

Consultation Response Booklet

Every School A Good School

The Way Forward for Special Educational
Needs (SEN) and Inclusion

The closing date for this consultation is: 31 October 2009

Your comments must reach us by this date.

August 2009
Every School A Good School

The Way Forward for Special Educational Needs (SEN) and Inclusion

Name : **Heather Larkin**

Address: **Graham House,
Knockbracken Healthcare Park
Saintfield Road, Belfast
BT8 8BH**

Telephone: **028 9070 5654**

E-mail: **heather.larkin@senac.co.uk**

Organisation on whose behalf you are replying (if applicable)

Special Educational Needs Advice Centre (SENAC)

Does your response represent the collective view of your organisation (if appropriate)?

Yes

Your position within that organisation (if appropriate)

Education Policy Officer

Responses can be sent by email or post

E-mail: seninclusion@deni.gov.uk

Post: The Review of SEN and Inclusion Team
Room G18
Department of Education
Rathgael House
43 Balloo Road
Bangor
BT19 7PR

The Special Educational Needs Advice Centre (SENAC) is a charity organisation supporting children and young people with special educational needs and their parents.

SENAC offers an independent advice, information and advocacy service on the statutory framework of special educational needs provision in Northern Ireland.

SENAC welcomes the opportunity to respond to the Department's policy proposals on the review of special educational needs and inclusion.

Our comments are based on the organisation and our service users' experiences and from years of advising and informing parents and professionals on the current statutory framework of special educational needs provision.

SENAC is acutely aware of the difficulties parents face in securing access to appropriate special educational needs provision within a process characterised by inconsistencies, delays, a lack of resources and services and accountability. SENAC's advice service responds to hundreds of enquiries each year arising from these deficiencies and at the heart of every enquiry is a child waiting for effective interventions.

The review of the current framework was therefore welcomed to enable a more just and effective pathway to provision.

SENAC is therefore hugely concerned that the policy proposals not only fail to deliver strategies to address the existing difficulties but restructures the framework in such a manner that creates the potential to reduce legally enforceable rights to provision and parents' rights to redress and increases opportunities for greater inconsistencies.

We are also concerned that proposals for the most significant policy change for special educational needs in recent years lacked critical detail and clarity. This lack of clarity has made it difficult to agree with many aspects of the proposals even where positive concepts and strategies have been outlined. This has also created anxiety for the parents we support on their children's future education and needs provision.

We respectfully urge the Department to use this consultation only as a first step in developing SEN and Inclusion policy and to recognise how these proposals may undermine the current legally enforceable rights available to thousands of children with special educational needs and disability and to redraft this policy change to protect the rights to special educational needs provision.

All of the above concerns have been further outlined within SENAC's response in the context of the consultation points.

Consultation Point 1 - Inclusion

(Reference: paragraphs 3.1 to 3.8)

1 Do you agree with the introduction of an inclusive framework based on the wider concept of additional educational need (AEN)?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
				X

Any other comments:

SENAC supports any policy which ensures the diverse needs of all children are met where possible within a mainstream setting but this framework does not recognise that children with disability and special educational needs have statutory protection. As these children currently have a right in law to have their needs identified and assessed by the appropriate skilled specialists and receive prescribed provision the concept of AEN and SEN should sit within this model as **two parallel concepts supporting and complimenting the needs of each**. The existing rights of a child with special educational needs must be protected with no reduction in the legislative entitlement as currently provided.

Consultation Point 2 - Key Principles of the Proposed Policy Framework

(Reference: paragraphs 4.1 to 4.6)

2 Do you agree with the key principles on which the policy proposals are based?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

Any policy that is perceived to adversely impact on the educational opportunities for children with disability or SEN requires more clarification. The principles are aspirational. The implications for ensuring accountability, quality and consistency of assessment and provision, inclusion, supporting and resourcing schools to deliver are considerable.

Consultation Point 3 - Early Identification and Intervention

(Reference: paragraphs 5.1 to 5.5)

3 Do you agree with the proposals relating to early identification and intervention?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

A greater focus on early identification and intervention is positive but placing greater emphasis and responsibility on schools to identify and intervene early and effectively without adequate resourcing not just financially but in terms of skills and adequately trained staff raises great concern.

