Children with Disabilities Strategic Alliance

Evidence to Committee Stage: Special Educational Needs and Disability (SEND) Bill

April 2015

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Introduction

The Children with Disabilities Strategy Alliance [CDSA] welcomes the opportunity to comment on the SEN Bill.

CDSA brings together organisations from across the children's sector and disability sector. It is jointly chaired by Children in Northern Ireland [CINI] and Disability Action [DA]. CDSA wants to ensure that policy impacting on the lives of children and young people with disabilities is informed by their rights, needs and circumstances. The Alliance has developed a Manifesto which aims to:

- Promote the rights and best interests of children and young people with a disability;
- Raise awareness of the exclusion experienced by children and young people with disabilities in their daily lives; and
- Recommend actions that will help address the barriers they encounter

Background

The Department of Education commenced a **review of Special Educational Needs and Inclusion** in **April 2006.** The Department **presented its proposals** (Every School a Good School: the Way Forward for Special Educational Needs) **in August 2009** after an extensive period of consultation. The consultation resulted in considerable criticism of the Department's proposals. This was evidenced very clearly in an Education Committee consultation event for parents of children with Special Educational Needs.

CDSA responded collectively, and as individual organisations to the consultation. This enabled the Department to receive both broad policy messages in relation to the Review and also detailed comments in relation to the needs of children with specific disabilities.

In addition to the consultation responses **CDSA** also published an **Education Manifesto** (http://www.ci-ni.org.uk/DatabaseDocs/nav_3725628__education_manifesto.pdf) which focused on key improvements which were required within the SEN system.

Throughout the course of the development of SEN proposals, CDSA has been consistent in requesting key improvements to the SEN system and challenging what we saw as changes that would be detrimental to children with SEN. As a result of our endeavours a number of key changes have been agreed:-

- That Special Educational Needs be retained as a specific definition in legislation, Regulations and Code of Practice.

- That the goal of the proposals should not simply be to reduce the number of SEN statements.

- That the threshold for SEN provision should not be raised to require both Multiple and Complex Needs.

- That children should be enabled to exercise appeal rights to SENDIST

Clause by Clause Comments on Special Educational Needs and Disability (SEND) Bill

CDSA has actively considered the SEND Bill and this briefing captures the areas which are welcome but also the common issues of concern identified, and highlights where further clarification is needed. CDSA are acutely aware of the frustration experienced by children and parents in accessing and receiving adequate, appropriate and effective provision for special educational needs. There is little doubt that although the legal framework which protects the rights of children with SEN and disabilities is robust and the SEND Bill includes some notable improvements, the operational practices developed by the Education and Library Boards (ELBs) and which have now transferred to the Education Authority (EA) present the greatest challenge in terms of ensuring that the SEN and Inclusion Review brings about improved outcomes within the framework.

The deficiencies of operational practices within the existing system have been consistently highlighted to the Department of Education, ELBs and the Education Authority. While improvements have been made to the SEND Bill, we have serious concerns that the Code of Practice and Regulations are not available for scrutiny and remain outstanding, many crucial areas of concern relate to possible changes within these. We also have concern that they will be presented to the Assembly, their progress will be limited to Affirmative or Negative Resolution, with no opportunity for amendment. In essence, the balance between the content of the primary legislation and the subordinate legislation and Code of Practice is weighted in a manner which unduly limits consultation upon what are in fact substantive issues.

CDSA believes that to redress the imbalance between the primary legislation and subordinate legislation and the Code; in order to ensure transparency and lawful consultation and most importantly to produce practical benefit for children with SEN and disabilities that the Department must enter into substantial pre-consultation with stakeholders on the detail of both Regulations and Code of Practice.

Clause 1:

We very much welcome this clause. Each disabled young person should have access to the information and advice they need to enable them to reach their potential and look forward to their future with confidence. It is the experience of our members that consistently supporting children with SEN and disabilities to have a central role in decisions about their education yields positive, sustainable outcomes, alongside a recognition that the individual needs of that child are at the heart of the decisions made. The support offered to children and young people should encompass the needs of the whole child and enhance their connections with local activities, facilities and services, as well as increasing their involvement and inclusion in the local community. Article 24 of UNCRPD and Article 12 of UNCRC sets out the principles of child participation, CDSA firmly advocates for children with disabilities to have the right to express their views on all matters of concern to them including decisions affecting their lives.

