



Department of  
**Education**

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Your Ref: 504/09/1/08

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Dear John

## **REVIEW OF SPECIAL EDUCATIONAL NEEDS AND INCLUSION**

Your letter of 12 November 2009 refers regarding the Department's Consultation: Every School a Good School - The Way Forward for Special Educational Needs and Inclusion.

You have said that at the Education Committee meeting on 11th November 2009 the Committee for Education heard from Children with Disabilities Strategic Alliance (CDSA) on the SEN Review. The CDSA representatives including representatives from Children in Northern Ireland, Special Education Needs Advice Centre, Children's Law Centre, National Deaf Children's Society and Mencap raised a number of concerns; these concerns have been noted and will be taken into account during the analysis of responses to the consultation and preparation of detailed policy proposals.

The Department has to date received a considerable number of responses and will give full consideration to each response as part of the overall consultation process but cannot respond to individual comments at this stage in the process.

You have also asked a number of specific questions in relation to the SEN & Inclusion Review and SEN funding in general.

1. Information on the impact the policy proposals will have on existing SENDO and Disability legislation;



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2. A response to concerns regarding anecdotal evidence to suggest there has been a reduction in the statementing of children in some Board areas;
3. Examples of the best practice on which the policy proposals are based (as stated in the Executive Summary of the Consultation document),
4. Whether the Department see any merit in extending the consultation deadline further; and finally,
5. To request that officials provide information on current and planned funding of SEN, and in particular the funding for the SEN and Inclusion policy proposals at the budget briefing scheduled for 18 November 2009: to include information on the £24 million to be used for capacity building; subsequent funding for SEN and Inclusion; and whether there will be extra overall resources made available for Special Schools and mainstream schools to cover the new 'Inclusion' element.

I will take each of these questions in turn.

**1. Information on the impact the policy proposals will have on existing SENDO and Disability legislation.**

The impact of any policy that is to be taken forward as a result of the SEN and Inclusion Review will be considered in light of the responses to the formal consultation. At this stage in the process of analysis of responses, it is not possible to say what impact there will be on SENDO or on the 1996 Education Order, which contains the main SEN legislative framework. The Department, however, at this stage does not intend that any changes to the legislative base would reduce the rights of children with special educational needs or disabilities, or indeed of their parents.

**2. A response to concerns regarding anecdotal evidence to suggest there has been a reduction in the statementing of children in some Board areas.**

The Chief Executives (CEs) of the Education and Library Boards (ELBs) have advised that over the past few years ELBs have been extending the range of special educational needs (SEN) provision for children across the stages of the Code of Practice on the Identification and Assessment of Special Educational Needs (COP). This has resulted in more support being provided to pupils at an earlier stage without the need for statutory assessment, leading generally to a decline in the number of children who have received statements of special educational need at Stage 5 of the COP.

The number of children who have received statements of SEN is therefore not a direct reflection of the number of children who have either received or are receiving additional SEN provision from ELBs at both stages 3 and 5 of the COP.

As part of the process of converging practices and protocols within the ELBs, ahead of the transfer of responsibilities to the planned Education and Skills Authority (ESA), the Belfast Education and Library Board (BELB) has taken action in relation to the number of children who had received Board support for SEN without a statement. Many of these children have now undergone statutory

assessment with a view to putting in place a statement of SEN. It is for this reason that the statistics for the BELB show a slight increase in children with new statements.

The increase in the number of children with statements in the Southern Education and Library Board area in the 2007/2008 academic year includes a higher than average number of statements issued in September 2007. The figures for 2007/2008 also include numbers of statements formalised and issued during July and August 2008, thus falling into the same academic year, whereas in the 2006/2007 year there were no statements issued during the summer months.

Table showing new statements for last 5 academic years.

	<b>BELB</b>	<b>NEELB</b>	<b>SEELB</b>	<b>SELB</b>	<b>WELB</b>
<b>2004/05</b>	285	299	492	343	304
<b>2005/06</b>	317	354	528	409	249
<b>2006/07</b>	430	273	447	410	350
<b>2007/08</b>	393	326	420	660	231
<b>2008/09</b>	451	280	335	342	200

### **3. Examples of the best practice on which the policy proposals are based (as stated in the Executive Summary of the Consultation document).**

The best practice on which the policy proposals include recommendations and findings from a range of reports and surveys carried out by the Education and Training Inspectorate (ETI) across all sectors and phases. These include the need for all relevant staff including teachers, classrooms assistants and SENCOs to be provided with the opportunity to access relevant in-school and external training to help them develop the knowledge and competences required to effectively address the barriers to learning encountered by a wide range of children with special educational needs. There is also evidence of good practice in multi-disciplinary and multi-agency collaboration between Education and Library Boards and Health and Social Care Trusts.

