Northern Ireland
Assembly

COMMITTEE
FOR EDUCATION

OFFICIAL REPORT
(Hansard)

Discussion on the Department of Education's Policy Proposals on Special Educational Needs

Wednesday 20 January 2010

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:
Mr Mervyn Storey (Chairperson)
Mr Dominic Bradley (Deputy Chairperson)
Mr Jonathan Craig
Mr Trevor Lunn
Mr John McCallister
Mr Basil McCrea
Miss Michelle McIlveen
Ms Michelle O’Neill
Mr Alistair Ross

Facilitator:
Mr Fearghal McKinney

Panel Members:

Mrs Dorothy Angus	)
Mrs Irene Murphy	) Department of Education
Ms Gillian Boyd	)
Dr Paschal McKeown	) Mencap
Mr Alan Sheeran	) National Deaf Children's Society
Ms Heather Larkin	) Special Educational Needs Advice Centre
Ms Kathryn Stevenson	) Children’s Law Centre
Mr Seamus Searson	) Northern Ireland Teachers’Council/NASUWT
Ms Mary Dorman	) Standing Conference on Special Education

The Chairperson (Mr Storey):
Ladies and gentlemen, on behalf of the Committee for Education of the Northern Ireland Assembly, I welcome you to tonight's event and thank you for taking the time to join us in the Great Hall this evening, particularly those who have travelled some distance to attend. I hope that you have had the opportunity to enjoy our hospitality. If you have not, there will be another opportunity before the event concludes to partake of the food that has been provided.

You have been invited here because you or your organisation has contacted the Committee or a Committee member about the Department of Education's special educational needs (SEN) and inclusion policy proposals. Many of you have copied your consultation response and submissions to the Committee, and that has helped to inform our consideration of the proposals. The Committee has heard oral evidence from the Department of Education and from the Children with Disabilities Strategic Alliance about its member organisations' concerns. Teachers' concerns about some of the policy proposals have been expressed to the Committee through the Northern Ireland Teachers' Council, which represents the teachers' unions.

The purpose of this evening is to provide an opportunity for parents and stakeholder organisations to come together to discuss the proposals and to know that their voices will be heard. I hope that no one leaves disappointed this evening. I trust that this evening is not just about tea and sympathy; it is a genuine attempt by the Education Committee to listen and to be constructive in dealing with an issue that is of immense important to all of us in this Building tonight.

As one of my Committee colleagues reminded us, it is important to remember that the Department's policy proposal consultation document 'Every School a Good School: The Way Forward for Special Educational Needs and Inclusion' is just that: a consultation document. Those policy proposals have generated unprecedented levels of interest, not to mention concern and anxiety among stakeholders. The Committee has welcomed the Minister's decision to extend the consultation on her proposals not once, but twice. That is a recognition of a willingness to engage and a willingness to hear. The Committee hopes that those extensions indicate a genuine willingness to address the deep concerns of parents, teachers and everybody involved.

The closing date for consultation submissions is now 30 January 2010. I urge anyone who has not already done so to respond to the consultation to ensure that your voice is heard. A recording and a Hansard report of this evening's discussions will be made available on the Committee pages on the Assembly website as soon as possible. A copy will also be provided to the Department of Education as a record of stakeholders' concerns.

As outlined in the agenda, the original plan was that some Committee members would make closing remarks. At a meeting this afternoon, members decided that only the deputy Chairperson and I will make closing remarks on the Committee's behalf. That will allow maximum time for guests to ask questions. I am sure that you have heard enough from politicians. We are delighted to have Mr Fearghal McKinney here as our master of ceremonies. Fearghal will outline the programme for the evening and introduce the departmental officials.

The officials have come along willingly, and I thank them for taking the time to do so. On behalf of the Committee, I ask that Dorothy Angus passes our best wishes to the deputy permanent secretary, Dr Robson Davison who, unfortunately, cannot be with us because of ill health, but I trust that he will soon return to full health and strength. I am delighted to hand over to Fearghal to take control of the very well-organised and disciplined crowd that has come to the Great Hall tonight. Thank you very much.

Mr Fearghal McKinney:

Mervyn emphasised the disciplined nature of the event. Part of my role is to encourage everyone to be brief, because there is an awful lot packed into this evening's agenda. We will start with a presentation from Department of Education officials on the policy proposals. That will be followed by a series of panel discussions on key themes in the proposals, and there will be an opportunity for the departmental officials to respond briefly on each key theme. As set out in the agenda, those themes are: the proposed framework process; children; parent rights; impact on teachers; and funding.

I will then invite comments and questions from the audience. If anyone wants to contribute, they should raise their hand and a roving mic will come to them. They should then identify themselves and ask a question or make a comment in brief. The event will conclude with comments from Committee members and should be finished at around 9.00 pm. After that, tea and refreshments will be served in the lobby areas, which will give you an opportunity for further interaction with the people with whom you want to engage.

Representing the Department are Dorothy Angus, head of inclusion, and Irene Murphy and Gillian Boyd from the special education policy advisory group. I invite Dorothy and her team to make their presentation. I remind all contributors to stick to their allotted times, although I am sure that you did not need that reminder, Dorothy. This presentation will take 20 minutes maximum.

Mrs Dorothy Angus (Department of Education):
Good evening, ladies and gentlemen and public representatives. Let me begin by thanking Mervyn Storey and the Committee for the invitation to this evening's event and, especially, for the significant efforts that have been made to afford so many people the opportunity to hear about the Minister of Education's proposals on the education of children and young people who face barriers to learning. I convey apologies from Robson Davison, and I thank Mr Storey for his good wishes, which I will pass on to Robson.

Since the formal consultation was launched in October 2009, the Department has conducted an extensive series of public meetings as part of the process to hear views about the proposals from parents, children and young people, educators and other stakeholders. I am delighted to be able to hear your views at first hand, and many of you will have raised those views at previous meetings. My colleagues and I will explain the proposals and listen to your views. The consultation period ends on 31 January 2010, so you will appreciate that, before the Minister can reach her final conclusions on the policy, we have further work to undertake to give full consideration to the comments that are received.

The consultation document is set in the overall raising-standards agenda of 'Every School a Good School'. Therefore, I shall set the strategic context of improved standards for all our young people, within which the policy proposals have been developed. The Department has a vision for education to ensure that every learner fulfils his or her potential at each development stage. That vision firmly places the emphasis on outcomes for the individual learner, and it recognises that conveying knowledge alone will not ensure that individual children or young people will fulfil their potential. Rather, every student's whole experience and environment must be conducive to their deriving maximum benefit from the opportunities that school or other educational settings present.

Of course, many young people will go through the education system with the inherent ability, the physical and emotional support that family can provide, and an absence of any significant barrier to learning that allows them to make the most of their time in a learning environment. Others will need short- or long-term support from a variety of sources, for a range of reasons. Such a "whole child, whole school" approach is at the heart of the policy proposals that are set out for special educational needs and inclusion.

The concept of additional educational needs, which has been developed during the review, recognises the requirement for a continuum of provision for a diversity of needs. It is about the inclusion of all young people in our education system, and it is not intended to dilute the support given to any particular group.

Statistics illustrate that some school leavers on the SEN spectrum are achieving at a level that is well below that reached by students without special needs. Those figures are taken from the equality impact assessment on the review, which is part of the consultation process, and I urge you to look at it alongside the proposals document.

