

Paper for Education Committee - 10 June 2015

Specific Issues that Relate to Special Education

1 Introduction

The Education Authority (EA) was established on 1 April 2015 and has commenced work in relation to the establishment of committee structures that will assist with the progression of business in relation to the work of the organisation. In the new organisation, the Children and Young People's Services Committee will provide the governance context through which services and provisions for children and young people, including those with special educational needs will be addressed. While members of the Children and Young People's Services Committee have been advised of officer attendance at the Education Committee in the Assembly on 10 June 2015, it is important to emphasise that the views expressed in this document have been provided by officers of the EA and have not, in the timeframe which was available, been presented to, or been endorsed by, the relevant committee in the EA.

Consideration has also been given to the submissions that have been made to the Education Committee regarding the Special Educational Needs and Disability (SEND) Bill, and its probable impact on children and young people in Northern Ireland. In view of some of the observations and comments that have been made in the consideration of evidence to date, it was deemed necessary to provide some quantitative data which may assist members in reconciling perceptions versus practice in this area.

2 Background Information

Over the past twenty years there has been an increased demand for services and provision for children who have identified special educational needs. Department of Education statistics that relate to the number of children with statements of Special Educational Needs (SEN) in Northern Ireland are summarised in Table 1 below:

Table 1

	2012/2013	2013/2014	2014/2015
No	14,486	15,204	15,941
%	4.4	4.5	4.7

This table indicates that the percentage of children with statements of SEN in Northern Ireland has increased year on year. While this information relates to the past three years, this upward trend has been evident over time. Indeed, 4.7% of the school population now has a Statement of SEN. It should be noted that this is not consistent with the profile in England where, from 2007 onwards, the percentage of children in local authorities with statements of special educational need has remained at 2.8% of the population.

In Northern Ireland, the imperative to access services and provision places an ongoing pressure on services, support and specialist provision. This is a matter which will require redress, not just in relation to the implementation of the SEND Bill (2015) but the wider strategic and policy context for special education.

In Northern Ireland, the consequent impact of this increased number of children with identified special educational needs is that there has been increased expenditure associated with delivering special educational needs services and provision. Indeed, the aggregated spend across the five legacy education and library boards in 2014-2015 can be summarised as follows.

Table 2 Aggregated Spend in 2014-2015 and Estimated Requirements in 2015-2016

	2014 £000	2015 £000
(1) Special Education	£96,499	£100,804
(2) Support in Mainstream	£74,008	£79,575
(3) Pupil support	£17,407	£18,090
Total	£187,914	£198,469

It should be noted that in 2014-2015, the costs of adult assistance in mainstream schools was £74,008,000; this is likely to increase by a further 7% in 2015-2016. Overall, the costs that are associated with special education and related pupil services constitute nearly fifty percent of the total EA budget.

In this regard, it is important to challenge some of the misconceptions that currently pertain in relation to the delivery of services and provision for children with special educational needs

It is becoming increasingly apparent that the focus in Northern Ireland has developed with an undue emphasis on identification and assessment of need. This has been associated with a further pressure on acquiring resources and provision for children, over and above the resource that would normally be accessed in a mainstream school. In many instances there is a drive to specify and quantify resources for specific children. There is a prevailing view that this can only be accessed and guaranteed with recourse to the commencement of the statutory assessment process.

However, there is an increased concern that a change in focus is required in the following domains:

- Early identification and assessment should be related to early interventions that can be delivered in early years and mainstream schools.
- Capacity building of mainstream school staff should not just be related to identification of need. It should also be related to the increased confidence

and competence of educational professionals to implement interventions to meet pupil need, at the earliest opportunity. Evidence from the ETi survey of the SEN Early Years Capacity (2015) projects would support this.

- There needs to be an enhanced focus on the effectiveness of the interventions that pupils access, rather than the mere continuation of a resource over an extended period of time.
- There needs to be an enhanced focus on providing a local evidence base that relates to pupil outcomes, with consideration of best practice in other jurisdictions.
- Attention needs to be given to the enhanced independence of the child as it progresses through developmental stages; in both childhood and adolescence. Through this developmental model of support, interventions should be adjusted over time to reflect changing need.
- The progressive independence of the young person should underpin the interventions that are implemented and the outcomes measures that are developed.
- More effective collaboration with other statutory stakeholders is required particularly in relation to children and young people with more complex health and educational needs.

This is likely to require significant stakeholder engagement over time, with appropriate consultation and compliance with Section 75 requirements.

3 Issues Raised by the Education Committee (Northern Ireland Assembly)

It was noted that there were four key areas that were raised by members of the Education Committee which required input from officers. These can be summarised as follows:

3.1 Reports that 81% of delays in the processing of statements of special educational need are as a result of health advice not being provided in good time

The legacy boards had a statutory duty to complete statutory assessment within the 26 week period. Evidence would indicate that the legacy boards completed approximately 98 per cent of statements within this timeframe, when permitted valid exceptions were included.