Much more clarification is required in terms of accountability, review processes, timescales and a means of redress for parents.

Also proposals should not mean that external support should not be readily available when required.

Schools must be fully enabled and supported to wholly and quickly engage their teaching skills to differentiate and strategise their teaching effectively and Department policy must achieve this.

Personal Learning Plans (PLPs) are a key document and require adequate whole school training on their purpose and delivery.

Whilst this is a positive concept concern must be registered in relation to how this information will be shared with the parent and a child's right to access and to contribute.

A common feature of enquiries to SENAC is that many parents are unaware of the existence or purpose of the current Individual Education Plans despite the guidance within the Code of Practice on sharing this information with parents. Initiatives on ensuring greater parental confidence and involvement in Personal Learning Plans in the proposals would have been welcome.

Concern must also be expressed that the proposals fail to adequately demonstrate a recognition that the children should be provided with greater opportunity to participate in the development and review of their PLP.

SENAC is also concerned over the use of a revealing phrase within the proposals in relation to PLP '*implemented properly*'.

Reassurance and guarantees must be sought that monitoring and accountability will ensure the effective use and implementation of this key element.

There are considerable references in the review to 'timely support' but no indication of what is acceptable as 'timely' or how support will be delivered quickly.

A solution may be that in monitoring a child's progress through the Personal Learning Plans to ensure early intervention there should be consideration given to the inclusion of a statutory time frame to assessment and provision both at the 'Within School' and 'Within School plus External Support' strands.

This will ensure that if the support provided is not effectively meeting the child's needs they can be moved forward quickly especially to formal assessment if required and

that with greater responsibility devolved to schools in these proposals parents have a means to redress or appeal should a PLP fail to deliver early and effective interventions.

Greater responsibility must equal greater accountability. However schools must be provided with the ability and resources to deliver effective interventions for the children and this must be enabled by DE policy in recognising its responsibilities to ensure this is achieved before implementation of the proposals.

Learning Support Coordinator

It is not acceptable that a SENCO as part of their new enhanced role as a Learning Support Coordinator will carry out lower level diagnostic testing without clearly defining this or addressing satisfactorily concerns over adequate training. This should remain the remit of the Educational Psychology Service and if children are waiting unacceptable lengths of time for assessment then other strategies to address this should be implemented rather than implement a strategy that potentially undermines the quality and validity of assessment.

Clarification is needed on how the process will work for those children whose needs have been identified at pre-school age.

Consultation Point 4 - Pre-School Settings

(Reference: paragraphs 6.1 to 6.3)

4 Do you agree with the proposals relating to pre-school settings?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	X			

Any other comments:

It is a positive development to include preschool providers within the Code of Practice. The role of Early Intervention Officers is also positive but more clarity is needed on their remit, qualifications and accountability.

Consultation point 5 - Primary and Post Primary

(Reference: paragraphs 7.1 to 7.5)

5 Do you agree with the proposals relating to primary and post primary?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

All positive concepts, but schools need adequate support. Schools working together sharing expertise and knowledge is positive but concern is expressed on the ability to deliver this consistently and the impact on schools. Schools and Senior Management teams must be committed to the concept and raising standards within their classrooms although time management is a concern.

Greater collaborative working is positive but should not reduce access to existing vital external specialist and support services when required. As with many other aspects of the proposals there is a lack of detail on how schools will be supported to deliver these concepts and that raises concern and a lack of confidence that policy is committed to recognise the pressure on schools and provide adequate and effective resources. For this reason agreement is not possible.

Consultation Point 6 - Training and Development

(Reference: paragraphs 8.1 to 8.5)

6 Do you agree with the proposals relating to training and development?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

It is vital that training is delivered before any changes would be implemented. It is of concern that prior to the impact of SENDO (Special Educational Needs and Disability Order 2005) schools did not receive adequate capacity building at that time or comprehensive awareness training on the legislation. Assurances from the Department are required that training will commence before implementation and that it is driven by the needs identified from the schools.

It is essential that Board of Governors will also receive training to understand their responsibilities.

An audit of existing skills and expertise within the schools may have been a useful tool for the Department to target training to ensure each learning community has access to adequate specialist knowledge and expertise.

