told off all the time, which led to him getting very frustrated and to feel that “I can’t do this, I don’t know how to do that”.

Paula described incidences when Karl was isolated from his peers and forced to face the wall, on his own, at the back of the room. She reflected on the profoundly negative impact on his well-being and self-esteem. Now that Karl is in P6, he is very self-aware that he is ‘low ability’. His behaviours are cyclical. He fears being sent to the Principal’s office, and therefore panics and acts out.

“When Karl went into primary school he had lots of social issues and the principal
wanted to put interventions in place. So, the RISE\textsuperscript{74} team came in and worked with him. They were good but it didn’t target him quickly enough. He still was having a lot of behavioural issues and ended up getting suspended in P3 which has had a really detrimental effect on him and he’s now petrified of getting suspended again. There was a classroom assistant put in place but there weren’t enough strategies taught to him and enough things to help him to overcome the specific issues that he was having. There wasn’t a lot of support given to the teacher in how to deal with him either, like how he could calm down. However once RISE came in they were brilliant. They worked really, really well with him but it’s half an hour a week. This is a child who is having major behavioural difficulties in school and he has Attachment Disorder. There was a lack of knowledge of what Attachment Disorder was: the school didn’t really recognise what it was or how to deal with it.”

4.3 Impact on the Family

The Review also highlighted a range of negative impacts for parents/carers, many of whom spoke of their own growing frustration, anxiety, confusion and alienation from a system that many found unnecessarily complex and protracted. Guidance and support, although promised, was often inadequate or absent. This had an impact on their mental health, relationships, home life and ability to work.

4.3.1 Financial Impacts for Parents

During focus groups, several parents relayed the negative impacts on both financial resource and time. Parents reiterated that, in order to avoid delays in accessing medical and educational support for their children, some had sourced and were funding these services themselves. This included Occupational Therapy, Speech, Language and Communication Therapy, behavioural analysis, specialist health treatments, academic tutoring and Educational Psychology assessments. In addition, many parents/carers had taken part-time hours or left work completely to meet the needs of their children. This was necessary to home-or flexi-school their children. In the case of Esther and James, Esther pointed out that:

“The most negative impact on me personally is that I’ve had to give up my career and become a carer for my son. I thought that we, that I would move here and I would settle the children in school, and then I would go back to work. But I have not been able to go back to work.” (Esther, mother of James)

Six parents in focus groups had more than one child with autism, including various co-occurring difficulties, and five parents had multiple children with diverse diagnoses. Some of these parents had reduced their working hours or left work completely because of having to attend various medical and educational appointments with their child in a working week and also to ensure that they had the energy and time for their children, with and without SEN. This was not always feasible. Published statistics reinforce the financial challenge for many parents of children with SEN:

\textsuperscript{74} RISE NI is a statutory regional early intervention service which supports children in pre-school educational and mainstream primary school settings by working closely with parents and education staff to help children develop the foundation skills for learning i.e. speech, language, communication, sensory-motor, visual perception, social, emotional and behaviour skills.
47% of pupils with a statement and 43% at Stages 1 – 4 on the Code of Practice are eligible for free school meals. This compares with 25% of pupils without any form of special educational need.\(^{75}\)

The financial pressure on families of children with SEN is all the more apparent when considered in light of findings from NICCY’s Cost of Education research.\(^{76}\) This research found that parents with children with special educational needs spent an average of £295 per child on additional items and activities relating to their child’s special educational needs, or an average of £364.41 per household per year. This places children with SEN at a significant disadvantage in accessing their right to an effective education without discrimination as protected by the UNCRC.

### 4.3.2 Impact on Home Life

These pressures of time and finances were noted to have had a negative impact on relationships within the family. Parents reported that, in addition to losing out on time and academic support from their parents, siblings were also under pressure to support their brothers/sisters with SEN:

“I think support of siblings is a huge area that we’re going to see the backlash from because so much parental focus and services is placed on the child in focus, that the other children are missed.” (parent/carer)

In one extreme case, a child had to monitor his brother for self-harming:

“He was always cutting at the back of his legs where you couldn’t see it and then you would have seen the blood running down his legs into his socks…”

He relies heavily on his twin brother which was putting stress on his brother and the teacher.” (parent/carer)

### 4.3.3 Breakdown of Family Relationships

As a result of the pressure placed on families, a number of parents/carers revealed that relationships had ended in separation or divorce and that arguments between partners had resulted in further isolation within the family unit. Some parents/carers further explained that either they or their spouse/partner were autistic and that this added complexity to their struggles.

It is unsurprising that fatigue, sleep deprivation and stresses on physical health have impacted the mental health of parents/carers. The majority of parents/carers reported being emotionally overwhelmed. Many other parents/carers expressed mental exhaustion - being over stretched and at breaking point:

“I cried in front of those people [EA officials] and I actually went to the bottom of the hill and I sat in the car with my head on the steering wheel and I cried for 40 minutes and I’m not a crier, I’m definitely not a crier.” (parent/carer)

“I personally am highly anxious and I’m highly vigilant and my brain is on overdrive, I’m like with 6 tabs open and I’ve no clue where the music’s coming from most of the time.” (parent/carer)

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\(^{75}\) Special Educational Needs infographic 2018/19, 6th June 2019, Department of Education.

\(^{76}\) A ‘free’ education? The cost of education in Northern Ireland, NICCY, October 2017.
4.3.4 Isolation Experienced by Children and their Parents/Carers

The NGOs consulted for the Review provide opportunities for children with SEN and their families to meet and interact with other children with similar needs and their parents/carers. They highlighted the importance of this activity in building connections and facilitating the development of peer support networks. The NGOs referred to isolation often experienced by children with additional needs, sometimes ostracised from their peers, and also, the isolation experienced by their parents. They recognised that children and parents greatly benefit from the ‘time out’ from normal routine and the opportunity to meet others with similar needs. It was thought that this is an important opportunity for children to develop social skills. For parents/carers, social activities provide an opportunity to share experiences and exchange advice with parents/carers facing similar issues.

NGOs also identified examples of where parents and carers are provided with little information and support from statutory services, and are required to source support for their child in isolation. This is evident in Levi and Sharon’s story.

Levi and Sharon’s Story
Sharon first had concerns about Levi when he was a toddler. Despite pursuing different medical avenues, Levi’s parents did not get a specific diagnosis as he presented as ‘normal’ and in fact as Mum said ‘too well’ to warrant being sent further ‘up the chain’ for referral. Levi had been seen by paediatricians and neurologists but nothing concrete was established. When Levi started nursery school it was obvious from his behaviour that something was amiss. Sharon realised she had to pursue additional support herself. After trying various routes, GP, EA etc., and after almost two years Levi was given a statement and provided with school support. Sharon expresses how the journey was long and stressful, and that, had she not kept up the contact with the various authorities, Levi would be in a very different place today. She recommends a more ‘joined up approach’ and keeping parents informed of what is happening in a timely manner.

This section has identified a range of negative impacts on children, young people and their families when their educational needs are not met. Action must be taken to address the myriad issues impinging on the rights of children with SEN in mainstream settings. A comprehensive exploration of the predominant issues to be addressed is considered in the following section of the report.
5.0 BARRIERS TO CHILDREN’S RIGHT TO AN EFFECTIVE EDUCATION
5.0 Barriers to Children’s Right to an Effective Education

The Review identified a range of issues for children with SEN when accessing an effective education in mainstream settings. In the following section, consideration is given to the predominant barriers, cited by stakeholders including parents/carers throughout the Review, as impeding children’s right to an effective education. Parental feedback collected during focus groups on ‘what works’ and ‘must be improved’ in the system is incorporated throughout alongside visual depictions of parents/carers’ responses. Operational data provided by the EA is also incorporated throughout the section.

5.1 Lack of Timely Assessment and Intervention

A commitment to early identification and intervention is at the core of SEN policy and legislation in Northern Ireland. However, findings from the Review highlight that the early intensive action cited throughout the Code of Practice and other SEN legislation, is not always evidenced in the current SEN system. Although early identification and early intervention were raised extensively by parents/carers, school Principals, Educational Psychologists and other stakeholders as essential to achieving good outcomes for children with SEN, there was a general consensus that a lack of early identification and intervention is a failing of the current system.

Feedback from stakeholders identified delays at all stages of the SEN process. There were delays in the provision of information and guidance to parents/carers, and delays in the assessment of children’s progress. The consequence of such delays is that children’s needs are rarely being identified and supported at an early age or stage of their development.

This is despite extensive evidence that early identification and intervention is:

a. critical in enabling better outcomes for children and young people;
b. that intervention at an early stage can have a great impact in addressing a child’s needs; and
c. can prevent children from disengaging in mainstream education.

Stakeholders unanimously agreed that delays in the identification, assessment and provision of support have impacted on children’s educational progression and assessed category of need. All spoke of the requirement for earlier intervention and of quicker timescales in identifying all categories of need including milder learning difficulties.

This section further explores feedback from stakeholders which evidences a lack of timely assessment and intervention practice in the current SEN system. It then reviews the key barriers impinging on early identification of children’s needs, including the Time Allocation Model and statutory assessment process.


78 Visual representations of parents/carers’ feedback from focus groups have been reproduced with the permission of Stranmillis University College.
5.1.1 Evidence of Late Intervention

The experiences of parents/carers who participated in the Review exemplify an acute lack of early identification and intervention practice for their children with SEN in mainstream schools. The majority of the parents who participated in focus groups represented children with late or no diagnosis, among whom were a number of families who had been involved with the procedure for many years (up to five years or more). Many of these children were still without appropriate access to services. These were mainly families of children with conditions such as Asperger’s Syndrome, Autism or ADHD or specific social, emotional and associated learning needs. However, some were parents of children who had other learning related difficulties and/or co-occurring difficulties, e.g. children with dyslexia, dyspraxia and other anxiety or behaviour related difficulties.

Although the Code of Practice\textsuperscript{79} states that ‘children with SEN should be identified as early as possible’, the parents/carers’ survey results revealed that over one third (34%) of parents/carers had been concerned about their child’s needs for up to two years before the statutory assessment took place. Over one fifth (21%) were concerned for up to four years and 7% were concerned for up to six years or more prior to a statutory assessment being carried out.


5.1.2 Early Assessment and Intervention in the School Setting

Feedback captured during Principal focus groups sheds light on the school’s role in identifying and registering a child’s SEN, and the extent to which school practices facilitate the early assessment of children’s needs.

Principals suggested two main ways that a child with SEN may come to their attention. Firstly, some indicated that a child’s SEN may have been identified prior to starting school and they therefore transition to primary school already on the SEN Register. Principals consistently highlighted the benefit of this early identification, however, they provided mixed accounts of the extent of its occurrence. Some reported that early identification is more usual in statutory pre-school provision than in private pre-school settings. A number of participants indicated that, where there is a statutory pre-school
setting attached to a primary school with a qualified teacher, there is more chance that issues are identified early and access to relevant supports initiated. However, Principals cited growing frustration that access to EPs in pre-school settings is steadily reducing. They expressed concern that this is impacting on the extent to which children’s needs are identified and subsequent supports put in place at the earliest opportunity:

“Getting access to supports at Early Years is crucial but we’re not allowed to have that support service in the nursery without a referral to the psychologist. Access to Early Years would make a huge difference and maybe prevent that child having to go on and request a statement further on.” (Principal)

Principals reported that the second most common way in which a child’s SEN is initially diagnosed by the school, is either by concerns raised by the teaching staff or that the parent/carer brings it to the attention of the school. Many expressed the need for teachers to be better trained and supported to identify children’s needs. Some felt that new teachers were unprepared for the increase and complexity of SEN in mainstream schools. One Principal suggested that trainee teachers should spend time working in a Learning Support Centre and/or in a special school setting to gain direct experience of assessment/intervention work.

Feedback from Principals also raises concern about the effectiveness of early intervention practices in the school setting. For instance, at the first stage of the Code of Practice, schools are required to develop an action plan which identifies the child’s difficulties and the strategies to be put in place by the teacher to address the identified difficulties.

However, some Principals indicated that there is little change in the supports available for children once registered at Stage 1. They reflected that Stage 1 simply formalises the existing provisions and/or reasonable adjustments that have already been made by the school to meet the child’s need, e.g. reading support, additional speech and language support, one to one assistance and/or group work.

At Stage 2 of the Code of Practice, it is expected that schools will intensify and strengthen supports for children. The additional provision to be made and expected outcomes should be captured in the form of an Individual Education Plan (IEP). However, it is concerning that some Principals didn’t recognise a significant difference in Stages 1 and 2 of the process. Some referred to it as merely bureaucratic, rather than a significant shift in the supports available. However, others noted that there is greater involvement of the school SENCO at this stage, which alleviates pressure on class teachers. In some instances, Principals reported that Stage 2 involves more small group or one to one activities for pupils. There was a recognition that this stage is more challenging for schools that don’t have a SENCO in place. Data provided by the EA reveals that almost 93% of schools had an appointed SENCO in 2018/19. It is not possible to compare this with previous years as the information was not centrally recorded by the EA prior to 2018/19. 83% of SENCOs attended at least one SEND training course delivered by the EA in 2018/19.

80 Information provided by the EA on the 14th January 2020.
The Review also found inconsistencies in schools’ approach to the development, application and evaluation of IEPs\(^8\) across settings. Feedback from parents/carers also casts doubt on the effectiveness of IEPs in supporting children’s learning needs. For instance, less than two thirds of respondents to the parents/carers survey indicated that the IEP ‘has helped a little’ (39%, n=128) or ‘has helped a lot’ (22%, n=71):

“We’re in the fortunate position that Stage two actually means something because then the SENCO can take them out of class. If you don’t have a full time SENCO, Stage two probably doesn’t have the same level of meaning.” (Principal)

The Review found that a lack of funding, time, opportunity and resource has impeded schools’ ability to effectively and efficiently respond to children’s needs, to implement supports that are appropriate and tailored to children’s needs and to engage in early intervention practice. Going forward, it is essential that schools receive the relevant support, resource and guidance to facilitate the early identification of need and provision across school settings.

Parents/carers’ feedback on ‘what worked well’ and ‘could be improved’ with regards early identification of need is presented in the diagram that follows. Parents/carers’ responses are largely presented verbatim. The thematic response is provided where more than one parent/carer identified a similar issue.

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\(^8\) If a child is not making sufficient progress at the first stage of the Code of Practice, the decision will be taken to move to the next stage of the Code of Practice and intensify the interventions. Stage 2 is led by the school SENCO who has responsibility for drawing up an Individual Education Plan (IEP) outlining the further strategies to be taken by the school to address the child’s special educational needs.
5.1.3 The Time Allocation Model

The Review found that one of the predominant barriers to the timely identification of children and young people’s needs, and subsequent provision of supports, is the imposition of quotas or time allocation relating to the number of children that schools can refer for assessment by the EA Educational Psychology Service. Each school has an allocated amount of educational psychology time per year which is calculated using a complex regionally-based formula which takes into account the size of the school, educational attainment and a social index of need. The EA advised that a specific formula is applied to primary and post-primary settings:

- Each primary school gets a combined needs index based on 50% of enrolment index for all schools, 25% social deprivation index for all schools (based on free school meals) and 25% attainment index for all schools (based on key Stage 2 results - an average was given to those schools who had not supplied results).

- Each post-primary school gets a combined needs index based on 25% enrolment index for all schools, 50% social deprivation index for all schools (Free School Meals) and 25% attainment index for all schools (2:1 ratio based on GCSE results). The changes to the formula for post-primary schools was an attempt to ensure that secondary schools received more psychology time relative to their size than grammar schools.

The EA informed NICCY that in considering how much time is allocated to schools, each year, it calculates staff available casework and works out what percentage of that time can be given to primary and secondary schools’ Stage 3 work, whilst also taking into account “all the other work that EPs carry out including statutory and pre-school assessment”.

The Review found that the approach of prioritising children based on the resource available, rather than the needs of children leads to delays for children in receiving specialist Stage 3 supports, as services can largely only be accessed if a child’s learning needs are assessed by an Educational Psychologist as not being met at the school based stages of the Code of Practice.

NICCY asked the EA how it records and monitors the needs of children in schools who have not been prioritised for assessment but may require a Stage 3 service. The EA advised that it is “the responsibility of schools to record and monitor the special educational needs of children in schools and ensure that relevant and purposeful measures are put in place to address those needs”. The EA also advised that schools are asked to prioritise children who they feel would benefit from a Stage 3 assessment, in conjunction with the Educational Psychologist, when discussing their annual work plan for the forthcoming year. However, “even where a child is at Stage 3 of the Code of Practice, it remains the school’s responsibility to record, monitor, and assess the needs and progress of the child.”

The EA was unable to provide data on the number of pupils referred to the Educational Psychology Service on the basis that “schools hold details of referrals”. It was also unable to indicate the longest time waiting for an Educational Psychology meeting but was able to provide the average waiting time for an Educational Psychology meeting, as illustrated at Table 5.1.

82 Information provided by the EA on the 16th January 2020.
83 Information provided by the EA on the 14th January 2020.
NICCY notes that this data depicts the waiting time from the point of referral by the school through its time allocation. It does not reflect the length of time prior to the referral being made, when a child is waiting to be prioritised by the school.

Table 5.1: Average waiting time for an EP meeting

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</tr>
</thead>
<tbody>
<tr>
<td>Average waiting time for an Educational Psychologist meeting (in days)</td>
<td>57</td>
<td>60</td>
<td>62</td>
<td>48</td>
</tr>
</tbody>
</table>

NICCY is concerned that there is no formal mechanism for schools to record the number of pupils who have not been prioritised for an EP assessment but who require access to specialist Stage 3 services. The EA must urgently establish processes to enable schools to record and inform of the number of pupils awaiting referral to the Educational Psychology Service. This should include information on the nature of the child’s needs and the school-based provision that will be made for the child whilst awaiting access to specialist supports. This information must be systematically monitored by the EA to examine the scale of unmet need in schools and the additional provision required.