However, circumstances may arise where this time limit cannot be met. These are known as valid or permitted exceptions and include situations where, for example:

- advice from a school principal is delayed because of school holiday periods;
- advice sought from the Health and Social Care Trust has not been provided within the 6 weeks' timeframe,
- missed appointments by the child and the parent as part of the assessment process;

- late advice from a parent;
- further professional advice may be needed.

It is recognised that there are delays associated with the submission of medical advice and advice from allied health professionals. Over the years, the following steps have been taken to engage with the local health trusts. These include:

- written reminders when advice has not been submitted using standardised letters;
- electronic correspondence to offset delayed postal submissions;
- direct feedback to local health trusts on the profile of the delay;
- training for allied health professionals which has been delivered by the legacy boards;
- training on legal duties for allied health professionals which was provided by the former Education and Library Board Solicitors.

It is anticipated that further work that is currently in progress which has been commissioned by the Department of Health and Social Services, and led by the Public Health Agency in relation to meeting the therapy needs of children will also encompass enhanced awareness and support regarding statutory duties that relate to SEN.

3.2 The Education Authority reported failure to provide a sufficient level of specificity in statements of special educational need in respect of support to be provided to children

Issues relating to the specificity of the content of statements have been raised by parents and other advocacy groups working with children and families. It is important to note that there are fundamental differences of professional opinion pertaining to this matter.

When a statement of special educational need is finalised at a particular point in time it reflects the needs of the pupil on the basis of the assessments and professional advice that have informed the content of the statement. There is a pressure to quantify and specify the content of the statement; this usually relates to the quantification of adult assistant hours and specificity in relation to the type and frequency of therapeutic support that a particular pupil should access, with reference to speech and language therapy, occupational therapy and physiotherapy.

There are risks which are associated with this pressure. These can ultimately impact on the child in the absence of other considerations which include:

- the type of school in which the child will be taught;
- the child's reported difficulties, and their impact on opportunities for learning;

- the number of other children in the classroom, including those with special educational needs;
- the size of the class; and
- the professional skills base of the teacher need to be considered.

There is a strong case to be made that if a statement is too specific, then this places constraints in terms what can be provided over time.

In view of the financial information that has already been presented in this document, it should become apparent that this is not a matter that relates to resources. While there is a prevailing view that ‘more is better’, the focus should be on the appropriateness of the intervention at a given period of time.

There are cases where children access amended support and provision as their needs change. Typically, this results in key adjustments that are made as part of the Annual Review process. Indeed, statements are amended to reflect changes to the child’s underpinning diagnosis, the therapies that are required as well as revisions to the placement that may now be necessary. These amendments are made by special education officers and are reported on a monthly basis to the children and young people’s services committee. Indeed, as recently as 30 April 2015, 302 cases were ratified of which 187 (61.9%) related to amendments to statements.

3.3 Suggestions that the most significant delays in the statementing process are associated with limited availability of educational psychology services

There is continuing reference to the demand for educational psychology Services. In 2014, an audit was completed of the educational psychologists who were employed across the five legacy boards. This information can be summarised in Table 3 below.

Table 3 Educational Psychologists’ Workforce Profile 2014

Total No of Educational Psychologists	166
Full-time	87
Part-time	79

It should be noted that educational psychologists have been protected in recent years, in terms of both vacancy control and recruitment. However, it is increasingly clear that the pressure does not relate to the number of educational psychologists who are employed; rather the issue relates to their utilisation.

As educational psychology is a statutory service, priority is given within the service to ensure that educational psychology advice is submitted on

time, as part of the statutory assessment process. This work is given precedence within the service, irrespective of other service demands. It should also be noted that late educational psychology advice does not constitute a valid exception. In this regard, the service works hard to meet its statutory compliances within the time lines. As a consequence, the service cannot be regarded as having a negative impact on the progression of the statutory assessment process.

The unintended consequence of the statutory assessment priority is that the skills and expertise of educational psychologists are not being sufficiently utilised to deal with systemic issues in schools. If the wider focus in Northern Ireland moved from assessment to intervention and effective outcomes for children it is clear that educational psychologists would have a vital contribution to this work. It is probable that the reported pressures on access to the service would diminish.

3.4 Whether the Education Authority intends to review its SEN policies to ensure that there is no differential adverse equality impact on Section 75 groups

It is highly probable that the EA, over time, will review its SEN policies, in line with adjustments that arise as a consequence of the implementation of the SEND Bill (2015) and supporting legislation. When this occurs due regard will be given to the potential impact on Section 75 groups. Appropriate EQIA screening and consultations will be implemented, as required.

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