UNCRPD sets out an explicit obligation to provide children with disabilities age-appropriate assistance to enable them to exercise their right to be heard. We would like to see further detail on how DE will put in place mechanisms to ensure the voice of the child is heard.

Clause 2

This clause is welcome. However we would point out that there are still issues around resourcing. There is already considerable pressure on schools and Board support services which create unnecessary delays for children requiring SEN provision. Without addressing the resource capability to provide SEN provision this will not improve.

Clause 3

In providing comment on this clause it must be remembered that much of the legislation governing special educational needs provisions both within the current Order and the SEND Bill is relevant to those children with SEN who have a statement of special educational needs. However the large majority of children and young people with special educational needs will not require a statement and it is in their interests that the provisions of the SEND Bill adequately set out how their needs are identified, assessed and provided for.

The key provision is the clause relating to the duties of the Board of Governors. There remains in the revised framework and the amended legislation inequity in the rights to special educational needs provision between those children who require statements of SEN and those who do not. Those with statements benefit from clearly defined and legally enforceable duties and obligations on the education authority to assess and make provision for their needs within statutory regulated time frames. This is not the same for those children with SEN without statements in relation to accessing the appropriate education provision.

It is crucial that any change to the duties impacting on children with SEN without statements who are reliant on the capability and commitment of schools to identify and meet their needs is given the same legislative consideration and effective duty.

The current key duty within the Education (NI) Order 96 on the Board of Governors is to 'use their **best endeavours** to secure the SEN provision which a pupil's learning difficulty calls for is made'. This is regarded as a weaker legal safeguard when compared to the absolute duty on the Education Authority to make SEN provision under a statement of SEN and therefore is open to interpretation.

During the consultation period CDSA expressed concern regarding this duty and called for this "best endeavours" duty to be strengthened. It has not in fact been strengthened as that wording remains unchanged. When compared to the mandatory statutory duty on the Education Authority to arrange the provision for those children with statements of SEN, the differing attention given in legislation to the children's needs becomes evident. The relatively weak duty upon Boards of Governors is a hindrance to early intervention.

This current duty on the Board of Governors still raises concern on the capacity of this duty to ensure the needs of all pupils will be met appropriately and yet this has not been addressed or amended in the SEND Bill. The duty to 'use best endeavours' remains, though the scope of the duty has been widened and clarified to bring it into line with disability equality duties under SENDO 2005. Despite the difficulties we raise we also note that the duty to use "best endeavours" is nonetheless a proactive duty and the importance of this should be communicated to Boards of Governors to make clear that it is their legal responsibility to ensure the school is meeting the SEN needs of the pupils and that as a governing body they have the required processes and records in place to demonstrate this for each pupil with SEN.

Clause 3 amends Article 8 (1) (b) by the substitution of 'teach him' with 'be concerned with the pupil's education' in relation to ensuring a pupil's needs are made known. The inclusion of this phrase is positive in that it broadens the context in which a child's needs will be known within the school community and enables a more holistic approach yet it is unclear why the phrase 'teach him' is to be substituted at all. The function of SEN provision is to teach a child inclusively and with differentiation and those teaching a child have this primary role. It is important that this key provision retains the phrase 'teach him '. This provision would be

stronger with the addition of the amended phrase rather than as a substitution ie 'those needs be made known to all who are likely to teach him and be concerned with his education'.

In relation to Clause 3 as an amendment to Article 8 (1) (c) the substitution of 'are aware..' to 'take reasonable steps to identify and provide' is a positive change as it aligns the duties of Boards of Governors owed to children with SEN with the duty upon "responsible bodies" to make reasonable adjustments for disabled pupils under SENDO 2005.. Guidance would be required within the revised Code of Practice to facilitate school managers in their compliance with the inter-related legal obligations towards children with SEN and children with disabilities.

It of course must be stated that without sight of the new Code or Regulations it is difficult to support any legislative obligation to have regard for the provisions of a Code as yet unseen or consulted on.

CDSA welcomes the inclusion of the duty relating to Personal Learning Plans. The inconsistencies of the quality and effectiveness of the current education plans concerns many of the families our member organisations support and this is a positive development.