The EA has advised that the Time Allocation Model seeks to ensure that all schools receive a fair proportion of EP time, irrespective of location and setting. However, feedback gathered during the Review found that it actually leads to extensive waiting lists, particularly for children with specific learning difficulties who are not being prioritised by schools for assessment, and subsequently delayed access to necessary supports and services. This chimes with the experience of NICCY’s Legal and Investigation Team.

NICCY has long expressed concern about the fact that schools are allocated a limited amount of Educational Psychologist time and therefore a quota on the number of children who can be referred to the Educational Psychology Service for a Stage 3 assessment each year. This concern has been corroborated by various respondents to the Review, almost all of whom reflected that the model leads to extensive delays in children’s access to assessment, and therefore has an extremely detrimental impact on children and young people’s educational experience.

Such concerns are considered further in the following stakeholder perspectives.

Parents/Carers’ Experience of the Time Allocation Model

Feedback from parents/carers emphasises the negative effect of quotas in ensuring that all children’s needs are assessed and met. During focus groups, parents relayed that schools were at times having to prioritise very limited numbers of referrals for Stage 3 assessment, meaning that many children with less ‘visible’ needs (e.g. dyslexia) were more likely to be overlooked. Parents were told by schools that they had been allocated a limited number of assessments per year and that decisions had to be taken to prioritise needs. Parents/carers commented that this selection process within schools was not based on individual needs but on a crude allocation of resource depending on school size.

“I can’t get an Ed Psy referral for my child, even though his paediatrician asked for one. Schools say there are too many children on the list and mine isn’t a priority given the limited time allocated.” (parent/carer)
Principals’ Experience of the Time Allocation Model

Feedback captured from focus groups and the online survey of Principals also highlights schools’ concerns about the Time Allocation Model. Over three quarters of survey respondents (78%, n=59) felt the time allocation of Educational Psychology by the EA was not sufficient to meet their school’s needs. Principals provided a number of negative comments about the adequacy of the model in ensuring that all children that require an assessment have the opportunity to access Educational Psychologist time. Around one in four referred either to the number of ‘limited’ Education Psychology hours allocated or available to the school or to numbers of possible ‘referrals’ or ‘assessments’. Others referred to the limited number of children who could be ‘seen by Educational Psychologists’.

Principals reiterated that schools are forced to prioritise pupils ‘in greatest need’ while other children have to wait for an assessment or have their special education needs unmet. Several reflected on the acute need for more Educational Psychology time for schools to meet their growing SEN referral needs. Others suggested that the Time Allocation Model should take into account the growing level and complexity of children’s needs in mainstream settings. Principals unanimously pointed to a struggle, both professional and ethical, with how to choose which children they should prioritise for EP time. The Principals noted that they were using their professional judgement to draw up a list of children who needed a statement or EP support but then had to ‘prioritise’ which of these children actually received EP hours and leave some children off the list. Some Principals pointed out that some children never received an EP assessment because they were never prioritised, usually because their behaviour was not sufficiently disruptive in the class.

The EA has previously indicated to NICCY\(^85\) that if a school needs additional EP time that they should request it and it will be received. However, within the survey and focus groups, Principals refuted this statement. Around one in two Principals who responded to the survey (51%, n=38) indicated they had made a request for additional Educational Psychology time for new pupil referrals from the EA. However, almost two in three (63%, n=47) said their school had not received any additional EP time.

EP Experience of the Time Allocation Model

The survey of Educational Psychologists revealed a range of concerns about the adequacy of the Time Allocation Model in facilitating children’s access to assessment and therefore the specialist supports/services required. Eighteen of 23 respondents with experience of the model believe that they are not being used to their best capacity. Perhaps of greater concern, is that 22 of 23 respondents indicated that they do not have sufficient time to prioritise assessments for all children who need assessed. When asked to consider the amount of additional time required to prioritise the assessment of all children who need it, on average, respondents indicated they would need a further 45% on top of their existing hours to meet the demand.

Qualitative feedback from EPs, captured through in-depth interviews and comments provided through the online survey, emphasises the limitations of the Time Allocation Model in ensuring that children are assessed for additional supports at the earliest opportunity, if, indeed at all. Whilst one EP indicated that they progress the Stage 3 assessment as quickly as they can after receipt of a referral, where possible within six months,
they acknowledged that some children have
to wait inordinate lengths of time to be
referred as they have not been prioritised
within the school’s time allocation:

“Often I’ll hear from parents when I see their
child, they’ll say, ‘We’ve been waiting maybe
three or four years for this’. And it’s not that
they’ve actually been referred to us and have
been waiting for three or four years.
It’s that they’ve been waiting for the school
to prioritise them within that group of three,
four, five children, depending on the hours.
When a referral comes in to us, I mean we
are asked to try and see that child within six
months, and I would say the vast majority
of psychologists would fulfil that.” (EP)

Feedback from EPs also substantiates the
claim that waiting times for assessment
are on the rise, especially for children with
specific learning difficulties who are often not
prioritised by schools when making referrals:

“In my experience, waiting times for
assessment are certainly increasing.
Within the EA, there is just overwhelming need,
in terms of what the teachers really need and
want from us. And we work as best as possible
through the time allocation system but it just
isn’t sufficient.” (EP)

“By and large, children that quite often come
our way have behavioural difficulties that are
affecting teaching and learning through the
classroom. They are going to be seen by the
school as a higher priority than the little one
with dyslexia in the corner who’s trying their
best and getting on with their work.” (EP)

Another EP reported the value of the Time
Allocation Model in managing the number
of referrals to services. However, they also
conveyed that schools have been allocated
insufficient time:

“We used to have an open referral system,
where schools could refer any number
of children to us. To be honest, we were
completely ‘clogged’ with children that weren’t
relevant to our service. We were getting
children who were having literacy difficulties,
who were at a level that could be met within
school measures. When it moved to time
allocation, in some ways, it was a positive,
because schools were thinking more clearly
about the children that they actually should be
referring to us rather than referring on a whim.
But I do strongly feel that, in a lot of cases,
a lot of the schools haven’t been given enough
time.” (EP)

Some EPs queried the equity of the Time
 Allocation Model. There was a sense that
some schools have large SEN populations
and insufficient Educational Psychology time
but that other schools have more time than
is needed.

Feedback from EPs also highlights variance
in the timely assessment of all categories of
SEN as a result of the Time Allocation Model.
The survey of EPs found that children with
behavioural difficulties tend to be prioritised
for assessment by schools; 15 EPs indicated
that assessment referrals are typically made
for children with disruptive behaviour or social
behavioural difficulties (See Figure 5.2).

The prioritisation of children with SEBD
was attributed to the increasing complexity
of need presented by children in schools
and the subsequent effect on the classroom
and others. Feedback from parents/carers
reveals significant frustration at the inequity in
assessment:

“The rationing to only the most severe and
visible problems is a terrible abandonment
of other children with real and serious needs.”
(parent/carer)
Various stakeholders highlighted that, as a consequence of quotas on the number of children that can be referred for assessment, less severe or complex conditions are more susceptible to late diagnosis, as are those that present less ‘visibly’ in the classroom.

Parents of children with dyslexia reflected significant difficulty in accessing either an assessment (referral) and/or diagnosis of need. The obstacles presented among this group of parents/carers included having the child assessed, the assessment score and the overall resource available to support the need at school level. They described the difficulties in drawing the school’s attention to the challenges their child was facing, resorting to paying for a private diagnosis, even if the EA would not recognise it.

They felt it was only when a formal assessment was complete, and paperwork available, that the school began to listen and investigate the child’s needs, which led to a referral.

“Finally getting the label ‘dyslexia’ meant that we could educate our son on how to enhance his strengths and manage his difficulties. We were able to help him to communicate these to teachers which resulted in agreement to a test for a reader and scribe. This was granted and was exactly what he needed.” (parent/carer)

Parents also commented that where children were achieving reasonably well in school, Dyslexia was not recognised. Parents understood that budget and staffing restrictions meant priority was given to children with the most extreme learning challenges. Nevertheless, they commented that the impact upon their child’s academic performance, and more importantly mental health and home life, also needed to be addressed.

Evidence from NICCY’s case work experience further highlights some of the challenges involved in the early identification of specific learning difficulties such as dyslexia.
Evidence from NICCY’s Legal and Investigations Experience

NICCY was contacted by a parent who was told by the school that if she wanted any help for her child she would need to get a Statutory Assessment. The school told the parent that her child needed one-to-one support and that she may have Dyslexia but they were unable to test her for Dyslexia as she needed to be in Primary 4. However, once the child got to P4, the parent was told that because one-to-one assistance was provided in P3, they could not fund her child for further support at P4. As a consequence of the limited financial resource in school, and the fact that the child had received additional support in the previous year, she was unable to access much needed further supports to facilitate her literacy development in P4.

5.1.4 Delays Arising from the Statutory Assessment Process

A final, significant impediment to the timely assessment and identification of children’s needs relates to the inefficiency of the current statutory assessment and statementing process. The Review found delays at various stages of the process. Stakeholder feedback reflects that these are most common when (1) engaging and considering the advice of various professionals and (2) processing and issuing proposed and final statements. Further examination of delays at each stage, as experienced by stakeholders who responded to the Review, is presented in the following paragraphs. Responses are considered alongside the requisite timeframes that should be adhered to, as set out in the Code of Practice.

Initial Assessment Stage

The statutory assessment process starts with a request for an assessment. The EA has six weeks to decide whether it is appropriate to carry out a statutory assessment and to inform parents/carers of the outcome. If the EA decides not to conduct a statutory assessment, it must inform parents/carers of the reason and their right to appeal.

The EA advised that the current average time taken to consider a request for statutory assessment and make its decision is 39 days. However, survey results demonstrate that the experiences of parents/carers largely do not reflect the requisite timeframes as set out in SEN guidance. As demonstrated at Table 5.2, one quarter of parents/carers (25%) were not notified of the EA’s intent to conduct a statutory assessment within six weeks from the request being made.

Table 5.2: Parental Experience of Notification of Statutory Assessment

<table>
<thead>
<tr>
<th>Base=331</th>
<th>Yes % (n)</th>
<th>No % (n)</th>
<th>Don’t know % (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The EA notified me within 6 weeks of the referral as to whether a statutory assessment was needed</td>
<td>44 (145)</td>
<td>25 (84)</td>
<td>31 (102)</td>
</tr>
</tbody>
</table>

87 Information provided by the EA on the 16th January 2020.
Conducting the Statutory Assessment

When the decision is made to conduct a statutory assessment, the EA must immediately seek parental, educational, medical, psychological and social services’ advice, together with any other advice that may be considered desirable. This advice must be prepared and returned to the EA within six weeks. All requests for advice should be accompanied by copies of any representations made, or evidence already submitted by the child’s parents/carers, including any private advice or opinions which parents may have obtained. Once gathered, the EA assessment panel will consider the advice and determine if the child’s needs can be effectively met within the normal resources available to a school. If this is deemed not to be the case, the EA must draw up a statement comprehensively outlining the nature of the child’s needs and the additional support that will be provided.

A difficulty at this stage is that the number of children who require access to an Educational Psychologist far exceeds the amount of educational psychology time available. Although the EA has informed that statutory assessment activity remains separate from a school’s quota through the Time Allocation Model, nonetheless, it is the same pool of EPs who are already constrained by time that are required to conduct this assessment. Many parents/carers and Principals reported that children’s statutory assessment has been delayed due to inadequate numbers of Educational Psychologists. However, EPs informed us that once a request for advice is made, that they generally respond within the requisite six weeks unless extenuating circumstances prevent it. They suggested that delays mainly arise in other parts of the system, such as when processing referrals and issuing statements. This can have a knock on effect on conducting the EP assessment in a timely manner.

Timeline for Issuing Proposed and Final Statements

A proposed statement should be issued to parents/carers two weeks after the EA has considered the advice from various stakeholders; a total of 18 weeks from receipt of the request for a statutory assessment, unless:

- further advice needs to be sought by the EA to complete its assessment;
- advice from a school Principal is delayed because of school closure;
- advice from a health trust has not been provided within six weeks;
- an appointment for examination or test is not kept; and
- exceptional personal circumstances affect the child or parent.

Parents/carers have 15 working days to indicate whether they agree with the proposed statement or if they require changes. At this time, the Education Authority should also ask parents/carers which school they would prefer their child to go to that can meet his or her Special Educational Needs.

89 Ibid, Paragraph 3.42.
90 Ibid, Paragraph 3.9.
This may be the same school that they are already attending, a different mainstream school or specialist provision. The EA has a further eight weeks to make a final statement; which is a total of 26 weeks from the start of the statutory assessment process.

All stakeholders who responded to the Review identified delays in the issuing of proposed and final statements in violation of the statutory time limits. Table 5.3 demonstrates that 47% of parents/carers did not receive a proposed statement within 18 weeks and 30% \( (n=71) \) reported that the final statement was not issued within 8 weeks of the proposed statement.

The response from parents/carers is consistent with feedback provided by other stakeholders, all of whom identified delays in the statutory assessment process in excess of the statutory time limits.

Data provided by the EA\(^{93}\) reinforces significant delays in the statutory assessment process. As depicted at Table 5.4, this represents a marked breach of the statutory timeframes.

It is deeply concerning that, year-on-year, over four fifths of statements have been issued outside of the 26 week target. The EA has advised\(^ {94}\) that the majority of cases (87.5% in 2018/19) had a valid reason for delay. The predominant reasons included:

- local Health Service/Social Services delay;
- further advice sought;
- late parental representation;
- school holidays;
- extra meeting(s) with parents; and
- missed appointments.

It was not possible to examine the reason for delay where valid exceptions do not apply, as the EA informed that this information is not currently held centrally.\(^ {95}\)

Parents/carers were asked to reflect on the statutory time-frame and record ‘what worked well’ and ‘could be improved’ on post-its. Responses are presented visually in the following diagram; it is notable that no parent/carers deemed any aspect of the statutory time-frame to be working well.

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\(^{93}\) Information provided by the EA on the 14th January 2020.

\(^{94}\) Ibid.

\(^{95}\) Information provided by the EA on the 16th January 2020.
Table 5.3: Time-frame for proposed and final statements

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<th></th>
<th>Base=239</th>
<th>Yes % (n)</th>
<th>No % (n)</th>
<th>Don’t know % (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Was the statement issued within 18 weeks of the request for an assessment?</td>
<td></td>
<td>27 (65)</td>
<td>47 (112)</td>
<td>26 (62)</td>
</tr>
<tr>
<td>Was the final statement issued within 8 weeks of the proposed statement?</td>
<td></td>
<td>38 (91)</td>
<td>30 (71)</td>
<td>32 (77)</td>
</tr>
</tbody>
</table>

Table 5.4: Delays in the Statutory Assessment and Statementing Process

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</thead>
<tbody>
<tr>
<td>Average waiting time for a statement assessment (in days)</td>
<td>301</td>
<td>293</td>
<td>309</td>
<td>283.5</td>
</tr>
<tr>
<td>Average waiting time for a statement assessment (in weeks)</td>
<td>43</td>
<td>42</td>
<td>44</td>
<td>40</td>
</tr>
<tr>
<td>Longest time waited for a statement assessment (in days)</td>
<td>437</td>
<td>522</td>
<td>385</td>
<td>565</td>
</tr>
<tr>
<td>% Of statement requests not meeting the 26 week target</td>
<td>84.3%</td>
<td>82.9%</td>
<td>87.4%</td>
<td>88.8%</td>
</tr>
</tbody>
</table>

This section has highlighted persistent delays in the identification of children’s needs, arising from the Time Allocation Model and the statutory assessment process. It has reflected that the Time Allocation Model is not sufficient in meeting the needs of all children with SEN in mainstream schools. It has also revealed variations in the timeliness of assessment dependent on particular conditions. It is imperative that the needs of all children and young people are met at the earliest opportunity regardless of the category of need.

NICCY has long highlighted that delays in the SEN assessment process have been a significant problem and has repeatedly called for a reduction in the time limit for EA to conduct the statutory assessment and statementing process. It is imperative that the revised SEN Framework, which effectively reduces delays through the SEN process, is commenced immediately. However, it is concerning that the EA has consistently failed to issue statements within the existing statutory time-frame. This raises concerns about the ability to manage the shorter proposed time-frame of 22 weeks when the new SEN Framework is implemented. The source of existing delays must be addressed immediately.
5.2 Further Issues with the Statementing Process

In addition to concerns about the timeliness of the statutory assessment and statementing process, the Review identified issues with the format, content, specificity and accuracy of statements.

Survey findings revealed that several parents/carers disagreed with the content of their child’s statement. As illustrated at Table 5.5, over two-fifths (43%, n=103) requested a change in the proposed statement. Almost one in three parents/carers (30%, n=71) did not feel that the proposed statement was specific to their child’s needs. Over half of parents/carers (58%, n=139) found the wording of the statement easy to understand, however, almost two in five parents did not. No differences were found by highest level of parental education. More positively, however, over four-fifths (82%, n=197) of the parents/carers agreed with the recommended school.

When parents/carers were asked whether they felt that the proposed statement gave an accurate description of their child’s needs, almost half (49%, n=117) agreed, while 41 per cent (n=97) said ‘partly’. The remaining 11 per cent (n=25) said that the statement did not give an accurate description of their child’s needs. Feedback captured during the focus groups clarifies this response.

There were many reports of instances where a child’s assessment report was incorrect or misrepresented. Parents/carers also spoke of inadequate and/or unprofessional levels of communication with the Education Authority; reports with errors or incorrect names (for the child); changes to the wording after the final report was agreed with the family and/or a lack of transparency or clarity in the process.

Overall, parents/carers who responded to the survey expressed mixed satisfaction with the statutory assessment process as demonstrated at 5.3 overleaf. Only 47% indicated that they were ‘very satisfied’ (8%, n=28) or ‘satisfied’ (39%, n=130) with the process. The majority were either ‘dissatisfied’ (28%, n=92) or ‘very dissatisfied’ (24%, n=81).