Tackling barriers to learning, combined with high expectations for all learners, is one of the keys to raising educational outcomes. The proposed approach is to build schools' capacity to identify barriers to learning and to put in place appropriate and effective interventions as early as possible. The model requires school workforces to accept that they have, or need to acquire, the skills to implement the relevant strategies. Some schools already provide strong school-based support, but, as the chief inspector's report for 2006-08 recognises, such support is not universal.

The Department has created a new workforce directorate to give greater focus to the most important element in the delivery of education: teachers and other members of the workforce in all educational settings. Addressing special needs will be at the heart of our plans to support and enhance the workforce's skills. In applying those skills, it is fully recognised that teachers and others in schools will work closely with other professionals, and it is increasingly evident that interrelationships across professions in education and other sectors are critical. Although the interface between education and health is well recognised, it is accepted that interdisciplinary working is not as well developed as it should be, to coherently address the needs of the children and young people who require support.

There are some good examples of good practice from which we can learn, and the proposals aim to build on that work. We were fortunate to have had an experienced member of the Education and Training Inspectorate, who is also a former head teacher, leading the review team, so we benefited from his expertise. The existing policy for special educational needs is wide-ranging and detailed, and you will appreciate, therefore, that the initial proposals for consultation are necessarily at a high level so that the Minister can gauge from the responses your views on the overall direction of travel, in order to establish a future framework that affords every child and young person the opportunity to succeed.

We are coming to the end of the formal consultation process and policy proposals. The Department has engaged in some considerable pre-consultation with a wide range of stakeholders since the review began. That was in addition to the formal consultation period, and it could not hope to replicate the formal process in which we are now engaged. However, it has enabled the review team to learn from existing good practice and from the shortcomings in the current framework.

The figures that we obtained from the education and library boards and the high levels of correspondence that the Minister has received indicate that there are inconsistencies and delays in provision across the boards. The Education and Training Inspectorate reports say that there are differences in how schools determine the need for support and that some schools are better prepared to support special needs than others. Against that background, the incidence or identification of SEN is rising, as are the legitimate expectations of parents in relation to support for their children.

Children with more complex needs are mainly in special schools, and parents are opting for mainstream schools for many children with SEN. Special schools have a depth of experience in supporting special needs. For mainstream schools, it has been a steep learning curve. Some 56,000 of our young people with SEN are in mainstream schools. They have a broad spectrum of needs and potential. It is important that the education system can demonstrate that that potential is being reached.

Some £220 million is expended in supporting children who face barriers to learning; £202 million on special needs, and £18 million on other additional needs. There is an interface between SEN and the other barriers to learning. It is not about the label that we put on a child; it is about the support that they need to enable them to learn and progress to achieve their individual potential.

The review is concerned with recognising a special educational need or other barriers to learning as early as possible and putting timely and relevant interventions in place. We want to ensure that pupils have equal access to the same levels of assessment and provision. We want to know that the £220 million is producing the best outcomes for children. We want to spread to all our schools the good practice that is evident in at least half of our primary schools and more than a third of our post-primary schools. We want all schools to be confident and equipped, to ensure that children facing barriers to learning can reach their potential.

I will now hand over to my colleague Irene Murphy, who leads the review team and who will say more about the proposals from the review. Thank you, ladies and gentlemen.

Mrs Irene Murphy (Department of Education):
Good evening everyone. I will provide a summary of the proposals, beginning with the key themes of the policy proposals.

The overarching proposals provide for an inclusive framework that is aimed at raising standards for all children and young people who face barriers to learning. As you will appreciate, the existing special needs framework is detailed and complex, and the proposals contained in the consultation document are at a necessarily high level at this stage. It is important for the proposals to create an understanding of the interrelationship between the barriers to learning that are experienced by children and young people with special needs and disabilities as well as those affected by other types of disadvantage that can adversely impact on their educational experiences and life chances.

The inclusive model discussed is similar to that already contained in special needs legislation. A continuum of provision for a diversity of need is proposed. In effect, that proposal recognises that for the majority of children with special needs and disabilities, mainstream schools can and should be able to identify and meet their assessed needs, with access to external supports, where necessary. That model also allows for special schools for children with more complex or multiple needs and recognises that many children and parents opt for and value special school placements.

A key theme in the proposals is the removal of, or reduction in, barriers to learning by focusing, where the need arises, on early identification and intervention. The development of a capacity-building programme for staff in educational settings, including in the areas of preschool assessment and provision, along with the need to provide for consistency of provision for all special needs children, is discussed in the consultation document. An enhanced role is envisaged for schools but in different ways across the mainstream and special schools sectors.

Key tenets of the proposals include the dissemination of existing good practice and collaborative working, as evidenced in a range of reports from the Education and Training Inspectorate, along with improved multidisciplinary and multi-agency working. You have heard about the significant level of funding in place to support special needs provision, and the consultation document proposes that accountability for all is key in respect of the funding that is available and the outcomes to be achieved.

The concept of additional educational needs, as discussed in the document, aims to ensure that each child and young person facing barriers to learning has a fair and equal chance to reach his or her full potential. The concept is used within the overarching, inclusive framework that recognises the challenges and overlapping barriers to learning that many children face. The concept also recognises the challenges that teachers face in addressing the different needs and learning styles of increasing numbers of children with diverse needs.

By placing a child firmly at the centre of an inclusive framework, it is suggested that schools will be better placed to identify and meet individual and overlapping barriers to learning. That is in keeping with the guidance and terminology contained in the current SEN code of practice that was issued in 1998 and the supplement that was issued alongside the Special Educational Needs and Disability (Northern Ireland) Order 2005, which clearly set out the significant roles and responsibilities in schools. There are no proposals to redefine the existing legislative definitions of special educational needs, learning difficulty or disability.

Identification and intervention should occur at an early stage. In the main, that could happen during preschool or Key Stage 1, but that may not exclusively be the case. It is proposed that needs should be identified and addressed at the appropriate level and by a professional or professionals with the necessary competence. If a child or young person acquires a special need or disability later in his or her school career, that should also be identified quickly and relevant and meaningful supports should be put in place. Any support programmes that are put in place should be regularly monitored and evaluated against the agreed outcomes by providers.

The proposed inclusive framework places a clear focus on enhancing the capacity of mainstream schools and other educational settings to reduce or remove barriers to learning through recognising the diversity of pupils in their population and putting in place relevant strategies and approaches to meet identified needs, therefore maximizing outcomes for all children and young people. The development of the capacity of special schools to support mainstream schools is seen as a key step in the improvement of provision for all children with special educational needs, regardless of the school setting in which they are being educated.

In the proposals, special schools, special units attached to mainstream schools and mainstream classes will all continue to play an important role in providing for the diverse needs of children facing barriers to learning, including those with complex or multiple needs. The sharing of expertise among educational establishments and experienced professionals is seen as essential in ensuring that schools are in a position to learn from each other and provide appropriate support for all children in their care.

A key feature of the proposals is the establishment of local multi-disciplinary groups (MGs), which would provide advice to teachers and schools, taking account of inputs from parents and other experts. The MGs would have a key role in encouraging the dissemination of good practice and collaborative working among schools and professionals. The MGs would consider the level and effectiveness of support provided by schools and would evaluate and determine the next steps for children who require multi-disciplinary support over and above that which the school can provide. It is also envisaged that the MGs would have a challenge role in relation to the provision made by schools.

Careful consideration will, therefore, be given to where the MGs might sit in the overall SEN framework, how they align with education and library board or education and skills authority areas and what statutory powers and duties they might have. There is no intention to enable any health sector professionals working in the MGs to have a role in challenging schools about their educational provision for children. In keeping with the imperative for consideration of the needs of the whole child, the MGs would have a key role in bringing together professional expertise from the health and education sectors.

