



Northern Ireland  
Assembly  
Committee for Education  
MINUTES OF PROCEEDINGS  
WEDNESDAY 30 SEPTEMBER 2015  
SENATE CHAMBER, PARLIAMENT BUILDINGS

**Present:**

Peter Weir MLA (Chairperson)  
Sandra Overend MLA (Deputy Chairperson)  
Jonathan Craig MLA  
Chris Hazzard MLA  
Nelson McCausland MLA  
Maeve McLaughlin MLA  
Robin Newton MLA  
Pat Sheehan MLA

**In Attendance:**

Peter McCallion (Assembly Clerk)  
Paul Stitt (Assistant Clerk)  
Paula Best (Clerical Supervisor)  
Kevin Marks (Clerical Officer)

**Apologies:**

Danny Kennedy MLA  
Trevor Lunn MLA  
Seán Rogers MLA

*The meeting commenced in public session at 9:45am.*

**1. Apologies**

Apologies are as indicated above.

**2. Chairperson's Business**

**2.1 Redundancies at the Education Authority**

The Committee noted recent press reports relating to reported redundancies at the Education Authority.

**Agreed:** The Committee agreed to write to the Department seeking a breakdown of the reported redundancies - to be provided at the briefing on 7 October 2015.

**2.2 Deloitte Reviews of CnaG and NICIE**

The Committee again noted that the Department had declined to provide copies of the Deloitte review reports and associated Action Plans for Comhairle na Gaelscolaoichta (CnaG) and the Northern Ireland Commission for Integrated Education (NICIE).

**Agreed:** The Committee agreed to write to CnaG and NICIE to request sight of the Deloitte reviews and associated Action Plans.

### **2.3 Informal Briefing with Business in the Community**

The Chairperson advised the Committee that Members had met informally with Business in the Community, on Tuesday 29 September 2015.

**Agreed:** The Committee agreed to write to the Department in order to seek confirmation that Business in the Community is to be involved in the Careers Advisory Forum and to express the Committee's support for an education/business conference event and the production by the Forum of a portfolio of good practice work experience.

**Agreed:** The Committee also agreed to write to the Department suggesting that it should (along with DEL), as appropriate, support the Aiming Higher programme as part of its efforts to improve outcomes for Looked After Children.

## **3. Minutes of previous meeting**

**Agreed:** The Committee agreed the minutes of its meeting held on 23 September 2015.

## **4. Matters Arising**

### **4.1 SEND Bill – SEN funding in Finland**

The Committee noted an Assembly Research paper with further information comparing the funding for SEN pupils in Finland with Northern Ireland.

### **4.2 Minutes of Committee meeting of 16 September 2015**

The Committee noted a request by the Department that the minutes of the Committee meeting, held on 16 September 2015, be amended to make clear schools' obligations in respect of collective worship.

**Agreed:** The Committee agreed to amend the minutes, as requested.

**Agreed:** The Committee agreed to write to the Department to seek clarification in respect of the need for parental consent for pupils, above compulsory school age, who do not wish to participate in collective worship at school.

## **5. SR 341/2015 The General Teaching Council for Northern Ireland (Constitution) (Amendment No.2) Regulations (Northern Ireland) 2015.**

The Committee noted a written briefing regarding the statutory rule: SR 341/2015 The General Teaching Council for Northern Ireland (Constitution) (Amendment No.2) Regulations (Northern Ireland) 2015.

The following question was put and agreed by the Committee:

**Agreed:** That the Committee for Education has considered Statutory Rule 341/2015 The General Teaching Council for Northern Ireland (Constitution) (Amendment No.2) Regulations (Northern Ireland) 2015 and subject to the report of the Examiner of Statutory Rules, has no objections to the Rule.

## **6. Changes to School Inspection**

*Departmental officials joined the meeting at 9:55am.*

Noelle Buick, Chief Inspector, Education and Training Inspectorate; David Hughes, Director of Curriculum, Qualifications and Standards; and David Beck, Managing Inspector, Education and Training Inspectorate briefed the Committee on changes to the school inspection process.

*Jonathan Craig joined the meeting at 10:08am*

*Sandra Overend joined the meeting at 10:10am*

*Maeve McLaughlin joined the meeting at 10:13am*

A question and answer session followed the briefing.

