

Special Educational Needs





Northern Ireland Audit Office

Special Educational Needs

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Comptroller and Auditor General

Northern Ireland Audit Office
27th June 2017

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Contents

	Page
Abbreviations	
Key Facts	
Executive Summary	1
Part One:	
Introduction	7
All mainstream schools have a SEN Co-ordinator	9
A Code of Practice sets out a staged approach to identifying and assessing children with SEN	9
Expenditure on SEN is increasing year on year	10
The percentage of children with a statement is higher than the Department anticipates	10
The percentage of children with SEN is higher in Northern Ireland than in England	11
The Department's review of SEN began over 10 years ago	12
Scope of report	13
Part Two:	
Early identification and intervention	15
All schools should have a consistent approach to identifying children with SEN	16
Our visits to schools underlined the importance of SEN Co-ordinators	17
Training and developing staff expertise is vital	17
The needs of the majority of children with SEN should be met at the school-based stages of the Code of Practice	19
A statutory assessment may be required to determine a child's needs	19
There are delays at all stages of the assessment process	20
The new legislation shortens the timeframe for statutory assessments but this is unlikely to reduce delays	21
Part Three:	
The cost of providing for children with SEN	23
Total expenditure on SEN cannot be readily quantified	24
In 2015-16 the EA spent £217 million on children with SEN	24
£55 million was spent on classroom assistants in 2015-16	25
An independent review identified a number of weaknesses in the funding mechanism for SEN	25
A statement may be considered as a gateway to resources and funding	26

Part Four:	Monitoring and evaluation of the impact of SEN provision	29
	It is important that children’s progress is regularly monitored to ensure they are achieving their full potential	30
	The ETI can play a major role in monitoring and evaluating provision	30
	More needs to be done to monitor and evaluate progress	31
	The provision of classroom assistants, at an annual cost of £55 million, may not be the most effective type of support	32
	Statements of SEN are reviewed each year at a cost of almost £6 million but the majority remain unchanged	33
	The effectiveness of support provided is not evaluated at a strategic level by the Department or the EA	34
	The educational achievements of children with SEN are improving and fewer are leaving school with no formal qualifications	34
	Sharing of good practice is mostly done informally	36
Appendices		
	1. Types of SEN	40
	2. Pupils with SEN by legacy Board area	41
	3. Departmental Review of Special Educational Needs and Inclusion – Timeline	42
	4. Schools visited by NIAO	44
	5. Themes from responses to consultations on SEND Bill & Regulations	45
	6. Study Methodology	49
	7. School management types	50
NIAO Reports 2016 and 2017		51

Abbreviations

Department	Department of Education
EA	Education Authority
ETI	Education and Training Inspectorate
SEN	Special Educational Needs
SEND	Special Educational Needs and Disability
SENCO	Special Educational Needs Co-ordinator

Key Facts

76,300

children with reported special educational needs in 2016-17

£217m

spent by the Education Authority on children with special educational needs in 2015-16

£55m

spent on classroom assistants for children in mainstream schools in 2015-16

13%

percentage increase in children with special educational needs since 2011-12

63%

percentage of children with special educational needs who are male in 2016-17

21%

percentage of statements of special educational needs issued within the 26 week statutory limit

86%

percentage of children with special educational needs leaving school with at least 5 GCSEs A*-G in 2014-15

10 years

number of years that have passed since the Department of Education began a review of special educational needs. It is still not complete.

Executive Summary

1. Special educational needs (SEN) can affect a child's ability to learn and they may require extra help to achieve their potential at school. Where the help needed by a child cannot reasonably be provided within the normal resources available to a school, the Education Authority (EA) will consider making a formal statement of SEN.
2. Just over 76,300 children have SEN (with or without a statement) and mainstream schools are finding it increasingly difficult to strike a balance that allows all children to learn at a different pace and often in a different way. The Department of Education's (the Department) Code of Practice on the Identification and Assessment of Special Educational Needs anticipates that only about two per cent of the school population should require a statement of SEN: in 2016-17, five per cent of children had a statement. This equates to more than 17,000 children, an increase of 21 per cent since 2011-12.
3. Annual expenditure on SEN is increasing and in 2015-16 was over £250 million. Of this, £217 million is EA expenditure. The Department told us, that given the rising numbers of children with SEN, this is a challenge for the Department, the EA and schools, in terms of increasing pressure on the education budget.

Key findings

4. The sooner a child's particular needs are identified and appropriate support put in place, the more responsive the child is likely to be. Research has found that early intervention makes a real difference to life chances and may result in lower spend in meeting that child's needs as they grow up. We found that there are variations in the methods used by schools to identify children requiring additional support.
 5. Training and development for school staff in identifying and providing for children with SEN is essential. While a wide range of training is offered, there remains a desire for further comprehensive training for all school staff, including an enhanced focus on SEN as part of initial teacher education.
 6. In 2015-16, 79 per cent of statements of SEN were completed outside the statutory time limit of 26 weeks. The EA told us that this is mostly due to valid exceptions permitted in legislation relating to delays in receiving advice from the health sector, but could not provide a detailed breakdown. Work is ongoing to reduce waiting times, but the reasons for delays must be closely monitored if improvements are to be achieved.
 7. We found inconsistencies between the figures held by the Department and the EA in relation to spend on SEN and were unable to get a complete breakdown of the costs.
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8. The costs associated with providing support for children with SEN without a statement are not ring-fenced and are primarily funded from school budgets. In addition, a range of pupil support services are funded by the EA to meet the needs of these children and young people. All children with SEN need appropriate support to enable their needs to be met effectively, however, the small sample of schools we visited highlighted the difficulties faced in managing the significant, and growing, number of children with SEN within existing resources. For some schools this may not be sustainable.
9. Whilst we recognise that measuring progress will be different for different children and not all will be related to educational outcomes, in our opinion more needs to be done to monitor and evaluate progress. The Education and Training Inspectorate (ETI) can play a major role in monitoring and evaluating provision. As part of the individual school inspection process, the ETI evaluates the provision for children with SEN, however we found that it is around 10 years since the ETI last evaluated the overall provision for SEN in primary and post primary schools.
10. At present over 17,000 statements of SEN are reviewed each year at an annual cost of around £6 million. The EA told us that 80 per cent of statements remain unchanged. The provision of a classroom assistant (at an annual cost of £55 million) is often considered as a key form of support given to children with a statement of SEN yet their impact, or that of any other support provided, has not been evaluated at a strategic level.
11. On a more positive note, we were encouraged to find that the educational achievements of children with SEN are improving. Fewer are leaving school with no formal qualifications and more are going on to further and higher education. In addition, much good practice was evident during our visits to a small sample of schools; however, it is mostly being shared on an informal, local basis.

Overall conclusion on value for money

12. It is over 10 years since the Department began a review to address a range of issues including the increase in the number of children with SEN, and the inconsistencies and delays in assessment and provision. We found that the number of children with SEN and the associated costs are continuing to rise. Whilst the educational achievements of children with SEN are improving, there has been no strategic evaluation of the support provided to these children to ensure the best possible outcomes. Inconsistencies in the identification of children with SEN persist. Delay in the completion of statements remains a major issue yet only limited information could be provided as to the reasons behind these continued delays.
13. As a result of our review, we can only conclude that neither the Department

Executive Summary

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. We understand that the Department intends to begin implementing a new SEN framework during the 2018-19 academic year. This must be underpinned with robust mechanisms for the strategic evaluation of interventions and outcomes; rigorous monitoring of expenditure; and continued efforts to reduce delays in issuing statements.

Recommendations

1. **We recommend that the Department and the EA should ensure that schools apply a clear and consistent approach to identifying, and providing for, children with SEN.**
2. **The Department, the EA and schools should ensure that all teachers, including those studying for their teaching qualification, receive appropriate training so they are able to identify children with SEN and take the necessary action to provide support to them.**
3. **The EA must record and monitor the reasons for all delays in issuing statements in order to take effective action to reduce waiting times.**
4. **The Department should continue to work to improve the waiting time for statutory assessments. This should include co-ordinating with the Department of Health to agree on an improved achievable timescale for receiving advice.**
5. **The EA must ensure that SEN expenditure is reported consistently and that EA expenditure on all types of support for children with SEN can be easily identified and monitored, otherwise it cannot be controlled.**
6. **The Department and the EA should review the current funding arrangements to ensure that available resources are used effectively to meet the needs of all children with SEN, with or without a statement.**
7. **We recommend that the Department gives further consideration to the level of expertise within each inspection team, to ensure that SEN provision is evaluated in mainstream schools by a specialist, particularly where there are a high proportion of children with SEN.**
8. **The Department should commission the ETI to carry out an up-to-date evaluation of SEN provision in mainstream schools which could play a key part in highlighting areas to be addressed in the development of SEN strategy and future training programmes. A particular focus in primary schools should be the use of, and effectiveness of, early intervention strategies.**