It is proposed that the current role of a school's special needs co-ordinator would be enhanced and become known as the learning support co-ordinator (LSC), to reflect an increased emphasis on teaching and learning in the school for all children who face barriers to learning. It is envisaged that the learning support co-ordinator would be part of a school's senior management team. Responses to that proposal will be carefully considered alongside options to ensure that the senior managers in every school fully embrace the delivery of the special needs support for which schools have responsibility. It is also proposed that LSCs would be trained in level A assessment tools, so that schools would be able to develop better in-house appreciation of children's learning difficulties. The proposal does not infer that LSCs would assume any medical diagnostic function, which, clearly, would not be appropriate for a teacher's range of skills or competence.

It is proposed that a school-based personal learning plan (PLP) would be drawn up for children who experience barriers to learning. In drafting a PLP, the emphasis would not only be on firmly putting in place the necessary supports as early as possible, it would, importantly, be on the expected learning outcomes. It is felt that the existing system of individualised education plans does not adequately capture expected outcomes or incorporate appropriate monitoring or review.

It is proposed that co-ordinated support plans (CSPs) would be introduced for children with special needs who face complex or multiple barriers to learning that significantly and adversely affect their educational development in the long term and who require frequent access to a diversity of multi-agency services external to the school. As for PLPs, a greater emphasis would be placed on learning outcomes, and CSPs would detail the planned support to be provided from the education and health sectors. Instead of statutory annual reviews, it is proposed that reviews would be carried out at defined trigger points, such as at Key Stages or through a parental request. That proposal has been made because the review found that most annual reviews of statements undertaken do not result in any change in a child's provision. The current level of reviews is also recognised as being heavily bureaucratic and time-consuming.

The capacity-building programme that is envisaged in the proposals would put in place continuing professional development of the school workforce so that they are better equipped to meet the challenge of diversity in schools and are able to identify and provide relevant interventions and strategies to improve outcomes. It is proposed that providers of initial teacher education consider how best to ensure that all beginning teachers have an awareness of differing teaching strategies and that they have a practical understanding of how to adjust and tailor tasks to suit the ability of all pupils. Additional funding has been secured to develop and implement a capacity-building programme.

In-service development opportunities would be provided to school staff and boards of governors. We are also in discussion with higher education institutions in order to strengthen teacher education opportunities through a postgraduate certificate in education for special educational needs.

As we have said, the proposals are made at a high level and do not detail how the rights of the child or the parents are to be preserved.

Nevertheless, there is no intention to reduce or remove rights that already exist in legislation. It is envisaged that the Special Educational Needs and Disability Tribunal and the Special Education, Dispute Avoidance and Resolution Service will remain, and that their specific roles will be reviewed in the light of any future legislative framework. Careful consideration will also be given to the shape of the duties and powers of schools and education and library boards in any future proposals. The Department will take cognisance of existing local legislation and requirements that are contained in United Nations and European conventions.

The proposals aim to ensure that all children who face barriers to learning receive the right support at the right time to allow them to develop their skills and abilities to their fullest potential. The overarching framework would contribute to raising standards for all children, regardless of the setting. To support the framework proposals, the review considered broad funding principles. The proposals do not divert any moneys that are allocated for special needs support to any of the other additional needs groups. It is envisaged that a greater delegation of special educational needs funds that are currently allocated by boards to mainstream schools will be delegated to mainstream school budgets. How that will be achieved needs to be considered carefully in the context of a range of available funding options, such as a formulaic approach or earmarking of funds. It is envisaged that a greater delegation of mainstream funding will result in more flexibility in how support is provided for children. Responses to the consultation proposals in that regard will be considered carefully before more detailed proposals are developed.

The consultation period runs until 31 January, and we will continue to welcome responses up to that time. A member of the Education and Training Inspectorate, Gillian Boyd, who is on the Department of Education panel this evening, recently joined the review team and began work on the development of the capacity building programme. A major task for the review team will be the consideration of the consultation responses. We have already received around 1,500 responses, and the consideration process will take some months.

A document that summarises the proposals will be produced, and the consultation proposals will be analysed in the light of the responses. Our Minister will then consider the proposals to be taken forward, including any that may require legislative change, in the light of the responses received. A pre-implementation plan may be developed during 2010-11 to test the practical outworkings of accepted proposals. That concludes the summary of the proposals. Thank you for your attention. *[Applause.]*

Mr McKinney:
Thank you very much, Dorothy and Irene. Of course, Dorothy, Irene and Gillian will stay at the top table for the further presentation.

I now introduce our next contributors. Representing the Children with Disabilities Strategic Alliance is Alan Sheeran from the National Deaf Children's Society; Paschal McKeown from Mencap; Kathryn Stephenson from the Children's Law Centre; and Heather Larkin from the Special Educational Needs Advice Centre. Representing the General Teaching Council for Northern Ireland, which comprises the teaching unions, is Seamus Searson from the NASUWT. Representing the Standing Conference on Special Education is Mary Dorman, who is a special educational needs teacher from Holy Trinity Primary School.

Each panel will have four minutes to speak on its chosen theme — they are paired, so it can be two minutes each if they choose — to highlight their major concerns or issues, following which officials will respond briefly on behalf of the Department, again keeping the response to four minutes. The first issue is a proposed framework process. Hopefully, guests will find that this is all useful in highlighting key aspects of the policy proposals. The Department's responses may deal with some concerns. As we move through the series of panel sessions, guests may wish to take a note of points that they want to raise later.

Alan Sheeran and Paschal McKeown will start the first of our themed discussions by highlighting concerns and issues around the impact of the proposed policies on the general framework and process for dealing with special educational needs.

Dr Paschal McKeown (Mencap):
I thank the Committee for the invitation to speak. I will start by acknowledging that our views are informed by the experiences of parents and of other organisations that are involved in the Children with Disabilities Strategic Alliance.

Like everyone, we want every school to be a good school for all children. We want a new policy that does not undermine or reduce rights and that will ensure that children get the support that they need as soon as they need it. We also want a policy that recognises and provides extra support to children with special educational needs and disability, when they need it — one which ensures that the educational system values, welcomes and accommodates children with a disability or special educational needs, making adaptations that are required.

Mencap has many things to say about the proposals, but, in my short time, I will focus on three broad themes that are of critical importance but missing from the proposals. The first is about building the confidence of parents, children and young people. That involves growing confidence in the education system at all levels and at all stages, from the development of policies, through the allocation of resources to setting targets and responding to concerns about the needs of an individual child in a way that engages and involves them, respects them and treats them fairly.

For example, the consultation document's section "Developing Effective Partnerships" includes parents in a long list of key partnerships. However, the parents and the child or young person should be primary partners rather than near the bottom of a very long list, and that that should be reflected in the proposals. I think that it is very important that the Department engages with parents, children and young people to find out what would build their confidence in the education system.

My second point is about the distinct nature and impact of disability. The proposed policy does not take sufficient note of the distinct needs of disabled children, such as those with a learning disability. Nor do the proposals adequately reflect the extra support that disabled children may need or access from birth or during their early years. The proposed arrangements and early intervention are welcome, but they fail to reflect that many disabled children will be diagnosed shortly after birth, that education and other intervention and support can be requested and put in place from birth, or that children from the age of two can have a statement of special educational needs.

The third strand that I will look at is clarity of terminology. Being clear about the meaning of terms is critically important, particularly when the same or similar terms are used by different agencies. I draw attention to how the Department describes children who are likely to access co-ordinated support plans: "children with complex needs", "children who experience complex and multiple barriers", "children who have frequent access to a diversity of multi-agency services external to the school". I do not know whether the Department interprets those terms in the same way as health and social services.

