

Peter McCallion
Clerk
Committee for Education
Room 430 Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

22 October 2015

Dear Mr McCallion

Thank you for your letter dated 16th October 2015 where you outline the Committee's plans to put down amendments to the SEND Bill which will place additional obligations on health bodies, including Health and Social Care Trusts, to co-operate with education bodies, including the Education Authority, in respect of Special Educational Needs (SEN) support. The Committee will be aware from the written and oral evidence NICCY has provided on the SEND Bill to date that I am extremely supportive of greater co-operation between statutory bodies in the provision of children's services. I have long been a vocal advocate of the Children's Services and Co-operation Bill, which is currently at Further Consideration Stage in the Northern Ireland Assembly.

In its advice paper to the Department in February 2012,¹ NICCY proposed that the review of SEN created an opportunity to, "...consider the feasibility of introducing a statutory duty to ensure that health provisions set out in a Co-ordinated Support Plan are met". In its written advice to the Committee on the SEND Bill submitted in May 2015² NICCY strongly recommended that clause 4 of the Draft Bill be reviewed and a robust duty be introduced to require co-operation between the relevant health and education authorities. Most recently we reiterated that need and noted the work of the Public Health Authority and the role of Allied Health Professionals in addressing / supporting those Children and Young People with special educational needs and/or disabilities.³

We therefore very much welcome the current proposal to place additional obligations on health bodies to co-operate with education bodies in respect of SEN support. We are hopeful that the Committee's proposed amendments will significantly strengthen the duty on health and social care bodies to participate in 'consistent, strong partnerships' as referenced in the Code of Practice. We also hope that the proposed amendments to the SEND Bill will ensure effective, co-operative working between all statutory health and education bodies responsible for

¹ Advice to the Department of Education regarding proposals for progressing the Review of Special Educational Needs and Inclusion, NICCY, February 2012.

² <http://www.niassembly.gov.uk/globalassets/documents/education/inquiries-and-reviews/special-educational-needs-and-inclusion/written-submissions/niccy.pdf>

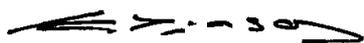
³ <http://www.niccy.org/publications/2015/august/31/further-advice-on-send-and-disability-bill/>

ensuring appropriate support and services are provided to children and young people with SEN.

NICCY also welcomes the proposal to enhance the remit of the Regulation and Quality Improvement Authority (RQIA) in order to allow it to review and report on the degree and effectiveness of co-operation between education and health bodies. It will be vital to the successful operation of the new statutory duty to co-operate that the level and effectiveness of co-operation between the health and education bodies in the provision of SEN support is independently monitored. It is unclear from your letter the powers that the Committee envisages for the RQIA at this juncture as well as the proposed reporting process. NICCY would also be supportive of sanctions being introduced where the RQIA identifies a failure by either the health or education bodies to comply and co-operate in the provision of SEN support.

Under Articles 7(2) and (3) of The Commissioner for Children and Young People (Northern Ireland) Order (2003), NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. In order to give fully informed advice and comment to the Committee on its proposed amendments to the SEND Bill I would be grateful if the Committee would share its proposed amendments with me in full. I would then be in a position to offer more detailed comment on the proposed amendments and to make suggestions, if necessary, to better promote, protect and realise the rights of children with SEN. I look forward to receiving the proposed amendments at your earliest convenience.

Yours sincerely



Koulla Yiasouma
Commissioner for Children and Young People

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23 October 2015

Dear Mr McCallion

Thank you for your e-mail of 22nd October 2015 where you outline the relevant proposed amendments to the SEND Bill which will place additional obligations on health bodies, including Health and Social Care Trusts, to co-operate with education bodies, including the Education Authority, in respect of Special Educational Needs (SEN) support. I note with interest the proposed amendments which will enhance the remit of the Regulation and Quality Improvement Authority (RQIA) in order to allow it to review and report on the degree and effectiveness of co-operation between education and health bodies. I have already written to the Committee expressing my support for the proposed amendments which I am hopeful will ensure much needed greater co-operation between health and education bodies in the provision of SEN support services.