- 9. The Department and the EA must assess the quality of SEN support provided in mainstream schools by formally evaluating it in terms of the progress made by children. This will allow resources to be focused on types of support which maximise progress and improve outcomes.**
 - 10. We recommend that the Department and the EA should set up a central resource containing all up-to-date guidance relating to SEN which could also act as a discussion forum for sharing ideas and good practice examples.**
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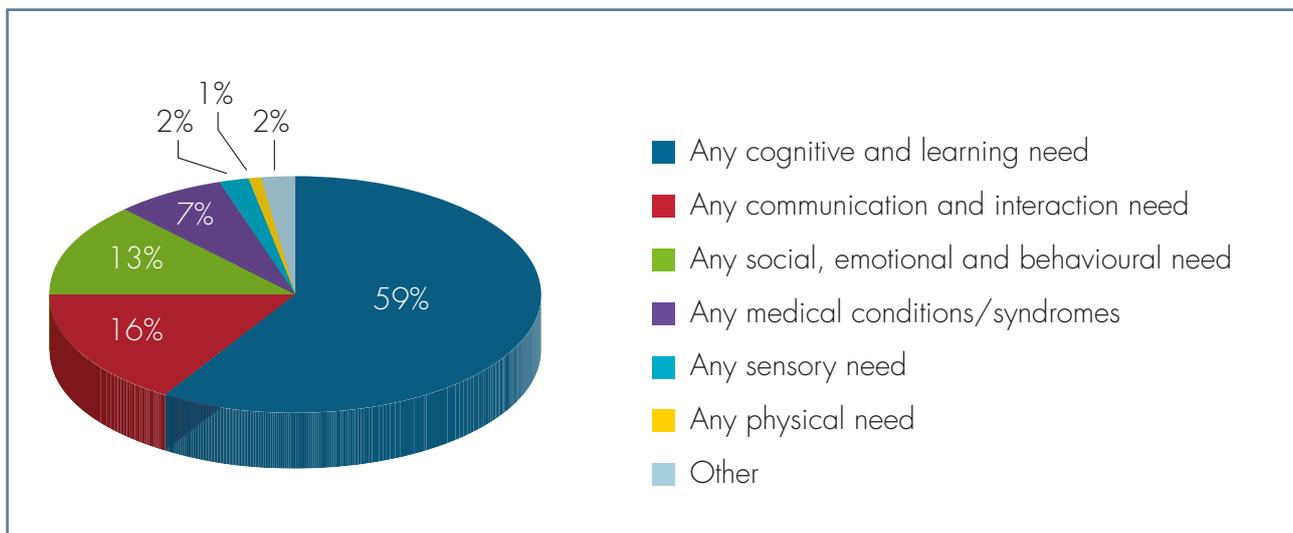
Part One: Introduction

- 1.1 A child has special educational needs (SEN) if he or she has learning difficulties and is assessed as requiring special help. The term 'special educational needs' is defined in legislation as "a learning difficulty which calls for special educational provision to be made". A learning difficulty means that a child has significantly greater difficulty in learning than the majority of children of his or her age, and/or has a disability which hinders his or her use of everyday educational facilities. Special educational provision means educational provision which is different from, or additional to, the provision made generally for children of comparable age.
- 1.2 The Department of Education (the Department) has identified seven main areas of SEN (**Appendix 1**). In Northern Ireland, the majority of children with

SEN have cognitive and learning difficulties (**Figure 1**).

- 1.3 The Education (Northern Ireland) Order 1996 and the Special Educational Needs and Disability (Northern Ireland) Order 2005 provide the primary legislative framework for supporting children with SEN. Statutory responsibility for securing provision for children with SEN rests with schools, and with the Education Authority (EA), which replaced the five education and library boards in April 2015. They must identify, assess and, when appropriate, make provision for children with SEN. The Special Educational Needs and Disability (Northern Ireland) Order 2005 places a duty on the EA to ensure that children can be educated in mainstream schools and that reasonable and appropriate steps are taken by schools to meet pupils' needs.

Figure 1: Main types of SEN, based on primary need, in 2015-16¹



Source: Department of Education

¹ Figures are based on primary, post-primary and special schools

1.4 The Department has no role in the identification and assessment of a child's SEN or any power to intervene in the process, however it does have a policy role and provides funding to the EA. The Education and Training Inspectorate (ETI) provides inspection and evaluation services for the Department. As part of the school inspection process, the ETI evaluates the provision for children with SEN and aims to promote the dissemination of good and innovative practice.

1.5 More than 5,400 pupils are enrolled in 39 dedicated special schools. Pupils with SEN are increasingly being educated in mainstream schools, including Learning Support Centres attached to mainstream schools. In 2003-04, 40 per cent of pupils with a statement of SEN attended special schools, compared with 30 per cent in 2016-17.

All mainstream schools have a SEN Co-ordinator

1.6 In all mainstream schools a designated teacher should be appointed as the SEN Co-ordinator (SENCO). The SENCO is responsible for:

- the day-to-day operation of the school's SEN policy;
- responding to requests for advice from other teachers;
- co-ordinating SEN provision;

- maintaining a SEN register;
- liaising with parents of children with SEN;
- establishing the SEN in-service training requirements of staff, and contributing as appropriate to their training; and
- liaising with external agencies.

1.7 In some schools, one teacher, or the principal, may take on the SENCO role in addition to their other duties. In other schools, there may be a full-time SENCO or several part-time SENCOs. The time which SENCOs have to devote to their responsibilities varies and will depend on the particular circumstances of schools.

A Code of Practice sets out a staged approach to identifying and assessing children with SEN

1.8 The Department's Code of Practice on the Identification and Assessment of Special Educational Needs (the Code of Practice) produced in 1998, is based on legislation and is a guide for schools and the EA. The Code of Practice 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 (**Figure 2**). The first three stages are based in the school, calling as necessary on external specialists at stage

Part One: Introduction

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.

Figure 2: The five stages of the Code of Practice

Stage 1:	teachers identify and register a child's special educational needs and, consulting the school's SENCO, take initial action.
Stage 2:	the SENCO takes lead responsibility for collecting and recording information and for co-ordinating the child's special educational provision, working with the child's teachers.
Stage 3:	teachers and the SENCO are supported by specialists from outside the school.
Stage 4:	the EA considers the need for a statutory assessment and, if appropriate, makes a multi-disciplinary assessment.
Stage 5:	the EA considers the need for a statement of SEN ; if appropriate, it makes a statement and arranges, monitors and reviews provision.

Source: Department of Education

1.9 A statement of SEN (a statement) is a document that sets out a child's needs and the special help required. The EA will make a statement when it decides that the help needed by a child cannot reasonably be provided within the resources normally available to a school.

Expenditure on SEN is increasing year on year

1.10 In 2015-16, expenditure on providing for children with SEN was over £250 million. Of this, £217 million was EA expenditure and the remainder was Departmental spend, primarily in relation to transport costs and SEN funding to Voluntary Grammar and Grant Maintained Integrated Schools.

The percentage of children with a statement is higher than the Department anticipates

1.11 According to the Code of Practice, the proportion of children with SEN will vary from area to area² and from time to time, but it anticipates that for only about two per cent of the school population should the child's needs be such as to require a statement of SEN. Currently almost five per cent of the school population has a statement (**Figure 3**).

Figure 3: Number of children with SEN

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
Children with SEN – without a statement	53,254	55,049	56,333	57,458	58,188	59,268
Children with SEN – with a statement	14,090	14,554	15,249	15,978	16,572	17,037
Total number of children with SEN	67,344	69,603	71,582	73,436	74,760	76,305
% of children with SEN - with a statement	20.9	20.9	21.3	21.8	22.2	22.3
% of school population with SEN – without a statement	16.1	16.5	16.8	17.0	17.2	17.4
% of school population with SEN – with a statement	4.3	4.4	4.6	4.7	4.9	5.0

Source: Department of Education

Note: Figures include all school sectors, including pre-school and nursery schools.

The percentage of children with SEN is higher in Northern Ireland than in England

1.12 In Northern Ireland, the percentage of children with SEN without a statement has increased from 16.1 per cent in 2011 to 17.4 per cent in 2016³ as a proportion of total school enrolments. In England, the percentage continues to decrease, from 17.8 per cent in 2011 to 11.6 per cent in 2016⁴. According to the Department for Education's (England) statistical release in 2015,

the decline in numbers "may have been as a consequence of the 2010 Ofsted Special Educational Needs and Disability (SEND) review which found that a quarter of all children identified with SEN, and half of the children at School Action⁵, did not have SEN". It also suggested that the implementation of the SEND reforms⁶ in September 2014 had led to more accurate identification, resulting in the steep decline in the number of children with SEN in January 2015.

3 Based on total school enrolments in all sectors including pre-school and nursery schools.

4 Department for Education: Special educational needs in England: January 2016 and 2011. Published 21 July 2016 and 30 June 2011 respectively.

5 School Action is when there is evidence that a child is not making progress at school and there is a need for action to be taken to meet learning difficulties. At the School Action stage the child's teacher will look for ways to support them in class and will work with the SENCO to find ways to support the child's learning. It is broadly equivalent to the school based stages of the Code of Practice in Northern Ireland.

6 The 2014 Children and Families Act in England included reforms designed to offer simpler, improved and consistent help for children and young people with special educational needs and disabilities.

Part One: Introduction

1.13 In Northern Ireland, the percentage of children with a statement has increased from 4.3 per cent in 2011 to five per cent in 2016. In England, the level has remained constant at 2.8 per cent since 2007.

The Department's review of SEN began over 10 years ago

1.14 The Department commenced a review of SEN in 2006, in response to a number of concerns. The review aimed to address the bureaucracy attached to the SEN framework, the increasing number of children with SEN and inconsistencies and delays in assessment and provision. Since the review began, there has been consultation and extensive feedback on the new proposals. The Department told us that, as a result of this consultation, significant policy changes have been proposed including a reduction in the SEN stages from five to three; each child with SEN to have a Personal Learning Plan; and children over 16 to be given their own rights. There is to be a new independent Dispute and Resolution Service and a new independent mediation service. In addition, changes to the primary legislation emphasise the importance of increased co-operation between the health and education sectors. However, more than 10 years have passed and the outworking of the process is not yet complete. A timeline of the Departmental review is at **Appendix 3**. To date the Department has spent more than £2.4 million on the review.

1.15 In August 2009, the Department issued proposals for consultation – *Every School a Good School – The Way Forward for Special Educational Needs and Inclusion*. These attracted significant criticism from stakeholders including a desire for more detail, clarity and information on the outworking of the proposals; concerns regarding resources and funding; and the capacity of the school workforce. A number of amendments were made and the Minister for Education presented the final policy proposals to the Executive in July 2012. Executive agreement was given to proceed with the proposals and the preparation of the required implementing legislation. The Special Educational Needs and Disability (SEND) Act was subsequently passed in the Assembly in January 2016.