Also, although it may seem attractive for one public body to use another's criteria as indicators of need, by proxy, I urge caution in using that approach slavishly. For example, one agency may judge that a child does not have sufficient needs but be in need of the education provision that is usually provided through a co-ordinated support plan. It is important that access to the right level of educational support is not denied because of the changing priorities of another public body, as it narrows eligibility criteria, for example.

Finally, the Department has said that this is about a high-level policy document. However, we must be equally concerned with what that policy will mean in practice. Alan Sheeran will continue our input.

Mr Alan Sheeran (National Deaf Children's Society):
We could, potentially, talk about a whole range of subjects tonight, but we will do our best in the two minutes to which we are restricted. First, I thank the Education Committee for the opportunity that we have been given. I also thank the Department, because it has been very much open to discussions. It hosted a special event for Northern Ireland's deaf community, which we must recognise before continuing.

The National Deaf Children's Society (NCDS) has issues with the process and the structure of what is proposed. First, when parents look at the proposals, they look at issues such as the notion of a child needing to have complex and multiple barriers to his or her education to get a CSP. We are not sure what that means and are very conscious of that when we look at our own children. Does that mean that our child will get a statement? Will our child have rights to the provision? Will a parent have to fight to get those rights, as often happens? That is the context in which parents are looking at the proposals. Those of us who are parents know how much we are concerned about the education of our kids. Ultimately, that is our focus.

We are concerned by the number of co-ordinated support plans that we may have. We are talking about having a reduction in statements and a greater reliance on schools to come up with their own support. When similar legislation was passed in Scotland, there was a huge drop in the number of statements that were prepared. A drop in the number of statements is a drop in the rights of a child and his or her parents. We have to bear that in mind and ask the Department how its proposals differ from what was introduced in Scotland.

We are dealing with very practical issues. For instance, a teacher of the deaf will be involved with a deaf child not when he or she goes into school, but when he or she is diagnosed, which can be as soon as three days or as late as 18 weeks. A teacher of the deaf will come in and work with the family and the child. I am sure that we do not have to wait until the child is five years old for a LENCO or a SENCO to come in and begin basic diagnostic work. We need to know precisely what will happen in those circumstances. I know that a child with a learning disability would be a similar position —

Mr McKinney:
I have to cut you off there. There has been a fair representation. I will sum up the remarks so that we can get a quick response from the Department.

At this stage of a lengthy consultation, the Department is accused of failing to build confidence, failing to engage and failing to produce clarity. Those are reasonably serious accusations at such a mature stage in the process.

Mrs Angus:
I thank Paschal and Alan for their remarks. I will begin the response, and Irene may be able to pick up on some of the points that I have missed or add to what I have said.

As Alan reflected, the Department has made a serious effort to engage in the consultation process. In addition to the document being issued and the 1,500 responses to it that we received, we have had at least a dozen public meetings. We agree entirely about the role of parents and the importance of partnership with them. That is central to the type of policies that we have been developing not just in special needs, but generally in the education sector in which we consider the involvement of parents as one of the key factors in the progress of children. We accept the point about parents.

Mr McKinney:
What about the confidence and clarity issues?

Mrs Angus:
We can only continue to build confidence. If there is not confidence, we will take that on board. We will continue to engage with groups or individuals who want to engage with us to talk about the proposals and take their views on board. We are quite open to talking to people about the issue.

Mr McKinney:
Where does the lack of confidence come from? Is it due to a lack of clarity?

Mrs Murphy:
We understand the issues that have been raised, particularly those that have been raised by parents and voluntary organisations about a lack of understanding of what the Department means when it refers to complex and multiple issues. We fully accept that. We will welcome responses from parents. The proposal was intended to reflect, as the statement does, that the co-ordinated support plan would be implemented for children who have more significant needs. We have almost 13,000 children with statements of special educational needs, whereas we have almost 60,000 children with special needs.

I will pick up on a point that Alan and Paschal made in relation to the earlier stages of provision for children. Obviously, special needs provision can be put in place by boards right from birth, and statements can be made from two years of age. We acknowledge that, and particularly recall the excellent collaborative work that the Department of Education, the Department of Health, Social Services and Public Safety, parents and other groups provided a number of years ago on implementing the neo-natal hearing screening, and the excellent work that teachers of the deaf carry out with babies and parents at that very early stage.

That is the detail; there is nothing in the proposals to suggest that that support will be withdrawn, but we fully accept that parents will be concerned because of its absence.

Mr McKinney:

Thank you very much indeed. We will now move to our next theme; the legal rights of children and parents. We have touched on some of those rights already. I invite the next panel, Kathryn Stevenson and Heather Larkin, to briefly highlight their main concerns about the impact of the proposed policies in that area.

Ms Heather Larkin (Special Educational Needs Advice Centre):

Thank you. Within the current system there is an invaluable statutory guarantee to ensure that a child's needs are met. That is the legally enforceable right to the education provision prescribed in a statement of special educational needs. In replacing the statements with proposed co-ordinated plans, the proposals suggest more stringent criteria than are currently applied to statements of special educational needs. We have great concerns that that may result in the potential loss of the enforceable right to provision for some children who currently have statements of special educational needs but may not qualify for a co-ordinated support plan.

One of the things that is most important is that there should be a clear definition of the proposed criteria, because that is vital to safeguard a child's right to support and to assess the implications of the proposed changes to existing statutory rights, and any future proposed changes to those.

It may be intended that the criteria be similar to those applied in Scotland following the Education (Additional Support for Learning) (Scotland) Act 2004. However, the impact of that act, with respect to co-ordinated support plans, is only now beginning to be evidenced and considered in Scotland. An issue that was highlighted in the Scottish inspectorate's 2007 report on the impact of the 2004 Act was that the variation in how the criteria for co-ordinated support plans are interpreted by the various education authorities is a weakness of that system.

In England, the Lamb inquiry has just produced a report on special educational needs, which contains recommendations that are relevant to Northern Ireland, particularly in relation to statements. The changes in England and Scotland provide an opportunity for the Department to explore the possibility of improving statements rather than replacing them. There might also be consideration of having statutory compliance to provision at an earlier stage of the framework, as well as retaining the current statutory rights.

We have concerns about the timescale in relation to cessation of statements. It is imperative that the current statements do not cease to have effect until resources have been secured. The proposals may also have an impact on a parent's current right to appeal if a statement is ceased or amended. The proposals do not state whether there will be any means to appeal for a child who has a statement and does not qualify for a co-ordinated support plan, or if the co-ordinated support plan does not contain the same level of provision.

With the current five stages of the system, a parent's right to request a statutory assessment at stage four is a critical tool for parents, and refusal at that stage invokes a right to appeal. Again, that has not been addressed in the proposals, and we are not sure where that right of appeal will sit within the proposed three phases. We are not even sure of the mechanism for requesting a statutory assessment.

Finally, the proposed reduction in annual reviews will really limit a parent's ability to ensure that provision for their child remains appropriate and maintained. We take the point that there is some feeling that annual reviews may not be as valuable as parents believe them to be, but we believe that they are very valuable when they are delivered appropriately and when parents are well informed to take part in them. Reducing annual reviews would also reduce amendments to statements and the right to appeal such amendments. It would also reduce the child's voice at that stage.

Mr McKinney:

Kathryn, you will have to be very brief because Heather has eaten into your time.

Ms Stevenson:

Leading on from what Heather said, I will pick up on a couple of other issues.