The insertion of the duty to designate a Learning Support Coordinator with responsibility for coordinating the provision of education for those children with SEN is positive however it is disappointing the legislation does not make a provision which recognises the importance of this role. During the consultation period CDSA called for the position of the LSC to be part of school's Senior Management Team. The LSC should have sufficient standing with the school leadership team to execute their role effectively. Coordinating SEN provision is a crucial role to ensure the needs of the children are identified and provided for throughout the school against the competing pressures and demands which exist within schools. The reference in the SEND bill that the Regulations may require the Board of Governors to ensure the LSC has prescribed qualifications and experience or both does not adequately address the central importance of the role in terms of the moral and legal responsibility and the depth of insight into SEN required. The SEND Bill also states the Regulations 'may' require this assurance on qualifications. This should be an

absolute function of the Regulations. Additionally there should be guidance on the role description either within the Code or Regulations to ensure consistency of the application of this role throughout all relevant schools.

Clause 4

We do not believe this clause will make any difference to the current delays experienced by children in assessing their need. Delays in reports being forwarded by health services can mean that, despite statutory time limits, these are not always adhered to. There needs to be explicit duties placed upon education, health and social care to cooperate to plan, deliver and meet the distinct needs of children with special educational needs in all educational settings. This includes access to occupational therapy, speech and language therapy and other support services that are needed by the child.

Clause 5

We very much welcome any aim to reduce the timeframe for completion of statutory assessment and issue of a final statement. Reducing from 26 weeks to 20 weeks is a step in the right direction. However, we have grave concerns that this reduction has meant that parents providing evidence has been reduced from 29 days to 22 days. It is not normally the parents who delay the process. There are delays in children waiting for an Educational Psychologist, delays in the number of children that schools can refer to the Educational Psychologist, as well as delays between education and health. It is our view that any reduction should be taken from the time allocated to education and health. Moreover, there must be a requirement on other partners partaking in the process to do so in a timely and responsive manner so that a child can access the required provision to meet his/her needs as promptly as possible.

Clause 6

We welcome this new right of appeal to the Special Educational Needs and Disability Tribunal.

Clause 7

The new right of appeal to the parent of a child under 2 against the contents of statement or the failure to make statement is to be welcomed.

Clause 8

Clause 8 of the Special Educational Needs and Disability Bill as introduced shall amend the Education (Northern Ireland) Order 1996 to place new duties on the Education Authority to make arrangements for the provision of independent mediation services to a person who intends to make a SEN appeal to the SENDIST where the person requests access to mediation. The Education Authority must arrange for and participate in the mediation, should the person decide to pursue mediation.

Mediation will be offered to parents or young people over compulsory school age who shall have their own right of appeal to the SENDIST conferred under the proposed Bill in circumstances where they have capacity to exercise a right of appeal. If a young person is determined to lack capacity to exercise their own appeal, a parent may still take an appeal on their behalf.

Statutory provision of mediation in England and Wales

Statutory mediation services, similar to those proposed under the Northern Ireland Bill have already been introduced in England under Sections 53 and 54 of the Children and Families Act 2014.[1]

In January 2015, a revised Special Educational Needs and Disability Code of Practice was introduced by the Department of Education and the Department of Health in England and is fully effective from 1st April 2015[2]. The English Code is helpful in clarifying the mediation services now available in England under the Children and Families Act 2014. We shall refer to it, where relevant, as a benchmark for service delivery in CDSA's submissions regarding the introduction of independent mediation services in Northern Ireland.

[1] Children and Families Act 2014 (Chapter 6) Part 3 – Children and young people in England with special educational needs and disabilities.

[2] Special Educational Needs and Disability Code of Practice: 0-25 years – Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities (January 2015)

Information and Advice as to mediation in connection with certain appeals

Mediation is proposed as a distinct and separate service from dispute avoidance and resolution processes. The Education Authority (EA) will appoint independent mediation advisers who shall not be employees of the EA. Mediation will only be offered in respect of certain types of case where a parent or young person intends to appeal to the Tribunal. The types of appeal to which mediation shall apply are identified in the proposed SEND Bill and will include decisions by the EA not to make a statement; appeals in respect of the content of a statement; the refusal to carry out a statutory assessment following a parental request; decisions following requests for review or assessment by a responsible body; and assessments of the educational needs of children under 2 years. The draft SEND Bill stipulates that it will not apply to appeals concerning the school or type of school named in a child's statement or a failure by the EA to name a school within the child's statement.