**Agreed:** The Committee agreed to write to the Department highlighting concerns in respect of the need for consistent support for the school improvement process and appropriate linkage between Curriculum Advisory Support Services (CASS); Area Planning and the Formal Intervention Process. The Committee also agreed to seek clarity from the Department on the role of the Controlled Schools Support Council in relation to the Formal Intervention Process.

**Agreed:** The Committee agreed to write to the Northern Ireland Teachers' Council and the General Teaching Council Northern Ireland for their views on the effectiveness of the changes made to the school inspection process.

*Pat Sheehan left the meeting at 10.52am*

*The officials left the meeting at 10.53am.*

*The meeting was suspended at 10:57am*

*The meeting recommenced at 11:05am*

## **7. Committee Stage – Special Educational Needs and Disability (SEND) Bill – Informal Deliberation Phase**

*Departmental officials joined the meeting at 11:05am*

Caroline Gillan, Director of Access, Inclusion and Well-being and Irene Murphy, Head of Special Education & Inclusion Review Team briefed the Committee during its informal deliberations on the SEND Bill.

### ***Clause 1 Duty of Authority to have regard to the views of the child***

The Committee noted information from the Department on the number of Educational Psychologists who were proficient in the Irish language.

*The Committee informally agreed that it would not pursue an amendment in relation to access to SEN services in Irish medium schools.*

### ***Clause 3 Duties of Boards of Governors in relation to pupils with special educational needs***

The Committee noted that the Department had no objection to a proposed amendment which would replace “take reasonable steps” with “take all reasonable steps” in respect of obligations on Boards of Governors and teachers relating to SEN provision.

*The Committee informally agreed that it would pursue an amendment to Clause 3 to replace “take reasonable steps” with “take all reasonable steps”.*

### ***Clause 4 Duty of Authority to request help from health and social care bodies***

The Committee noted Departmental clarification in respect of a proposed amendment to require obligatory co-operation; sharing of information; pooling of budgets and integrated planning between Health and Social Care Trusts and the Department. The Committee noted that it had yet to consider the wording of a relevant draft amendment.

**Agreed:** The Committee agreed to write to the Department seeking sight of the protocols that are being developed between the Department of Education and the Department of Health, Social Services and Public Safety and which are designed to enhance co-operation. The Committee also agreed to seek an assessment as to the extent to which protocols are expected to improve relevant timescales.

*Nelson McCausland left the meeting at 11:20am*

The Committee noted assurances from the Department that the revised Code of Practice would enhance the provision of information by the Education Authority and schools to SEN parents in respect of the work of relevant voluntary organisations.

*The Committee informally agreed that it would not pursue an amendment to Clause 4 which would place a statutory obligation on the Education Authority to co-operate with other voluntary bodies.*

The Committee noted assurances from the Department in respect of the consideration it had given to the financial implications of the Bill on Health and Social Care Trusts (HSCTs).

*The Committee informally agreed that it would not pursue an amendment to Clause 4 in respect of the financial implications of the Bill on Health on Social Care Trusts.*

The Committee noted explanation from the Department in respect of the provision of medical advice as part of the SEN assessment process. The Committee also noted an assurance from the Department that procedures with HSCTs in this respect would be clarified.

*The Committee informally agreed that it would not pursue an amendment to Clause 4 in respect of the requirement on the Education Authority to seek medical advice in respect of SEN assessments.*

The Committee noted clarification from the Department in respect of the provision of health support in a SEN statement and the restriction of access to the SENDIST Tribunal to educational aspects of a SEN statement.

*The Committee informally agreed, pending consideration of amendments relating to the obligation on Education and Health to co-operate, that it would not pursue amendments to Clause 4 in respect of the health aspects of SEN statements or access to SENDIST where the HSCTs have not provided health services relating to a statement.*

The Committee noted advice from the Department in respect of comments made by Autism NI suggesting that an oversight body be set up to assess the level of co-operation between the Education Authority and Health and Social Care Trusts. The Committee noted that it had yet to consider the wording of a relevant draft amendment.

### **Clause 5 Assessment of needs: reduction of time limits**

The Committee noted assurances from the Department that reduced time limits for parents providing information to the SEN assessment process would have no impact on the outcome of the process other than in respect of the reporting of compliance with key timescales.