With the introduction of multi-disciplinary groups, there needs to be more clarification of their role, the mechanisms for referrals, the legal accountability of those groups for any decisions taken, and their legal responsibilities to parents, schools and the education and skills authority.

It appears from the consultation document that referrals can be made by schools. However, there is a need for parents and other agencies, for example, health professionals, to be able to make referrals. There should also be a mechanism that enables children to express their views to the multi-disciplinary groups.

Full consultation should be undertaken to formulate standard criteria and protocols to be used by multi-disciplinary groups in decision-making. Parents should have a clearly defined legal right of appeal in respect of decisions taken by those groups. At the moment, there is very little clarity around the role of, and accountability for, the multi-disciplinary groups.

Within the new framework, clarity is needed around all statutory rights of children and parents. We recommend that the Department conducts a full review of the legal rights currently in the system with a view to introducing further rights at school-based stages and mechanisms for complaint, while maintaining the statutory rights that are currently attached to children with statements.

Under the current legislation there are two very distinct duties around co-operation between education and health services. If an education and library board maintains a statement for a child, there is a strict statutory duty to arrange that the educational provision contained within the statement takes effect. Under the same legislation, the trusts' duty to co-operate with the education and library boards to provide therapy services to a statemented child is contingent on resources in the trust area. The consultation document proposes that the Regional Health and Social Care Board and the trusts be bound by service agreements to plan jointly. We say that that is not enough. A statutory amendment should be considered to ensure that where there is identified need for service provision, the trusts will deliver on it.

Mr McKinney:
Perhaps some of the audience questions will reflect your issues, and I hope that you can respond to those later.

Kathryn mentioned legally enforceable rights — I hope that I am not taking her out of context — and I ask the Department to respond to that.

In your opening remarks, Dorothy, you said that the policy document was “not intended” to dilute the support of any particular group. Should that be “should not” or “will not” dilute support, and is there a focus on rights that you are glossing over?

Mrs Angus:
There is no intention in the document to reduce the rights of children. We acknowledge that the document does not fully go into all the ways in which an appeal could be made. However, an appeal mechanism would have to be built around the final proposals. Broadly speaking, there is no intention to reduce rights.

Mr McKinney:
I will stop you at that point, Dorothy. I have to wait until later for the audience questions; however, on that point, is there an issue around how what you are saying might be interpreted? You say that there is no intention to reduce rights, but is that something that needs to be addressed? I sense that your colleagues are nodding.

Mrs Murphy:
There is no intention to reduce rights, because the consultation document does not consider the rights of children in a legal framework and the proposals are at such a high level. As we move forward to look at the responses to the consultation document, and start to develop detailed policy proposals, of course we must take cognisance of the existing local legislation and that of the European and United Nations conventions relating to the rights of the child and the rights of people with disabilities. Obviously, we have to do that.

In the sense that there is no intention to reduce rights, we absolutely want to look closely at the options around how we would frame legal responsibilities in the future. We want to look at the responsibilities that currently exist for education and library boards, and, as was mentioned, the duties on school boards of governors, and so forth. We want to look closely at that so that the framework for all children can be comprehensively covered in different ways through legislation.

Mr McKinney:
Just for clarity, does that mean re-legislating?

Mrs Murphy:
We do not know yet whether we would re-legislate. For example, if the proposal for co-ordinated support plans is accepted and taken forward by the Minister, a change to the legislation would be required. Similarly, changes would be required if the proposal to remove or reduce annual reviews at key stages was accepted. Those issues are stipulated in the Education (Northern Ireland) Order 1996, the Special Educational Needs and Disability (Northern Ireland) Order 2005, and in the regulations and we would have to re-legislate in such circumstances.

Of course, there would be another consultation process, whereby we would have set out exactly the intentions of any new legislative provision. That would have to be fully costed and it would have to go through the legislative processes.

Mr McKinney:
We now move on to our third theme, which is the impact of the policy proposals on the teachers — those at the sharp end with the task of meeting children's special educational needs in mainstream or special schools. To highlight the major issues in this theme, we welcome Seamus Searson and Mary Dorman. Seamus and Mary, I hand over to you and, once again, I hope that you can stick to the four-minute rule, or two minutes each, depending on how you want to carve it up. We will follow that up with more responses from the Department.

Mr Seamus Searson (Northern Ireland Teachers' Council/NASUWT):
Good evening. I am speaking on behalf of the Northern Ireland Teachers' Council, which is made up of the five teaching unions in Northern Ireland. We represent the vast majority of all the teachers in all the schools in Northern Ireland. One of the things that have exercised our members is that people have not looked at the practicalities of the proposals and how they will be administered in the schools. Mary will focus on a number of elements, and I will look at the structures.

The teaching unions are putting together a proposal paper on the way forward, which will go to the Department by the end of the month. We are looking at various elements, and one of the points that I want to focus on is the fact that all our children are special, and they all need some attention at different points in their educational career. We need to ensure that the vast amount of money that is set aside for special educational needs reaches the children and that it is not blocked in between. We have discussed the matter, and we are keen that the statement process is a safeguard. The money will go to the child who needs that money and it cannot be frittered away in other places. However, we need to cut down the bureaucracy of the statementing process.

We also want to acknowledge the professionalism of the teacher to trigger the process. The proposals that have come forward are blocks to prevent children receiving the funds, resources and expertise at the earliest opportunity. The process must support the teacher at the earliest opportunity to deal with the children who have special needs and allow those children to receive the support that they need.

The current provision of special educational needs takes place in mainstream education; it also takes place in special schools, alternative education providers and other educational setting. We are not, and do not think that we should ever get to the stage of, saying that one is better than the other. They are all complementary, and our children will need to move from one of those sectors to the other as appropriate. We must be careful when we talk about inclusion that we do not make the situation worse for some of our children. The document refers to a team of staff, and collaboration and partnership to deliver this, which does not exist in the present structures. There is competition in the different schools as regards children. If we really want to talk about reviewing the way in which special needs education is provided in Northern Ireland, we need to look at the whole structure.

I will finish with one last thing that is worrying our members. It is what is very glibly called the enhanced role of the school. The role will be passed on to the school and the teacher, but they will be held accountable if those young people do not get what they deserve, and that is worrying. There is a whole series of issues, and we recommend engagement with the teaching unions to move the matter forward.

Ms Mary Dorman (Standing Conference on Special Education):
I will look at the two issues that most affect teachers in the classroom. The first is early identification and meeting the needs of children, which is referred to in these documents all the time. However, the reality is that in the classroom, teachers have to go through a series of hurdles that a gym master would be very impressed to complete. They have to fill in all the different forms, go through all the different stages, meet all the different people, and take advice from all the different levels. They then find that they have filled in the form with the wrong tick box, and they have to start again from the beginning. The process can be very frustrating and many things

work against teachers making the early identification and giving support. One such factor is the class size — the sheer number of children in the class. When we talk of class sizes, we are talking of children numbers. However, the needs of some children are more demanding than those of others. Therefore it has an impact on all the children in the class, not just the one who has special needs.

We have a competitive system. We have to compete for everything, but this document is looking for collaborative working. The two systems will not go together. You cannot collaborate effectively in a competitive system.

The other issue is the training of teachers. We have a highly trained teaching workforce in Northern Ireland. Compared with many other areas, we are lucky that our teachers have the qualifications and skills that they have. However, there is a gap between the abilities and capabilities of teachers and the needs that are becoming greater in schools. As much as anything, teachers need the time for training, and training must be delivered in the correct way. We want the teachers to have the type of training that they need, when they need it. The same applies to the children.