Parents/carers also reported mixed satisfaction with the statementing process. As depicted at Figure 5.3, results were almost evenly spread between those who were ‘very satisfied’ (7%, n=17) or ‘satisfied’ (43%, n=103) and those who said they were either ‘dissatisfied’ (29%, n=70) or ‘very dissatisfied’ (21%, n=49).

When these results are further analysed, levels of satisfaction were highest in the Western region of the EA (71% either ‘very satisfied’ or ‘satisfied’), followed by the Belfast region (54%), Southern region (48%), South Eastern region (46%) and North Eastern region (44%). These differences were not however statistically significant.

Table 5.5: Parental Perception of Statements

<table>
<thead>
<tr>
<th></th>
<th>Yes % (n)</th>
<th>No % (n)</th>
<th>Don’t know % (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Was the wording of the statement easily understood?</td>
<td>58 (139)</td>
<td>39 (93)</td>
<td>3 (7)</td>
</tr>
<tr>
<td>Was the proposed statement specific to your child’s needs?</td>
<td>62 (149)</td>
<td>30 (71)</td>
<td>8 (19)</td>
</tr>
<tr>
<td>Did you request a change in the proposed statement?</td>
<td>43 (103)</td>
<td>52 (124)</td>
<td>5 (12)</td>
</tr>
<tr>
<td>Did you agree with the recommended school?</td>
<td>82 (197)</td>
<td>11 (27)</td>
<td>6 (15)</td>
</tr>
</tbody>
</table>
5.2.1 The Annual Review Process

The Review also found mixed perceptions of the effectiveness of the Annual Review process. The Annual Review seeks to ensure that children are receiving the most appropriate and effective supports from their statement. It is part of a process of continuous assessment that involves parents/carers, EA, the child’s school and other professionals meeting on an annual basis to consider whether there have been changes to the child’s needs and the associated provision contained within the child’s statement. In light of this, the EA will review whether to maintain the child’s statement, decide whether any amendments are required to the statement or to cease to maintain the statement.

It is promising that a large majority (85%, n=203) of parents/carers indicated that they had been invited by their child’s school to attend an Annual Review meeting. When asked to rate their level of satisfaction with the Annual Review process overall, the majority of parents/carers indicated that they were either ‘satisfied’ (36%, n=86) or ‘very satisfied’ (28%, n=66). Less than one in four were either ‘dissatisfied’ (14%, n=34) or ‘very dissatisfied’ (9%, n=22).

Feedback from NGOs, who provide educational advocacy supports for parents/carers of children with SEN, suggests that many parents/carers aren’t sufficiently informed about the Annual Review process. There was a sense that parents/carers lack clarity about the purpose of the Annual Review and the potential implications on the supports available to their child. It was suggested that parents/carers require further guidance on their role in the process, specifically in submitting evidence and verifying recommendations proposed in the school report. It was also suggested that the Annual Review meeting should involve a more detailed exploration of the qualitative dimensions of a child’s progress, rather than it being a ‘tick box exercise’, as it is currently perceived to be. NGOs also highlighted that the statement should be a ‘living document’ that evolves in line with the child’s development.
5.3 Lack of Transparency in the SEN System

Throughout the Review, stakeholders consistently identified a lack of transparency in the SEN system, specifically regarding the statutory assessment process and the criteria for identifying and establishing the relevant provision for children with SEN in mainstream settings. A range of deeply concerning practices were raised by Educational Psychologists with regards the assessment of children and subsequent provision of supports. This section specifically focuses on these concerns.

Many EPs reported that their autonomy has been diminished and that recommendations are not being taken on board or progressed by the Education Authority. They reported that decisions regarding necessary educational provision are driven by the resource that is available rather than the needs of the child.

“The heads of the service, or people above that, are making decisions and say, ‘Well, don’t put that in our report, because that service won’t be able to get out in time, or we can’t access that service’, despite the fact that they would need a service to support the child. So, we’re not allowed to say what the child needs, for fear of raising expectations in parents and them being disappointed or taking action.” (EP)

Some reported that they have been instructed by senior staff not to recommend particular provisions or services because these are at capacity or because the resource is lacking, too costly and/or cannot be provided in a timely fashion. One such example is classroom assistant time:

“Well, we’re told what we can and cannot say. We have been directed that we cannot recommend direct teaching. We are not allowed to put the word ‘teaching’ in our provision. We are told that we cannot say ‘classroom assistant’. We are told that we cannot say ‘small group’.” (EP)

“Our professional opinion isn’t taken into account with regards to provision. We can only write what the EA allows us to write.” (EP)

Some said that senior officials were ‘dictating’ what was in the statutory assessment report to the extent that they no longer felt able to be an advocate for the child. Many were clearly in turmoil - torn between desire to represent the child yet constrained by direction from senior staff:

“There is a climate of senior staff telling me what I can and cannot write in reports... My duty is to be the child’s advocate and I will continue to do this.” (EP)

EPs were further frustrated by instruction to use standardised ‘stock phrases’ when identifying the recommended supports needed to address children’s needs. They also highlighted a move away from quantification when proposing recommendations, such as total number of assistance hours a child requires by the Education Authority. This is in breach of the requirement for specificity in statements imposed by Article 16 of the Education (NI) Order 1996. It also contradicts guidance set out in the Code of Practice that stipulates that ‘Boards should seek to draft clear, unambiguous statements.’ Some EPs claimed that the lack of specificity is quite deliberate as it leaves the recommendations open to dispute and therefore less enforceable.

“More and more, we’re getting a signal of what we can and can’t say and how we say it in our reporting, which can be frustrating because, you might say a child needs a

specific service, but the really stringent criteria
doesn’t allow for it. Certain sentences have to
be almost standardised, and they don’t allow
for any extra explanation or for us to use any
kind of analysis.” (EP)

There was a sense that much greater
transparency is needed when consulting
parents and schools on what can legitimately
be provided for children and by when:

“There was a sense that much greater
transparency is needed when consulting
parents and schools on what can legitimately
be provided for children and by when:

“I don’t know where that sits legally [placing
children based on inadequate resource]. It
should be a very honest approach with parents
to say, ‘This is what we know this child needs
right now. At the moment, this is what we have
to give them. That’s the best that we can do.’
And, I think, that’s being very transparent. I
don’t think that transparency is at all part of
the picture at the moment.” (EP)

EPs also expressed concern about the lack
of clarity surrounding the EA assessment
panels who have responsibility for making
decisions on whether to conduct a statutory
assessment and on whether to issue, revise or
cease to maintain a child’s statement. Queries
were expressed about the composition of
panels, the associated terms of reference and
criteria used to make decisions regarding the
issuing of statements. Some indicated that
they recommend provisions but that these
are ‘disputed’ and often turned down by
the EA assessment panel without adequate
explanation. Some reflected that decisions can
be driven by the variety of individuals on the
panel at any one time.

“It depends on the panel that day, which
should be, very consistent and objective.
But it depends on the mix of people there that
day. It depends on, who’s taken what from
the report you’ve written and the evidence the
school have provided”. (EP)

“It’s so cloak-and-dagger. We don’t know what
criteria they use. We don’t know how they
make the decision.” (EP)

Others stated that the panel overlooks
qualitative information in EP reports that
rationalises the case for recommended
provisions. Others stated that the panel places
undue focus on the quantitative aspects of
psychological reports. As such, decisions
are made without a full understanding of the
child’s condition and associated needs.
Some EPs reported that they previously had
much greater professional autonomy and
influence in the statutory assessment process.
However, in the last few years this has
drastically diminished:

“I’d say, before we became the EA...If we said
a child needed something, the child more
or less would’ve got it, and we could make
a case that surpassed criteria. That has
changed — we have no professional opinion
at all in the EA.” (EP)

A further indication that EPs feel that their
professional judgement and autonomy
is undermined is that 15 out of 21 survey
respondents indicated that some aspect
of their role is in conflict with their ethical
obligations under the Health and Care
Professions Council (HCPC) code of conduct.
This is deeply concerning given that the EPs
priority, as described by the HCPC (2008),
is always to give advice which is in the
best interests of the child or young person.
Explanatory comments from EPs reiterate that
they feel constrained in fulfilling their ethical
and professional obligations:

“We’re told ‘don’t recommend something we
don’t have, because that’ll put pressure on the
head of service. That puts economic pressure
on the EA’ — all the things that, in the code
of practice, it says that we are not meant
to take into account. It says clearly that
we can’t make recommendations based
on economic and resourcing, but yet— When
we say to our line manager, ‘This is against our
code of practice. This is against HCPC’, the
answer comes down, ‘You are an EA officer
first and a psychologist second’.” (EP)
“Ultimately, we are failing children and the EA’s treatment of them is unethical.” (EP)

NICCY is deeply concerned about the assertions made by EPs. We are particularly alarmed by feedback that decisions regarding provision are resource led, rather than based on the needs of the child. Of greater concern is that EPs have indicated that they are being directed on the types of supports that can and cannot be recommended for children. As per EA’s legislative duties, assessments must be based on the recommendations provided by various stakeholders and, critically, any decisions regarding provision made in the best interests of the child.

NICCY asked the EA to provide information about all panels which make resource allocation decisions for children with SEN, including the Early Years Panel and Statutory Assessment Request Panel. Contrary to feedback from stakeholders, the EA informed that the panels do not have a role in making resource allocation decisions for children with SEN. Rather, the EA indicated:

- the Statutory Assessment Panel “brings regional consistency to Statutory Assessment Requests”; and

- the Early Years SEN Panel “operates to consider the needs of children in the early years by:
  o directing pupils to the most appropriate Pupil Support Service;
  o agreeing that a Statutory Assessment should commence; and
  o determining whether an early years child requires a mainstream or special school placement.”

Regarding the allocation of Adult Assistance for children and young people with SEN, the EA informed that “routine discussions take place between Statutory Operations Officers across the Special Education Team, to bring regional consistency to the allocation of Adult Assistance for children and young people. This is not a method through which Adult Assistance allocations are decided.”

On the basis of the information provided, it is not clear who makes decisions regarding the allocation of resources for children with SEN. NICCY requested information about the composition and terms of reference of its assessment panels. However, the EA would not provide this detail. Clarity must immediately be given about the composition of EA assessment panels, their role in informing the route of children, and who has responsibility for making decisions regarding the provision made for children with SEN.

5.4 Availability, Accessibility and Effectiveness of Supports and Services

Throughout the Review, stakeholders were unanimous in their concern about the quantity, quality and accessibility of supports for children at all stages of the SEN process. They consistently highlighted a scarcity of supports and services to meet the needs of children with SEN in mainstream schools. All Principals and SENCOs depicted a school system under inordinate strain. They raised that the capacity and resource in schools is not sufficient to meet the rising numbers of children with SEN in mainstream settings. Stakeholders also queried the adequacy of statutory educational services and reiterated the challenge for children in gaining access to an assessment through the EA Educational Psychology Service.

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98 Information provided by the EA on the 16th January 2020.
5.4.1 School-Based Supports

With regards school based provision, particular concerns were expressed about teachers’ knowledge, skill and experience; lack of clarity around SEN categories in school; and the extent to which supports are appropriate and tailored to children’s needs. Whilst stakeholders acknowledged that schools were facing severe budgetary pressures, there was nonetheless a persistent expression of the need to develop school capacity to respond to the varied support requirements of children with SEN in mainstream schools.

During parental engagement, individual members of school staff (e.g. class teachers, classroom assistants, Principals and SENCOs) were often praised for their expertise, understanding, sensitivity and readiness to go ‘above and beyond’. However, there were also many reports of unsympathetic school staff and a lack of willingness to provide any support. In a small number of cases, parents/carers reported that the support was so inadequate that they had to home-school or move their child to another school:

“We as parents got a really hard time, there was no support whatsoever, it was all about you need to try harder, you need to be stricter, you need to be firmer until eventually the grammar school fell apart and we had to move her…” (parent/carer)

“My child has basically gone through all her primary school not getting any additional support. Last year, I decided to take my children out of the school and I flexi-school them… I only wish I had done that earlier.” (parent/carer)

The results from the survey of parents/carers further depict respondents’ experiences of school personnel across each of the five EA regions. When asked to rate how supportive key school personnel were, the most favourable responses were attributed to classroom assistants (85% found them ‘supportive’ or ‘very supportive’). Results were less positive for class teachers, SENCOs and Principals. In each case parental satisfaction scores were highest for staff in nursery schools compared to primary and post-primary schools.

Figure 5.4: Parental Perceptions of School Personnel
NGOs consulted for the Review identified that schools are often unable to offer adequate support as they are fully stretched trying to deliver their existing educational priorities. Participants remarked on the inaccessibility of the curriculum for many children with SEN because of its undue focus on academic attainment. One commented “schools are trying to put square pegs into round holes”. NGOs also identified a lack of resources to upskill staff on the ever-evolving use of technology in the classroom, including for children with sensory impairment. They consistently commented that school staff are insufficiently trained and that mainstream schools lack the financial resource to meet the needs of children with SEN.

All stakeholders expressed concern about the use of classroom assistants. EPs and NGOs expressed concern that classroom assistants are inadequately trained. Some reflected that assistants are a ‘safety net’ for parents/carers, and occasionally teachers, yet expressed concern that children can become overly reliant on assistants. NGOs suggested that there is lack of willingness and resource to deliver independent learning techniques for children with SEN in mainstream settings as well as an undue focus on the role of the classroom assistant.

Some EPs queried the effectiveness of classroom assistants in supporting children’s educational development. Others suggested that schools use assistants as an additional teaching resource. This was echoed by some parents/carers who expressed concern that classroom assistants were being ‘misused’ in schools. In contrast, some EPs suggested that there would be greater benefit if classroom assistants were assigned to a classroom rather than individual children:

“The problem is that the classroom assistant hours are attached to a child, rather [than] attached to a class. It would be a better practice to look year by year at the make-up of the class and decide how many hours of classroom assistant that class needs, so that everybody who needs it is getting access, but it’s not stuck to one person who may or may not need it. It’ll also stop schools hoarding classroom assistants, which they do.” (EP)

NGOs consulted for the Review also expressed concern about the accessibility of extra-curricular activities for children with SEN in mainstream schools. They reflected that voluntary/community organisations often fill a gap in activities for children who are excluded from after-school activities on ‘health and safety grounds’. In fact, the school has not made the reasonable adjustments or provision required to facilitate the needs of children with SEN. It was suggested that schools need to do more to support children to participate in all areas of school life.

Principals and SENCOs also recognised the limitations of the supports that can be provided in schools. They frequently attributed this to a lack of resource and funding in schools to sufficiently address the needs of children and young people, particularly support for early intervention. Some Principals noted that they are trying to make the best use of local clusters, to apply for additional funding, to share resources such as accelerated reading or accelerated maths or they will run training and invite each other’s schools to attend. They identified this an example of how schools are trying to support each other in the absence of sufficient core funding.

Many stakeholders stated that schools are specifically lacking in the knowledge, skill and capacity to effectively support children with social, emotional and behavioural difficulties. Principals and SENCOs reported that schools experience difficulties in managing pupil behaviour, particularly where there are large numbers of pupils in the school with behavioural, emotional and social difficulties. They highlighted that they
do not have the capacity and resource to implement therapeutic based interventions. Some Principals reported difficulty in receiving nurture supports from the EA. As previously noted, survey results also demonstrate that children with SEBD are typically prioritised for assessment through the school’s time allocation. Qualitative feedback from various stakeholders reinforced that this is due to the fact that schools struggle to manage the needs of children with SEBD and therefore tend to prioritise these children for assessment instead of those with moderate or specific learning difficulties.

5.4.2 Suspensions and Expulsions

The Review also highlighted the vulnerability of pupils with SEN to suspension and expulsion, often as a result of schools’ lack of capacity to manage children’s behavioural needs. During focus groups, some parents/carers reported incidences where their child had been suspended or excluded from school. In some groups, participants attributed this to a lack of capacity in the school to adequately manage the child’s condition.

“He’s 8. So, he’s in the process of being expelled. The paperwork is in the post. Even with the statement, that’s what’s happening.” (parent/carer)

Data provided by the DE demonstrates that children with SEN are much more likely to be suspended or expelled than children without SEN. As depicted at Figures 5.5 and 5.6, since 2015/16, pupils with SEN have been suspended at approximately twice the rate of all pupils in both primary and post-primary settings.

Figure 5.5: Primary school suspensions

![Bar chart showing number of children suspended from primary schools]

- Pupils with SEN
- Pupils without SEN

99 Department of Education Suspensions and expulsions management information. It should be noted that the most recent data relates to 2017/18. Suspensions and expulsions for 2018/19 were not available at the time of publication.
Table 5.6 presents the rate of suspensions of all pupils in NI between 2013/14 and 2017/18 alongside the statistics related to pupils with SEN. It further demonstrates that, year-on-year, pupils with SEN were almost twice as likely to have been suspended as pupils without SEN.

Table 5.6: Percentage of all pupils suspended and percentage of pupils with SEN suspended

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage of all pupils suspended</th>
<th>Percentage of pupils with SEN suspended</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013/14</td>
<td>1.3%</td>
<td>2.5%</td>
</tr>
<tr>
<td>2014/15</td>
<td>1.3%</td>
<td>2.4%</td>
</tr>
<tr>
<td>2015/16</td>
<td>1.5%</td>
<td>2.3%</td>
</tr>
<tr>
<td>2016/17</td>
<td>1.4%</td>
<td>2.2%</td>
</tr>
<tr>
<td>2017/18</td>
<td>1.4%</td>
<td>2.2%</td>
</tr>
</tbody>
</table>

Table 5.7 provides a breakdown of expulsions across primary, post-primary and special schools. Whilst it is acknowledged that numbers are small and should be treated with caution, nonetheless, the data demonstrates that almost half of expulsions since 2015-16 have related to children with SEN.