1.16 The SEND Act places some new duties on the EA and provides new rights of appeal for parents and for children over compulsory school age who are within the SEN framework. Further details of the coverage of the SEND Act are included at **Appendix 3**. The SEND Act is the first stage in a new SEN framework and is to be supported by revised Regulations, a revised Code of Practice and a capacity building programme. The Department anticipates that draft SEN Regulations will be considered by the Assembly as soon as possible.

1.17 A number of key stakeholders and a significant proportion of the 10 schools (**Appendix 4**) we visited as part of our fieldwork expressed disappointment

that the SEND Act and Regulations do not address day to day operational issues, such as increasing numbers of children with SEN, funding, resourcing, availability of educational psychologists and insufficient specificity in statements. The Department stated that the SEND Act and Regulations were never designed with the intention of covering this level of operational detail. **Appendix 5** outlines the main themes arising from the responses to the Assembly's Education Committee consultation on the Bill and the Department's consultation on the draft Regulations. Many respondents have commented that as all elements of the new SEN framework have not yet been completed, it is difficult to judge if concerns voiced through the initial consultation have been addressed and the policy proposals approved in 2012 are actually being brought to fruition. The Department anticipates that the new SEN framework will be implemented during the 2018-19 academic year.

- **Part Two** reviews the identification of and interventions for children with SEN;
- **Part Three** considers the costs and funding arrangements for SEN; and
- **Part Four** examines the outcomes achieved under the current arrangements.

1.19 Our study methodology is at **Appendix 6**.

Scope of report

1.18 This report evaluates whether the current arrangements for meeting the special educational needs of children deliver value for money and the best outcomes for children. As mainstream schools are finding it increasingly difficult to strike a balance that allows all children to learn at a different pace and often in a different way, we have focused on SEN provision in these schools, rather than in dedicated special schools. The report is structured as follows:

Part Two:

Early identification and intervention

All schools should have a consistent approach to identifying children with SEN

- 2.1 The importance of early identification of a child's needs is widely recognised and is a key theme emerging from the Department's review of SEN. Some incidences of SEN can be identified at a young age, however in other cases the difficulties may only become evident as the child develops. At whatever age the need arises, the sooner it is identified and appropriate support is put in place, the more responsive the child is likely to be. Research has found that proper assessment, diagnosis and provision at an early stage not only makes a real difference to life chances but may also result in lower spend in meeting that child's needs as he or she grows up⁷.
- 2.2 A 2009 survey by the ETI⁸ found that children getting an appropriate diagnosis at an early stage within pre-school education was "too much of a lottery" and "effective strategies for early intervention, involving pre-school staff and the range of health and education agencies, have yet to be realised in a consistent manner". It is encouraging to note that the EA has recently agreed to establish an early years SEN panel. This will enable children from birth to six years old to be referred to early years SEN services on the basis of advice from child development clinics, paediatric assessment clinics and educational psychology.
- 2.3 The ETI⁹ highlighted the use of different standardised scores in post primary schools to determine the point at which intervention is required and indicated that children identified in some schools as requiring additional help are not considered in others as needing such assistance. In several of the schools, insufficient account was taken of statistical data indicating levels of attainment in literacy and numeracy, and the determination of need was established only through observation by the teachers and/or from information obtained from other sources, including evidence from the children's primary schools.
- 2.4 The Code of Practice (paragraph 1.8) contains guidance for schools to identify and assess children with SEN. The Department told us that full application of the guidance detailed in the Code provides for a consistent approach. In response to concerns raised in our previous report on Special Education in Northern Ireland¹⁰, guidelines for the assessment of pupils with SEN were introduced in 2009¹¹ in an effort to ensure a more equitable approach to assessment and provision.
- 2.5 However, it was evident during our school visits that there are still variations in the methods used to identify children requiring additional support. In the absence of the application of a standardised approach by schools, children throughout Northern Ireland with

7 Consultation Document 'Every School a Good School', Department of Education, 2009

8 A Follow-up to the Inspection of Special Educational Needs in the Pre-School Sector, ETI, 2009

9 Provision and Outcomes for Pupils with SEN in Post-Primary Schools, ETI, 2006

10 Special Education in Northern Ireland, NIAO, 20 August 1998

11 Education and Library Board 'Provisional Criteria for Initiating Statutory Assessments of Special Educational Need and for making Statements of Special Educational Need' 2009 and Education and Library Board 'Good Practice Guidelines' 2009

similar needs still may not be treated equitably and may not have access to the same provision within the same timeframe.

Recommendation 1

2.6 We recommend that the Department and the EA should ensure that schools apply a clear and consistent approach to identifying, and providing for, children with SEN.

Our visits to schools underlined the importance of SENCOs

2.7 The role of the SENCO is outlined at paragraph 1.6. During all our school visits it was evident that SENCOs had a vital role and we found them to be extremely dedicated. However, the consultation on the SEND Bill (paragraph 1.17) highlighted that they are faced with a number of difficulties, including insufficient time to carry out duties effectively and concerns regarding their status within a school, as the majority of SENCOs are not on the senior management team.

2.8 The Department's review of SEN (paragraph 1.14) highlighted a lack of appropriate training as an issue for SENCOs. In 2012-13, a Certificate of Competence in Educational Testing was introduced as part of the Department's SEN capacity building programme, to assist with early intervention and the

identification of SEN symptoms. SEN Leadership and Management Training was also made available for SENCOs. We were told that, due to the high turnover of staff, not all SENCOs have been trained, but many have and the feedback has been positive. Both training programmes were fully funded by the Department. In addition, the EA facilitates SENCO Clusters which provide a forum for building relationships with other local schools to share knowledge and experiences.

2.9 The SEND Act 2016 requires that a suitably qualified teacher is designated as a Learning Support Co-ordinator in each school. There are additional requirements in relation to the qualifications and experience of the teachers fulfilling this role. According to the Department, this is essentially a remodelling of the existing SENCO role¹² which will be enhanced over time. We understand that this is an effort to give more weight to the role but a number of stakeholders expressed concerns during the consultation that it is not clear how this will be achieved, or if the Learning Support Co-ordinator will have a place within a school's senior management team.

Training and developing staff expertise is vital

2.10 Good, regular and practical training in SEN identification and provision is important for all staff in mainstream schools, not just SENCOs. The Board of Governors of each school is

¹² Northern Ireland Assembly, Committee for Education, Report on the Special Educational Needs and Disability Bill, 11 November 2015

Part Two:

Early identification and intervention

responsible for producing a training and development plan appropriate to the needs of their school and pupils, including those with SEN. Each school is required to identify the continuing professional development needs of staff within its school development planning process. The EA, which is responsible for delivering SEN training to schools, told us that it supports in-school capacity building through a cascade approach, whereby the SENCO attends training and shares this with colleagues in the school. The EA also offers a wide range of training and professional development for teachers and classroom assistants. None of the courses are mandatory; not all are fully funded by the EA; and not all provide substitute teaching cover. Schools can also access and pay for training from external providers.

Many of the schools we visited have built up good informal relationships with other local schools and some have organised shared training as part of their school development programme. One Principal sends staff to other schools to learn from them whenever possible, but said it was increasingly difficult to find the time to do this.

2.11 In-school support is important in building capacity within a school dealing with an increasing proportion of children with complex needs. The need for comprehensive training for all school

staff was a key message from children, young people and parents in the Department's recent consultation on the draft Regulations (see paragraph 1.17). The EA told us that, if requested by a school, comprehensive training for all school staff can be delivered by the EA and that many schools have received such training.

During our school visits we were impressed by the commitment of staff to increase their knowledge, particularly of less common conditions and how best to deal with them, often in their own time and sometimes at their own expense. At one school we visited, every member of staff (teaching and non-teaching) had been trained in identifying behaviour associated with Autistic Spectrum Disorder and how to deal with it.

2.12 The Department advised us that within initial teacher education, students are educated in, and expected to demonstrate understanding of, the Code of Practice. Some student teachers choose a SEN specific option during their training programme and some will spend part of their teaching practice in special schools. However, many schools we visited felt there was not enough focus on SEN as part of initial teacher education. The general consensus was that all newly qualified teachers need to be able to identify SEN issues, and know how to deal with them, as soon

as they start teaching. The Department told us that a newly qualified teacher will have a career entry profile which outlines the areas in which they are fully competent and those in which additional support is required. It is important that schools, in conjunction with the EA, continue to support newly qualified teachers in developing their expertise and practice in SEN.

Recommendation 2

2.13 The Department, the EA and schools should ensure that all teachers, including those studying for their teaching qualification, receive appropriate training so they are able to identify children with SEN and take the necessary action to provide support to them.

The needs of the majority of children with SEN should be met at the school-based stages of the Code of Practice

2.14 Schools are expected to make reasonable adjustments and provide appropriate support for pupils with SEN. The first three stages of the Code of Practice are based in the school (paragraph 1.8) and the support provided may include special help within the normal classroom setting at stage 1; an individual education plan drawn up by the SENCO and teacher(s) for stage 2 and beyond; and a range of pupil support services

provided by the EA to meet the needs of children and young people mainly at stage 3¹³. These services include language and communication, autism, visual impairment, hearing impairment, specific literacy difficulties, behaviour support, education otherwise than at school, early years and support for children with generalised learning difficulties. This stage 3 support occurs at three levels: pupil interventions, advice and support to schools, and training in relation to strategies that are specific to particular types of SEN. The EA told us that the pupil support services are complementary to the work of the school and access to the services is informed by the educational psychology assessment (paragraph 2.18) in some cases but not all.