Mr McKinney:

There was a fairly hefty accusation made about the proposals blocking delivery.

Mrs Angus:

What do you mean by blocking?

Mr McKinney:

Mr Searson said that it was about blocking the delivery to children. Is that a fair summation of what was said?

Mrs Angus:

The proposals are designed to do the opposite. They are designed to reduce the bureaucracy in the system, which, I think, Seamus Searson has acknowledged, and to get the support to the children as early as possible by relying on all the professionals who are dealing with the children and by building the capacity of the professionals in the education system. One of the big tenets of the review is that we will embark on a major capacity-building programme, and that is why

Gillian Boyd has joined our team. We have secured funding to do that. In that sense, we will improve the capacity of the system and, hopefully, unblock some of the roadblocks, which, we recognise, exist.

Mrs Murphy:

I echo the view that we want to reduce the bureaucracy in the system. We recognise that the current statementing and statutory assessment process is very bureaucratic for parents, health professionals, teachers, schools and the other professionals who are involved in the process. That is why one of the proposals is to reduce to three the five stages outlined in the code, while essentially preserving the stages with regard to the support that the school can provide, with and without external help, and the progression to a co-ordinated support plan (CSP) where the school cannot provide.

Mr McKinney:

What about the point that, despite the training, teachers will be accountable, and that will internalise delivery pressures in schools?

Mrs Murphy:

The current framework sets out a situation in which the boards of governors already have responsibilities. Kathryn Stevenson and Heather Larkin have alluded to that and would probably like to see those strengthened. The views of one organisation would have to be balanced with the views of another organisation as we look at future legislation. Teachers have responsibility for the education of all children in their class, including children with disabilities. That is why we are proposing that the barriers to learning, regardless of their cause or needs, are addressed, in the main, in school.

In the presentation, I think that I mentioned that it was not possible for teaching staff alone to meet the needs of about 35% of children in mainstream schools. We want to build a capacity-building programme and enable teachers across the board to have greater competence. We know that there is significant competence across teaching staff but not across every school, and we want to bring all schools up to the standards that many schools have already achieved.

Mr McKinney:

Thank you for your contributions and responses.

The last of our themes this evening is the implications for the funding of the proposed policies. Alan Sheeran and Paschal McKeown will highlight the key concerns around money, an issue that is always fundamental. Please stick to the time frame.

Mr Sheeran:

In anything, if you follow the money it takes you to the nub of the issue, and that is certainly the case with this consultation. However, I want to step back a bit first and recognise that, when we are talking about funding, we are also talking about a history of parents having pushed for the inclusion of their children in mainstream education and for the development of funding for those services in schools. We must be conscious of that history: there are parents behind us now who have worked and pushed to ensure that we have funding coming into schools specifically for those services.

The big issue that I have with the proposals before us is the accountability of the funding. It is proposed that the funding should be broadcast to schools, and the big concern about that is what has happened in the past. I sat on the LMS steering group, and we were conscious that, for example, TSN funding was very difficult to account for. Furthermore, there is a one-page accountability document each year on the targeting of social need funding that goes into our schools, and the concern is that that same system could be applied to special education funding. The consultation document also states that there will be no ring-fencing of moneys for special education, which means that they could effectively be used for anything such as painting halls or paying for school trips. Those moneys must be ring-fenced. We must also ask whether putting moneys directly into schools is the best thing to do. Currently, there is a central pot with the boards, and money is taken from that. Surely that is better than depending on 1,300-odd schools to get it right all of the time. That is a major issue for us.

I also have issues about whether we can cater for low-incidence disabilities such as deafness with a broadcast system. I am also conscious of suggestions that there may be a role for the multidisciplinary group in giving out funding. The whole funding package issue is totally unclear. We do not know what will happen, and we must be sure that money for special education stays in special education, that it goes to the kids with particular needs and that it is not frittered away elsewhere. That is the big concern.

Dr McKeown:

I want to echo some of the points that Alan has made. I agree with the importance of ring-fencing funding and strengthening the transparency and accountability of the processes in the document and in what the Department wants to see. With respect to that, under section 75 of the Northern Ireland Act 1998, which relates to the promotion of equality of opportunities between different groups, schools are not designated as public bodies. Therefore, that avenue of checking whether public bodies promote equality of opportunity and the impact of their policies is lost.

Mr McKinney:

Thank you very much. We will now go to the Department for a brief response. The headline for me, Dorothy, is "Ring-fence the money".

Mrs Angus:

One of the strong recommendations of the review relates to accountability. The difficulty at the moment is that we know how much money goes into special needs, but we do not know what we are getting out for the money, whether children are deriving the full benefits and what the results are. The review is about stronger accountability and transparency.

I cannot say at this stage that we will definitely ring-fence the money, because that has not been the general direction of travel for funding in the education sector. However, the Department wants to build structures in which schools and the education and library boards or the ESA will be able to account for the money that is spent on special needs. One of the roles of the proposed multidisciplinary groups would be to ask schools what they have done to support a child, and the school will have to demonstrate how the money is being spent and how it has supported that child.

Irene, do you wish to add anything on the technicalities?

Mrs Murphy:

I agree with what Alan said about parents and lobbying for additional resources for children with special needs. Obviously, parents and young people provide powerful demonstrations of how funding can be used to build a pathway to future prosperity for children with disabilities. In fact, in recent years, the Department has worked closely with lobby groups and has successfully achieved additional core funding for special educational needs through a variety of spending rounds.

The pathways for allocating funding for special educational needs have a number of tiers. Funding is allocated to schools through the local management of schools formula under the old Warnock factor in relation to targeting social need. Significant funding has also been earmarked for projects that the education and library boards use to support children with disabilities. Projects in which speech and language therapists work closely with class teachers with children at Key Stage 1 spring to mind as having been particularly successful. The five-board autism group has worked closely with parents and has done some innovative work.

We understand that the boards have core funding to cover professionals such as teachers of deaf children, peripatetic teachers for children with visual impairments and educational psychologists. There is a multilayered funding structure, and that must be considered closely before any changes are made. As with any changes to future legislation, any changes to the local management of schools formula will have to be detailed and will have to be consulted upon before they are made.

Mr McKinney:
Thank you. I was waiting for someone to jump on your remark and say that the 1,300 schools get it right all of the time.

We shall now invite contributions from guests. If you wish to raise an issue or follow up on an issue that was raised in the panel sessions, let me know by raising your hand. Members of Committee staff have roving microphones, and they will make their way to you.

I will canter through some basic guidelines. It will be an advantage if everyone tries to remain polite and courteous. Specific individuals or cases should not be discussed; quite apart from issues of privacy, we are here to discuss policy proposals. We shall try to get as many in as possible, so I ask guests to be as brief and concise as they can. The bonus for those who are concise is that I may be able to give them a short right of reply. I shall also try to ensure that we get comments and questions from across the organisations. I am conscious that many organisations are here, so, if your organisation or someone representing your special need has had a chance to comment, please give others a chance to do so.

I ask guests to speak clearly into the microphone and keep it slightly away from their mouth so that the event can be recorded accurately. Please give your name and organisation and say to whom your question is directed.

Ms Shirelle Stewart:

I am from the National Autistic Society Northern Ireland, and my question is for the Department of Education.