Table 5.7: Number of pupils expelled from schools in Northern Ireland by SEN

<table>
<thead>
<tr>
<th>Year</th>
<th>Pupils with SEN</th>
<th>Pupils without SEN</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015/16</td>
<td>11</td>
<td>8</td>
<td>19</td>
</tr>
<tr>
<td>2016/17</td>
<td>15</td>
<td>18</td>
<td>33</td>
</tr>
<tr>
<td>2017/18</td>
<td>*</td>
<td>*</td>
<td>15</td>
</tr>
</tbody>
</table>

*Due to small numbers, the precise figures were not available

100 Note this table refers to all school types; primary, post-primary and special.
101 This data cannot be disaggregated by school type.
The information chimes with NICCY’s casework experience. Our Legal and Investigations work has highlighted that suspensions and expulsions particularly affect children with disabilities and SEN. This includes ‘informal exclusions’ (where children were sent home early), children were put on part-time timetables and/or where the exclusions were not being formally recorded.

**Informal Exclusions**

During focus groups, a small number of Principals also reported instances of suspending or expelling children with SEN. A few indicated that they have informally excluded children with SEN and attributed this to a lack of resource and capacity to manage children’s needs. One Principal stated that if a child’s classroom assistant hours are reduced, then they may have “no option, for the sake of the rest of the class, but to reduce a child’s hours at school”. This means that children are only being educated in school for a handful of hours before being sent home. In NICCY’s Legal and Investigation’s experience, children can be in school for as little as one hour with little to no provision made for the child’s education when at home.

Failure to record these “informal” exclusions means they are not being properly documented, resulting in a hidden problem with a lack of data collection hampering knowledge about the scale of the issue. However, recent data provided by a Belfast-based Family Support Hub Co-ordinator sheds light on the issue for children with SEN. Data shared highlighted 63 current cases in one area of Belfast where schools have placed children on reduced hours; 26 of these are children with a known SEN. Furthermore, findings from a survey conducted by SEN Equity, an interest group of parents and carers of children with SEN, found 69% of parents/carers (96 out of 139) whose child had been subject to informal or formal suspension.

NGOs consulted for the Review further corroborated the scale of the issue, specifically for children with SEN. They reported supporting families where children have been placed on reduced hours because teaching staff cannot manage the child’s needs. They reflected that parents/carers are often not informed of the nature of arrangements for the continued provision of education for their child. This uncertainty, compounded by the isolation and lost educational experience, led to extreme distress and anxiety for children and their families.

There are no formal appeal rights to challenge informal exclusion from school as the practice of informal exclusion is potentially unlawful. This problem is exacerbated further by a failure to commence an appeals mechanism against formal suspension.\(^\text{102}\)

NICCY is extremely alarmed by the disproportionately high incidence of formal and informal suspensions/exclusions for children with SEN, not least given the potential isolation and lost teaching time for an already vulnerable group of children and young people. We have long highlighted that disciplinary measures such as suspension and exclusion from school should be used as a measure of last resort only. It is deeply concerning that comments suggest that schools are employing such measures because teachers lack the skill and capacity to respond to the needs of children with SEN. We are also concerned that a lack of support services for behavioural management is leading to informal exclusions.

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Going forward, further consideration should be given to the factors driving the use of suspension and expulsion for children with SEN. An early intervention and preventative approach to behavioural management should be adopted by the Department of Education and the Education Authority. This should include support for parents, investment in workforce development and tracking children’s progress against agreed milestones and outcomes. Furthermore, it is important for schools to have access to therapeutic interventions such as nurture groups and sensory rooms.

5.4.3 Knowledge, Skill and Capacity of School Staff

Throughout the Review, stakeholders commented on the need to develop the knowledge, skill and capacity of all professionals, from across disciplines and sectors, to respond to the diverse needs of children with SEN in mainstream schools. Particular attention was given to the training needs of school staff, including Principals, teachers, SENCOs and classroom assistants.

During focus group discussions, several parents reported instances when school staff lacked awareness or understanding of their child’s condition and how best to support their child. In some cases parents/carers spoke of very small, yet significant obstacles caused by a lack of awareness or understanding among school staff (including SENCOs) which made it difficult for their child’s needs to be met in school. For instance, where a child simply required information about mealtime routines at school, required access to facilities, or needed school staff to be more aware of their difficulties with social communication and interaction.

“I think for the SENCO, there’s more training required. Because I think if they come into the job as a SENCO, with no training… it’s like the blind leading the blind. Because when we ask them a question, they don’t know the answer.” (parent/carer)

“The whole thing is a minefield…if the school was a good school with the right expertise or the right access to expertise and the right advocacy within that school for the parents, that would solve a lot of the problems…” (parent/carer)

Such concerns were reiterated by NGOs who provide educational advocacy supports for children with SEN. They identified a lack of awareness among school staff on how a child’s disability affects their day-to-day needs. Some relayed experiences of supporting children and families whose schools were unwilling to administer medicines or to meet students’ toileting needs. This was often because staff did not have the training to carry out these tasks.

Newly qualified teachers and more recently appointed Principals were viewed as more informed and empathetic by parents/carers and other stakeholders. However, parents/carers suggested that more experienced teachers and Principals had not had the training required to recognise specific SEN and meet the needs of children in the classroom. Parents/carers, who were themselves primary or post-primary teachers, explained the complexity of the task teachers face as they try to meet the needs of an increasingly diverse classroom with insufficient training and resourcing. One parent described more recent training from the EA as ‘wishy-washy’ and explained that, even if training was free, lack of funding for supply cover was impacting teachers’ ability to attend during school hours.
The NGOs consulted for the Review expressed similar concerns about the knowledge and capacity of school staff to respond to children’s needs. They highlighted that schools often find it difficult to make provision for students with lower incidence SEN as teachers don’t have the opportunity to routinely work with those children and subsequently develop and maintain their expertise. They also highlighted a gap in training for classroom assistants; a concern which was echoed by some EPs:

“Nobody in the EA trains the classroom assistant. Nobody sits down with the classroom assistant and tells them what they should be doing. Once a child gets a classroom assistant, we don’t go back in and chat to the classroom assistant and give the classroom assistant pointers and tips on how to work. None of that goes on.” (EP)

Some suggested that more could be gained by schools if they placed more value on the advice and recommendations provided by EPs. Some EPs highlighted that schools don’t always strictly adhere to the advice given by the Educational Psychology Service at Stage 3 and that there would be greater benefit for children if schools followed the EP recommendations more thoroughly:

“If and when a Stage 3 assessment is done, we provide recommendations. I think our frustration as psychologists is that schools sometimes just think ‘that Educational Psychology is a gateway service’. They don’t necessarily follow the recommendations we provide. So, when we review the child at Stage 4, if they still have significant difficulties, you can’t always be convinced that the school had followed the recommendations carefully.” (EP)

Principal also discussed the benefits of better teacher training and time provided for appropriate CPD. One Principal said that good teaching practices are the same irrespective of the child’s ability, however, further training is required to support teachers to identify the needs of individual children. Others recommended further training for SENCOs. It was felt that there was not enough EA resourcing of SENCO training or for substitute cover whenever a SENCO is offered training.

EPs consistently reflected on the added value that could be provided to schools through the Educational Psychology Service, if EPs had greater opportunity to engage in more capacity building/training of school staff. They reiterated that this is currently difficult due to the constraints on their time and the disproportionate focus on assessment for Stage 3 services. Some also highlighted the need for a change in school culture and for teachers to see beyond the role of EPs as ‘assessors’ and recognise the longer-term value that could be brought through the provision of training and resource by EPs.

“It depends on schools’ willingness to do something else other than for us to open up the gate for services. Lots of schools here have an expectation to see their allocation for the year. They look at how many hours it is. They work out how many assessments that’s going to be, and sometimes it is quite hard to change their mindset and how best to use us. In many ways, some of the schools won’t get the best use of us because of that”. (EP)
Current Learning and Development Opportunities

The EA’s Children and Young People’s Services commenced delivery of a specialist training programme for teachers, classroom assistants, SENCOs and parents/carers in September 2019. This training is tailored to staff at various key stages and focused on a range of areas, such as:

- Autism Advisory and Intervention Service;
- Behaviour Support Service and Provision;
- Critical Incident Support / Emotional Health and Wellbeing;
- Inter-cultural Education Service;
- Language and Communications Service;
- Literacy Service;
- Nurturing Approaches in Schools;
- SEN Early Years Inclusion Service (SENEYIS);
- SEN Inclusion Service – Learning and Medical Needs; and
- SEND (2016) Implementation – includes induction for newly appointed SENCOs, refresher training for SENCOs, and training on the annual review process.

This is a positive development in bridging the gap in development opportunities for teaching staff. Furthermore, the training areas correspond with the needs identified by the stakeholders consulted for the Review. However, it will be important to monitor the outworking of the training, its accessibility and reach throughout the region and its impact on the knowledge, skill, and capacity of professionals supporting children with SEN in mainstream settings. Most critically, evidence must be sought on whether the training results in improved outcomes for children and young people.

Although steps have been taken to improve the development opportunities for school staff, it is imperative that more funding is made available in the longer term to facilitate comprehensive pre- and in-service SEN training for teachers and other professionals, including SENCOs.

The following diagrams summarise parents/carers’ feedback on what worked well and could be improved with regards school-based provision.
“Saved our lives”

“[Our primary school] was exceptional in terms of special needs support”

WHAT WORKED WELL

- Good communication skills and good listening skills: 4
- Excellent school support: 4
- School deliver the best support with limited support: 4
- There was constant assessment of needs and adjusting the IEP: 1
- The classroom assistant was excellent and showed acceptance of the child and promoted inclusion: 1
- Fabulous individuals: 1

RECOMMENDATIONS

- Train up and support teaching staff to support young people: 11
- Schools are willing, but lack knowledge, capacity and funding: 3
- There needs to be an understanding of various types of ASD: 1
- Smaller schools need more support when assessing pupils: 2
- More training for classroom assistants: 1

Schools should listen to and communicate better with parents and professionals: 3
- The mainstream school experience needs to be improved: 1
- Better confidentiality needed: 1
- Schools should build on the good practice of other schools: 1
- Needs to be more provision for specialised support: 1
- Needs to be more support for children with invisible disabilities: 1
- Schools need to avoid suspending pupils and provide better support: 1
- There needs to be consistency on the staff who look after your child: 1
- Schools need to provide more information about the assessment and about the IEP to parents: 3
- All children who have a need must be assessed, not just the worst ones: 1
- The school should not ask parents to supply vital equipment needed by their child: 1

“[Schools need staff] who go the extra mile”

“Stop hiding behind outdated education policies and address the needs of our child”
5.5 Statutory Supports and Services

In addition to concerns expressed about the adequacy of school-based provisions, stakeholders repeatedly queried the adequacy of statutory support services and reiterated the challenge for children in gaining access to services.

5.5.1 Quantity, Range and Accessibility of Services

Frustrations were typically directed at the quantity and range of Stage 3 services, the extent to which services are responsive and tailored to children’s needs, and whether supports/services are appropriately resourced. All stakeholders reported on a ‘bottle neck’ in accessing Stage 3 services. They reflected that the demand for services far exceeds the supply, resulting in excessively long waiting times and/or cases where children never receive the supports required. Many reported that the services do not effectively meet children’s needs. The difficulty in accessing services is perceived to be compounded by the necessity to receive an EP assessment before the child can access a Stage 3 service.

Throughout the Review, EPs and other stakeholders questioned the adequacy of existing provision. They consistently stated that there are not enough Stage 3 supports and services, and where these are available, that they are poorly resourced or unevenly distributed across the region. Some referred to the excessive waiting lists and reported that some children may have to wait ‘years’ before accessing the necessary supports:

“There’s a child in one of my schools who has been seen by a psychologist twice, has been given recommendations to the school. He has moderate learning difficulties, bordering on severe learning difficulties. He is completely lost, can’t access the curriculum in any way, and was referred to one of our Stage 3 services. That child was referred back in April 2019, and I just received an email today to say that he won’t be picked up until at least February 2020.” (EP)

Furthermore, feedback gathered through the survey and follow up interviews revealed the deeply concerning assertion that EPs are directed by senior psychologists not to refer children for certain services as these are either overwhelmed, are insufficiently staffed:

“I write down what the child needs and advocate on behalf of the child. It is very frustrating if the Stage 3 services can’t provide for the child but I will advocate for it.” (EP)

Parents/carers spoke of their growing sense of frustration as they were forced to ‘fight’ to access services, often waiting for lengthy periods and/or phoning on multiple occasions to speak to professionals. Some stakeholders also expressed the view that services are unequally distributed across Northern Ireland. As one parent explained, the EA must ensure that provision is “fair and reasonable through the North of Ireland”. Another highlighted that provision was disproportionately centred on Belfast meaning that for the EA “life past Sandyknowes doesn’t happen!”

Particular areas of service were deemed to be especially lacking, such as the numeracy support service for children with dyscalculia. One EP reported that the services for moderate learning difficulties have gradually reduced in particular areas:

“Moderate learning difficulties has been, I think, the biggest area of special need for many years now, but unfortunately the
provision that’s available for children with MLD, as we would call it, is actually just narrowing over time. It’s a postcode lottery.”  
(EP)

The survey of Principals further evidences concerns about the sufficiency of statutory supports/services available to children with SEN in mainstream schools. When asked to consider the status of SEN provision in NI and to identify relevant concerns, all Principals identified insufficiency of supports/services as the biggest challenge for mainstream schools in supporting the needs of children with SEN. This was followed by:

- ‘Not enough educational psychology time allocated to the school’;
- ‘Length of time taken to have a statutory assessment for SEN completed’;
- ‘Access to education support services requiring a statement of SEN’; and
- ‘Lack of school resources to meet the needs of children on the SEN register’.

Several Principals reiterated concerns that, once a child has been identified as needing assistance, the supports are often not there or are seriously depleted with long waiting lists and insufficient resources. The ASD service was specifically cited as lacking capacity to meet demand; Principals noted an increase in diagnosis but that the places had diminished so there were growing waiting lists for the service. RISE NI was thought to be an excellent service but, again, the waiting list was too long.

“A referral is put in maybe the end of September for a P1 child, we’re sitting here now in April and some of those children are still waiting to be assessed by that service, an absolutely excellent service once it’s up and running but the process of picking children up is far, far too long.”  (Principal)

Concerns were also expressed about the inconsistency of criteria to access services. Some suggested that the criteria can change week-to-week without any explanation or guidance. One EP pointed out that they had no written criteria or pathways to Stage 3 services despite requesting it.

“We have no criteria for services in writing and when we refer to a support service and they don’t accept it we encounter a culture of blame and shame.”  (EP)

“They change the criteria for their services week by week. I could say no to a parent on Monday because the child doesn’t meet criteria, and I could be seeing the same child with the same profile on Friday, and the EA will have changed their criteria, and it will be a ‘yes’ for that parent.”  (EP)

Feedback regarding a lack of services was further evidenced by the results of the EP survey:

- the vast majority of EPs (29 out of 31) disagreed that the services available sufficiently meet the needs of children with SEN; and
- when asked to choose from a list of possible ways to improve the involvement of EPs, all respondents to this question (n=21) agreed that increased services, supports and interventions would help.

Furthermore, when asked to identify one adjustment to the current system that would make the most difference in improving the services and support that educational psychologists offer to children, seven (out of 23) EPs felt that more EA support for schools to meet the SEN needs of its children would improve services.
NICCY requested a comprehensive list of all Stage 3 pupil services offered by the EA, alongside the criteria for access to each of the services and the associated waiting times in each of the EA office regions. A summary of services is provided at Table 5.8 alongside the access criteria for each. Consistent with stakeholder feedback, it demonstrates a gap in numeracy support services for children with dyscalculia.

Analysis of access criteria highlights that the vast majority of educational support services require a referral from the Educational Psychology Service. The exception is the Primary Behavioural Support Service, which can currently be accessed by a direct referral from the school in four of the five EA office regions. The EA advised that this is currently being introduced in the fifth area; it did not specify which area this is. The EA also advised that the Post Primary Behaviour Support Services will be re-profiled, enabling schools to refer to the service directly.

The EA did not provide information on waiting times for each service in each EA office region, on the basis that the EA Children and Young People’s Service operates as a single regional service and information is currently not available on a regionally consistent basis. It did, however, highlight that this information will be developed as part of EA’s review of pupil support services which will be conducted under the Transformation Programme.

Figure 5.7: EP Recommendations to Improve SEN Supports

Which one of the changes listed below would make the most difference in improving the service and support you provide to children?

- Improve school resources to meet the needs of children on the SEN register: 4
- Provide a more varied menu of support to meet the needs of children with SEN: 3
- Access to education support services prior to assessment by an EP: 4
- More EA support for schools to meet the SEN needs of its children: 7
- More educational psychology time allocated to schools: 5
- Other: 5
### Table 5.8: Stage 3 Pupil Services

<table>
<thead>
<tr>
<th>Service</th>
<th>Access Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEN Early Years Inclusion Service</td>
<td>Referral from Consultant Paediatrician or Educational Psychology Service.</td>
</tr>
<tr>
<td>Sensory Support Service (Hearing)</td>
<td>Referral to the Sensory Support Service from Health, through the neonatal screening programme or at point of diagnosis.</td>
</tr>
<tr>
<td>Sensory Support Service (Visual)</td>
<td>Referral to the sensory support service through low vision clinics at point of diagnosis.</td>
</tr>
<tr>
<td>Sensory Support Service (Multi-Sensory Impairment)</td>
<td>Referral from Health at point of diagnosis.</td>
</tr>
<tr>
<td>Primary Behaviour Support</td>
<td>A Stage 3 referral from the school to the Service</td>
</tr>
<tr>
<td>Primary Behaviour Provisions (EOTAS)</td>
<td>Primary Behaviour Provision identifies pupils who may require an Education Other Than at School (EOTAS) Primary Placement. This usually requires a Stage 3 Educational Psychology Report, or a Stage 5 recommendation for placement through the Special Education Statutory Operations Team.</td>
</tr>
<tr>
<td>Post Primary Behaviour Support</td>
<td>Stage 3 Educational Psychology Service referral</td>
</tr>
<tr>
<td>Post Primary Behaviour Provisions (EOTAS)</td>
<td>Referral through the EOTAS Panel. Post-Primary Behaviour Provision identifies pupils who may require an EOTAS Post-Primary Placement. This usually requires a Stage 3 Educational Psychology Report or a Stage 5 recommendation for placement through the Special Education Statutory Operations Team. A referral can be made through EA Education Welfare Service in order to mitigate against a pupil expulsion.</td>
</tr>
<tr>
<td>Exceptional Training Arrangements</td>
<td>The main referral route is from Health such as paediatricians or Child and Adolescent Mental Health Services (CAMHS). In some cases referrals can be received from EA Education Welfare Service or Educational Psychology Service.</td>
</tr>
<tr>
<td>Autism Advisory and Intervention Service</td>
<td>Stage 3 Educational Psychology Service referral.</td>
</tr>
<tr>
<td>Language and Communication Service</td>
<td>Stage 3 Educational Psychology Service referral. A referral to the Language and Communication Service is to support a child’s language development in school and is not a substitute for referral through Health for speech and language therapy.</td>
</tr>
<tr>
<td>SEN Inclusion Service (Medical Needs including diabetes)</td>
<td>Direct referral from Health Trusts through paediatric diabetic clinics/nurses.</td>
</tr>
<tr>
<td>SEN Inclusion Service (Cognition and Learning)</td>
<td>Directly through Paediatricians or through Educational Psychology Service referral.</td>
</tr>
<tr>
<td>SEN Inclusion Service (Down Syndrome Support)</td>
<td>Directly through Paediatricians to the Early Years SEN Panel or through Educational Psychology Service.</td>
</tr>
<tr>
<td>Literacy Service</td>
<td>Stage 3 Educational Psychology Service referral.</td>
</tr>
<tr>
<td>Educational Psychology Service (direct intervention)</td>
<td>Educational Psychology Service consultation/engagement with the school.</td>
</tr>
</tbody>
</table>
5.5.2 Quality of Statutory Services

Throughout the Review many stakeholders queried the effectiveness of statutory supports and services in meeting children’s needs.