This would aid consistency and equality of access to provision.

Concern is expressed over adequate levels of funding to sustain training beyond the initial capacity building.

To implement such a significant policy change Initial Teacher Training must provide teachers with the tools to teach inclusively. It is difficult to understand that despite the growing number of children with special educational needs in mainstream schools SEN is not a compulsory module for training teachers.

It is apparent from the experiences of the parents who contact SENAC unable to access appropriate services for their children that there is a lack of specialists available to schools. If a review of Teacher Education is imminent it may be a consideration to develop additional training options to create more specialists within schools in SEN and disability areas such as eg. ASD, dyslexia, ADHD.

These strategies combined with comprehensive and quality professional development and the existing Outreach services and support from Special Schools would provide greater opportunity to meet the diverse needs of all the children.

Consultation Point 7 - Learning Support Coordinators

(Reference: paragraphs 9.1 to 9.4)

7 Do you agree with the proposals relating to Learning Support Coordinators?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments

SENAC has concerns on the proposed enhanced role of the Learning Support Coordinator. SENAC recognises that although there is good practice evident in the roles of SENCOs many parents who contact us have expressed mixed experiences of the abilities and motivation of SENCOs to meet the special educational needs of their children.

SENAC is concerned that existing SENCOs should not automatically become Learning Support Coordinators but that those who express a wish to accept the proposed enhanced role should 'qualify' through accredited training.

This will be a challenging role and key to the ability of a school to deliver effective interventions. Training should be of a quality that reflects this. Also such a role seems to warrant limited direct teaching time or a non-teaching role.

As previously commented 'lower level diagnostic testing' needs more clarification as this raises concern and has been an area of anxiety raised by SENAC's parent groups.

Consultation Point 8 – Co-ordinated Support Plans

(Reference: paragraphs 10.1 to 10.6)

8 Do you agree with the proposals relating to Coordinated Support Plans (CSP)?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
				X

Any other comments:

SENAC is most concerned about the proposed changes to Statements of Special Educational Needs. This aspect of the policy proposals has created considerable anxiety for the parents we support. This has in part been caused not just by the proposed changes but the lack of clarity in terms of the nature and criteria related to the proposed Coordinated Support Plans. The lack of clear definition of *'multiple or complex barriers to learning'*has fostered the climate of unease and fears over the future of Statements of SEN currently held by children with disabilities and SEN. The mechanism for requesting and obtaining a CSP is unclear.

There are several issues of concern:

- The proposed changes and the Department's aim that revised policy will reduce the number of statements clearly demonstrates this will in the future potentially reduce many children's legally enforceable right to their education provision. As proposed CSPs will be issued only for those children who face *'multiple or complex barriers to learning'* this suggests a more stringent criteria than is currently applied to statements. This may mean that there are children who currently have a statement of SEN who may not qualify for a CSP and therefore may potentially lose their legally enforceable right to provision. It is unacceptable that policy is perceived to reduce entitlement. Amendments to statements or ceasing to maintain a statement and the provision prescribed for a child's individual needs within that statement should only be determined by the child's needs not by re-applying revised criteria.
- Currently parents have a right to appeal to the Special Educational Needs and Disability Tribunal should a statement be amended or ceased. There is no clear indication within the proposals that a right to appeal will exist if a child who currently has a statement does not receive a CSP or if the provision within the CSP is reduced or amended.
- Due to the lack of detail there is a question over the ability of a CSP to provide effective support for children's needs The proposals indicate that a CSP may not have the same emphasis on provision as current statements. *'The aim of CSP is to plan long term and strategically for the achievement of learning outcomes.'* As a CSP will be a statutory document the lack of emphasis on provision will reduce the ability to enforce the plan.
To include learning outcomes is positive but to ensure a child's right to the education provision required to meet their needs the outcomes must be enabled by specific provision.
SENAC is concerned that the proposals suggest *'to quantify and specify provision within a statement hinders the effective use of support across the whole class or the school'*. A statement of SEN is about individual need and this reveals more about

classroom management issues than it does about the use of specific provision within a child's statement.