The Committee has requested my views with regard to its proposed amendments to the SEND Bill relating to the enhanced remit of the RQIA. In particular, the Committee has brought the Department of Education's concerns to my attention that the RQIA's proposed new enhanced remit may detrimentally impinge on NICCY's powers and responsibilities. It is my view that it will be vital to the successful operation of the new statutory duty to co-operate that the level and effectiveness of co-operation between the health and education bodies in the provision of SEN support is independently monitored. I do not believe that the proposed amendments to the SEND Bill relating to the enhanced remit of the RQIA will detrimentally overlap with NICCY's powers and responsibilities.

As the Committee will be aware, this office has been long standing advocate of the Children's Services Co-operation Bill. In this Bill (As Amended At Further Consideration Stage) there is

an obligation on the Northern Ireland Executive to report on how children's authorities and children's service providers have co-operated with each other in the provision of children's services¹ as well as with regard to the sharing of resources and pooling of funds.² The report must also identify further opportunities for co-operation between children's authorities and other children's service providers.³ It is my view that these obligations on the Northern Ireland Executive to report on the effectiveness of co-operation in the provision of vital children's services are extremely welcome in the furtherance of children's rights. NICCY commissioned a review of 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) in 2013. One of the recommendations emerging from this was for NICCY to, "...provide a clear and focused review of the progress of the Executive regarding protection of the rights and best interests of children in Northern Ireland". Reviewing the effectiveness of co-operation across government will be one of the ways I intend to ensure implementation of this recommendation.

I would similarly envisage a role for NICCY in the proposed review and reporting mechanism under the SEND Bill. Under NICCY's founding legislation my powers as Northern Ireland Commissioner for Children and Young People are extremely wide. Article 8 (6) states that,

"The Commissioner may make representations or recommendations to any body or person about any matter concerning the rights or best interests of children and young persons."

It is my view that the proposed enhanced remit of the RQIA with regard to the SEND Bill will not detract from the wide ranging powers conferred upon me. It is my intention to work in partnership with the RQIA, in its enhanced role under the SEND Bill, in a manner which is complementary and ensures the protection, promotion and realisation of the rights of children with SEN.

Having now had sight of the proposed amendments to the SEND Bill, I would also be supportive of the introduction of sanctions where the RQIA identifies a failure by either the health or education bodies to comply and co-operate in the provision of SEN support. In addition, while I welcome the proposed power on health and education bodies to pool budgets and share resources, I would support this being strengthened to place an obligation on these bodies to pool budgets and share resources in the provision of services for children with SEN.

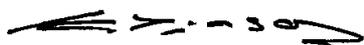
¹ Section 5(3)(c), Children's Services Co-operation Bill (As Amended At Further Consideration Stage).

² Section 5(3)(d), *Ibid.*

³ Section 5(4)(a), *Ibid.*

I wish to reiterate my support for the Committee's proposed amendments to the SEND Bill and am happy to offer further assistance as necessary to the Committee in bringing these amendments forward.

Yours sincerely



Koulla Yiasouma
Commissioner for Children and Young People



Northern Ireland
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Committee for Education

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16 October 2015

Our Ref: 2324

Dear Ms Yiasouma

Special Educational Needs and Disability (SEND) Bill

The Committee for Education is about to conclude its scrutiny of the Special Educational Needs and Disability (SEND) Bill. As you are aware, the Bill extends the rights of children in respect of Special Educational Needs provision and disability appeals.

The Committee has agreed to put down amendments to the SEND Bill which will place additional obligations on health bodies – including Health and Social Care Trusts – to co-operate with education bodies – including the Education Authority – in respect of Special Educational Needs (SEN) support. Amendments will require the sharing of information; encourage joint planning and commissioning of SEN services; and oblige health bodies to comply with the health aspects of statements of SEN produced by the Education Authority.

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The Committee has also agreed to put down an amendment designed to enhance the remit of the Regulation and Quality Improvement Authority in order to allow it to review and report on the degree and effectiveness of co-operation between education and health bodies.

Further to the above, at its meeting on 14 October 2015, the Committee agreed to write seeking the views of your organisation on the extension of the remit of the RQIA in order to include oversight of co-operation between health and education authorities. The Committee has also written to the RQIA seeking that organisation's views on this matter.

A response at your earliest convenience would be greatly appreciated.

Should you require any clarification regarding this matter, please do not hesitate to contact me.

Yours sincerely

Signed Peter McCallion

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