

From: Darren Northcott
Sent: 29 June 2015 16:47
To: McCallion, Peter
Cc: Justin McCamphill; Seán McElhinney
Subject: Committee for Education - Special Educational Needs and Disability (SEND) Bill

Dear Mr McCallion

I write further to your letter of 19 June on the briefing given to the Committee for Education by the NASUWT on the Special Educational Needs and Disability (SEND) Bill.

As referred to in your letter, the NASUWT notes the interest of the Committee on whether and how the Bill should be amended in order to specify the principles that the Department is to apply in framing subordinate legislation and the key matters that may or may not be included in that legislation. The NASUWT has made clear its concern that the absence of any information about the proposed content of subordinate legislation, or the ways in which the current Code of Practice might need to be amended, continues to inhibit the ability of the Committee, MLAs and other stakeholders to evaluate the Bill on a meaningful and sufficiently informed basis. The Union understands that in light of the impending dissolution of the Assembly in advance of the scheduled 2016 elections, the Committee is keen to address these problems in the way set out in your letter.

However, having reflected further, the NASUWT's view is that it is highly unlikely that simply setting out principles that should guide subordinate legislation or the content of a revised Code of Practice on the face of the Bill would provide enough information about their implications for learners, parents or members of the school workforce. In particular, the effectiveness of changes provided for in the Bill in relation to the duties on the Education Authority, Boards of Governors and appeals to the SENDIST would depend critically on the precise nature of related provisions in the Code of Practice and subordinate legislation. Without some indication of the guidance to be given to teachers and school leaders on the ways in which the Bill would be implemented in practice, it remains difficult for any interested individual or organisation to assess the Bill effectively.

Accordingly, the NASUWT is clear that the Department should publish a draft Code of Practice and provide more detailed information about subordinate legislation to ensure that the Committee and others are provided with the information required to scrutinise the Bill appropriately. The Bill should not progress further until this information has been made available.

Kind regards

Darren Northcott
National Official (Education)
NASUWT

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The Teachers' Union



The largest teachers' union in the UK

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