Results from the parent/carers’ survey highlighted general dissatisfaction with educational services provided by the EA for their child. As depicted at Table 5.9, the Educational Psychology Service and Autism Advisory Services were the most highly rated EA services and, yet, less than 50% rated each respective service as ‘supportive’ or ‘very supportive’. More than two thirds of respondents felt that the Specific Learning Difficulties Service was either ‘not very supportive’ (18%, n=36) or ‘not at all supportive’ (54%, n=107).

The diagrams overleaf summarise parents/carers feedback on what worked well and a number of recommendations to improve the provision by EA, including the nature of communications with parents/carers.

Table 5.9: Parental perceptions of Education Services

<table>
<thead>
<tr>
<th>Service</th>
<th>Very Supportive % (n)</th>
<th>Quite Supportive % (n)</th>
<th>Not very Supportive % (n)</th>
<th>Not at all Supportive % (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Educational Psychology Service</td>
<td>23% (106)</td>
<td>27% (126)</td>
<td>25% (118)</td>
<td>26% (120)</td>
</tr>
<tr>
<td>2 Autism Advisory Service</td>
<td>17% (56)</td>
<td>30% (101)</td>
<td>24% (79)</td>
<td>29% (96)</td>
</tr>
<tr>
<td>3 Behaviour Support Service</td>
<td>15% (35)</td>
<td>20% (46)</td>
<td>25% (56)</td>
<td>40% (91)</td>
</tr>
<tr>
<td>4 Specific Learning Difficulties Service</td>
<td>15% (29)</td>
<td>14% (28)</td>
<td>18% (36)</td>
<td>54% (107)</td>
</tr>
<tr>
<td>5 Sensory Service (Hearing/Visual Support)</td>
<td>16% (23)</td>
<td>19% (27)</td>
<td>16% (23)</td>
<td>48% (67)</td>
</tr>
<tr>
<td>6 Other EA Service</td>
<td>11% (20)</td>
<td>13% (24)</td>
<td>21% (38)</td>
<td>56% (103)</td>
</tr>
</tbody>
</table>
### Recommendations

<table>
<thead>
<tr>
<th>Issue</th>
<th>Parental Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very poor and slow communication</td>
<td>7</td>
</tr>
<tr>
<td>There needs to be a more integrated solution and better communication</td>
<td>9</td>
</tr>
<tr>
<td>The Education Authority needs to be more transparent, open and honest with parents</td>
<td>4</td>
</tr>
<tr>
<td>No co-ordinated approach to support the family’s mental health</td>
<td>2</td>
</tr>
<tr>
<td>Too much money is spent on disagreements with parents</td>
<td>1</td>
</tr>
<tr>
<td>The Education Authority seems to be elusive, they are too preoccupied with other priorities</td>
<td>2</td>
</tr>
<tr>
<td>The Education Authority needs to co-ordinate and signpost the family to more and better support</td>
<td>1</td>
</tr>
<tr>
<td>The process needs to be more robust to avoid parents having to go private</td>
<td>1</td>
</tr>
<tr>
<td>The Education Authority need to have more training for student teachers and professionals</td>
<td>3</td>
</tr>
<tr>
<td>The Education Authority needs to listen to parents</td>
<td>3</td>
</tr>
<tr>
<td>The Education Authority need to employ SEN advisors who are able to support, guide and inform parents throughout the process</td>
<td>2</td>
</tr>
<tr>
<td>More guidance on the best school for the child</td>
<td>1</td>
</tr>
<tr>
<td>There needs to be more investment in support for Dyslexic children</td>
<td>1</td>
</tr>
<tr>
<td>Perhaps employ students from the universities who are studying degrees related to SEN</td>
<td>1</td>
</tr>
<tr>
<td>The Education Authority needs to allow parents to review letters and leaflets before publication</td>
<td>1</td>
</tr>
<tr>
<td>The Education Authority needs more staff and more funding</td>
<td>3</td>
</tr>
<tr>
<td>The Education Authority needs to be more pro-active for future years</td>
<td>1</td>
</tr>
<tr>
<td>Not person or child-centred</td>
<td>1</td>
</tr>
<tr>
<td>More consistent support across all education levels</td>
<td>1</td>
</tr>
<tr>
<td>Improved focus on difficult cases</td>
<td>1</td>
</tr>
<tr>
<td>Failure to follow their own guidelines</td>
<td>2</td>
</tr>
</tbody>
</table>

---

**“EA is not fit for purpose”**

**“Stop the excuses help parents now”**

**“Need to reduce the bureaucracy and focus on the child’s needs”**

**“It shouldn’t feel like a fight just to meet my child’s needs”**
Parents/carers’ experiences of health and social care services were typically more positive. Table 5.10 demonstrates that the majority of respondents found Occupational Health (60%), Physiotherapy (66%) and Speech and Language Therapy (75%) to be ‘supportive’ or ‘very supportive’. Other services (most commonly CAMHS and medical professionals) were also found to be ‘supportive’ or ‘very supportive’ by 64 per cent of parents. However, only a third (34%) of respondents found Social Services to be ‘supportive’ or ‘very supportive’.

The qualitative data from the focus groups and individual interviews with parents was more mixed. However, it was generally positive in relation to engagement with health professionals, especially from the parents of children who had received an early medical diagnosis.

Parents/carers’ perceptions of what worked well and could be improved regarding health-based provision is summarised in the diagram that follows.

### Table 5.10: Parental perceptions of health services

<table>
<thead>
<tr>
<th>Service</th>
<th>Very Supportive % (n)</th>
<th>Quite Supportive % (n)</th>
<th>Not very Supportive % (n)</th>
<th>Not at all Supportive % (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1   Occupational Health</td>
<td>30% (96)</td>
<td>30% (96)</td>
<td>20% (64)</td>
<td>20% (62)</td>
</tr>
<tr>
<td>2   Physiotherapy</td>
<td>37% (66)</td>
<td>29% (52)</td>
<td>16% (29)</td>
<td>18% (33)</td>
</tr>
<tr>
<td>3   Speech and Language Therapy</td>
<td>43% (118)</td>
<td>32% (88)</td>
<td>12% (32)</td>
<td>14% (37)</td>
</tr>
<tr>
<td>4   Social Services</td>
<td>15% (19)</td>
<td>19% (24)</td>
<td>22% (28)</td>
<td>44% (56)</td>
</tr>
<tr>
<td>5   Other Service</td>
<td>42% (73)</td>
<td>22% (37)</td>
<td>12% (21)</td>
<td>24% (41)</td>
</tr>
</tbody>
</table>
Specific concerns were expressed about the adequacy of Stage 3 services. Some services were described by EPs as predominately advisory, rather than intervention-based. Other EPs disputed the extent to which supports/services are tailored to children’s needs. Some indicated that children do not make active progress.

“There are aspects of behaviour services that can be really excellent and there are other aspects of it that just — it is having little to no impact. In Belfast, the ASD service was purely advisory and, again, if you’re at Stage 3, you should already have received a lot of advice and recommendations from psychologists and people you’re working with. People in schools, now, should be trained in ASD support, so I don’t think that it’s necessarily any added value to the Stage 3 service, and it really is just another hoop to jump through”. (EP)

Queries about the adequacy of services in enabling positive progression for children are in part due to concern that the existing services are not evidence based nor subject to regular, robust, independent evaluation. EPs stated that, in addition to an evaluation of the impact of services, process evaluations of all services are required to evaluate efficiency, effectiveness and value for money.

“There’s support on paper, but there’s no staff. The support services are never evaluated, so we don’t know if the support service has actually helped the children. And also we don’t know what — if there’s any evidence-based practice going on in the support services.” (EP)
Where EPs cited examples of positive progression for children through Stage 3 supports/services, they also expressed concern that the services were not of sufficient duration or intensity to yield lasting positive effects.

“Some services are effective but there is just not enough time. The children were there for a set period of time. And, for some of the children, that just wasn’t sufficient. And there wasn’t — there’s not enough resource to be flexible about that”. (EP)

EPs also highlighted that children’s progress is inhibited by the fact that they are not allowed to avail of more than one service at a time.

“Sometimes, there is a choice. For example, if there is a child presenting with ASD and also additional behaviour and emotional concerns as well, you can’t refer to both ASD and SEBD services at the same time. So, that, again, that was difficult too, because you were being forced, you were being forced to offer a child less than what they needed.” (EP)

A profound frustration for EPs and Principals is that, as a result of the five stage Code of Practice, children are required to have exhausted Stage 3 services before they will be considered for statutory assessment. Some EPs identified cases where they have been required to refer a child to a Stage 3 service despite poor likelihood that the service would meet that child’s needs. Some spoke of an almost inevitability that the child would make limited progress in that service and ultimately need a statutory assessment.

“In some cases, it’s detrimental, actually, for this child to be waiting for a Stage 3 support service when we’re pretty sure, given their presentation, they won’t be able to access anything from it. It actually, may well be negatively affecting him going through that process”. (EP)

Several EPs (15 out of 20 survey respondents) highlighted that the Code of Practice is not always adhered to. In interviews, almost all attributed this to the fact that Stage 3 supports are insufficient or inappropriate for many children, and therefore it is often ‘unavoidable’ that the child will be referred for statutory assessment. For that reason, Stage 3 supports were described as ‘holding’ services until the resource is available to enable child to be progressed for statutory assessment. Some reflected that schools have little faith in the Stage 3 supports, which is compounded by the frustrations of waiting for access. They therefore request a statutory assessment without necessarily ‘exhausting’ all the services available.

It is notable that 21 out of 22 EPs who responded to the survey, agreed that there should be greater professional autonomy for Educational Psychologists to decide to move to Stage 4 or 5 without the requirement to exhaust Stages 1 to 3.
Some Principals suggested that greater investment in Stage 3 services would ensure that children’s needs are met at an earlier stage, alleviating the pressure to refer children for statutory assessment:

“If there was more investment at Stage 3, external services where people would come in and would actually provide services to students inside a school, there would be a lot less people actually moving forward at Stage 4 and Stage 5 and you would see that number massively drop.” (Principal)

5.6 Availability of EP Resource and Time

Stakeholder feedback revealed that much frustration about the adequacy of statutory provision stems from concern about the number of EPs in Northern Ireland and whether this is sufficient to meet the assessment and support needs of children with SEN.

A significant number of parents/carers who attended focus groups echoed the need for more professional staff to carry out assessments/diagnostic tests. Many were already bridging the gap with the support of either private services (where they could afford to do so) or charitable or private organisations to help them to present their case for access to services with an independent diagnosis/assessment.

Parents/carers also referred to the poor access to services and long waiting lists, which resulted in some paying for private assessments:

“Because our son is not the classic autism, [he] is social… so that immediately for our colleagues here… immediately puts you out of the autism diagnosis. We had report after report of problems, things just wouldn’t work, strategies wouldn’t work so we had the resource and we went private [for a diagnosis].” (parent/carer)

“We paid for a private Educational Psychologist [assessment] because he wasn’t seen through the school. We had to pay for a private OT driving an hour there and back. (parent/carer)

Principals and SENCOs corroborated that the number of EPs in NI is insufficient. Some cited challenges in maintaining regular contact with their allocated EP. Others felt that assessments are rushed or the child isn’t given the attention that they should be getting in their psychological assessment. Others attributed this to a larger issue regarding the number of EPs in NI overall:

“I would be shocked to find any principal in Northern Ireland who is saying I don’t see a problem with the number of Educational Psychologists we currently have”. (Principal)

Educational Psychologists further highlighted insufficient resource in the Educational Psychology Service to meet the needs of all children with SEN. The vast majority of EPs who responded to the online survey (32 out of 33) reported that their workload was increasing and that they have insufficient time to get everything done on the job. Twenty-four indicated that the resource available to do their job is insufficient. A further 20 of 32 respondents indicated that there are fewer Educational Psychologists now than there were five years ago. This is despite the fact that the number of children with SEN in mainstream schools is greater than five years ago.

Qualitative feedback from EPs further reinforces the constraints on their time. Comments depict a system at capacity, with inadequate resource to contend with the
demand. One EP talked of the overwhelming pressure they faced on a daily basis and feared that, as a profession, errors may result due to workload. This was expanded upon by another respondent who said that it was as though they were doing ‘just enough’ in the absence of a satisfactory amount of time needed to reflect and consider the needs of the individual children that they see. Another felt that the expectations are impossible to meet. There was an awareness of EPs working in their own time just to keep up with the demands.

A number of Educational Psychologists pointed to signs of the pressures on them. Comments suggest that sick leave is increasing and that morale amongst staff is at an all-time low. Some reiterated the lack of time and resource for intervention work, that services available within the EA are not fit for purpose, and that staff shortages and losses are taking their toll on service provision. Others reflected on the increased waiting times for assessment which they attributed to the inadequate resource:

“The increased waiting times, for me, are a really clear indicator that there’s much more need than there is resource.” (EP)

Of further concern, 20 out of 29 reported that the tools at their disposal are not up to date and reflective of best practice in meeting children’s needs. In particular, EPs mentioned the use of old assessment tests for intelligence, literacy and numeracy. There was a view that the EA had not provided up to date versions of assessment tools and EPs argued that these were no longer valid as they should be standardised to the current population. There was an acknowledgement by one EP that they were to be trained in the upcoming school term on new tests, however, it is not evident if this has yet taken place.

Going forward, it is critical that quality training opportunities are provided to EPs and that funding is made available for appropriate assessment tools. Formal training opportunities should also be provided for staff delivering EA pupil support services.

5.6.1 EPs as ‘Gatekeeper’ to Statutory Services

Much concern was expressed by EPs about whether their time is being used to best effect. During in-depth interviews, EPs reflected on the challenge in attempting to balance the number of referrals for assessment whilst also fulfilling other aspects of their post, such as intervention work and the provision of training/guidance to schools. Comments suggest that the scale of demand far exceeds the resource available to conduct assessment. As a consequence, EPs perceive their time to be monopolised by assessment. Survey findings corroborate this point, as 19 of 23 respondents disagreed that there is a sufficient balance in their current duties to best meet the needs of children and schools.

“Educational psychology’s got a little bit of an identity crisis, based on the fact that it’s so different in different areas. But there should be much more of a comparable split between assessment work and systemic work, training, intervention work. There isn’t so much a push for the EA to support that, but I think it needs to move towards a model like that, because the gatekeeping just isn’t working.” (EP)

Closer examination of typical duties highlights that assessment of children accounts for most of the Educational Psychologists’ time. Responses reveal that a smaller proportion of time is dedicated to other duties including administration and correspondence, consultation with staff and parents/carers, the provision of training and guidance, observations, home visits, professional development and attending review meetings. It is also concerning to note that EPs reported that an average of just 4% of their time is used for direct intervention work with children. In contrast, when asked to consider how their
time should be used, the majority indicated that the time allocated to assessment and administration should be reduced, enabling more time for direct work with children.

Some expressed concern that, as a profession, they are being ‘pigeon holed’ into an assessment role. They suggested that the lack of diversity in their workload could result in a deskilling of the role.

“We’re becoming much more deskilled, year on year, it seems, and we’re not using the range of things that we’re trained to do.” (EP)

One respondent summed up their frustration saying “I have to ‘complete’ so many cases per academic year” and another reporting “I don’t get adequate time to spend with children, parents or teachers”.

The result of this, according to respondents, is reduced quality of assessments due to the speed at which they are expected to get through cases.

“I feel like I’m working in a McDonald’s drive through. Get through as many as possible in as little time as possible.” (EP)

The reality is that whilst EPs are at capacity, the current number of assessment places allocated to schools is simply insufficient to meet children’s needs. Feedback reveals that this challenge is further compounded by the fact that an assessment must be conducted before a child can access the majority of Stage 3 services. As a consequence, many children are not able to gain access to much needed external pupil support services.

The EA reported that pupil support services are complementary to the work of the school and access to the services is informed by the educational psychology assessment in some cases but not all. However, information provided by the EA (see Table 5.8) highlights that an EP assessment is currently required to access the vast majority of educational support services. Many Educational Psychologists who responded to the survey and in-depth interviews described their role as that of ‘gate keeper’ to children’s services.