Similarly to the process already in operation in England, it is proposed that parents and young people who wish to make an appeal to Tribunal may do so only after they have contacted an independent mediation adviser and discussed whether mediation may be a suitable way of resolving the dispute. The EA in Northern Ireland will therefore be required to make arrangements for parents and young people to receive appropriate information and advice about mediation so that they can make an informed decision about whether to take up an offer of mediation in advance of exercising their right of appeal to SENDIST.

When and how does the process of mediation start?

In England, the local authority is required to notify parents and young people of the mediation service and provide contact details for a mediation adviser by letter at the same time as when they are notified of their right of appeal. The parents or young person must contact the mediation adviser for advice and information prior to making a decision to proceed with an appeal. The written notice will confirm that the parent's or young person's right of appeal is not affected by entering into mediation[3]. If they do not wish to pursue mediation, this is fine as use of the

[3] Ibid, paragraph 11.18 – 11.20, page 252

service is voluntary and the adviser will issue a certificate **within 3 days** confirming this so an appeal can be filed. Following the issue of this certificate, the parent or young person must file an appeal to the Tribunal either within 2 months of the initial decision being appealed or within 1 month of receipt of the certificate, whichever is later[4].

In England, where a party wishes to take up the offer of mediation, there is a time limit of **30 days** for the local authority to arrange for mediation to commence. Parents and young people do not have to pay for mediation services, travel expenses and other reasonable expenses may be claimed and the local authority must attend[5]. There is no time limit applied to the duration of mediation sessions to allow a flexibility of approach in dealing with individual cases.

If a local authority is unable to arrange for mediation on a dispute which may be appealed to Tribunal to commence within the prescribed 30 day time limit it must give notice to the mediator. A certificate will be issued by the mediation adviser within 3 days stating that there has been a delay. The parent or young person will then make a decision whether to proceed to an appeal or to wait for mediation to take place. Further, if a parent or young person indicates that they wish to avail of mediation and subsequently changes their mind, the mediation adviser will issue a certificate and then an appeal may be filed with the Tribunal.[6] This also safeguards against mediation dragging on without the parties reaching a satisfactory resolution.

The Draft SEND Bill for NI provides that procedures for giving notice and time limits for mediation will be contained within departmental regulations accompanying the legislation. It is entirely unclear what the proposals are in terms of timescales or what form the mediation service in Northern Ireland would take and whether there would be any significant delay in accessing appeal rights. It is unclear what the evidence base for this policy proposal is.

[4] Ibid, paragraph 11.23, page 253
[5] Ibid, paragraph 11.26, page 254
[6] Ibid, paragraph 11.27, page 254

CDSA, while welcoming opportunities to enable properly balanced agreement to be reached between parties, is concerned about potential delays, notes that the wording of the Bill suggests that the Department has firm ideas about how mediation would be set up and would wish to have further information on the proposal to enable informed consultation.

CDSA also recommends in the interest of providing effective and productive mediation that the EA and Health & Social Care Trusts ensure that any education and health representatives attending mediation are sufficiently knowledgeable and experienced and have the authority to make decisions at the mediation sessions which may form part of the mediation agreement.

What happens after mediation and how are any outcomes implemented?

In England, it is practice that once mediation has been completed, the mediation adviser will issue a certificate confirming its conclusion within 3 working days. If there are outstanding unresolved matters and the parent or young person wishes to appeal to Tribunal they must sent the certificate to the Tribunal in order to register an appeal[7]. The appeal must be filed either within one month of receiving this certificate or within two months of the original decision being appealed, whichever is the later.

In England, the Special Educational Needs and Disability Regulations 2014[8] set out the time limits for local authorities to implement agreements reached between parties during mediation. Where the issues in the mediation agreement are matters upon which the parent or young person would have a right of appeal to Tribunal, the local authority is required to comply with the same time limits as if the mediation agreement were an Order of the Tribunal[9]. Varying time limits apply for compliance depending on the nature of the Order or steps to be taken[10]. If the steps to be taken by the local authority within the mediation agreement are outside

[7] Ibid, paragraph 11.28, page 255
[8] Statutory Instrument 2014 No 1530 Education (came into force on 1st September 2104 in England)
[9] Regulation 42(2), The Special Educational Needs and Disability Regulations 2014 (England)
[10] See Regulation 44, The Special Educational Needs and Disability Regulations 2014 (England)

the scope of a Tribunal appeal then they must be implemented within two weeks of the agreement[11]. The mediation agreement can also include different timescales by arrangement between parties. If the statutory time limits are not met then the parents or young person may appeal to the Tribunal, only where it is a matter which the Tribunal can hear on appeal[12].