In 2005, the Department of Education's research briefing paper, 'Parental Attitudes to the Statutory Assessment and Statementing Process for Special Educational Needs', stated that 80% of parents were satisfied by the statutory assessment process and that 76% felt that the annual review was needed, even if no change occurred. Given that those views were given by parents in a survey that was conducted by the Department of Education, why does the Department now feel that it will replace the statementing system with CSPs and scrap the annual review? Rather than undertaking a radical overhaul, it might be better to address the parts of the process that do not work.

Mr McKinney:

The pre-consultation consultation had secured support for the previous system. Why change it?

Mrs Murphy:

The parental survey to which you referred considered parents of children who already had statements. That is a key issue that we have been trying to address through the review proposals. As we said, 13,000-odd children have statements of special educational needs, but many more do not, although they have special needs or disabilities. The review proposals try to take on board the fact that we must raise standards for all children with special needs and disabilities. The review team considered the parental survey but were mindful of the fact that it addressed only the views of the parents of children with statements.

Mr McKinney:

I looked through some of the paperwork yesterday. I do not know why this was, but the southern area percentage figures in what the Department produced skewed the overall mathematics from the start and increased commensurately. Therefore, those figures skewed the overall figures. Is there any explanation for that? Do the weightier figures not, as a result, skew the thinking?

Mrs Murphy:

Are you referring to the fact that the South Eastern Education and Library Board has a greater proportion of statements than other boards?

Mr McKinney:

Yes.

Mrs Murphy:

That is one reason for the review. The Department was aware of inconsistencies across boards. The parental survey considered only —

Mr McKinney:

I am not talking about the parental survey; I am talking about the figures that the Department produced. Overall, they produced a result that led the Department to say, “We need to change”. However, there was a major skew in the figures coming from the southern board. Was that matter examined for particularity? What was found?

Mrs Murphy:

The five education and library boards have been making different provision at stage 3 and stage 5 of the code of practice on special educational needs. One of the review proposals’ primary aims is to introduce more commonality.

Mr Sean McGahan:

I am the parent of an autistic child. I have a question for the Department of Education. Paragraph 10.2 of your consultation document clearly states that Ofsted reported that an ordinary, experienced, qualified teacher is required. However, the Ofsted report specifically states that a specialist teacher is required. I am an ordinary parent, and I have spotted that in the document. Do you accept that that is a misreporting of the Ofsted report?

Mrs Murphy:

Paragraph 10.2 of the consultation document does not contain a direct quotation from the Ofsted report.

Mr McGahan:

Yes, but it says that it reports what Ofsted says.

Mrs Murphy:

It does, but it also reflects the footnote in the Ofsted report in that section, which clarifies the meaning of “experienced and qualified teachers”. The term “specialist teachers” means experienced and qualified teachers; that is included in the footnote to the Ofsted report. That is the spirit in which the Department reflected the Ofsted report.

Mr McGahan:

Do you not see that you are not communicating well with ordinary parents through the consultation document?

Mrs Murphy:

The input from that paragraph reflects the wording, comments and footnote of the Ofsted report.

Mr McGahan:

It does not. The teachers here could comment on whether there is a difference between an experienced and qualified teacher and a specialist teacher. There is a massive difference. One has a qualification in special educational needs, and the other does not. That is not what the document reports.

Mrs Murphy:

The document reflects the totality of the Ofsted report, including the paragraph to which you referred and the footnote, which defines the meaning. However, if you feel that it confuses parents, we will take that on board in our consideration of the consultation responses.

Mr McKinney:

Do you accept that it confuses parents?

Mrs Murphy:

I cannot comment on whether it confuses parents. If parents feel that it confuses them, we will take that on board.

Mr Ken Stacey:

It is difficult not to feel intimidated in this building —

Mr McKinney:

Do not feel intimidated; just relax and put your point.

Mr Stacey:

All the suits and shiny shoes and whatever. I am a parent of a child with special needs. I will have to read my contribution out, otherwise I will get too angry if I have to speak my mind. Is that OK?

Mr McKinney:

As long as it is not too long.

Mr Stacey:

It will not be too long; do not worry. I am a parent of a child with special needs, and for decades the Department of Education has neither understood nor cared for their needs. The document is a reflection of that; parents are given no regard in it. We are parents of our children 24/7. We have to pick up the pieces of their failed educational provision for the rest of their life. This is the most important stage of their development, and I cannot understand how or believe that the Department of Education can live in all conscience with that on its mind. That is my general feeling.

Mr McKinney:

That is more of a statement. Do you have a specific question?

Mr Stacey:

No, I do not have a specific question. I read the consultation document and, as a parent and a lay person, I found it difficult.

Mr McKinney:

That takes us back to the issue of clarity, Dorothy. If I may convert that statement into a question, what are you doing about clarity and about convincing the public that this is the right way forward? Obviously, you are in consultation, but, even at this advanced stage, there is still passion and anger.

Mrs Angus:

Yes. That is understandable because parents want the absolute best for their children. The Department understands that and tries to reflect it. A number of people in this room would probably say that the Department makes extreme efforts to help children generally in schools and children with special educational needs. There are teachers in the audience who, I am sure, feel that they are committed to helping children every day.

In my opening remarks, I said that the review is set firmly in the raising standards agenda of the Department. We are focused on the outcomes for the children, particularly those with special educational needs.

As regards clarity, as I said before, we have been willing to engage. It is a fairly long document. We have spoken about the document a number of times in the public arena. We have met a number of organisations — any organisation that asked us to meet it. We will simply keep working on that. If further clarity and further engagement are needed, we can only keep working on that.

Ms Eimer Cleland:

I was among the first group of parents who fought for the inclusion of children with learning disabilities in Northern Ireland, in the 1980s. We have analysed the document in detail, and, although I will not subject everyone to it now, we have made a submission, and we hope to speak to the MLAs about it.

I go back to the point that the gentleman made about qualified teachers. That is not a misquotation; it is a misrepresentation of what the document says. That document, as those who have read it will know, says that the key ingredient for success is a specialist teacher, and it spells out what a specialist teacher is. I have looked at the policy document, and nowhere are specialist teachers mentioned. This is not the forum in which to explain the difference between a qualified teacher, an experienced teacher and a specialist teacher. However, I have also read the submissions made by other people, and many of them arise from that lack of distinction and clarity about what a good, professional teacher is expected to deliver and what a specialist should deliver.

Mr McKinney:

Thank you very much. We are revisiting that point about there being no reference to specialists. Do you have an answer to that?

Mrs Murphy:

No. I have located the direct reference in the Ofsted report, if that is helpful. Footnote 2 on page 2 says:

> "Specialist teacher in the context of this report refers to one who has experience and qualifications across a range of LDD."

I understand "LDD" to mean learning difficulty and disability.

Mr McKinney:

Would an existing special educational needs co-ordinator (SENCO) qualify in that regard?

Mrs Murphy:

Yes, that is our understanding.

Mr McKinney:

Alan is shaking his head.

Mr Sheeran:

There is an issue about specialisms. The specialists working in schools have a huge impact on children's lives, yet they have been left out. In talking about high-level documentation, one can argue that specialists are not very high-level. I would argue that they are exceptionally high-level, given the interaction and the impact that they have with kids on a day-to-day basis. They have a huge impact on children.

I also suggest that there can be nothing at a higher level than the rights of children, yet they are not mentioned in the document. We need to be clear about those issues as well.

Mr McKinney:

As Alan has raised that point, it is important to ask how much the consultation will affect onward movement in the process. Will the outflow be governed by the consultation and that will be the end of it, or will everything be consulted on thereafter as the flesh that Alan says is not there is put on the bones?

Mrs Angus:

Yes; as Irene mentioned, if legislation was needed, as it would be if statements were to be discontinued, there would be consultation. If there was major change in funding, there would be consultation. There would be further consultation on the minutiae of the details as we work through the results of the document.