Principals supported the perception of the role of EPs as gatekeepers to Stage 3 services. Some reflected on the need to refer children to Educational Psychologists in order to access pupil support services, even if children have previously been diagnosed with SEN by a health professional. They reflected on the duplication of effort and wasted time, as well as poor coordination between health and education:

“As the Educational Psychologist is the ‘gatekeeper’ to Board [EA] services, we find that referrals are being made to access the Autism Advisory Intervention Service (AAIS). There are a number of pupils (10% in Year 8 in my school alone) who have received a medical diagnosis of Autism/Asperger’s syndrome. As a result these pupils are not known to Board services and we have to refer them via Educational Psychology to receive support. This is a total waste of our time in school and of the Educational Psychologist. It would be much better to have a system in place where pupils who receive a diagnosis are made known to EA services.” (Principal)

One EP highlighted that although Stage 3 services can offer general advice or training to a school, an assessment must be conducted before the child can access any intervention based supports. Some EPs also highlighted inconsistencies across regions. The point was made that some Belfast based services can be accessed without an EP assessment:

“Although they say we’re all one region as well, we’re not, because the Belfast region,
it’s easier to access Stage 3 services than it is in other areas. In the Belfast area...you never needed to see an educational psychologist to access moderate learning difficulty services; that was done straight between the school and the service. So, schools in the Belfast area never even needed to use their time allocation for that.” (EP)

Stakeholders provided suggestions to minimise the role of EPs as ‘gatekeeper’ to services. Both Principals and EPs felt there might be merit in evaluating the quality of the measures in schools and establishing whether these correlate with the scores produced from EP assessments. One EP claimed that school measures provide an accurate diagnosis of the child’s need.

They felt that further research would be useful to identify how school measures could better inform children’s access to services. Another flagged the need to recognise the professional autonomy and expertise of the teachers in supporting the assessment of children’s needs. This view was corroborated by some Principals who emphasised the role that could be fulfilled by schools in supporting the assessment and referral of children to services. They expressed profound frustration that an EP assessment is always needed to access services.

“In reality, they [schools] don’t need a Stage 3 assessment from us, because a lot of them are based on IQ scores and literacy and numeracy scores or diagnosis. So, for example, the literacy support service: the school can provide the scores for that. The MLD service: the schools can provide those scores. The ASD service: well, the schools can provide the diagnosis, and the schools can provide commentary on how the child is functioning, you know? They don’t need us for that.” (EP)

Educational Psychology Assistants have in supporting the assessment of children. Some suggested that there may be merit in recruiting additional EP Assistants to facilitate assessment work.

5.6.2 Details on the EA Educational Psychology Service

Information provided by the EA highlights that there are currently 106 full time equivalent (FTE) EPs working across the Educational Psychology Service. The EA reports that this number compares more favourably when benchmarked against other areas. However, it was difficult to source precise data from other jurisdictions to verify this claim.

Data provided by the EA does, however, demonstrate that the number of FTE EPs has significantly reduced between 2015/16 and 2018/19. As illustrated at Table 5.11, the number of FTE EPs has decreased by 24% since 2015/16.

Table 5.11: Number of EPs in Northern Ireland

<table>
<thead>
<tr>
<th>Year</th>
<th>FTE Educational Psychologists</th>
<th>FTE Psychology Assistants</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015/16</td>
<td>140.4</td>
<td>9.5</td>
</tr>
<tr>
<td>2016/17</td>
<td>136</td>
<td>9.5</td>
</tr>
<tr>
<td>2017/18</td>
<td>118</td>
<td>16</td>
</tr>
<tr>
<td>2018/19</td>
<td>106.2</td>
<td>13.5</td>
</tr>
</tbody>
</table>

EPs highlighted the beneficial role that

107 Information provided by the EA on the 14th January 2020.
The EA has previously informed NICCY that it attempts to ensure that each Psychology office has enough EPs to deliver Time Allocation by accepting expressions of interest for transfers and allocating new recruits to teams with deficits. However, it is challenging to see how this commitment is fulfilled in light of the gaps in the data held by the EA regarding the Educational Psychology Service. For instance, in response to NICCY’s request for operational data, the EA indicated that information on vacant EP posts is not recorded.

Perhaps more promisingly, the EA has developed proposals to restructure its Educational Psychology Service. In these proposals,\(^{108}\) the EA acknowledges that there has been criticism in recent years of the accessibility of psychological services to schools. In order to meet the demands of schools and the needs of children and young people, the EA recognised that its workforce needs to become more diverse, with investment and development of more frontline posts below this level. Proposals also reflect that the EA Psychology Service has a disproportionate number of management posts within the Service, which historically represents around 25% of the Service staffing.

This is a positive development. However, it is imperative that the new structure is fit for purpose; enables adequate time to schools for assessment, training/development and intervention work; and, critically, ensures that the learning needs of children with SEN are swiftly identified, diagnosed and met.

5.7 Lack of Multi-Disciplinary Working

There is no legal duty upon the health services to provide for the educational needs of children if requested to do so by the education authorities; under Article 14 of the Education (NI) Order 1996, the duty to assist education authorities is subject to resources. As a result, there is a lack of consistent co-operation between health and education authorities in the provision made for children with SEN both in mainstream and in special schools, as corroborated by the variety of stakeholders who responded to the Review.

There have historically been problems with the co-operation of Government Departments in meeting the needs of children and young people with SEN. The Children’s Services Co-operation Act (Northern Ireland) 2015 (CSCA), however, now places a statutory duty to co-operate on Government Departments in the provision of children’s services. Unfortunately as part of this duty, there is only an ‘enabling power’ to share resources in the provision of children’s services, rather than an obligation. There are concerns about this as Government Departments are already allowed to pool resources. There is a similar obligation on health and education authorities to co-operate with regard to children with SEN. This provision which is awaiting implementation is found under Article 4 of the Special Educational Needs and Disability (Northern Ireland) Act 2016 (SEND Act).

During the focus groups with parents/carers, participants frequently reported that they found collaboration was ineffective between their child’s school and Health & Social Services, and between the EA and Health & Social Services. This was particularly the case for parents of children with medical conditions and diagnoses:

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108 EA Psychology Service – Proposed Restructuring (CYPS/5/19/7) provided by the EA on the 12th November 2019.
“It’s not even that there’s poor communication, there is no communication, I am the one doing the communicating. I am the one going to school and telling them what CAMHS are saying or I am the one going to CAMHS and telling them what school are saying.” (parent/carer)

“There is no continuity between all the services. Nobody seems to know what the other’s doing. You are constantly repeating yourself, you’re constantly having to keep notes because you need to pass on the information. They won’t pass on the information.” (parent/carer)

Furthermore, when asked to consider the effectiveness of the current SEN system against Children’s Right Benchmark Standards, only 1 in 10 parents/carers agreed that there is timely and appropriate integration of services to ensure a holistic approach is taken to meet the needs of children with SEN (the ‘cooperation’ benchmark standard).

Parental perceptions of the current effectiveness of multi-disciplinary arrangements are further presented in Figure 5.8. Survey findings demonstrate a majority of parents/carers who have experienced ineffective collaboration between the EA, schools, and health and social care services. Consistent with focus group feedback, collaboration between the Education Authority and Health and Social Services was deemed particularly lacking: 35% (n=142) felt it was ‘not very effective’ and 47% (n=192) felt it was ‘not effective at all’.

Feedback captured from various stakeholders suggests that poor collaboration leads to negative repercussions in terms of clarity of communication, delays in diagnosis, and a holistic approach to assessment and support. For parents/carers who had received a diagnosis for their child, albeit late, it was also concerning that there remained many challenges in terms of accessing multi-disciplinary support and/or failings in terms of the level of communication across and between teams of professionals: school, the Education Authority, DE and, in a smaller number of instances, the Health and Social Care Trusts.

Figure 5.8: Parental perceptions of multi-disciplinary arrangements
Whilst in the special school sector external professionals can support the child within the school setting, parents/carers of children in mainstream schools commented that the lack of joined up thinking between health and education made this impossible. Better liaison between health professionals and educational psychology was also advocated to avoid parents/carers getting involved in disputes over what constituted a need for SEN provision:

“So, it’s the parent’s fight and I think the health professionals, education should be able to work it out.” (parent/carer)

EPs further highlighted poor multi-disciplinary working across professions and agencies, specifically regarding the assessment of children’s needs and provision of supports. They identified lack of time and regular opportunities for professionals to meet on a collaborative basis and engage in joint activity. Where this does occur, it was deemed sporadic and largely instigated by individual personnel rather than via formal collaborative processes.

“Well, we, as professionals…if a child is involved in speech and language therapy or development intervention service, we, as individual practitioners, will contact those individuals, but we don’t do any joint assessments or, we never meet these people; it’s just a 15-minute phone call to get information. So, I wouldn’t say it’s — it’s not collaborative working.” (EP)

In absence of robust multi-disciplinary fora, EPs expressed concern that the assessment of children’s needs is not sufficiently holistic, can lead to gaps in the provision of supports and/or can result in potential duplication of services.

It is imperative that the CSCA and legislation under Article 4 of the SEND Act is enacted to ensure health and education authorities co-operate with regard to children with SEN. It is recommended that localised, specialised, multi-disciplinary teams are established across Northern Ireland. These teams should have a clear remit for cross-consultation, assessment and provision of advice and support for children with SEN in mainstream schools.

5.8 Communication and Engagement

The theme of poor communication and engagement was consistently raised throughout the Review as a significant impediment to the fulfilment of children’s learning needs. Parents/carers regularly reflected on lack of clear and comprehensible information at different stages of the SEN process, including at the initial identification stage; when drawing up an IEP; when attempting to access supports; and, most commonly, during the statutory assessment and statementing process.

Parents/carers relayed experiences of not being kept informed or, where guidance was provided, struggling to interpret the information and decipher its implications. As a result, several parents reported being ‘left to their own devices’ to navigate a complex system of assessment and support. For many, this challenge was compounded by a lack of confidence and knowledge of the SEN process and supports available, as well as a lack of capacity to advocate on behalf of their child.

Feedback captured during focus groups with parents/carers, reiterated that many initially lacked the vocabulary and overview of services available, particularly when their child was first diagnosed with SEN. Many of the reported difficulties stemmed from poor communication and/or a lack of contact and transparency in the procedures and written communications. Others described challenges in understanding the specific wording used in educational psychology reports and educational statements.
This was deemed to be particularly challenging for parents/carers who struggled with literacy:

“I think they forget that as parents we’re lost in all this paperwork. And they’re sending you guff that you don’t even understand. And you’re sitting reading it and it’s brought me to tears a few times just looking at it going, ‘What do I actually do?’”

“It’s a whole new language so, if the EA had a glossary to hold all the new terminology for a parent… ‘Who they were going to see?, a lovely wee flowchart to say, ‘This is what happens’ and ‘What happens if…? that would be very, very helpful.” (parent/carer)

Parents/carers reflected on inadequate information and advice from both schools and the EA. Several parents/carers indicated that they struggled to obtain the support and advice of the school Principal or SENCO. Some parents/carers referred to SENCOs, new to the job, who did not understand the process themselves. Often this lack of awareness of procedure was perceived to result in duplication of effort, errors and wasted time:

“I tried to instigate support for (my child) and that was me, the mummy instigating support for (him), not his SENCO, not his Principal, not his teacher – me. When I tried to get Autism Intervention Service involved… I was told the line in his statement was not specific enough and I said, ‘Are you serious?’, and I’m still fighting for that six months in; I’m still trying to get that line because of a wording issue.” (parent/carer)

Parents/carers also identified examples of poor communication at the statutory assessment stage. Survey findings revealed that just one third of respondents to the parents/carers survey (33%, n=110) were notified of a named EA officer to support them through the process and only a fifth (21%, n=68) reported that the EA officer kept them informed. This is contrary to the fact that the Code of Practice acknowledges that the assessment process may be stressful for parents/carers109 and that, once a child is referred for statutory assessment, all parents/carers should be given details of a named officer110 with whom they can discuss any questions or concerns about the assessment.

Table 5.12: Information to parents during the statutory assessment process

<table>
<thead>
<tr>
<th></th>
<th>Yes % (n)</th>
<th>No % (n)</th>
<th>Don’t know % (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The EA notified me of a named EA officer to support me through the process</td>
<td>33 (110)</td>
<td>49 (161)</td>
<td>18 (60)</td>
</tr>
<tr>
<td>The EA officer kept me informed</td>
<td>21 (68)</td>
<td>65 (214)</td>
<td>15 (49)</td>
</tr>
</tbody>
</table>

110 Ibid, Paragraph 3.8
Feedback from EPs further reinforces a lack of consistent, proactive support from the EA to parents/carers during the assessment process. They highlighted a lack of clear, comprehensible information for parents/carers about the process and the practical implications that may arise.

“Every child should have a statementing officer or an officer from statutory operations, but, from my experience, they don’t keep in regular contact with the parents, so nobody is telling them, ‘This is how long that this part of the process is going to take and then we’re going to move on to this process’. I’m the one sort of giving them all that information because it’s a very long and drawn-out process and it’s not very easily explained or sort of demonstrated anywhere on websites and things.” (EP)

In the absence of support, guidance, or consultation, the majority of parents reported the need to navigate the process alone, with no prior knowledge of these systems and without points of contact. They described how they had to coordinate communication between schools, services and external agencies, often ‘getting lost in the paperwork’. Many parents reported resultant isolation, distress, and confusion. They indicated that they were at a loss as how to access advice and support for their child:

“It was horrendous, absolutely horrendous: no support, no information, no communication and I was left feeling just shell shocked…I can’t tell you how many people are affected.” (parent/carer)

“It’s just a mess. I’m currently in the situation where I don’t know…I don’t know the next step or where to start.” (parent/carer)

In some cases, parents resorted to completing training courses to develop their capacity and knowledge of the SEN process and to enhance their ability to engage with experts and professionals. Some were able to use personal contacts in health and education to advise and direct them, or used work contacts to bypass systems. Others discussed the value of support from other parents/carers of children with SEN, whilst some had sought support from voluntary organisations. Some of these organisations were consulted for the Review. They reiterated that parents/carers often lack the knowledge of the SEN system, of their own and their child’s rights in the process, and how to initiate support for their child. They strongly advocated for improved communication and information to parents.

Further evidence of the impact of poor communication was highlighted by some parents/carers in focus groups when querying the changes to SEN and medical categories. Some parents expressed concern that, as a result of the new DE guidance to schools on categorising children with SEN, their child would no longer be seen as having SEN and they would no longer qualify for Disability Living Allowance, adding to their financial burden. Other parents of children with high functioning ASD drew attention to the changes in the recording of SEN and the potential that children whose academic performance falls within the average range will not qualify for SEN registration and additional support, despite diagnosed difficulty.

Parents/carers provided a series of reflections on ‘what works’ and what could be improved regarding the nature of communications with EA. This includes reflections on the extent to which the system is user-friendly. Feedback is visually depicted in the diagrams that follow.
### Communication

#### WHAT WORKED WELL

- ✔ There is excellent and positive communication within the healthcare team
- ✔ Communication with the classroom is invaluable when issues arise

#### RECOMMENDATIONS

- ! Co-ordination and communication needs to be improved between parents and services
- ! Communication needs to be easy to find, digital and timely
- ! Data protection needs to be closely monitored
- ! The Education Authority needs to be more honest and transparent

#### User friendliness

#### WHAT WORKED WELL

- ✔ SENAC have been invaluable as a source of support and guidance

#### RECOMMENDATIONS

- ! The system needs to be more user friendly and less difficult to navigate
- ! Children need to be listened to through every stage of the journey
- ! There needs to be clearer guidelines and expectations
- ! There needs to be more transparency within the process

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"Communication needs improved, it is very poor from every aspect"
5.9 Involvement of Children and Young People

A key shortcoming of the existent SEN system, identified by parents/carers and NGOs throughout the Review, was the lack of effort and opportunity provided by schools and services to involve children and young people in the SEN process.

When asked to review the current SEN system against Children’s Rights Benchmarks, less than 1 in 5 believed that the SEN process is child-centred (the ‘acceptability’ benchmark) and only 1 in 7 felt that the views of children with SEN are sought and taken into account in their education and development of policy and services (the ‘participation’ benchmark). Comments from parents/carers reinforce their frustration at the lack of effort and opportunity to engage meaningfully with children with SEN about their learning needs:

“The whole system needs a complete overhaul and a child centred approach needs to be adopted. Parent views need to be given greater significance.” (parent/carer)

Despite the fact that the Code of Practice and Supplement outline a commitment to engage the views of the child, the survey of parents/carers found a large proportion (40%) who felt that the voice of their children was not attended to or respected.

Only a quarter (25%, n=84) reported that the EA had sought the views of their child on their SEN during the statutory assessment process and the ways in which their needs might be met. Comments from parents/carers reinforce that a child’s right to be heard is not being respected through the current system:

Figure 5.9: Involvement of children and young people

′My child’s views have been taken into account′

<table>
<thead>
<tr>
<th></th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Undecided</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>8%</td>
<td>24%</td>
<td>28%</td>
<td>25%</td>
<td>15%</td>
</tr>
</tbody>
</table>

111 Ibid, Paragraphs 1.7; 2.28 – 2.29; 3.59; 6.49 – 6.50.
“Our children have a voice and should be listened to as to what they need from the education system and from their parents and from their teachers and I think that’s something that could be introduced as well as a children’s advocacy to hear their voices.”

(parent/carer)

“Start listening more to the child as they tell us what school is like for them. And we need to stop punishing and give more support”.

(parent/carer)

NGOs consulted for the Review, who advocate on behalf of children with SEN and their families, reiterated the absence of a child-centred approach to the planning and development of IEPs, the statutory assessment and statementing process.

Parents/carers’ experience of being ‘unheard’ is despite the fact that the involvement of parent/carer and child is at the core of SEN legislation. Furthermore, Article 12 of the UNCRC place a clear obligation on the EA to ensure that the voice of the child is heard and that children are able to fully participate in the SEN process.

5.10 Involvement of Parents/Carers

A further frustration for many parents/carers was the fact that they felt ‘unheard’ throughout the process. For instance, one in three parents/carers ‘disagreed’ (18%, n=65) or ‘strongly disagreed’ (13%, n=46) that their views about their child’s special educational needs had been taken into account.