A statutory assessment may be required to determine a child's needs

2.15 In some cases the needs of children with SEN cannot be met at the school-based stages of the Code of Practice and the EA will have to carry out a statutory assessment of need. This is a detailed multi-disciplinary assessment which aims to find out exactly what a child's needs are and what provision is required. The EA must seek professional advice from educational psychology, educational advice, medical and social services advice, as well as parental submissions, together with any other advice which may be considered desirable. All requests for advice specify a date by which it must be submitted.

13 Some of these services also provide support at stages 4 and 5 of the Code of Practice

Part Two:

Early identification and intervention

2.16 The length of time taken for the EA to issue a proposed statement must be no more than 18 weeks from the date of receipt of the parent's request for a statutory assessment or the EA's decision to perform an assessment, whichever is appropriate. The EA then has a further eight weeks to issue a final statement (26 weeks in total).

2.17 The Code of Practice details a number of valid exceptions in which the time limits can be exceeded:

- 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.

There are delays at all stages of the assessment process

2.18 While delays in the process can start initially within schools due to different approaches to identification, the most significant delays arise once external support is required or there is a need for a statutory assessment. The Department's 2009 consultation (paragraph 1.15) noted that some children had to

wait up to two years for an informal assessment at stage 3 (performed by an EA educational psychologist), and longer still for support. The EA told us that the waiting time has improved and the majority of children now get their appointment within six months.

2.19 The educational psychology service gives priority to ensuring that advice is submitted on time as part of the statementing process. At October 2016, the EA employed 136 full-time equivalent educational psychologists; 8.3 full-time equivalent posts were vacant; and 8.5 full-time equivalent psychology assistants were also employed. The EA told us that the proportion of educational psychologists to the school population compares favourably with that in other countries and the evidence indicates that there should be sufficient educational psychologists in Northern Ireland.

The schools we visited told us that the educational psychology service is very stretched and there is a limit to the number of children they can refer to the educational psychologists at stage 3 of the Code of Practice. As a result, not all children get the support they need when they need it. All schools we visited were of the view that more funding for the educational psychology service is needed to reduce delays.

- 2.20 The EA also advised that, following the establishment of a single educational psychology service, it is now delivering a common model for the allocation of psychology services to all primary and post-primary schools. This includes calculating the time allocation to each school on a regionally-based formula which takes into account the size of the school, educational attainment and a social index of need. The number of psychologists operating in each area has been adjusted accordingly. Whilst we welcome the drive for consistency, the EA will need to ensure that it monitors and reviews the impact of this new model.
- 2.21 Despite the time limits assigned to the statutory assessment process, in 2015-16, 79 per cent of new statements were issued outside the statutory 26 week limit. According to the EA, the majority of cases were valid exceptions, primarily relating to delays in advice from a health trust. Given the continued delays in issuing statements, we consider that the EA should be able to provide a breakdown of the reasons for the delays.

Recommendation 3

- 2.22 The EA must record and monitor the reasons for all delays in issuing statements in order to take effective action to reduce waiting times.**

The new legislation shortens the timeframe for statutory assessments but this is unlikely to reduce delays

- 2.23 The SEND Act has reduced the time limit for parents to make representations and submit written evidence from 29 days to 22 days, and allows the EA to carry out the assessment before the end of the 22 day period with the consent of the parent. Previously, even if parents responded within 29 days, the EA had to wait the full 29 days before proceeding to the next stage of the process.
- 2.24 The draft Regulations proposed a reduction in the overall timescale within which the EA is required to carry out the statutory assessment through to the issue of a final statement from 26 weeks to 20 weeks, including a reduction in the time for the health sector to provide advice from six weeks to four weeks. However, the Department told us that, based on responses to the consultation, and in light of particular concerns raised by respondents from a health background around the capacity of the sector to meet the proposed reduced timeframe for the provision of advice (**Appendix 5**), this proposal is currently being reconsidered.
- 2.25 The desire to speed up the statutory assessment process is a positive change. However, in our opinion, given that the key cause of delays in the process is reported to be advice from the health sector not being received within the existing six week timeframe, the revised legislation is unlikely to reduce delays.

Part Two:

Early identification and intervention

The Department told us it has set up a Project Board with the Department of Health to establish ways of improving co-operation in relation to SEN, including ongoing joint work, in an effort to reduce delays in the statutory assessment process.

Recommendation 4

- 2.26 The Department should continue to work to improve the waiting time for statutory assessments. This should include co-ordinating with the Department of Health to agree on an improved achievable timescale for receiving advice.**
-

Part Three:

The cost of providing for children with SEN

Total expenditure on SEN cannot be readily quantified

3.1 Once a child has a statement of SEN, the special education provision is centrally funded by the relevant funding authority. Prior to 1 April 2017 the Department was the funding authority for Voluntary Grammar and Grant Maintained Integrated schools and the EA for controlled and maintained schools. From 1 April 2017 the EA is the funding authority for all school types (**Appendix 7**). The costs associated with providing support for children with SEN without a statement are not ring-fenced and are primarily funded from school budgets. In addition, children without a statement can access a range of pupil support services which are funded by the EA (paragraph 2.14). The Department told us that the embedded teaching costs

in schools, in terms of SEN, do not lend themselves to precise quantification and, to do so, would incur disproportionate cost and an additional burden on schools. Consequently, total expenditure on SEN cannot be quantified by the Department or the EA.

In 2015-16 the EA spent £217 million on children with SEN

3.2 Spend by the EA on SEN was £217 million in 2015-16 and has increased by 30 per cent since 2011-12 (**Figure 4**). In 2015-16, SEN expenditure accounted for almost half of the EA block grant budget from the Department. The EA told us that this expenditure primarily relates to providing for children with a statement but also includes some costs associated with providing for children

Figure 4: Expenditure by the EA on SEN

	2011-12 £ million	2012-13 £ million	2013-14 £ million	2014-15 £ million	2015-16 £ million	% increase over 5 years
Special Schools	95	102	110	112	116	22
Support for children with a statement attending mainstream schools	55	62	67	74	80	45
Pupil Support Services	17	19	20	21	21	24
Total	167	183	197	207	217	30

Source: Department of Education

Note: Figures rounded to the nearest £million

with SEN, without a statement, and it could not separately identify these costs. Funding is allocated to:

- 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 mainstream schools – this includes the cost of adult assistance¹⁴ and also includes the costs relating to learning support centres attached to mainstream schools; and
- pupil support services – this refers to the range of services available to schools to support a pupil with SEN (paragraph 2.14).

3.3 There are inconsistencies between the figures held by the Department and the EA for each of these three areas of spend. The EA stated that this is due to “reporting variations” between the previous five education and library boards and told us that the situation has been “clarified” for 2016-17 onwards. The EA was not able to provide a complete breakdown of the expenditure on support in mainstream schools or pupil support. Only the annual expenditure associated with classroom assistants, which account for approximately 70 per cent of spend on support in mainstream schools, could be separately identified by the EA.

£55 million was spent on classroom assistants in 2015-16

- 3.4 Expenditure on classroom assistants for children with a statement is increasing year on year and in 2015-16 totalled £55 million (**Figure 5**).
- 3.5 It is our understanding that assistants should be allocated to schools based on a child’s assessed need as set out in their individual statement. However, issues raised during the Department’s review process and our school visits highlighted that this was not always the case. The EA told us it has now established monitoring panels in an effort to ensure allocations are consistently applied based on type of need.

Recommendation 5

- 3.6 The EA must ensure that SEN expenditure is reported consistently and that EA expenditure on all types of support for children with SEN can be easily identified and monitored, otherwise it cannot be controlled.**

An independent review identified a number of weaknesses in the funding mechanism for SEN

- 3.7 In 2013, an independent review (the Salisbury review)¹⁵ into the Common Funding Scheme for schools reported that there was insufficient information to

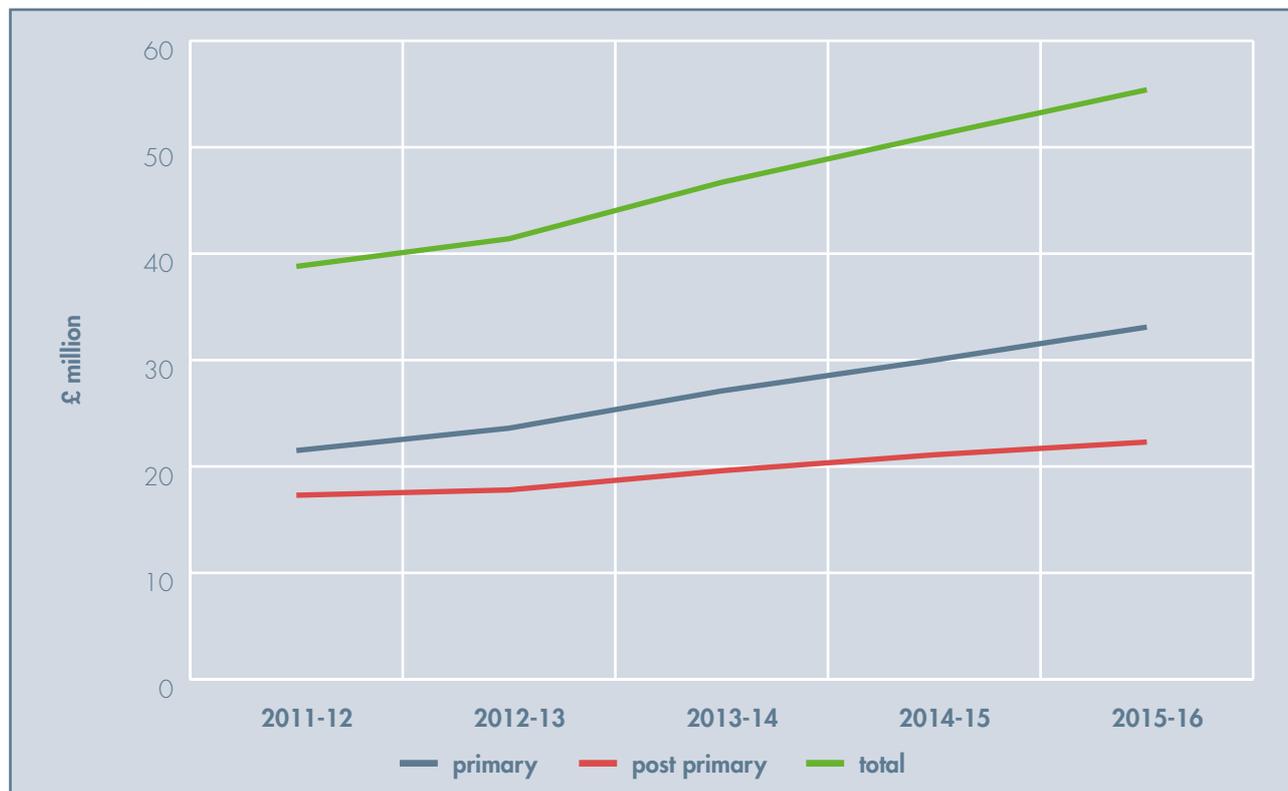
14 Adult assistance includes classroom assistants, general assistants, supervisory assistants, teaching support and other types of support.

