



Autism NI is a parent led partnership organisation having been formed to promote positive collaboration between parents, professionals and individuals with Autism to address the need for appropriate services. The charity exists to support individuals with Autism and their families and campaigns to raise awareness of Autism within the wider society. Autism NI's 'partnership ethos' means we promote a multidisciplinary, cross agency response to issues such as ASD assessment, diagnosis, early intervention, employment and housing.

The information below is a summary of Autism NI's views and comments on the Special Educational Needs and Disability Bill (SEND Bill).

Clause	Additional comments and considerations
<p>Clause 1: Duty on the Authority to have regard for the views of the child</p>	<p>This will support the child's participation in contributing to meetings and discussions regarding their progress and next steps.</p> <p>All steps need to be put in place to ensure appropriate resources are available to enable the child to communicate effectively. The child should also participate in Review Meetings so they can evaluate their own progress and understand fully the impact that such measures which are being taken to support them are having on their progress.</p>
<p>Clause 2: The Authority will publish a plan setting out the arrangements for SEN including a description of the resources and support services available.</p>	<p>In this plan it will need to take into consideration the ratio of Special Educational Need (SEN) pupils within schools to establish a balanced approach of provision throughout the Education Authority (EA). The EA will need to also ensure there is sufficient funding (ring-fenced) to guarantee schools access to the appropriate level of Special Educational Provision required for the pupils with SEN within their school. To consider parents having a say on how the SEN budget is spent in relation to meeting their child's needs.</p>
<p>Clause 3: Duties on the Board of Governors of grant aided schools in relation to SEN:</p>	

<ul style="list-style-type: none"> Designate a teacher as a Learning Support Coordinator to coordinate SEN provision with the required experience and qualifications as set out in the SEN Regulations. 	<p>The Learning Support Coordinator (LSC) should be awarded appropriate time in relation to the ratio of SEN pupils on role within the school. This time should be protected. The LSC should have a continued professional development to ensure their training needs are up to date and in line with the needs of the SEN pupils in the school. The LSC should have allocated time to disseminate training to other staff in the school who are concerned with the child's education. The LSC should be a part of the Senior Management team to ensure they partake in decision making which affect the needs of the child with SEN but will also have an authority role to ensure any SEN duties to be carried out by the class teacher can be enforced. The LSC should have the appropriate qualifications in line with SEN and the relevant experience. Any LSC who does not possess the qualifications prior to taking up post or who are already in post should avail of such qualification.</p>
<p>Clause 4: A duty on the Authority to request help from a health and social care body where it considers this is required in exercising its functions.</p>	<p>This is a positive step at ensuring the EA seeks the appropriate support from the Health and Social Care Board (HSC).</p> <p>However working in collaboration will only be effective if the resources are available for the HSC board in meeting the specific needs of the child with SEN and also what the HSC board can provide the EA. This may then cause delays in support supplied from the HSC board thus accumulating to long waiting lists. Both the EA and HSC board will need support to effectively work together and understand each person's roles within the multi-disciplinary working group in meeting the child's needs. Who will take ownership in ensuring that both parties are working effectively to meet the needs of the child</p>

	with SEN?
Clause 5: Reduction of time limits in relation to assessment of needs.	<p>This will enable parents to progress to the next stage at a quicker pace as the time frame has decreased to submit evidence. Also the process for schools to begin the statutory assessment once evidence has been submitted prior to the deadline is a welcomed addition.</p> <p>However due consideration must be taken into place to support parents who may present with learning difficulties or have difficulty meeting the new deadline requirements.</p>
Clause 6: A right of appeal to the Special Educational Needs and Disability Tribunal following a decision not to amend a statement following an Annual Review.	<p>This is a positive step which enables the parent or child to amend their statement at the Annual review stage. It will also enable the parent and child to understand why their amendments have not been agreed by the EA. This clause allows them the right to appeal.</p>
Clause 7: A new right of appeal to parents of children under the age of 2 years on the contents of a statement or the failure to make a statement.	<p>This will enable parents to ensure appropriate and early intervention is in place for their child. It will support their right to appeal to ensure that the right decision has been made to meet their child's needs.</p>
Clause 8: The Authority will provide an independent mediation service to those parents intending to make an appeal to the Tribunal.	<p>This maybe a welcomed contribution if it leads to a conclusion which is in the best interest of the child within a shorter timescale as opposed to proceeding to Tribunal.</p> <p>However it may be the case that this may add additional waiting time and stress to parents who then may need to proceed to Tribunal to receive the verdict of their appeal if an agreed conclusion was not met at mediation.</p> <p>The mediator will need to be qualified, knowledgeable and skilled in relation to the disability that the child has in order to have a holistic view as to the parent's decision to appeal.</p>

	<p>Parents will need support to understand the mediation process, what their role is and how they can present their case which will be in the best interest of their child.</p> <p>The mediation process may present as a negative experience to the parents and the EA as it will be putting the two parties on opposite sides rather than coming together to discuss a conclusion which best meets the need of the child.</p>
<p>Clause 9: Confers on a child with SEN over compulsory school age the right to request a statutory assessment and the right of appeal to the Tribunal.</p>	<p>This further supports the child's contribution and participation in making decisions regarding their SEN provision.</p> <p>Support should be put in place to ensure the appropriate resources are available to enable the child to effectively communicate their decision making. In the case of an independent person taking on the role of an advocate for the child, this should be a Caseworker who is qualified in SEN, familiar with the child and the issues surrounding the decision making.</p>
<p>Clause 10: Confers on a child over compulsory school age the right to make a claim to the Tribunal that the Authority or school has unlawfully discriminated on the grounds of disability and provides regulation making powers where a child lacks the capacity to exercise this right.</p>	<p>A positive step to eliminate and evaluate any discrimination regarding disability has taken place.</p> <p>A Caseworker should be present in order to fully support the parents and child pursuing the claim. Again the Caseworker should be qualified in SEN, familiar with the child and the issues surrounding the claim.</p>
<p>Clause 11: Provision of a power to the Department of Education to conduct a pilot scheme for children who have not reached the upper limit of compulsory school age to take an appeal on SEN or a disability discrimination claim to the Tribunal</p>	<p>Although this may support and enable pupils to proceed with an appeal or a disability discrimination claim it contradicts Clauses 9 and 10. Will the pilot scheme need to have completed and evaluated prior to Clause 9 and 10 becoming effective? What</p>

	<p>support mechanisms will be put in place to enable Clause 9 and 10 proceeding prior to the pilot scheme ending?</p> <p>An introduction of a qualified Caseworker who is established in understanding the process of appeals and qualified in understanding the needs of the child will be more effective in supporting the child's understanding to proceed with an appeal effectively.</p>
<p>Clause 12: Provision of a power to the Department of Education for children not yet reached the upper limit of compulsory school age to take an appeal on SEN or a disability discrimination claim to the Tribunal.</p>	<p>Where it states 'may make regulations' does this imply that at the end of the scheme (10 years from the Royal Assent) that the pupil may not be able to independently go forward with an appeal? Clause 11 and 12 can only be evaluated upon completion.</p>
<p>Clause 13: A statement of SEN will be maintained by the Authority to the end of the school year following a child's 19th birthday.</p>	<p>A positive development.</p>