Comments from parents/carers reflect concerns about the lack of proactive engagement in the SEN process:

“Listen to the parents, they are the ones that knows the child best, they see and deal with the daily struggles” (parent/carer)"

Figure 5.10: Involvement of Parents and Carers

My views about my child’s special educational needs have been taken into account

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Undecided</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>15%</td>
<td>36%</td>
<td>19%</td>
<td>18%</td>
<td>13%</td>
</tr>
</tbody>
</table>

0% 20% 40% 60% 80% 100%
“Trust parents to be experts in their children and real partners in their children’s education.” (parent/carer)

Specific examples of poor parental involvement were identified when a child’s IEP is being drawn up and during the statutory assessment process.

**Parental Involvement in the Development of IEPs**

Survey findings found that almost half of parents/carers were ‘not very involved’ (32%, n=105) or ‘not at all involved’ (14%, n=45) in the development of their child’s IEP. When findings are analysed by the child’s stage on the Code of Practice, it is evident that parents of children without a statement are significantly less likely to be involved in the development of their child’s IEP, as illustrated at Figure 5.11.

**Parental Involvement at the Statutory Assessment Stage**

The survey of parents/carers also explored the extent to which respondents were informed of their right to submit evidence at the early stage of the statutory assessment process, as per statutory guidance set out in the Code of Practice. The guidance states that, once a request for statutory assessment has been received, the EA must contact parents/carers to inform them that they are considering whether to carry out a statutory assessment and to inform of the processes that will be followed during the assessment. At this stage, parents/carers must be informed of their right to make verbal representations and to submit written evidence about their child within 22 days. The EA should draw on this evidence when deciding whether to conduct an assessment, alongside the school’s assessment of the child’s learning difficulty, evidence of academic and non-academic indicators of need, and an account of any special educational provision that has been made by the school and/or external specialists at Stage 3.

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114 Ibid, Paragraphs 3.20 – 3.25.
Table 5.13 presents the extent to which respondents were informed of their right to submit evidence on behalf of their child when a request for a statutory assessment was received, and the nature of guidance provided to parents/carers to inform the process.

It is alarming that the survey results indicate that the experiences of parents/carers largely do not reflect the requisite processes as set out in SEN guidance. Only 35% of parents/carers had been informed of their right to be present at any interview, test, medical or other assessment involving their child. Whilst over half (63%, n=208) had been informed of their right to provide a written or oral report, only 18 per cent of parents/carers had received support from the EA to help complete this report.

Less than three quarters (73%) of parents/carers indicated that they provided a written or oral report. However, it is notable that parents/carers educated to tertiary level were significantly more likely to have completed a written or oral report than parents/carers educated to secondary level. Although 79 per cent (n=260) of parents/carers reported that they had received copies of the written reports completed about their child, around one in ten had not.

5.11 Incidence of Appeals, Disputes and Resolutions

The Code of Practice\(^ {115}\) and Supplement\(^ {116}\) express a clear, proactive commitment to working in partnership with parents/carers throughout the SEN process; to ensure that parents/carers feel supported, informed, listened to and ultimately treated as partners in the process. It is intended that this approach will minimise or prevent areas of disagreement between parents, schools, and the EA. However, feedback from parents/carers reveals that they rarely feel like ‘partners’ in the process. Rather, many commented on the lack of trust in parents/carers from schools, health professionals, and the EA, and the impact that this can have on relationships. Parents relayed accounts of being accused of being over-protective or of causing or exacerbating the educational or behavioural difficulty. In some deeply

<table>
<thead>
<tr>
<th>Table 5.13: Parental involvement at the Statutory Assessment Stage</th>
</tr>
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<tbody>
<tr>
<td><strong>Base=331</strong></td>
</tr>
<tr>
<td>I was informed of my right to be present at any interview, test, medical or other assessment involving my child</td>
</tr>
<tr>
<td>I was made aware of my right to provide a written or oral report about my child’s needs</td>
</tr>
<tr>
<td>The EA provided me with guidance to help complete this report</td>
</tr>
<tr>
<td>I provided a written or oral report</td>
</tr>
<tr>
<td>I received copies of written reports completed about my child</td>
</tr>
<tr>
<td>The EA sought the views of my child on their SEN and the way in which their needs might be met</td>
</tr>
</tbody>
</table>

\(^{115}\) Ibid, Paragraphs 1.6 – 1.7; 2.21 - 2.27.
disturbing cases, parents/carers highlighted that they were unjustifiably reported for child abuse or Münchhausen’s syndrome by proxy, resulted in parents/carers being removed from the home. This left a remaining parent/carer to manage the family alone. The following quotes reinforce parents/carers’ frustration at an unnecessarily combative system:

“[the system needs to be] More parent/child friendly, more focused on supporting the child rather than how much it will cost, parents should not have to resort to court in order to obtain the right support for their children.” (parent/carer)

“Make it less adversarial between the EA and the parents.” (parent/carer)

Rather than identifying as partners, parents/carers in all focus groups described the process as a ‘battle’ or a ‘fight’ – to have their child assessed, to receive an appropriate statement and to receive the necessary supports. Parents/carers noted that the ‘fight’ involved ‘stalking’ or ‘torturing’ services with phone calls, emails, written correspondence or by resorting to sit-ins in government reception areas. Parents/carers expressed extreme disappointment that they had to resort to such lengths to gain support for their child:

“It shouldn’t be a parent’s fight… at that Stage… I had enough worries without a fight.” (parent/carer)

“When you’re talking about us becoming bolshy, it’s what you’re driven to because it’s like, unless you say the magic word ‘complaint’ or something like this you feel that you will inevitably just be fobbed off. So, you have to then take on this persona of being a really irate, ‘I’m going to take you to court’ type of person, which is not who I am.” (parent/carer)

Principals and SENCOs further commented that the current overstretched system is leading to a breakdown in relationships between parents and schools. Feedback from the Educational Psychologists reinforced the great frustration for parents in seeking, and failing, to receive timely supports for their child. They reiterated that this can lead to poor relationships between parents and schools, and can also cause difficulties in their own relationships with parents/carers:

“Parents are utterly frustrated, cross, feeling let down. It breaks down relationships between the parents and the school. It makes it very difficult in terms of building up a relationship between ourselves and the parents as well. It feels to us sometimes that, by the time you see the children, it’s too late. They’ve already been spending one year or two years in school floundering. The school have tried their best, but as far as the parents are concerned, that isn’t enough and, often, it isn’t enough.” (EP)

Some respondents to the Review identified instances where the breakdown in relationships between parents/carers, schools and/or the EA has been unresolvable. In such instances, this has required external mediation and/or a request for an appeal at Special Educational Needs and Disability Tribunal (SENDIST).

5.11.1 Dispute Avoidance Resolution Service (DARS)

DARS was established under the SENDO as an informal means of avoiding and resolving disagreements between parents/carers and schools or the Education Authority in relation to a child or young person with SEN. In September 2019, the EA announced that it had transferred provision of DARS to Global Mediation, an independent organisation, in line with the SEND

118 www.eani.org.uk/news/DARS
Act 2016, which required EA to commission an independent DARS.

NICCY requested information from the EA on the number of contacts made to DARS in the last financial year. However, the EA indicated that it was unable to provide this information. It was, however, able to provide the main reasons for referral to DARS:

- Statutory Assessment declined;
- adult assistance hours;
- post-primary placement;
- provision within school;
- relationship difficulties with teachers; and
- transport issues.

The Review found that just over half (54%, n=129) of parents/carers had been made aware of DARS; the remainder (46%, n=110) had not. This is despite the fact that SENDO119 highlights that Boards should make arrangements to ensure that parents and schools are made fully aware of the DARS and the arrangements to access it.

The survey also asked parents/carers whether they had contacted DARS if the disagreed with their child’s statement. Over two fifths (43%, n=30) who responded to this question had contacted DARS. Fifteen of the 30 respondents who had used the service reported that the issue had been resolved satisfactorily.

Going forward, the opportunity to take part in mediation should be made available to individuals in a timely manner in order that the process can begin promptly and issues be resolved as quickly as possible.

Whilst NICCY welcomes the transference of DARS to an independent mediator, it will also be important that the new mediation mechanism is evaluated and demonstrates its effectiveness as early as possible in order to engender confidence in the process and encourage others to participate.

5.11.2 SENDIST

When parents remain unsatisfied with a dispute regarding their child’s SEN, they can proceed to the Special Educational Needs and Disability Tribunal (SENDIST) to appeal any decisions that have been made. The SENDIST also deals with claims of disability discrimination relating to children in school. Appeals can also made for the following reasons:120

- if the parent or the school have asked the Education Authority to assess formally a child’s SEN and it has decided not to, or if it carries out the assessment but then decides not to make a statement on the child;
- if the EA does make a statement, or amends an existing statement, an appeal can be made against the educational contents of the statement; and
- if the EA decides that a child should no longer have a statement, or decides not to amend a statement after carrying out a re-assessment of the child’s needs.

120 NI Courts and Tribunal Service (2014) Special Educational Needs and Disability Tribunal.
Data held by the NI Courts and Tribunal Service\textsuperscript{121} reveals a clear increase in the number of appeals to SENDIST between 2015/16 (n=145) and 2018/19 (n=378). As illustrated at Table 5.14, the number of appeals received in 2018/19 was over 2.5 times that received in 2015/16. The data also reveals an upward trend in the number of concessions by EA and withdrawals made by parents/carers; the number of appeals conceded in 2018/19 was over three times that in 2015/16.

Table 5.14: Appeals to SENDIST

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>No. of Appeals Received</td>
<td>145</td>
<td>193</td>
<td>300</td>
<td>378</td>
</tr>
<tr>
<td>Total Conceded By EA</td>
<td>47</td>
<td>102</td>
<td>141</td>
<td>145</td>
</tr>
<tr>
<td>Total Withdrawn By PA</td>
<td>22</td>
<td>37</td>
<td>51</td>
<td>93</td>
</tr>
<tr>
<td>Total Conceded/Withdrawn</td>
<td>69</td>
<td>139</td>
<td>192</td>
<td>238</td>
</tr>
</tbody>
</table>

5.15: Appeals to SENDIST by type of appeal

<table>
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<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Refusal to Assess and Reassess</td>
<td>84</td>
<td>124</td>
<td>188</td>
<td>205</td>
</tr>
<tr>
<td>Refusal to make a Statement</td>
<td>8</td>
<td>11</td>
<td>22</td>
<td>15</td>
</tr>
<tr>
<td>Decision to Cease a Maintain Statement</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Contents of Statement – Parts 2 &amp; 3 or Both</td>
<td>41</td>
<td>47</td>
<td>50</td>
<td>122</td>
</tr>
<tr>
<td>Contents of Statement – Parts 2, 3, &amp; 4</td>
<td>5</td>
<td>1</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Contents of Statement – Part 4</td>
<td>5</td>
<td>9</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td>Discrimination</td>
<td></td>
<td></td>
<td></td>
<td>21</td>
</tr>
<tr>
<td>Total</td>
<td>145</td>
<td>193</td>
<td>300</td>
<td>378</td>
</tr>
</tbody>
</table>

Table 5.15 provides an overview of the reasons for appeal between 2015/16 and 2018/19. It demonstrates that the primary reason for appeal has consistently been EA’s refusal to assess or re-assess a child. The data also demonstrates a steep year-on-year rise in the number of appeals submitted for this reason. The second most common reason for appeal relates to the content of statements, particularly Part 2 (which describes the nature of the child’s need) and/or Part 3 (which specifies the educational provision to be made by the EA to meet the child’s needs). Again, data reveals a steady year-on-year rise in the number of appeals related to the contents of Part 2 or 3 of the statement.

\textsuperscript{121} Provided by the EA on 12th November 2019. The total number of appeals recorded for 2018/19 varies across the tables. This is because information is recorded in financial years i.e. from 1st April to 31 March. Not all cases are received and disposed of within the same financial year. Outstanding cases will be carried forward to next financial year.
Parents/Carers’ Experiences of SENDIST

The survey of parents/carers explored the extent to which respondents had contacted SENDIST if they disagreed with their child’s statement and their experiences of the process. Of the 113 parents/carers who responded to this question, 43 per cent (n=49) said that they had contacted SENDIST. More than half of these parents (58%, n=28) indicated that they felt the issue had been resolved satisfactorily, while 21 per cent (n=10) felt that the issue had not been resolved satisfactorily.

When asked to rate their overall level of satisfaction with the SENDIST process, almost three quarters of the 48 respondents indicated that they were ‘satisfied’ (73%, n=35) while 12.5 per cent (n=6) said that they were ‘dissatisfied’. In contrast, during focus groups a number of parents/carers who had taken legal action noted how stressful and ‘surreal’ it was to be placed in this position.

Parents/carers’ experiences of the appeals process are further evidenced by NICCY’s Legal and Investigations experience, as considered in the examples that follow.

Evidence from NICCY’s Legal and Investigations Experience

Example 1
NICCY was contacted by the parent of a 13-year-old boy who had a diagnosis of Asperger’s Syndrome. The father had issued proceedings before the SENDIST in relation to the Education Authority’s refusal to conduct a Statutory Assessment of the child’s special educational needs. This appeal stood adjourned to allow the family to obtain updated expert reports. When NICCY became involved in the case it became clear that a further appeal needed to be issued in relation to a more recent refusal to assess. NICCY liaised with the Tribunal to agree a way forward to withdraw the adjourned hearing and issue fresh proceedings which would take into account all of the issues in the case. NICCY issued proceedings by lodging a detailed ‘Notice of Appeal’ and subsequently a very detailed ‘Case Statement’ which contained all of the evidence and pointed to the need for the child to have a Statutory Assessment. On the basis of NICCY’s submissions, the Education Authority agreed to conduct a Statutory Assessment of the child. This subsequently led to the child obtaining a Statement of Special Educational Needs which made provision for the assistance he needed.
Example 2
NICCY was contacted by the parent/carer of a 10-year-old boy who had a diagnosis of Attention Deficit Disorder (ADD) and Dyslexia. The child had been referred for a Statutory Assessment of his Special Educational Needs but the Education Authority had declined to conduct a Statutory Assessment. NICCY issued an appeal on behalf of the child to the SENDIST. NICCY prepared a very detailed ‘Notice of Appeal’ and ‘Case Statement’ which set out in detail the reasons why a Statutory Assessment was necessary and the evidence which supported this. Based on NICCY’s robust submissions the Education Authority conceded the Appeal and agreed to conduct the Statutory Assessment.

Example 3
NICCY was contacted by the mother of a 6-year-old boy who had diagnoses of Autism Spectrum Disorder (ASD) and Attention Deficit Hyperactive Disorder (ADHD). The child was having difficulties in school and his mother was extremely concerned for his mental health. The mother had been liaising with the school in relation to this, but the school had not prioritised the child for assessment by the Educational Psychologist. NICCY advised the mother that she had the right to make a parental request for Statutory Assessment, which she did, and the request for assessment was refused. On behalf of the child, and on the instruction of the mother, NICCY issued an appeal to the SENDIST. The appeal was registered and NICCY then produced a robust case statement setting out the case on behalf of the child, making reference to the professional reports which were provided by his Paediatrician and Occupational Therapist. The EA conceded the case and agreed that the child would have a Statutory Assessment.

5.12 Private Assessments

The Review found that, as a result of lengthy waiting times for assessment, some parents/carers have resorted to paying for their child to be assessed by a private Educational Psychologist, in hope that this will eventually lead to the recognition of their child’s needs and the relevant provisions put in place.

The survey of parents/carers revealed that 25 respondents had paid for their child’s assessment privately. Some parents/carers in focus groups had also opted for a private assessment. When asked why they had made the decision to pay privately, the most common reason given was that they were unable to access assessment in any other way. Others paid for private assessments because of the shorter waiting times or because they were concerned about the impact arising from a misdiagnosis or no diagnosis at all. Some parents reflected on their desperation to gain some form of support for their child; they perceived payment for a private assessment to be the only way to make that happen:

“The EA refused to assess.”

“I paid privately initially as his primary school would do nothing to help.”

“We were having such a hard time and everything was a waiting list that we looked into it.”

A further 140 survey respondents indicated that they had considered paying for a private assessment, as did many more parents/carers in the focus groups, even though most realised that the EA would not recognise them. Others did not opt for the private assessment because they were aware that the EA would not recognise it; others were unable to afford a private assessment; and others were not aware that private assessments were an option. Several commented that they would have no hesitation in paying for a private
assessment if they would be accepted by the EA and would enable their child to access support more quickly.

Feedback captured from the survey of Educational Psychologists reinforced that private assessments are used by parents/carers who can afford it, in order to supplement the unmet need arising from the Time Allocation Model.

Nonetheless, concerns were voiced about the two tier structure promoted by the use of private assessments. A number of EPs and Principals voiced concern that parents/carers who can afford to pay for private assessments essentially bypass the waiting lists of parents who cannot afford to pay. They expressed grave misgivings that some children are being unfairly disadvantaged because their parents/carers cannot afford a private assessment:

“It creates a system where parents who can afford to pay for assessments are jumping the queue and getting support ahead of those who can’t afford to pay.” (principal)

Impact of Private Assessments

The Code of Practice and Supplement do not explicitly outline the position to be taken by Boards (now EA) with regards private assessments. The Code of Practice\(^\text{122}\) does, however, state that the parents/carers themselves may present any private advice or opinions which they may have obtained, and that any such advice will be shown for further comment to relevant professionals giving advice to the Board and taken fully into account.

NICCY asked the EA whether any private diagnostic or psychological reports are accepted by the EA, and, if so, whose reports are being accepted and for what reason(s).

The EA informed that it accepts private diagnostic or psychological reports as part of a parental submission within the Statutory Assessment process but did not provide further detail.

Parents/carers who had paid for a private assessment relayed mixed experiences of its impact on their child’s access to supports. In some cases, private psychology assessment led to little change in terms of access to supports. However, one parent/carer, who had three children with or awaiting a diagnosis of dyslexia, felt the expense of having her first child assessed was justified as the school was then prepared to discuss the needs of her other children.