The Draft SEND Bill for NI provides for Regulations to be issued enabling the EA to take prescribed steps following conclusion of mediation. However, we would seek clarification from the Department of Education regarding how mediated agreements outside of the scope of the Tribunal may be enforced. **Confidentiality of mediation sessions**

It is important to note that certificates sent out at the conclusion of mediation do not set out any details of what happened during the mediation process. The English Code of practice states that when an appeal is filed with a Tribunal following mediation, the Tribunal will base its decision on the facts of the case and will make its own independent findings and conclusions. Mediation sessions will be treated as confidential without prejudice discussions and will therefore have no bearing on the Tribunal appeal process. It is usual practice for all notes taken during mediation sessions to be destroyed before you leave the room and the only documentation that remains in hard copy is any agreement that has been drawn up between parties. Therefore Tribunals will be required to disregard any comments or offers that were made during mediation which remain the subject of dispute on appeal. However, if partial agreement has been reached by parties through mediation this will narrow the areas of dispute which may progress to Tribunal appeal[13].

[11] Regulation 42(3), The Special Educational Needs and Disability Regulations 2014 (England)
[12] Ibid, paragraph 11.30, page 255
[13] Ibid, paragraph 11.29, page 255

Training, qualifications and experience

In England, local authorities and health providers are free to choose how they provide mediation information, advice and services. The English guidance states that mediation advisers and mediators must be independent and that mediators should have received accredited mediation training.[14]

The Draft SEND Bill indicates that regulations will provide detail on the training, qualifications and experience of mediation advisers and mediators; who may attend mediation sessions; provision of advocacy and support services; and where a child's parent is party to the mediation, the steps which must be taken by a mediator to ascertain the views of the child.

CDSA would welcome detailed information from the Department of Education regarding how they propose to deliver these new services within NI. CDSA recommends that all mediators appointed in NI should have accredited mediation training. It would further be desirable for them to have sufficient knowledge and experience of SEN legislation in NI to ensure a balance of power within mediation sessions and to achieve effective and beneficial outcomes for parents on behalf of their children and those young people involved in mediation on their own behalf. The English Code of Practice states that generally, legal representation will not be necessary at mediation, but this is a matter for the parties and the mediator to agree in advance. In England, legal representation is not funded for either party. CDSA recommends that in order to ensure equality of arms, fairness and natural justice within the mediation process that the EA should not be legally represented in circumstances where a parent or young person is not. The guidance also states that where a solicitor has acted as a mediator, due to a conflict of interest, he or she should not represent either party at the Tribunal.[15]

CDSA also recommends that in addition to parental advocacy and support, child friendly and accessible advocacy and support services be made available to young people accessing mediation advice and pursuing mediation as a mechanism for resolving disputes. Mediation advisers and mediators who are appointed to work

[14] Ibid, paragraph 11.15, page 252
[15] Ibid, paragraph 11.38, page 258

with young people should have previous experience of working and communicating with young people to ensure that children's views are heard and taken into account. Those working with children and vulnerable adults should also be Access NI checked.

Clause 9

We broadly welcome this clause to confer on a child over compulsory school age, who has or may have special educational needs, rights within the SEN framework. This is a recognition of the child as a rights holder and will likely have a positive effect upon decision-makers generally in terms of respect for the child's legal entitlements. However, we note that the majority of matters dealt with by our members are in respect of children below this age and so the impact of this clause may be quite limited in that respect.

Clause 10

Again we welcome Clause 10 which confers on a pupil in their own right to make a claim to the Tribunal that a school or Authority has unlawfully discriminated against them on the grounds of disability.

Clause 11

It is difficult to comment on this Clause without further details of the pilot scheme including how it will operate in practice, the timescale and the review process.

Clause 12

While we welcome this Clause we require further details of both this and Clause 12 to make a full assessment. We would welcome further detail on what support will be made available to ensure that children with special educational needs are empowered to give their views.

Clause 13

Maintaining a SEN statement to the end of the school year following the child's 19th birthday is a welcome development.