This is an example of how the policy proposals do not acknowledge the rights of children with disability and SEN to the provision prescribed for their individual needs. The Department Of Education's Code of Practice directs that provision in the statements should be '*specific, detailed and quantified*' and that the Education and Library Boards should seek to '*draft clear, unambiguous statements*' with the statutory duty under the Education NI Order 1996 for DE, ELBs and Board of Governors to '*have regard to*' the Code Of Practice in exercising their statutory duties.

This will clearly not be applied to CSPs. It is difficult to accept that policy to exclude this from a new revised Code of Practice is not influenced by funding considerations.

SENAC is most concerned that the current legal duty placed on the Education and Boards within The Education NI Order 1996 relating to Statements as set out in Article 16 '*Where a Board maintains a Statement under this articlethe Board shall arrange that the special educational provision indicated in the statement is` made for the child.....`*' is a duty that is not being applied to CSPs if the emphasis is not on provision.

DE policy should not reduce the legal duties placed on the education authority through amendments to the Order and seek to transfer these duties to schools. The Order provides a robust legislative framework and SENAC would seek assurances that entitlement for children with disability and SEN under the Order would not be reduced.

The current framework may be bureaucratic but it does succeed through Stages 4 and 5 in securing the provision that for many children transforms their progress and educational experience with the positive legal duty placed on the education authority to ensure an enforceable right to the necessary provision that often cannot be achieved at the school based stages without that right.

SENAC agrees that the process is lengthy but no change to the legislative framework should undermine the current legal duties and the current rights of the children.

- SENAC strongly disagrees with the intention to reduce annual reviews.

These are vital for parents to ensure needs and provisions within a statement are still relevant and effective and ensure their child receives the entitlement within the statement. Reduction in the review process reduces a parent's ability to legally challenge when the provision entitlement is not delivered and may also result in reduction of statement amendments.

SENAC disagrees with the statement in the policy document that the review process '*is seen by many as being time consuming and costly.....`*' In the DE Research Report 'Parental Attitudes to Statutory Assessment and Statementing Procedure on Special Educational Provision 2005' 75.8% of parents who responded said '*a review was needed annually even if needs remained unchanged.`*'

Greater clarity and detail is required from the Department on all of these concerns including clear indication of the legal duties and responsibilities of the DE and the Education Skills Authority in respect of these proposals and the current legal duties on the ELBs.

Consultation Point 9 - Transition Points

(Reference: paragraphs 11.1 to 11.7)

9 Do you agree with the proposals relating to transition points?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	X			

Any other comments:

SENAC welcomes any positive developments to transition processes especially the appointment of Transitions Coordinators.
 It is also positive that any pupil with special educational needs has the opportunity to access Transition Support Services but these services must be resourced adequately.
 It is hoped that policy will also ensure a well co-ordinated effective and accountable service for those moving from school to adult life.

Consultation Point 10 - Developing Effective Partnerships

(Reference: paragraphs 12.1 to 12.30)

10 Do you agree with the proposals relating to the development of effective partnerships:

(a) Within school and pre-school settings? (paragraphs 12.3 to 12.5)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

Although SENAC can support aspects of this section there is concern that not all schools will deliver on the whole school commitment and approach.

 Concern must also be expressed regarding the phrase '*targeted interventions that are time bound*' this is meaningless without detail and clarity on accountability and delivery.

10 Do you agree with the proposals relating to the development of effective partnerships:

(b) Across educational settings & learning communities? (paragraphs 12.6 to 12.7)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

This is a positive concept but may prove difficult to deliver and maintain. Success would require commitment and co-ordination.
 Whilst collaborative working and the sharing of good practice is a positive development SENAC is concerned that this should not in any way limit a child the opportunity to access specialist services when required.
 Policy must also ensure equality of access to knowledge and expertise and consistency within learning clusters supported by adequate resources but there is no clear commitment in the proposals to ensure this.

10 Do you agree with the proposals relating to the development of effective partnerships:

(c) Between mainstream and special schools? (paragraph 12.8)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

SENAC supports aspects of this proposal but expresses concern on how this will impact on the special schools.
 It is positive that Special Schools are recognised for their experience, expertise and knowledge but the Department must not neglect the need to support the Special Schools to respond to the challenges of these proposals and maintain their own standards.
 SENAC feels that there should be greater recognition for the need for further specialist training within Special Schools. This is especially important if the relationship between mainstream and special schools is to succeed.