EPs also provided conflicting feedback as to whether private assessments enable access to statutory provision. Some indicated that private assessment reports are considered by the EA but don’t lead to access to EA support services. They acknowledged the confusion and uncertainty for parents/carers. This confusion was validated in focus groups by some parents/carers who expressed the belief that private assessments carry legal weight:

“I understand that the outcome of private assessments are currently taken into account, but that assessment needs to be carried out by an EP employed by the EA to access EA provision.” (EP)

“It’s unfortunate that some parents feel that a private report will lead to their child accessing services more quickly, as this is definitely not the case.” (EP)

One EP stated that there is great inconsistency in EA’s approach to private assessment reports. There was a sense that the parent/carer who ‘shouts the loudest’ will gain access to supports with a private assessment:

“And, they’ll [the EA] say to us, ‘We don’t accept private ASD diagnoses’, and then a parent will fight, and then somebody above me will allow that particular child access to that ASD service with a private diagnosis. Then, I’ll say, ‘Well, how’s that happening? You have said that they can’t have a private diagnosis’, and the EA will say to me, ‘Well, where’s that written down?’.” (EP)

The use of private assessments signifies a lack of appropriate support at earlier stages in the Code of Practice. It is deeply concerning that some parents/carers perceive private assessment to be the only way in which they can access support for their child. It is of greater concern that the private assessment route has led to disparate provision dependent on whether a child’s family is in the financial position to pay for a private assessment. This disparity must be addressed through the provision of effective, timely supports for all children and young people with SEN in mainstream settings.
6.0 CONCLUSION AND RECOMMENDATIONS

Every one has a right to go to School.
This Review has concluded that the needs of children with SEN are largely not being met in mainstream schools. Findings revealed particular issues with the procedures for the identification and assessment of children’s needs, access to supports, and the effectiveness of services in meeting children’s special educational needs.

Feedback from various stakeholders also highlighted a lack of transparency or clarity in the assessment process; delayed timeframes at all stages; inadequate reviews of the quality of children’s Individual Education Plans (IEP); a lack of opportunity for the voices of children and parents/carers to be heard; poor transition planning between schools and colleges; and parents/carers being passed from one agency to another. Over three quarters of parents/carers (78%, n=473) reported that they had experienced barriers to accessing support for their child. Even when they were able to access services, parents/carers spoke of delays, inaccuracies in statements, staff with limited knowledge and understanding of SEN and a failure to provide statutory special educational provision.

A profound shortcoming of the current system is that children’s needs are rarely identified at the earliest opportunity. Schools lack the funding, resource, time and capacity to implement individualised early intervention supports. Structures such as the Time Allocation Model limit the number of children who can be assessed by an Educational Psychologist and subsequently gain access to vital educational supports. The lack of timely intervention is driving a push towards statutory assessment and/or payment of private assessments. This, in turn, has placed extreme demands on the system. The Review found many indicators of a system at capacity, unable to meet the growing numbers of children with SEN in mainstream settings and the complexity of need.

A consistent theme emerging from the Review is the significant under-funding of the SEN system in Northern Ireland. Difficulties are exacerbated by poor collaboration across agencies, disciplines, and sectors. This has resulted in lack of holistic provision to meet the needs of children with SEN.

The negative repercussions for children arising from late or no diagnosis include developmental delay, the hindering of academic progress, impacts on children’s mental health and wellbeing, and behavioural difficulties. Fundamentally, it is apparent that systemic failures are preventing the realisation of children’s right to an effective education.

NICCY welcomes that the EA recently completed an internal audit of practice in Special Education, and has developed recommendations and an Improvement Action Plan to address the issues identified. NICCY also welcomes that the Department of Education and EA have commenced further work aimed at improving the SEN system. This includes baselining Stage 3 pupil support services, how they are accessed and delivered and the operation of the Time Allocation Model. The findings and recommendations from ‘Too Little, Too Late’ will inform, enhance and progress the work commenced by EA and DE, and address the myriad issues facing children with SEN in mainstream settings.

A system-wide approach is required to address the challenges identified in this Review. This must involve a joint commitment to delivering on the recommendations presented on the following pages.
Accessibility, Availability and Effectiveness of Statutory Supports and Services

1. The EA must conduct a systematic review of all supports and services for children with SEN. This should include:
   a. a review of the accessibility and availability of services, the extent to which they are appropriately resourced, evaluated, and founded on evidence based practice; and
   b. a review of the gaps in services, including the lack of numeracy support services for children and young people with dyscalculia.

2. The EA should review and make explicit the criteria to access Stage 3 services, and take all necessary measures to ensure that access to services is always allocated on the basis of need. This should involve:
   a. the development of a comprehensive awareness raising programme for schools, EPs and other health and education professionals, to ensure that all relevant stakeholders are aware of the referral criteria for each service;
   b. the involvement of relevant stakeholders and service users in service reviews; and
   c. openness, transparency and the use of co-design processes in the restructuring and redevelopment of Stage 3 services.

3. Comprehensive Stage 3 pupil support services must be made available. Information on referral pathways, criteria for access, waiting times, expected outcomes and processes for monitoring and evaluation must be transparent and publicly available.

4. The EA must assess the feasibility of using school-based assessment to inform access to Stage 3 services.

5. The EA must progress the development and provision of guidance to schools on supplementary evidence-based strategies that can be implemented whilst referrals for assessment are being processed.

6. Quality training opportunities and funding for appropriate assessment tools should be provided to EPs by the EA.

7. Systems must be developed by the EA to ensure the routine collection and monitoring of waiting time statistics:
   a. waiting times between a referral for assessment being made by the school and the assessment being conducted by the EA Educational Psychology Service;
   b. waiting times between a referral being made for a Stage 3 service and the referral being accepted or not accepted; and
   c. waiting times between the referral being accepted and the child gaining access to a Stage 3 service.

8. Processes must be established by the EA to ensure that children with SEN in both statutory and non-statutory early years’ settings can avail of the services and support they require.

Capacity Building in Schools

9. The DE and EA must ensure that all school staff are trained, guided, supported and assessed on their ability to meet the diverse needs of pupils with SEN and disabilities in mainstream schools:
   a. The EA and Teacher Training institutions must introduce a mandatory programme of early (EPD) and continuous professional development (CPD) for all school staff in identifying,
providing for, and ensuring full and equal inclusion of children with SEN. This should expand on the existing Children and Young People’s Services Training Programme 2019-2020.

b. Teacher training colleges should ensure that all trainee teachers have opportunity to work in a specialist classroom setting within mainstream and/or in a special school to gain direct experience of assessment/intervention work with children who have SEN and disabilities.

c. The DE and EA must ensure comprehensive pre- and in-service SEN and disability equality training for teachers, SENCOs, classroom assistants and other professionals.

10. Specific guidance must be provided to teaching staff on the identification and assessment of SEN amongst Newcomer children. Existing assessment of SEN from other countries should be recognised and services provided accordingly.

11. The EA must introduce robust evaluation of learning and development opportunities, to monitor reach throughout the region, and impact on the knowledge, skill and capacity of professionals supporting children with SEN in mainstream settings.

12. Area based learning clusters must be consistently and regularly facilitated by the EA across the region as a mechanism for staff in pre-school, primary and post-primary settings, including both mainstream and special schools, to:
   a. share learning and best practice techniques;
   b. identify opportunities for collaboration; and
   c. facilitate transition planning.

13. School leaders, including Boards of Governors and Principals, must be supported to foster an inclusive culture and ethos founded on equality, and to ensure that children with SEN and disabilities maximise their educational potential.

14. Schools should be inspected by the Education and Training Inspectorate (ETI) on their willingness and ability to establish the conditions required to foster an inclusive culture.

15. ETI should inspect schools on their ability to fulfil their duties regarding the preparation and review of Individual Education Plans (IEPs). Where health and social care provision is to be made, the Regulation and Quality Improvement Authority (RQIA) should work with ETI to ensure compliance of the statutory duty upon every children’s authority to cooperate. This should include an assessment by ETI and/or RQIA of:
   a. the effectiveness of collaborative processes to support the joint planning and identification of pupil targets and outcomes in IEPs between education and health professionals;
   b. evidence from schools that children and parents/carers have been facilitated to actively contribute to the process; and
   c. the extent to which outcomes identified within IEPs have been fulfilled.

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124 To be later replaced with Personal Learning Plans through implementation of the new SEN Framework.
125 Section 2, Children’s Services Cooperation Act (Northern Ireland) 2015, available online at www.legislation.gov.uk/nia/2015/10/pdfs/nia_20150010_en.pdf. Also, Article 4 of the Special Educational Needs and Disability (Northern Ireland) Act 2016 (SEND Act).
Strategic Planning for Behavioural Support Services

16. An early intervention and preventative approach to behavioural management should be introduced by the DE and implemented by the EA. This should include:
   a. support for parents and families;
   b. investment in workforce development;
   c. early access to EA specialist supports; and
   d. tracking children’s progress against agreed milestones and outcomes.

17. A comprehensive range of therapeutic interventions including nurture groups, sensory rooms, and counselling in all primary settings must be made available to children and young people in mainstream settings.

Suspensions, Expulsions and Informal Exclusions

18. Robust data is required to identify the causes of the variance in rates of suspension and expulsion between children with and without SEN.

19. The DE should undertake an urgent review regarding potentially unlawful informal or unregulated exclusions and issue comprehensive guidance to schools and the EA. This guidance should include formal recording of practices such as:
   a. sending children home early from school;
   b. placing children on reduced school hours outside the statutory framework and guidelines for school exclusion;
   c. informally excluding children from participation in school activities such as classroom-based activities, school trips, school plays, and school photos;
   d. placing children in isolation or segregating them from peers; and
   e. where children are ‘managed out of school’ (told to find another school to avoid expulsion).

20. ETI must include the reviewing of these records as part of the school inspection process.

21. Boards of Governors must be satisfied that schools have evidenced that all appropriate pastoral measures have been employed before suspension, expulsion or informal exclusion has been considered.

22. The EA should work constructively with parents/carers to ensure that any children with SEN being educated outside of school, whether statemented or not, are provided with the specialist SEN services required. This should include additional support to parents/carers home educating children with SEN.

The Role of the Educational Psychology Service

23. The EA must review and systemically revise its existing model for enabling children access to an EP assessment. This should include:
   a. reviewing and replacing the current Time Allocation Model so that the needs of all children suspected to have SEN are assessed at the earliest opportunity; and
   b. the development of mechanisms to enable schools, EA and DE to record data on unmet need. This should include recording the number of children awaiting referral to the EA Educational Psychology Service for a Stage 3 assessment.

24. A more efficient and effective model of Educational Psychology service delivery is required with appropriate levels of investment:
   a. EPs should be assigned to schools on the basis of age and stage;
   b. EP specialisms should be harnessed
and more regular opportunities provided to deliver specialist advice and training of school staff;
c. Appropriate levels of professional autonomy for EPs, including to decide to move to Stage 4 or 5 of the Code of Practice without the requirement to exhaust Stages 1 to 3.

25. The DE and EA must issue a policy that ensures that all children who have, or may have SEN, have equal access to assessment and services regardless of their socio-economic background. Such a policy therefore must address the use of private Educational Psychology and other professional assessment reports.

Statutory Assessment and Statementing

26. The EA must ensure that its operational processes enable legal compliance with statutory time limits. An action plan to address the delays in the statutory assessment process must be agreed between the health services and EA. Accountability measures must be established and investigative action taken by ETI and RQIA if breaches arise.

27. The EA must establish a more robust and transparent model of quality assurance and decision making at the statutory assessment stage. This must include:
   a. a review of existing assessment panels to explore the effectiveness, efficiency, and validity of their role in informing the route of children and the supports they will receive;
   b. the immediate publication of details about all existing assessment panels. This should include the terms of reference for each panel, the composition of the panel, frequency of meetings and the criteria used for making decisions. Evidence must be provided to validate the independence of panel members; and
c. the introduction of a revised model of quality assuring assessment decisions.

Transparency of the SEN Process

28. Steps must be urgently taken by the EA Board and DE to investigate feedback from Educational Psychologists that their advice is not routinely accepted, and that recommended provisions are not put in place, at the statutory assessment and statementing stage.

29. The EA should immediately adjust its statutory operation processes to ensure compliance with the legal requirement under Article 16 of the Education (NI) Order 1996 to specify special educational provision in Part 3 of statements of special educational need.

30. The EA must, as a matter of urgency, publish, review and revise plans in relation to SEN provision, as per its new duty in the SEND Act.

31. The Annual Review process must be evaluated to examine its effectiveness in improving outcomes for children with SEN in mainstream settings. This should:
   a. identify the extent to which the existing process is sufficiently outcomes focused;
   b. explore the extent of the active involvement of children and parents/carers;
   c. review the criteria used by the EA when considering whether to maintain, amend, or cease to maintain a statement; and
   d. assess the adequacy of processes involved in reviewing the effectiveness of existing provision.

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126 Article 2 of the Special Educational Needs and Disability (Northern Ireland) Act 2016 (SEND Act)
Communication and Engagement

32. The **EA** must review its policies for communication with parents and carers. Mechanisms must be established to give clarity to the SEN process for children, young people and their families. Therefore, the **EA**:
   a. should develop user-friendly guidance for children, young people and their parents/carers which explains the various stages of the SEN process; their entitlements at each stage; and guidance on where they can access additional information/support;
   b. conduct a comprehensive review of community based services for children and young people with SEN, and their parents/carers, and produce a directory to be shared with parents/carers and schools; and
   c. give consideration to the development of a free, accessible and one-to-one service, where each family has a named **EA** officer who could hear concerns and issues as well as provide individual advice from Stage 1 to Stage 5 of the current Code of Practice.

33. The **DE** and **EA** must establish meaningful and robust consultation mechanisms concerning proposed changes in SEN policy or models of service delivery.

Involvement of Children and Young People

34. In order to ensure that decisions are made in their best interests, children and young people must be placed firmly at the heart of the SEN system. Systems must be developed for engaging children and young people, and their parents and carers, and evaluating the impact of their contribution:
   a. guidance should be developed by the **EA** to support schools to ensure the active involvement of all children and young people in decision making processes; and
   b. the involvement of intermediaries and advocates should also be explored and their participation considered, particularly where children or young people are reluctant to speak to parents, carers or education professionals.

Multi-Disciplinary Working

35. Article 4 of the Special Educational Needs and Disability (Northern Ireland) Act 2016 (SEND Act) must be enacted immediately.

36. The **DE**, **EA**, the **Department of Health** (DoH), the **Health and Social Care Board** (HSCB) and **Public Health Agency** (PHA) must review and revise arrangements for the planning, assessment, diagnosis and implementation of supports/services to ensure that key services work collaboratively. This should include the establishment of:
   a. localised, specialised, multi-disciplinary teams across Northern Ireland. These teams should have a clear remit for cross-consultation, assessment and provision of advice and support for children with SEN in mainstream schools;
b. protocols for the joint planning, assessment, diagnosis and implementation of supports/services. These must be informed by the staff and professionals working across the agencies involved; and

c. fora across Northern Ireland, which involve statutory education and health & social care agencies and VCS organisations to develop local relationships and exchange knowledge. Consideration should be given to a facilitative role for the Children and Young People’s Strategic Partnership (CYPSP) through its Outcomes and Locality Planning Groups.

DARS and Appeals

37. The **EA** must ensure that the opportunity to resolve disputes as early as possible is made available to parents/carers:
   a. information should be produced to raise parents/carers’ awareness of the Dispute Avoidance Resolution Service (DARS); and
   b. an evaluation of the effectiveness of the new mediation mechanism should be conducted in order to engender confidence in the process and encourage other individuals to participate.

38. An action plan should be prepared by the **EA** outlining the steps which will be taken to reduce the number of appeals to SENDIST.

39. The **Department of Justice (DoJ)** must provide legal aid to support parents/carers’ requests for appeal at SENDIST.

Systemic Review

In view of the deeply concerning findings in this Review we also recommend that:

40. The Terms of Reference for the ‘external, independent review of education provision’ must include the structure and effectiveness of the **EA** in meeting the needs of children with SEN and disability.

The Northern Ireland Commissioner for Children and Young People commits to monitoring the implementation of these recommendations, and will engage all relevant agencies to ensure improved outcomes for children and young people. NICCY will publish monitoring information on an annual basis.

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References


Northern Ireland Assembly Management and Information System aims.niassembly.gov.uk/questions/writtensearchresults.aspx?qf=0&qfv=1&ref=AQW%20725/17-22


Information and Advice Available on the Education Authority Website

- www.eani.org.uk/news/DARS
- www.education-ni.gov.uk/topics/education-transformation-programme
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<tr>
<th>Acronym</th>
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<td>Voluntary Community Sector</td>
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## Appendix

**List of SEN Professional Advisory Group Members**

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<tr>
<th>Name</th>
<th>Organisation</th>
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<tbody>
<tr>
<td>K Fallon</td>
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<tr>
<td>A Marrion</td>
<td>Association of Educational Psychologists</td>
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<tr>
<td>H Sohal</td>
<td>Association of Educational Psychologists</td>
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<tr>
<td>J Healy</td>
<td>Barnardo’s</td>
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<tr>
<td>R Hogan</td>
<td>Children’s Law Centre</td>
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<td>C Rutherford</td>
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<td>S McConellogue</td>
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<tr>
<td>M McCoy</td>
<td>St Joseph’s Grammar School Donaghmore</td>
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<td>N Purdy</td>
<td>Stranmillis University College</td>
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<tr>
<td>R Oakes</td>
<td>The Special Educational Needs Advice Centre (SENAC)</td>
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<td>U O’Connor Bones</td>
<td>Ulster University</td>
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This group was established in addition to NICCY’s Education Advisory Group in order to support the development of the methodology for the Review, the interpretation of data collected, and the development of recommendations for key Government Departments and agencies.
For every child, great education
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Phone: 028 9031 1616

Please contact the communications team at NICCY if you require an alternative format of this material.