ETI reports can be accessed via the Department of Education's website at [www.deni.gov.uk](http://www.deni.gov.uk) I have listed below a number of relevant ETI reports that were considered by the Review team and the Steering Group.

- A Survey of the Provision for Children with Special Educational Needs in Mainstream Schools –2001/2002
- A Survey on the Inclusion of Pupils with Statements of Special Educational needs in Mainstream Primary and post-Primary Schools - 2003
- A Survey of the Quality of Provision for Reception Children in Primary Schools– 2004
- A Survey of Provision for Pupils with Severe Learning Difficulties and Persistent and Challenging Behaviours in Special Schools – 2004
- A survey of the Educational provision for School Aged Mothers - 2005
- A Survey of Provision for Pupils in Hearing Impaired Units – 2005

- A Survey of the Quality of Learning and Teaching and the Standards and Outcomes Achieved by the Learners in Relation to the Provision for English as an Additional Language - 2005
- A Survey of Behaviour Support Teams in the Five Education and Library Boards – 2006
- A Survey of the Provision and Outcomes for Pupils with SEN in Post-primary Schools - 2006
- A Survey of the Effective Use of Classroom Assistants for Pupils with Special Educational Needs in Mainstream Schools- 2006
- A Survey of Vulnerable Children and Young People 2006/2007
- A Survey of Special Educational Needs in the Pre-school Sector – 2007
- An Evaluation of the Provision for Special Educational Needs in Primary Schools – 2007/08

**4. Whether the Department sees any merit in extending the consultation deadline further.**

The consultation period initially ran from 10 August to 31 October 2009 and was subsequently extended to 30 November 2009. The period has been further extended to 31 January 2010. Already over 1500 responses have been received from a broad cross section of schools, statutory and voluntary bodies, children, young people and parents. Initial sight of these responses shows that the views expressed are comprehensive and reflect a broad range of opinions.

**5. To request that officials provide information on current and planned funding of SEN, and in particular the funding for the SEN and Inclusion policy proposals at the budget briefing scheduled for 18 November 2009; to include information on the £24 million to be used for capacity building; subsequent funding for SEN and Inclusion; and whether there will be extra overall resources made available for Special Schools and mainstream schools to cover the new 'Inclusion' element.**

Current and planned funding of SEN

In 2008/09 around £202m was expended for provision for children with special educational needs as follows:

- £171m expended by the Education and Library Boards for special schools (£115m) and to meet the additional costs of statemented pupils in mainstream schools and units (£56m);
- £23m for pupils who do not have a statement of SEN;
- £2.9m and £4.7 were provided to schools in the VGS and GMI sectors respectively, to meet the costs of pupils with statements.
- Approximately £9m was allocated to the Education and Library Boards in 2009/10 to support the implementation of the Code of Practice on the Identification and Assessment of SEN (COP). Since its inception in 1998/1999 an additional £91m has been provided in total to support the COP.

- £25m has been secured from 2009/10 to commence the implementation of the SEN and Inclusion finalised policy. This is additional to the current amount spent on special educational needs.

### Future funding of SEN

The Budget 2007 exercise set budgets for the three years up to and including 2010/11. Budgets for all departments beyond 2010/11 will be set as part of the next spending review process which is not expected to commence before next summer. As there are not details about how the spending review process will operate, it is not possible to give any commitment on future funding levels for SEN or any other service.

### SEN & Inclusion Funding

There is approximately £24.3m available to develop and implement a capacity building programme for all schools and including the pre-school sector. The precise detail of how this will be allocated will be determined by the end of this financial year.

Decisions around any future additional resources for schools to implement the policy proposals emanating from the Review can only be considered following full analysis of the consultation responses and the development of lower level policies, including any legislative change that may be required.

Inclusion is not a new concept; it was introduced as part of the Education (Northern Ireland) Order 1996. Additional Educational Needs (AEN) is an overarching concept that has at its heart the wish that children experiencing barriers to learning, regardless of the cause, are identified by schools and any additional support required is put in place. There are no plans to amend the current legislative definition of special educational needs. Each non-SEN grouping, within the overarching AEN framework, has its own funding stream and there are no proposals to alter this situation.

I trust you find this information helpful.

Yours sincerely



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