15 An Independent Review of the Common Funding Scheme, January 2013.

Part Three:

The cost of providing for children with SEN

Figure 5: Expenditure on classroom assistants for children with a statement of SEN in mainstream schools



Source: Education Authority

assess the consistency in funding levels across special schools or determine the suitability of funding levels to individual schools. In mainstream schools, the review found that there was no appropriate or robust methodology to identify the needs of children with SEN in a manner that would allow comparison of aggregated needs at school level. It also reported that the funding allocated to special units attached to mainstream schools was not ring fenced for the special unit, meaning it could be spent on other priorities in the school.

A statement may be considered as a gateway to resources and funding

3.8 Children without a statement are not allocated specific resources or funding and the provision for these children has to be made primarily from within delegated school budgets, in addition to the funded pupil support services provided by the EA (paragraph 2.14). Given that almost 80 per cent of children with SEN do not have a statement (**Figure 3**) the Department told us that it is important and reasonable that school budgets are used to support

these children. The Department also told us that there are some schools with significant budget surpluses that limit the provision of SEN resources from the school budget and still seek to access EA resources.

In contrast, during our school visits staff highlighted the difficulties faced in managing the significant, and growing, number of children with SEN within existing resources. In a number of schools we visited, the school budget was used to fund classroom assistants for children with SEN who had been assessed and were waiting for a statement. This is an additional pressure on school budgets.

- 3.9 All children with SEN, with or without a statement, need appropriate support to enable their needs to be met effectively. According to the EA there is a prevailing view that resources and provision for children with SEN can only be accessed through the statutory assessment process. In 2015, the EA told the Assembly's Education Committee that "a key change that we need to make and a key message that we need to convey... is that support can be available and effective interventions can take place without a statement."

Recommendation 6

- 3.10 The Department and the EA should review the current funding arrangements to ensure that available resources are used effectively to meet the needs of all children with SEN, with or without a statement.**

Part Four:

Monitoring and evaluation of the impact of SEN provision

It is important that children's progress is regularly monitored to ensure they are achieving their full potential

- 4.1 The aim of providing support to a child with SEN is to ensure that they achieve their potential at school. In 2010, Ofsted published a SEND Review¹⁶ which found that, in addition to good teaching, the keys to good outcomes were "close tracking, rigorous monitoring of progress with intervention quickly put in place, and a thorough evaluation of the impact of additional provision".
- 4.2 We recognise that measuring progress will be different for different children. Progress may involve closing the attainment gap between the child and his or her peers, or could involve an improvement in social or personal skills. Whatever the outcome, it is important that progress is regularly monitored to ensure the best results are achieved for each child.

The ETI can play a major role in monitoring and evaluating provision

- 4.3 The purpose of inspection is to promote the highest possible standard of learning, teaching, training and achievement throughout the education sector. The ETI employs a small number of specialist inspectors, including one with a SENCO background, who work mainly in special schools. In mainstream schools, the provision for children with SEN is evaluated as an integral part of the inspection process. The ETI told us

that while it would be ideal to deploy a specialist in all inspection teams in mainstream schools, due to the number of inspections carried out on an annual basis and a reducing staff resource this is not always possible. When it is not possible to deploy a specialist inspector, the SEN provision is evaluated jointly by the members of an inspection team. In addition, and where appropriate, inspection findings are quality assured by the specialist SEN team.

Recommendation 7

- 4.4 We recommend that the Department gives further consideration to the level of expertise within each inspection team, to ensure that SEN provision is evaluated in mainstream schools by a specialist, particularly where there are a high proportion of children with SEN.**

- 4.5 The ETI last evaluated the overall provision for SEN in primary and post-primary schools in 2007-08 and 2006 respectively. While a number of strengths were identified, one area for improvement was evaluating the progress and achievements of children with SEN.

Recommendation 8

- 4.6 The Department should commission the ETI to carry out an up-to-date evaluation of SEN provision in mainstream schools which could play a key part in highlighting areas to be addressed in the development of SEN strategy and future training programmes. A particular focus in primary schools should be the use of, and effectiveness of, early intervention strategies.**

We found that in some schools there is regular monitoring of the progress made by children with SEN. However, other schools admitted they struggled to find the time to complete Individual Education Plans and carry out effective monitoring.

More needs to be done to monitor and evaluate progress

- 4.7 According to the Code of Practice, when a child reaches stage 2 (**Figure 2 in Part 1**) an Individual Education Plan should be drawn up by the SENCO and teacher(s), aimed at bridging the gap between educational success and low and underachievement. However, evidence suggests the evaluation of these plans in schools lacks rigour and reflection. The Department has found that teachers vary in the number of Individual Education Plans they prepare over the year and they struggle to identify appropriate targets, particularly at the post-primary level¹⁷. In 2009, the ETI¹⁸ reported that “the short-term targets in the children’s Individual Education Plans need to be more sharply focused to indicate clear links to classroom practice, and to assist teachers in the effective monitoring and evaluation of the children’s progress.”
- 4.8 In 2012, the Department proposed that Personal Learning Plans should replace Individual Education Plans, with a greater emphasis on targets and outcomes. The SEND Act 2016 makes provision for all children with SEN to have a Personal Learning Plan. However, it is not clear how they will differ in practice and stakeholders have questioned how the achievement of outcomes will be monitored. The Department told us that the revised Code of Practice (paragraph 1.16) will set out arrangements for the development, review and revision of the new plans.
- 4.9 The ETI’s evaluation of the provision for SEN in primary schools found that a much greater focus was needed on the analysis of assessment data, to enable judgements to be made on standards being achieved. The ETI recommended that available data should be analysed more systematically, and over time, to measure and evaluate the progress and achievements of children as they move through the school.
- 4.10 We asked the Department and the EA for details on the number of children with SEN, without a statement, who

17 A resource file for schools to support children with Special Educational Needs, Department of Education, 2011

18 An Evaluation of the Provision for SEN in Primary Schools 2007-08, Education and Training Inspectorate, published 2009

Part Four:

Monitoring and evaluation of the impact of SEN provision

progress well with the additional support provided and subsequently revert to an earlier stage of the Code, or no longer need additional help. Neither the Department nor the EA collates this data and they told us it would be held at school level. The EA provided examples of data collected by some of the stage 3 support services (paragraph 2.14) which demonstrated the progress made. However, not all support services collate this data, nor is it collated on a consistent basis. As such it is difficult to see how the Department or the EA assess the effectiveness of these support services.

One school we visited was able to demonstrate that children do revert to earlier stages of the Code or come off the school's SEN register completely as a result of effective support and monitoring the impact of that support through the child's progress. In 2015-16, 18 children at the school were able to be taken off the SEN Register.

4.11 During our review, we found that the Department for Education in England collates and publishes children's achievements from primary school onwards. At the earlier stages it records attainment in a number of subjects including reading, writing and mathematics and considers whether the expected progress is being made

between key stages. Locally, apart from at GCSE and A level stages (paragraph 4.18), the attainment of children with SEN is not analysed by the Department. The Department told us it collates data on pupil attainment at all key stages¹⁹. We asked the Department if this data could be analysed in a similar way to the data collated in England, to determine if expected progress is being made between the key stages. The Department told us that industrial action in recent years has resulted in incomplete data for the end of key stage assessments, which limits the potential for a meaningful analysis of the data. Given the importance of early identification and intervention we consider this is an area which the Department should revisit in future years.

The provision of classroom assistants, at an annual cost of £55 million, may not be the most effective type of support

4.12 Classroom assistants are often considered as providing the key means by which inclusion of children with SEN into mainstream schools can be achieved. However, recent research²⁰ in England has indicated that those children receiving the most support from classroom assistants made less progress than similar children who received little or no support from classroom assistants. There was also evidence that the negative impact was most marked

19 The current curriculum applies to all 12 years of compulsory education. It includes a foundation stage to cover P1 and 2. Key stage one covers P3 and 4 and key stage two covers P5, 6 and 7. At post primary, key stage three covers years 8, 9 and 10 and key stage four covers years 11 and 12.

20 Making Best Use of Teaching Assistants, Education Endowment Foundation, March 2015

for children with the highest levels of SEN. The research found that classroom assistants were hindering performance as a result of a 'separation effect', whereby children with the highest level of SEN spend less time with the teacher and have fewer opportunities for peer interaction, compared with children without SEN. No evaluation of the use of classroom assistants has been carried out by the Department or the EA.