10 Do you agree with the proposals relating to the development of effective partnerships:

(d) Between Education and Health and Social Care (e.g. Education and Skills Authority and proposed Regional Health Boards)? (paragraphs 12.9 to 12.17)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

The principles and intentions expressed within this section are all positive but the complexities of duties, roles and responsibilities are challenging and more discussion between the professionals from the different sectors would be required.

Financial pressures and the challenges of partnership between Health and Education have contributed to deficiencies within the existing framework. This will continue to challenge the efficient delivery of any policy on SEN provision whilst the HSC Trusts are under no statutory obligation to comply to provide the provision as it remains dependent upon the availability of resources.

However if the establishment of the Multi Disciplinary Groups improves co-operation then it will be positive but this relies on the ability of the HSC Trusts to provide services in an increasingly difficult financial environment even with a willingness to be more effective.

10 Do you agree with the proposals relating to the development of effective partnerships:

(e) Between the Department of Education (DE) and the Department of Employment and Learning (DEL)? (paragraph 12.18)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	X			

Any other comments:

The transition process would be strengthened by closer links and information sharing between these departments. However the opportunities beyond school for children with special educational needs are limited. This is an area that requires considerably more attention and development but this is a welcome proposal.

10 Do you agree with the proposals relating to the development of effective partnerships:

(f) Through the establishment of Multi-disciplinary Groups?
(paragraphs 12.19 to 12.25)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

Although the premise of these groups is positive the serious lack of clarity on this proposal means agreement is not possible.
It is unfortunate that the proposals do not outline the legal duty of the MGs, how this group's duty compares with ESA's duty and detail on the role of the MGs in both supporting and challenging schools.

SENAC also has concerns on the MGs remit regarding Statutory Assessment which is currently the duty of the ELBs under the Education NI Order 1996.
Under the Order parents currently have a right to request a statutory assessment from the ELBs, how this right is maintained has not been addressed.

10 Do you agree with the proposals relating to the development of effective partnerships:

(g) With parents and carers? (paragraphs 12.26 to 12.28)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

Parental confidence is key to policy yet the proposals may reduce a parent's opportunity and legal redress to ensure their child achieves the provision required.

The current Code of Practice promotes parents as partners in their child's education but it has been the experience of many of the parents who contact SENAC that they are not always perceived or treated as partners. How will a revised Code ensure this?

DE policy should encourage and direct schools on how to promote positive engagement with parents and to perceive them as equal stakeholders. These proposals do not fully address this.

Consideration of the Parent Partnership Service which currently operates in England may be useful. A similar scheme may be of benefit in Northern Ireland

and structures and networks may already be available through parent led voluntary and community sector groups to pilot or support such a scheme.

10 Do you agree with the proposals relating to the development of effective partnerships:

(h) With children and young people? (paragraph 12.29)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

SENAC welcomes any Department policy that seeks the views and encourages engagement with the children in line with Articles 12 and 13 of the United Nations Convention on the Rights of the Child.

However SENAC does have concerns on several aspects and these proposals should have provided clear indication how policy will ensure engagement with the children and young people with direction to schools on strategies to achieve this. Although the current Code of Practice promotes children participating in decisions about their education the proposal to reduce reviews also reduces a child's opportunity to contribute.

Also from the experiences of those who SENAC support, children are not always consulted or involved in their Individual Education Plans or in Stage reviews. Also currently children with SEN do not have a legal right to be heard at appeals at the Special Educational Needs and Disability Tribunal.

SENAC would have welcomed references to specific aspects of the proposals that would have promoted the children's participation.

10 Do you agree with the proposals relating to the development of effective partnerships:

(i) With voluntary organisations? (paragraph 12.30)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	X			

Any other comments:

It is very welcome that the proposals recognise the positive benefits of developing working relationships with organisations within the community and voluntary sector. Inclusive education must also involve social inclusion and it is clear that many community groups can have an effective role supporting the development of the learning communities.