Issues of concern

Outcomes for Children with SEN

CDSA believes that the child should be at the centre of decisions relating to Special Educational needs and inclusion. CDSA welcome the Department's assertion that the Special Education system should focus on learning and outcomes for children. It is only through such a focus that we will see children with disabilities progress throughout their time at school. However, CDSA would be interested in understanding what outcomes the Department would intend to promote in developing policy on SEN, and, indeed, how it intends to measure whether such outcomes have been achieved. CDSA recognises the importance of an outcomes focus, particularly given the "outcomes based accountability" promoted by the Children and Young People's Strategic Partnership. We would hope to see an increase in the accountability of schools and education providers to young people and parents as a direct result of the changes to SEN.

Appeal to SENDIST at Personal Learning Plan Level

CDSA has consistently called for a means of appealing school-based decisions at Personal Learning Plan / Individual Education Plan level. Currently, for children who would not qualify for a statement, but who would still require special educational provision to enable them to access teaching and learning there is no means to appeal the decisions of the school. This matter was raised with the Department by a number of organisations and the Minister sought advice from the Human Rights Commission on "redress" at school level. The Commission's advice to the Minister was that the current mediation through the Dispute and Resolution Service, based, at that time, in the Education and Library Boards, was not a form of redress, and that a means of resolving disputes should be made available.

The Minister has chosen to ignore this advice. CDSA believes that the Department must ensure that there is a means of resolving disputes at PLP /IEP level in order to bolster the important relationship between the school and the parents / child and that it is remiss of the Department not to put its energies to that resolution.

Quantification and Specification retained in Statements

Quantification and specification of services to children with SEN has to be at the centre of the Special Educational Needs process. The core of the SEN Statement is the support provision as detailed within Section 3. CDSA published a policy paper. "The State of SEN Statements," in 2014 that stated: "It is a matter of considerable concern that imprecise and ambiguous wording in statements has become the norm over the past number of years to the degree that there is systematic failure to specify and quantify provision….Experience of engagement with parents and ELBs, suggests that draft Statements now rarely include sufficiently detailed specification or quantification of services, and, without support, parents may risk agreeing to a legally unenforceable document."

Children and young people with SEN and their parents should be able to know their entitlement to a given service, to know how it will be provided and the allocation of time that they will receive. Terms such as "access to," as currently used in statements, is unacceptable and runs contrary to the spirit of rights as promoted by the SEN legislation. CDSA is adamant that quantification and specification of services in section three of the statement **must** continue, and that current lax implementation by Boards / Education Authority should cease. The CDSA paper is available at:

http://www.ci-ni.org.uk/DatabaseDocs/nav_5715396__new_cdsa_sen_booklet_twitter-facebook.pdf

Review of assessments

CDSA has been concerned for some time that the assessment of the needs of children with disabilities has proved problematic for some children and young people. There is a clear need to strengthen the influence of expert assessment on the definition of services detailed within the statement. This is for a number of reasons:-

1. In some cases, the assessments being used may not be appropriate for the child with a disability, indeed this is often added as a caveat to the expert's report. CDSA believes that in most cases there are assessments that are appropriate to the needs of the young person and that they should be used.

2. In many cases, there is a limited understanding among experts contributing to the statementing process of the impact of assessments on the future prospects of the young person with a disability. CDSA believes that there should be specialist training of social workers and other professional working directly with disabled children to facilitating understanding about how their contribution may impact upon educational provision.

SEN Resourcing

At the outset of the SEN Review, it had been suggested that SEN funding, rather than being held centrally by Boards, should be distributed directly to schools. CDSA argued that this was inappropriate, as once SEN funding went into the schools budgets, it would not be accounted for and may be spent other than for SEN purposes.

The Salisbury review of Local Management of Schools funding agreed with this analysis and suggested that SEN should remain centrally held. While CDSA expect that this will be the case in the future, the Department has not as yet finalized its decision on LMS funding, and CDSA would like to make it clear that we would view the future of the SEN process as depending upon the availability of centrally held and accountable funding for SEN services.

Improved inspections and quality assurance of SEN in schools

A key element of SEN provision in the rest of the UK has been a focus on inspection and ensuring the quality of SEN provision in schools. Currently the ETI inspect SEN provision within schools, however reporting on the provision is minimal. CDSA believes that inspection of SEN should be more substantial and reflect upon how schools meet the educational needs of children with SEN and how they measure the progress / attainment of those young people.