One school we visited has recently begun piloting the use of teaching hours rather than allocating classroom assistant time. A temporary, full-time teacher provides literacy, numeracy and emotional support mainly on a withdrawal basis for a small group of children with statements. The EA proposed this approach and selected the children who would take part in the pilot. The temporary teaching post is fully funded by the EA. There are early indications that this intervention is having a positive impact on the children, although testing has not yet taken place against the baseline information. The EA told us that this is a common approach which has been used for more than 10 years across many schools, particularly post-primary schools, however it was unable to provide any evaluation as to its impact.

Statements of SEN are reviewed each year at a cost of almost £6 million but the majority remain unchanged

4.13 At present the EA is required to review over 17,000 statements of SEN each year. The annual review should aim to assess progress with a focus on the outcome of the targets identified in the Individual Education Plan; review the special provision made for the child; consider the appropriateness of maintaining, amending or ceasing the statement; and, where appropriate, set fresh targets for the coming year. For children over 14 years old, the review should include a Transition Plan to help manage the young person's transition to adult life. Whilst the EA initiates and concludes the review, most of the process is school based.

A number of the schools we visited felt that the annual review process was bureaucratic, time-consuming and ineffective.

4.14 Following the annual review meeting, the school principal prepares a report summarising outcomes and setting out any educational targets for the coming year. The EA then reviews the statement. This may result in an amendment to the statement or the statement no longer being maintained. Recent research by Queens University²¹ estimated that the mean annual cost of each review is £350 - that is an annual cost of almost £6 million.

21 *The impact and cost effectiveness of Nurture Groups in primary Schools in NI.* Belfast: Centre for Effective Education, Queen's University Belfast, Sloan, S., Winter K., Lynn, F., Gildea, A. & Connolly, P. (2016)

Part Four:

Monitoring and evaluation of the impact of SEN provision

4.15 The EA told us that around 80 per cent of statements remain unchanged following the annual review. The mean annual cost of maintaining a statement is estimated to be £10,000 at key stages 1 and 2 and £7,000 at key stages 3 and 4²². The EA told us that of the 1,318 statements ceased in 2015-16, only five per cent were as a result of sufficient progress being made so the statement was no longer required. The vast majority were ended because the child reached the upper limit of compulsory school age. The EA told us it is progressing the appointment of a team of officers who will attend a targeted group of annual reviews. These officers will have a role in overseeing the provision in these cases to ensure that outcomes for pupils are maximised. In our view, this should involve ensuring that support does not continue over an extended period of time when it is not necessary, or not effective.

The effectiveness of support provided is not evaluated at a strategic level by the Department or the EA

4.16 We found no evidence that the effectiveness or quality of the support provided for children with SEN is monitored or evaluated at a strategic level by the Department or the EA. The lack of focus on outcomes was a key theme coming through in the various consultations. The EA told us that the team of officers referred to in paragraph 4.15 will have responsibility for monitoring and evaluating the provision

of SEN across Northern Ireland. At the time of our review, this team had not yet been appointed. In the absence of any evaluation of the support provided, it is difficult to see how the Department or the EA are ensuring they achieve the best outcomes for children with SEN and can demonstrate value for money.

Recommendation 9

4.17 The Department and the EA must assess the quality of SEN support provided in mainstream schools by formally evaluating it in terms of the progress made by children. This will allow resources to be focused on types of support which maximise progress and improve outcomes.

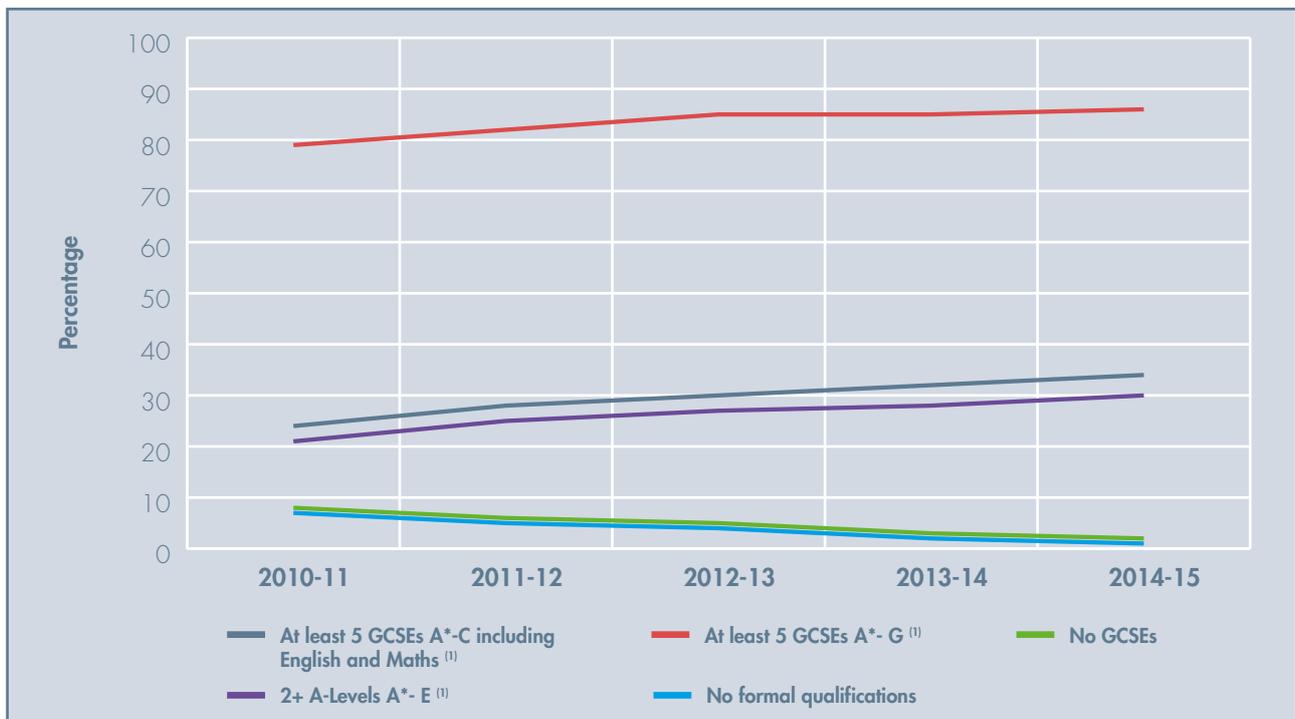
The educational achievements of children with SEN are improving and fewer are leaving school with no formal qualifications

4.18 The Department annually collates details on the qualifications and destinations of school leavers and the latest information available shows that a greater proportion of children with SEN now have A-Levels and GCSEs, or equivalent qualifications, and fewer are leaving education with no formal qualifications (**Figure 6**).

4.19 It is encouraging to see that more school leavers with SEN are entering further and higher education (**Figure 7**). The

22 *The impact and cost effectiveness of Nurture Groups in primary Schools in NI*. Belfast: Centre for Effective Education, Queen's University Belfast, Sloan, S., Winter K., Lynn, F., Gildea, A. & Connolly, P. (2016)

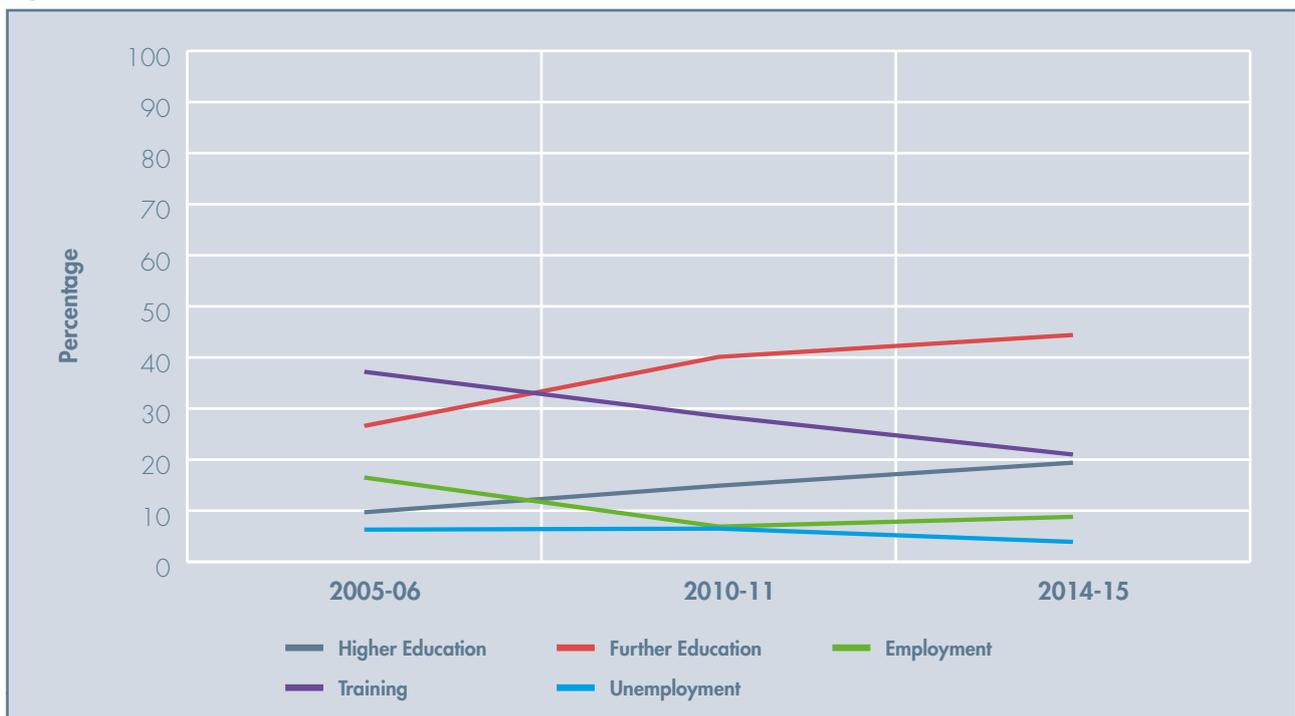
Figure 6: Qualifications of school leavers with SEN, 2010-11 to 2014-15