*The Committee informally agreed that it would not pursue an amendment to Clause 5 in respect of maintaining the current time limits or providing exceptions for parents providing information to the SEN assessment process.*

The Committee noted assurances from the Department that the statutory role for Educational Psychologists in the statementing process would not change.

*The Committee informally agreed that it would not pursue an amendment to Clause 5 in respect of the statutory role for Educational Psychologists in the statementing process.*

### **Clause 6 Appeal following decision not to amend statement following review**

The Committee noted assurances from the Department that advice and support would be provided to potential appellants.

*The Committee informally agreed, that it would not pursue an amendment to Clause 6 in respect of the provision of advice and support to potential appellants.*

The Committee noted that the Department had reserved its judgement on proposed amendments which would guarantee children the right to speak at a SENDIST Tribunal hearing. The Committee noted that it had yet to consider the wording of a relevant draft amendment.

*Maeve McLaughlin left the meeting at 11:42am*

### **Clause 7 Child under 2: appeals against contents of statement or failure to make statement**

The Committee noted assurances from the Department in respect of the provision of advice and support to potential appellants relating to children who are under the age of 2.

*The Committee informally agreed that it would not pursue an amendment to Clause 7 relating to the provision of advice and support to potential appellants under the age of 2.*

The Committee considered a number of amendments relating to regulation-making powers including those relating to the serving of a notice, in respect of appeals, within a prescribed period.

**Agreed:** The Committee agreed to write to the Department in respect of regulation-making powers in the Bill seeking confirmation on those instances where the Department is content for the wording “Regulations may be made” to be replaced with “Regulations shall be made”.

The Committee noted clarification from the Department regarding the admissibility of evidence from school leaders in the appeals process.

*The Committee informally agreed that it would not pursue an amendment to Clause 7 relating to the admissibility of evidence by school leaders in the appeals process.*

### **Clause 8 Mediation in connection with appeals**

The Committee noted Departmental assurances highlighting: the benefit of mediation in the resolution of disputes in the SEN assessment process; the confidential and voluntary nature of participation; the very limited impact on SENDIST proceedings; and the Department's plan to study good practice in other jurisdictions and consult on the way forward.

*The Committee informally agreed, pending consideration of the draft regulations at its meeting on 7 October 2015, that it would not pursue amendments to Clause 8 in respect of mediation arrangements.*

The Committee noted assurances from the Department relating to its intention to review the operation of the mediation service.

*The Committee informally agreed that it would not pursue an amendment to Clause 8 to place a requirement on the Department to hold a regular review of the mediation and appeals process.*

The Committee noted Departmental clarification indicating that parents may appeal to SENDIST in respect of the name and type of school on a statement.

*The Committee informally agreed not to pursue an amendment to Clause 8 to allow parents to use the mediation process in respect of the name and type of school on a statement.*

*Nelson McCausland rejoined the meeting at 11:53am*

*Maeve McLaughlin rejoined the meeting at 11:53am.*

### **Clause 9 Rights of child over compulsory school age in relation to special educational provision**

The Committee noted clarification from the Department in respect of regulation-making powers which allow parents to retain the rights of children who are over compulsory school age where the child is unable to exercise those rights. The Committee noted also Departmental explanations as to how it was to develop guidance relating to the assessment of a child's capacity in this regard. The Committee noted that it had yet to consider the wording of a relevant draft amendment.

The Committee noted Departmental assurances on the advice and guidance to be provided to children exercising their rights in respect of SEN assessments.

*The Committee informally agreed that it would not pursue an amendment to Clause 9 in order to compel the provision of assistance and support for children over compulsory school age in the exercise of their SEN rights.*

The Committee noted Departmental clarification in respect of queries relating to the guaranteeing of access to mainstream provision in schools regardless of the outcome of academic selection.

*The Committee informally agreed that it would not pursue an amendment to Clause 9 in respect of the rights to children over 16 to access mainstream non-SEN provision.*

### **Clause 10 Rights of child over compulsory school age in relation to disability discrimination claims**

As indicated above, the Committee has sought clarification from the Department in respect of the regulation-making powers in this and other clauses.

### **Clause 11 Appeals and claims by children: pilot scheme**

The Committee noted Departmental clarification that other provisions in the SEND Bill enhance the rights for children over compulsory school age.