Voluntary organisations present another perspective on many issues and there is considerable expertise within many groups which could provide training to support schools meet the diversity of needs.

Consultation Point 11 - Outworking of the Proposed Model

(Reference: paragraphs 13.1 to 13.9)

11 Do you agree with the replacement of the sequential stages of 1-5 of the current CoP by the proposed 3 strand model (Within School, Within School plus External Support, Co-ordinated Support Plans)?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

SENAC cannot support the proposed model within the document. Reducing the number of stages will not overcome the current difficulties.

The current delays have been caused by a lack of resources, lack of specialist staff and ineffective accountability of how funding is used. Changing responsibility for resource allocation without robust accountability and additional resources will not improve access to provision regardless of the number of stages.

SENAC are concerned that this policy does not address the current unacceptable waiting lists for assessment and specialist services and urge the Department to address this as a matter of urgency to seek strategies to ensure that those children waiting interventions receive appropriate support.

Three stages may appear to indicate a faster pathway to provision but examination of Diagram 5 on Pg 45 of the document clearly demonstrates in the practical outworking of this model this may not be the reality and that considerably more detail and information is required on the responsibilities, roles and legal duties of schools, the MGs and ESA before any agreement could be considered.

SENAC is most concerned that within the new model it is unclear how the current appeal right at Stage 4 in relation to refusal at this stage applies. Stage 4 is a critical stage of the current process especially for parents. Refusal at this stage has a right of appeal to SENDIST. Does policy seek to reduce current appeal rights?
SENAC would ask for assurance from the Department that current appeal rights can remain within the new model.

Consultation Point 12 - Resolution and Appeal Mechanisms

(Reference: paragraph 14.1)

12 Do you agree that the current informal appeal, dispute avoidance and resolution and formal appeal arrangements (SENDIST) for children with SEN should remain unchanged?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

As stated above there are concerns regarding the impact on some of the current rights to appeal.
The appeal mechanisms are unclear in some aspects of the proposals as already outlined.

Consultation point 13 - Funding

(Reference: paragraphs 15.1 to 15.5)

13 Do you agree with the proposals relating to funding?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
				X

Any other comments:

The intention not to ring fence funds for special educational needs cannot be supported. Funding for children with special educational needs and disability must be protected.
SENAC is of the firm opinion that funding to enable schools to strengthen and improve provision must be used for that purpose with clear accountability. It is unacceptable and difficult to perceive as anything other than unjust that funds devolved to schools for special educational needs provision are not ring fenced to ensure their intended purpose.
SENAC appreciates that schools require flexibility in the use of funds but this is still possible within ring fenced budgets.

Concerns must also be expressed over long term funding to sustain implementation of the new framework.

SENAC is also concerned that funding will not be adequate to provide for the increase of need across the broader remit of these proposals.

Consultation Point 14 - Monitoring, Review, Evaluation & Accountability

(Reference: paragraphs 16.1 to 16.5)

14 Do you agree with the proposals relating to monitoring, review, evaluation & accountability?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
				X

Any other comments:

<p>SENAC has serious concerns that the proposals will not deliver effectively on monitoring, review, evaluation or accountability.</p> <p>We have particular concerns regarding accountability:</p> <ul style="list-style-type: none"> • On funding • The ability of schools to deliver early intervention and effective provision and provide redress for parents if the intervention is not timely or effective. • The position and roles of the MGs. • Accountability of the Education authority and the Department to ensure schools are supported and resourced adequately. <p>SENAC also hopes that with greater responsibility devolved to schools Board of Governors will receive comprehensive training on their legal duties.</p>

15 Do you agree with the proposals relating to the roles and responsibilities for:

(a) The Department of Education (DE)? (paragraphs 17.1 to 17.2)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

<p>SENAC is not confident that guidance and quality indicators will be adequate to ensure the children are receiving effective interventions. The current Code of Practice is not always adhered to and a revised version would require an enhanced enforceability beyond the current statutory obligation to 'have regard' for the Code.</p> <p>The commitment in the document to provide an information and communication strategy to ensure parents understand and have confidence in the new framework has already been compromised through the lack of satisfactory notice to parents about the review and consultation.</p>

15 Do you agree with the proposals relating to the roles and responsibilities for:

(b) The proposed Education and Skills Authority (ESA)? (paragraph 17.3)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

The role needs to be more clearly defined in terms of the legal duty of the ESA. SENAC would question how ESA will '*hold schools to account* ' while schools remain devoid of any enforceable legal duty to make provision at the 'in school' stages.