(1) Includes equivalent qualifications

Source: Department of Education (latest information available)

Figure 7: Destinations of school leavers with SEN, 2005-06 to 2014-15



Source: Department of Education (latest information available)

Part Four:

Monitoring and evaluation of the impact of SEN provision

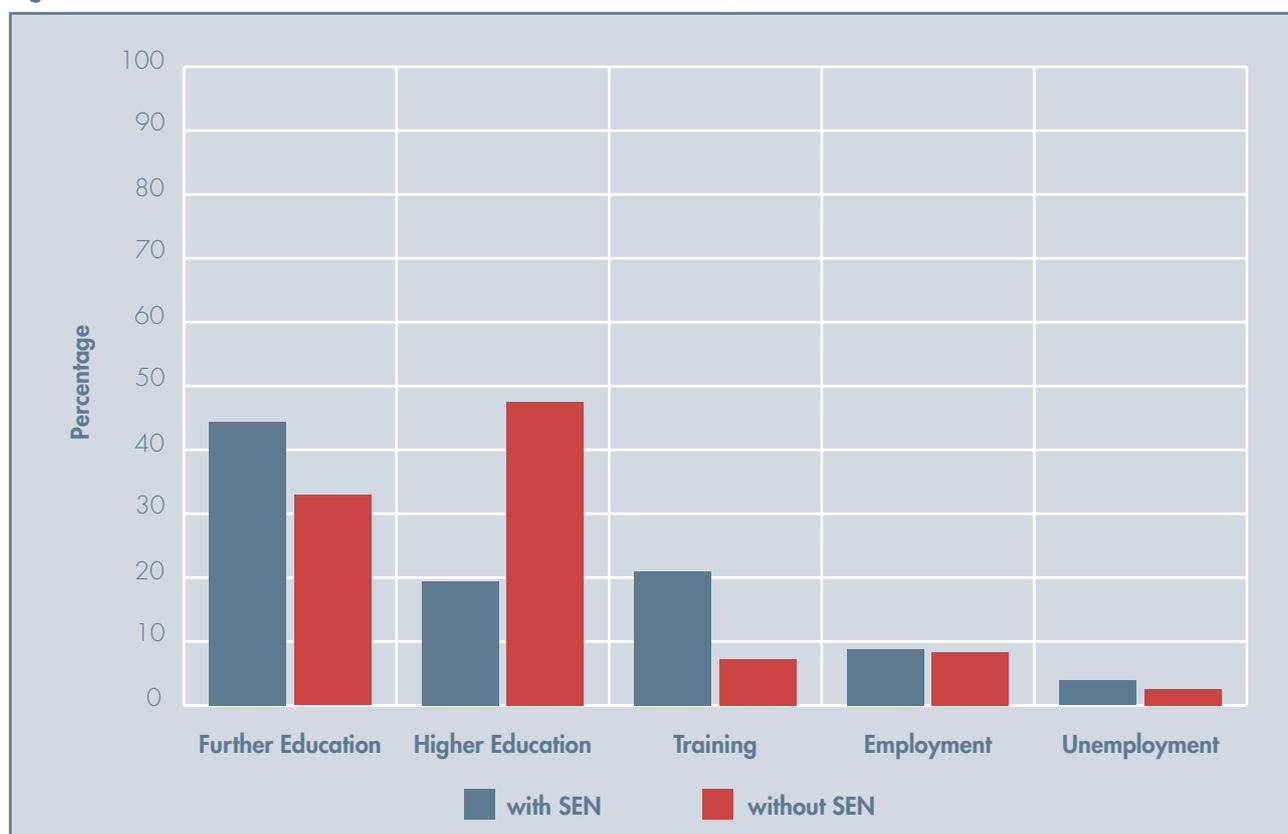
percentage entering the workforce was at its lowest in 2010-11 but has been increasing since then. **Figure 8** shows a comparison of destinations of school leavers with and without SEN in 2014-15.

Sharing of good practice is mostly done informally

4.20 One of the best ways to learn is by sharing good practice. In 2011, the Department told the Assembly's

Education Committee that it had begun a capacity building programme (paragraph 2.8) based on an analysis of the needs in schools. Evidence came from a wide range of sources including inspection findings over the previous eight years, observations during inspections and the preferences of teachers. The aim was to disseminate good practice throughout the system, and a number of events were held which allowed practitioners from schools to give examples of "outstanding and very good practice in leadership and management for SEN". The events were

Figure 8: Destinations of school leavers with and without SEN, 2014-15



Source: Department of Education (latest information available)

filmed and put on an internal network for all schools to access. In addition, a resource file of effective practice for SEN in schools was developed and delivered to schools.

- 4.21 Whilst much good practice was evident during our school visits, we note that it is mostly being shared on an informal, local basis. Schools told us that there is no formal mechanism in place to ensure that teachers (other than SENCOs) can learn from each other by regularly coming together to discuss ideas and promote effective support and interventions for pupils with SEN.

Most of the schools we visited have built up good informal relationships with other local schools and many have organised shared training. All would welcome more formal opportunities organised by the Department and the EA to share good practice and learn from other schools.

- 4.22 We recognise that the resources provided as part of the capacity building programme were well received at the time, however, they are now several years old and the number of children presenting with SEN in mainstream schools continues to rise. We also believe that the ETI has an important part to play in identifying and promoting the dissemination of good and innovative practice across the education sector.

Recommendation 10

- 4.23 We recommend that the Department and the EA should set up a central resource containing all up-to-date guidance relating to SEN which could also act as a discussion forum for sharing ideas and good practice examples.**

Appendix 1: Types of SEN (paragraph 1.2)

Cognitive and Learning	Social, Emotional and Behavioural	Communication and Interaction	Sensory	Physical	Medical Conditions and Syndromes	Other
1. Dyslexia 2. Dyscalculia 3. Dyspraxia 4. Mild Learning Difficulties 5. Severe Learning Difficulties 6. Profound and Multiple Learning Difficulties 7. Unspecified Cognitive and Learning	1. Social, Emotional and Behavioural Difficulties 2. Attention Deficit Disorder/ Attention Deficit Hyperactivity Disorder	1. Speech and Language Difficulties 2. Autism 3. Asperger's	1. Severe/ profound hearing loss 2. Mild/ moderate hearing loss 3. Blind 4. Partially sighted 5. Multi-sensory impairment	1. Cerebral Palsy 2. Spina Bifida and/or Hydrocephalus 3. Muscular Dystrophy 4. Significant Accidental Injury 5. Other physical	1. Epilepsy 2. Asthma 3. Diabetes 4. Anaphylaxis 5. Down syndrome 6. Other medical condition/ syndrome 7. Interaction of complex medical needs 8. Mental Health issues	Other

Source: Guidance for Schools: Recording Children with Special Educational Needs, SEN Categories, Department of Education NI, 2005

Appendix 2: Pupils with SEN by legacy Board area (paragraph 1.11)

	2010-11 %		2011-12 %		2012-13 %		2013-14 %		2014-15 %	
	With a statement	Without a statement								
Belfast										
Primary	3	24	3	23	3	23	3	23	3	23
Post primary	2	21	2	22	3	23	3	23	3	23
North East										
Primary	2	17	2	17	2	17	2	17	2	17
Post primary	3	9	3	12	3	12	3	13	3	13
South East										
Primary	3	16	3	17	3	17	3	18	3	18
Post primary	4	14	4	14	4	16	5	16	5	18
Southern										
Primary	3	15	3	15	3	14	3	14	3	14
Post primary	5	8	5	9	5	10	5	10	5	11
Western										
Primary	2	20	2	21	2	20	2	19	3	19
Post Primary	3	15	4	18	4	20	4	21	5	20

Source: Department of Education

Appendix 3: Departmental Review of Special Educational Needs and Inclusion – Timeline (paragraphs 1.14 and 1.16)

April 2006	The Department commenced a review of SEN and inclusion to address a number of issues including the bureaucracy attached to the current SEN framework, the increase in the number of children with SEN, the inconsistencies and delays in assessment and provision.
August 2009	The Department issued proposals for consultation – <i>Every School a Good School – The Way Forward for Special Educational Needs and Inclusion</i> .
January 2010	As a result of the high level of interest from parents, public representatives and other stakeholders, the consultation period was extended on two occasions. It ended after a period of four and a half months in January 2010. There were 2,902 responses to the consultation.
January 2012	The Department issued a summary report of the consultation responses.
May 2012	The Minister for Education delivered a presentation on the review of SEN and inclusion to the Committee for Education. The original policy proposals were set out, along with the revisions made following the consultation.
July 2012	The Executive agreed to the preparation of the required implementing legislation arising from the policy proposals, including the drafting of a SEND Bill.
March 2015	Draft SEND Bill presented to the Assembly and Education Committee subsequently commenced a consultation exercise on the draft Bill.
January 2016	<p>SEND Act passed by the Assembly.</p> <p>The Act contains a number of new duties, some of which are to be placed on Board of Governors, others on the EA, and some relate specifically to co-operation and will place responsibilities on the EA and health and social services authorities. The Act also provides some new rights for parents of children with SEN and children over compulsory school age.</p> <p>The EA will be required to seek and have regard to the views of the child, to publish plans relating to its arrangements for special education provision, to set out the nature and extent of the SEN provision in a child's statement and to make arrangements for the provision of independent dispute avoidance and resolution, and also ensure that an independent mediation service is provided.</p> <p>Boards of Governors will be required to take all reasonable steps to identify and provide for children with SEN, to maintain a personal learning plan for each pupil with SEN and ensure the plan transfers with the pupil, with consent, if they move school, and a teacher in the school will be designated as the 'learning support co-ordinator'.</p>
February 2016	The Department launched a consultation on the draft SEN Regulations. The consultation period ran from 22 February – 16 May 2016.
September 2016	Section 6 of the SEND Act came into operation.