*The Committee informally agreed that it would not pursue an amendment to Clause 11 to extend the pilot scheme to children over compulsory school age.*

The Committee noted Departmental advice as to the compliance of the pilot scheme with the United Nations Convention on the Rights of the Child (UNCRC) and the requirement for extended timescales.

**Agreed:** The Committee agreed to write to the Department seeking information on the similar pilot schemes operating or to operate in England and in Wales.

*The Committee informally agreed that it would not pursue an amendment to Clause 11 in respect of the timescales etc. of the pilot scheme.*

As above, the Committee noted assurances from the Department in respect of guidance that it is to produce regarding the assessment of children's capacity to exercise their rights.

**Agreed:** The Committee agreed to write to the Department seeking clarification as to how regulations at 11(3)(a) which will limit the age range of children who can avail of the pilot scheme comply with the UNCRC.

*The Committee informally agreed that it would not pursue amendments to Clause 11 in respect of age range restrictions for the pilot scheme.*

The Committee noted Departmental clarification that an explicit reference to the UNCRC in Clause 11 would be unnecessary and would have undetermined consequences.



*The Committee informally agreed that it would not pursue an amendment to Clause 11 which would include an explicit reference to compliance with the UNCRC in respect of appeal rights in the pilot scheme.*

**Clause 12 Appeals and claims by children: follow-up provision**

*The Committee informally agreed that it was content with Clause 12 as drafted.*

**Clause 13 Definition of “child” for the purposes of special education**

The Committee noted Departmental assurances in respect of improved support for educational transitions for SEN children. The Committee also noted Departmental assurances relating to the need for different kinds of support for SEN pupils over the age of 19.

*The Committee informally agreed that it would not pursue an amendment to Clause 13 in respect of educational transitions or the extension of statements beyond age 19.*

**Clause 14 Interpretation of this Bill**

*The Committee informally agreed that it was content with Clause 14 as drafted.*

**Clause 15 Commencement, transitional provisions, etc**

The Committee noted assurances from the Department in relation to the need for discretion in respect of the commencement of provisions in the Bill,

*The Committee informally agreed that it would not pursue an amendment to Clause 15 in respect of the level of discretion provided to the Department on the commencement of provisions and introduction of regulations.*

**Clause 16 Short title**

*The Committee informally agreed that it was content with Clause 16 as drafted.*

**Schedule**

*The Committee informally agreed that it was content with the Schedule as drafted.*

**Regulations and related amendments to the 1996 Order**

The Committee noted that the Department accepted that regulation-making powers might be usefully changed from negative to draft affirmative.

*The Committee informally agreed that, other than changes to clause 3, it would not pursue an amendment to other regulation-making power in order to change them from negative to draft affirmative.*

The Committee noted Departmental clarification relating to suggested proposals to make all SEN regulations subject to a requirement to support: inclusivity, early intervention, a reduction in bureaucracy, capacity building, a focus on learning outcomes, transparency and accountability. The Committee noted that it had yet to consider the wording of a relevant draft amendment.

The Committee noted that the Department provided assurances that the Code of Practice was required by legislation to be consulted upon.

*The Committee informally agreed that it would pursue an amendment requiring that the Code of Practice be subject to Assembly procedure.*

The Committee noted assurances from the Department in respect of the quantification and specification of support in statements.

*The Committee informally agreed that it would not pursue an amendment in respect of the quantification and specification of support in statements.*

The Committee noted Departmental assurances indicating the procedure through which statements follow children from school to school.

*The Committee informally agreed that it would not pursue an amendment in respect of placing an additional legislative obligation that statements be required to follow children during transitions.*

The Committee noted Departmental assurances that statements were available to parents and children and would be informed by them at all times.

*The Committee informally agreed that it would not pursue an amendment in respect of placing an obligation on the Education Authority that statements would be made available to parents and children and would be informed by them at all times.*

The Committee noted assurances from the Department that Personal Learning Plans (PLPs) and Co-ordinated Support Plans (CSPs) were reviewed on an annual basis.

*The Committee informally agreed that it would not pursue an amendment in respect of placing an obligation to ensure that PLPs and CSPs were reviewed on an annual basis.*

The Committee noted assurances from the Department in respect of the Code of Practice setting out the stages of the statementing process.