We are also concerned that if a portion of the existing centrally held budget is to be devolved to schools who will hold the legal duty to provide for children with SEN?

Although to have a single education authority is a positive development without clear definition of the role and legal duties SENAC cannot agree with such limited information.

15 Do you agree with the proposals relating to the roles and responsibilities for:

(c) The Department of Health, Social Services and Public Safety (DHSSPS)? (paragraphs 17.4 to 17.6)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

The key phrase within the document that undermines the hopes and plans for greater cooperation with the DHSSP and its agencies is '*within available resources*' the current statutory duty within Article 14 of the Education NI Order 1996 . With no statutory obligation on the HSCTs to comply to provide provision this weakens the positive potential impact of their role.

15 Do you agree with the proposals relating to the roles and responsibilities for:

(d) Multi-disciplinary Groups (MGs)? (paragraphs 17.7 to 17.8)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

SENAC would reiterate the concerns already stated in relation to the MGs in terms of clarity regarding their role and legal duties.

15 Do you agree with the proposals relating to the roles and responsibilities for:

(e) Mainstream schools and other educational establishments?

(paragraphs 17.9 to 17.16)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			X	

Any other comments:

The current main legal duty on schools to make provision for a child's special educational need as contained in Article 8(1)(a) of the Education (NI) Order 1996 which places a duty on the Board of Governors of a school to '*use its best endeavours'to secure the special educational provision which his learning difficulty calls for is made.*' (*paraphrasing*) is in SENAC's view inadequate to secure access to appropriate provision for many children with disability and SEN. The proposals state that schools '*must accept responsibility for the educational outcomes for all children.*' There appears to be no intention to enhance the existing duty regarding children with special educational needs and disability. Without this a school's role in making provision at the 'in school' stage remains characterized by a lack of accountability and a lack of adequate resources which may lead to delays in assessing and providing for a child's needs regardless of the model proposed.

15 Do you agree with the proposals relating to the roles and responsibilities for:

(f) The Education and Training Inspectorate (ETI)? (paragraphs 17.17 to 17.18)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	X			

Any other comments:

An enhanced role of the ETI to evaluate use of resources and funding against progress is positive but if funding devolved to schools is not ring fenced and schools have no additional legal duty to make adequate provision at the 'in school' phase it is difficult to assess how their role will benefit individual children whose needs are not met effectively.

15 Do you agree with the proposals relating to the roles and responsibilities for:

(g) Children's Services Directors? (paragraph 17.19)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	X			

Consultation Point 16 - Proposed Phased Introduction of the Policy

(Reference: paragraphs 18.1 to 18.7)

16 Do you agree with the proposed phased introduction of the policy?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
				X

Any other comments:

This is an unrealistic time frame.

Training needs should be identified by schools and the required funding in place **before** implementation.

Crucially the proposals require more clarification before implementation. This consultation should only be a starting point before any changes are implemented. Major issues regarding the enforceable rights of those children who currently have statements of special educational needs requires addressing.

Additional Comments

If you have any additional comments you wish to make about the proposals please use the box below.

The review proposals have raised more questions and uncertainties than it has produced solutions.

Whilst SENAC agrees that the current framework and process for special educational needs provision requires change we cannot agree with the proposals within this policy document.

If the Department wishes to deliver a model for special educational needs that is supported then it seems obvious from the level of concern expressed that the Department must engage and consult more widely with the schools, parents and the children and young people.

The foundation of the policy that much of the responsibility of ensuring removal of the barriers to learning and especially in the identification and provision for children with learning difficulties is devolved to schools should not change the responsibilities of the ELBs/ESA. DE policy and legislation should reflect that the ultimate duty lies with the education authorities.

Schools can only succeed to deliver 'every school a good school' inclusively for all children when supported and resourced appropriately. Standards must be raised through DE policy recognising and responding to the needs of schools and the children.