Appendix 3: (continued)

January 2017	Department published report on consultation in relation to proposed Regulations.
As soon as possible	The Department anticipates that the draft SEN Regulations will be considered by the Assembly as soon as possible.
2018-19	The Department anticipates the full implementation of the new SEN framework during the 2018-19 academic year.

Appendix 4: Schools visited by NIAO (paragraph 1.17)

Aquinas Diocesan Grammar School, Belfast

The High School, Ballynahinch

Euston Street Primary School, Belfast

Glenveagh Special School, Belfast

Harpur's Hill Primary School, Coleraine

Holy Trinity Primary School, Enniskillen

Lagan College (Integrated) School, Belfast

St. Conor's Primary School, Omagh

St. Luke's Nursery School, Belfast

St. Paul's High School, Bessbrook

Appendix 5: Themes from responses to consultations on SEND Bill & Regulations (paragraph 1.17)

General Themes from responses to the Education Committee consultation on the SEND Bill

- Concern was expressed regarding the insufficient detail and clarity in the Bill of what detailed action will be taken regarding relevant SEN issues. There was a desire to see the draft Regulations and Code of Practice before any meaningful response could be given.
- Transition actions have not been addressed. This is where mechanisms are put in place to transition children with statements to Further Education Colleges and adult life.
- Assessments of SEN children need to improve and the training for those assessors – these issues have not been addressed.
- Early years settings and the provision of SEN in pre-school has not been addressed in the Bill.
- Mechanisms to assist in early intervention have not been addressed.
- The Bill does not set out how improved SEN outcomes will be achieved.
- The Bill does not address the insufficient specificity and quantification in statements.

Themes by Bill Clause

- **Clause 1** – The duty to have regard to the views of the child and strengthen child participation was widely welcomed.
- **Clause 2** – Whilst the publication of an Education Plan was welcomed, more detail was required regarding what it will contain.
- **Clause 3** – A widespread need was identified to ensure that SENCOs are part of the Senior Management Team, are properly trained and qualified, and have ring-fenced time.

Concerns were expressed regarding the capacity of schools to properly manage Individual Education Plans. Guidance, training and a standard pro forma are required.

A need for an enhanced role for the ETI was identified to evaluate Individual Education Plans and SEN practices in schools.

Appendix 5: (continued)

- **Clause 4** – There was a strong view that there needed to be specific duties and sanctions set out to ensure that public bodies co-operate. The Bill does not place any legal duty on health and social care bodies to assist the EA in meeting the needs of SEN children.
- **Clause 5** – There was concern that a reduction in time limits would put more pressure on parents to make submissions.
- **Clause 8 – Independent Mediation Services** – The consensus was that further information was required, including timescales.
- **Clauses 6, 7, 9, 10, 13** – Were broadly welcomed.
- **Clauses 11 and 12** – Further information was required.

The Education Committee Report on the SEND Bill is available here: <http://www.niassembly.gov.uk/globalassets/documents/education-2011---2016/legislation/send-bill/20151111-send-bill-report-final.pdf>

Themes from responses to the Department's consultation on the draft Regulations

Content and arrangements for the preparation and review of the new EA plan for SEN provision

Overall the concept of the EA producing a plan was welcomed but respondents felt it would need to be transparent, based on the needs of the child, outcome focused, and address equity for children across the region.

A number of respondents were unhappy that financial resources were excluded from the plan, stating that availability of funding is crucial to deliver any services.

Learning Support Co-ordinators in mainstream and special schools

The concept of the Learning Support Co-ordinator was broadly welcomed.

Concerns were raised about how the Learning Support Co-ordinator role would sit with the existing SENCO role and about training and resource requirements to ensure every school had an appropriately qualified teacher. The regulations do not specify the qualification(s) required and there was a concern that they were at too high a level to allow existing SENCOs to undertake the new role.

There were concerns about the manageability for schools (in particular small schools) in terms of meeting requirements for Learning Support Co-ordinators to have a minimum amount of teaching experience and qualifications that the EA determines necessary.

How the time necessary to enable a Learning Support Co-ordinator to conduct their role would be calculated and provided was raised and it was thought that the Learning Support Co-ordinator should be included within a school's senior management team.

It was suggested that training should be provided for all school staff in relation to SEN, as everyone would be interacting with the child.

Parents were concerned that the introduction of Learning Support Co-ordinators might be perceived as little more than a name change.

Reduced timescales for statutory assessment

The principle of a more efficient service that resulted in appropriate support sooner was welcomed.

Particular concerns were raised by respondents from a health background that the proposed reductions for providing advice were unachievable. Some thought that to attempt this within existing resources is unmanageable and serves only to raise expectations of service users and families.

Respondents from the health sector felt it is not clear how this aspiration will be achieved without joint resourcing and planning.

Co-operation was an issue raised, even though there are no specific regulations about co-operation. Respondents commented that co-operation between health trusts and the EA is vital to ensure children with SEN receive the support they need.

The need for joint planning and collaborative training were both mentioned specifically, in relation to not wasting resources.

The majority of responses stated that a joint approach between health services and the EA is needed to establish how they would implement the reduction in timescales.

Concerns were expressed that there is no secure electronic system for sharing confidential information between health and education services.

Parents broadly welcomed any proposed reduction in timescales for undertaking assessment, but emphasized that it would only be beneficial to children if they can get assessed by the appropriate professionals within these proposed timescales.

Parents felt that the requirement for the EA to seek medical or other health advice when assessing a child results in long delays to their children being statemented, and hence accessing support. There was a view that health authorities should be held accountable for delays.

Some parents said their children had passed the age of 16 during the prolonged process of waiting for health professionals to provide information on their child's condition. Some said their children were "signed off" from education, without having accessed the support they needed.

Appendix 5: (continued)

Proposed format of the statement of SEN

Some respondents expressed the view that the content of the statement is more important than the format and that the primary need of the child should be clearly stated, as should the order of any additional needs. The statement should focus on the child and not on availability of services.

A number of respondents did not like the separation of educational and non-educational needs and felt this reinforced the separation of service accountability and compartmentalized a child's needs.

Responses from schools requested that the statement makes it clear that the provision from the school will always be reliant on the financial and human resource the school has available.

Another suggestion was that the statement could be centred on the outcomes of the child in relation to what they do at school, home or in the community: this would change the statement format so that it is child-centred, rather than service-centred.

Some schools suggested there was a need to update the statementing process to ensure the statement remains relevant as a child grows up, as they have experience of statements issued at age 4 bearing no relevance to the same child at age 16.

An overall view from health care respondents was that it is essential that there is wide engagement with local health and social care staff before the arrangements for access to resources and support is outlined in Part 3 of the statement.

Many parents related how lost they felt when first having to deal with the SEN system and some said they had no idea about what was involved in the statementing process. They felt an easily understood guide to the whole SEN system, to help them understand and negotiate the various stages, would be a valuable tool.

The full report, published in January 2017, can be found at <https://www.education-ni.gov.uk/sites/default/files/consultations/education/SEN%20Regulations%20-%20Final%20Document.pdf>

Appendix 6: Study Methodology (paragraph 1.19)

The Study used a combination of quantitative and qualitative methods for gathering evidence, including:

- discussions with key staff at the Department and the EA
 - visits to schools that are educating children with SEN – and interviews with School Principal and SENCO
 - discussions with other SEN evaluators – including the ETI
 - document reviews – including the Department’s SEN review, consultation responses arising from the review, the OFSTED Review of SEN, other Reviews of Special Needs (including Audit Scotland, Audit Commission, Wales Audit Office), ETI Reports, work performed by the Assembly Education Committee, Departmental and EA policies/procedures/codes of practice, relevant legislation
 - the use of case studies where appropriate
 - financial and performance analysis – including analysis of spend on statemented/non-statemented children, and analysis of outcomes data.
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Appendix 7: School management types (paragraph 3.1)

Definitions of school management types are as follows:

- **Controlled:** Schools are managed and funded by the EA through Boards of Governors. Primary and post-primary school Boards of Governors consist of representatives of transferors - mainly the Protestant churches - along with representatives of parents, teachers and the EA.
- **Voluntary:** Self-governing schools, generally of long standing, originally established to provide an academic education at post primary level on a fee paying basis. Now funded by the EA (the Department prior to 1 April 2017) and managed by Boards of Governors. The Boards of Governors are constituted in accordance with each school's scheme of management - usually representatives of foundation governors, parents, teachers and in most cases, Department or EA representatives. The Board of Governors is the employing authority and is responsible for the employment of all staff in its school.
- **Maintained schools** are managed by Boards of Governors which consist of members nominated by trustees, along with representatives of parents, teachers and the EA. These schools are funded through the EA for their running costs and directly by the Department in relation to capital building works. For Catholic Maintained schools, the Employing Authority is the Council for Catholic Maintained Schools. Other maintained schools are any schools that are not Catholic maintained. They are typically, but not exclusively, Irish medium schools.
- **Controlled integrated:** Controlled schools which have acquired integrated status.
- **Grant Maintained integrated:** Self-governing schools with integrated education status, funded directly by the EA (the Department prior to 1 April 2017) and managed by Boards of Governors. The Board of Governors is the employing authority and responsible for employing staff.

Source: Department of Education

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