*The Committee informally agreed that it would not pursue an amendment in respect of setting out the new 3 stage statementing process on the face of the Bill.*

The Committee noted Departmental assurances that the Education Authority has an obligation to ensure that parents are provided with advice and given guidance on statements.

*The Committee informally agreed that it would not pursue an amendment in respect of placing an obligation on the Education Authority to ensure that parents are provided with advice and given guidance on statements.*

### **Miscellaneous**

The Committee noted Departmental assurances relating to:

- consultation on the Code of Practice and regulations;
- ringfencing of SEN budgets;
- changes to the threshold of SEN support and an expected consequent reduction in the number of statements;
- educational transitions for children with disabilities;
- additional costs associated with changes to SENDIST;
- general concerns about SEN provision;
- the need for an Equality Impact Assessment for the Bill;
- additional SEN and disability training so that social workers can understand the differing nature of SEN support required for disabled children;
- additional obligations on the Education Authority and schools in respect of disabled pupils;
- changes to SENDIST including legal representation and publication of decisions;
- assessment of the impact of the SEND Bill and the collection of supporting data;
- SEN provision in the Irish medium education sector; and
- provision of a new clause relating to the UNCRC and UNCRPD to ensure that the voice of the child is heard, equality is enshrined and inclusion is assured.

*The Committee informally agreed that it would not pursue amendments in relation to those issues listed above.*

The Committee extended its thanks and best wishes to Ms Irene Murphy who was to finish her career in the Northern Ireland Civil Service on 30 September 2015

*Departmental officials left the meeting at 12:35pm*

## **8. Correspondence**

**8.1** The Committee noted an index of incoming correspondence.

**8.2** The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister enclosing the UN Human Rights Committee report on UK compliance with the International Covenant on Civil and Political Rights.

**8.3** The Committee noted a response from the General Teaching Council Northern Ireland (GTCNI) to a Committee query as to why GTCNI doesn't believe NIPSO's remit should include the registration of teachers.

***Agreed:*** The Committee agreed to forward this response to the OFMDFM Committee, for its information.

**8.4** The Committee noted a response from CCEA regarding the GCSE National Reference Test and the replacement of the Qualifications and Credit Framework.

**8.5** The Committee noted a response from the Department of Education to Committee queries regarding alleged sexual assaults in schools.

**8.6** The Committee noted a response from the Department of Education to Committee queries regarding the Preventative Education Programme.

**8.7** The Committee noted a response from the Department of Education regarding redundancies and the voluntary severance programme. The Committee noted that the Department indicated that there will be 197 teacher redundancies and 229 school-based non-teaching staff redundancies in 2015-16.

***Agreed:*** The Committee agreed to write again to the Department of Education seeking an update on non-school-based redundancy for the briefing on 7 October 2015.

**8.8** The Committee noted further clarification from the Department of Education on financial delegation to Controlled and Maintained schools.

***Agreed:*** The Committee agreed to write to the Department seeking further information on its actions to support schools developing significant budget deficits/ surpluses.

**8.9** The Committee noted a response from the Department of Education to Committee queries regarding the costs associated with school uniforms.

***Agreed:*** The Committee agreed to write to the Department seeking information on recent trends in the uptake of the school uniform grant.

**8.10** The Committee noted correspondence from the Committee for Finance and Personnel in respect of the October Monitoring Round.

## **9. Draft Forward Work Programme**

The Committee considered its draft forward work programme.

The Committee noted the agenda for the Committee's visit to Stranmillis University College on 7 October 2015.

**Agreed:** The Committee agreed its Forward Work Programme.

## **10. Any Other Business**

**Agreed:** The Committee agreed to write to the Education Authority seeking an update on Strandtown Primary School admissions.

**Agreed:** The Committee agreed to write to the Department seeking further information on the eligibility of DE officials, over Normal Retired Age, for the Voluntary Exit Scheme.

*Chris Hazzard left the meeting at 12:44pm*

## **11. Date, Time, Place of Next Meeting**

The Committee will meet again on Wednesday 7 October 2015, at 10.00am in the Board Room, Stranmillis University College.

*The meeting was adjourned at 12:45pm.*

**Peter Weir**  
**Chairperson, Committee for Education**  
**7 October 2015**