Ms Helen Hamill:

I am here as a parent. I want to point out the irony that there is no mention of parents on the information board behind you.

I taught for 20 years and am familiar with the multitude of learning difficulties in any classroom. Nowadays, classrooms are overcrowded, there are a lot of non-English speaking children, and there are children with very obvious needs that have to be addressed before you address the rest of the room.

My child is on the autistic spectrum. We admit that there is a huge amount of bureaucracy in the statementing process, but there is a lot of comfort to be had in the fact that a child is not being diagnosed by somebody who has done a module in teacher training college that covers the gamut of possible disabilities that they are going to encounter in the classroom. There are three qualified medical specialists involved in the diagnosis.

I find it personally insulting, that my son, who has a lifelong disability that I fully embrace, might not qualify for the threshold that would trigger the development of a co-ordinated support plan (CSP) at somebody's discretion. I would like to try and pin you down on that; Fearghal tried and failed after the initial question. What exactly constitutes complex learning difficulties; what is the cut-off point; and at whose discretion is that assessed?

Mrs Murphy:

As we said, the term used in the report in relation to complex and multiple needs has not been defined.

Ms Hamill:

We have been asked to and have spent an awful lot of time reading, examining and discussing this document. You sit there and say that, when you re-examine it, it will come back to consultation, and you talk about the bureaucracy overload on parents. I find that really ridiculous.

Mrs Murphy:

The consultation proposals are trying to establish your views on the direction that the Department and the Minister take in the future in relation to a framework. Following the responses to the consultation and taking on board all views, we will have to explore whether the term "complex and multiple" is defined in legislation. At the moment, there is no definition of autism or of hearing impairment in legislation. We have established the parameters with the definition of special educational needs and learning disability and difficulties. However, the existing legislation does not define any specific special educational need.

Ms Hamill:

I wonder whether there is any way not only to ring-fence funding but to ring-fence the entitlement that the current provision gives our children until you create a better system.

Mrs Murphy:

Until such times as the current legislative framework is changed, it will remain in place. Before we will be able to define any special need or determine whether CSPs relate only to children in special schools or in special units or to children in special units in mainstream classes who have statements, we cannot give you a more detailed response. Obviously, we will look at the funding arrangements, which are complex and have several tiers. We appreciate your concerns and your desire for ring-fencing, but we have to balance what ring-fencing might achieve against what it might not achieve.

Mr McKinney:

Is there a fear being articulated here that this process will open the door to fundamental change that cannot be influenced as much afterwards when it comes to funding, categorisation and other issues?

Mrs Murphy:

Funding proposals would have to be consulted on before any changes could be made. I understand the frustrations about one stage of a process having to lead to others, but that is how Departments are required to work. We have to set out our proposals and work through the details with public representatives and the Minister.

Mr McKinney:

Other people want to contribute, Ms Hamill. I will try to get back to you at the end if I can.

Ms Marie Marin:

I am a parent of two young boys with special educational needs. I wanted to comment on what Heather Larkin said earlier about rights and legal enforceability. Both my sons have statements, and I know that, had they not reached stage 5 in order to get those statements, they would not have got the help that they needed. My youngest son has Asperger's syndrome, and because he had a legal right he got the help that he needed. As a result of that and because of the intervention that he got, he is now able to continue in mainstream schooling. It was because of the annual reviews that he was entitled to and in which I was entitled to participate that I was able to ensure that he got everything that he was entitled to. If he had not got that, I can assure you that he would have become a funding burden on our society, because he would have ended up becoming a problem later on. As a result of his legal right to an early intervention, he will hopefully not be a burden on society further down the line. I want to reinforce what Heather Larkin said about that.

Mr McKinney:

I will try to put everyone who wants to contribute in some sort of order.

Ms Frankie Hall:

I am from Autism NI. I want to go back to a point that Seamus Searson made. He said that current provision in mainstream units comprising MLDs and SLDs was a complementary system. Moving on from that, "inclusion" is a positive word, but it has negative connotations for a lot of children. It will not necessarily suit all those children with special education needs to be in a mainstream setting. Will it be a case of implementing the changes and, several years later, identifying that it is not appropriate for a large number of children and having to revert to the current system? Would it not be better to examine the current system and use the funding that has been secured to improve it rather than disposing of it altogether? Dorothy Angus said that the existing special education needs funding has no definition of outcomes attached to it. Why has that not been looked at before these proposals have come about? Why can we not look at what we are getting for our money before we start changing things?

Mrs Angus:

That is exactly what the review is doing; it is highlighting the fact that we —

Mr McKinney:

With respect, it is not doing that, because it is changing the entire system. The question is whether we can use moneys to improve the existing system, and whether the outcomes of that can be measured.

Mrs Angus:

Ms Marin highlighted one of the problems with the current system, which is that parents have to push and push for a statement in order to get the help that they need. However, the review is saying that it is really important to get help to the children concerned as quickly as possible. Some of the parents whom we met at the pre-consultation stage said that if the right sort of help were available in a timely fashion, the bureaucracy of getting a statement or in the system around the provision would not matter. It is the provision itself that matters. Some people highlighted the fact that the statement, in many ways, gets in the way of delivering provision to children quickly. There are different points of view on that. Much of the present system will remain. We are not throwing out the whole thing; rather, we are trying to improve the system as it stands.

Ms Hall:

Why is the money that the Department is currently putting into special educational needs not evidence?

Mr McKinney:

What about the measuring tools? Where is the evidence to show that the system is either working or failing?

Mrs Murphy:

As I mentioned, there are different mechanisms. Some of the funding for the education and library boards and the schools is earmarked and measured against outcomes. The significant proposal for change is that outcomes for children should be measured on an individual basis. Measurement of outcomes and accountability measures are already in place across the Department and education and library boards, but what is missing and what is proposed is that the outcomes for individual children in respect of their needs and abilities are measured and supported.

Ms Hall said that we are disposing of the current system, but that is certainly not what is proposed. I am not sure whether she was alluding to the special schools sector in her comments. There is absolutely no proposal to remove special schools, or to reduce the number of special schools in the system. Special schools are highly valued. A few years ago, the Education and Training Inspectorate considered the future role of special schools, and some of the proposals contained in the document try to reflect and build on the recommendations that were made then in respect of the expertise of teachers in special schools and support for children across all sectors.

Ms Sara McCracken:

I represent Angel Eyes NI, and I am a parent of two special needs children. First, I welcome the fact that the Department of Education, through the schools, eventually sent home notes in children's schoolbags to parents the week before Christmas. We do not understand why that could not have been done at the start of September, which would have been much more helpful, rather than five weeks before the end of the second extension.

Many of the 240 parents whom Angel Eyes represents are quite happy with their children's statements. Their real concerns are about how their children will be reassessed and about what will happen to the support that they get. Many visually impaired children are supported by classroom assistants. In most cases, those children have their statements from the age of two. I reinforce what has been said tonight about changing the bureaucracy. At the age of two, my children were assessed twice by an educational psychologist. It surely took a lot of time and cost the Department a lot of money to do what a consultant at the Royal had done, which was to tell them that they will have a lifelong visual impairment. A lot of parents here want the Department to look at the current framework. Parents whose children have a statement feel secure about that, but they have a big fear about will happen to their children if that disappears. *[Applause.]*

Mr McKinney:

I am not sure whether that was a question or a statement, but it was about where the process leaves —

Ms McCracken:

How will children who are currently statemented be reassessed? As a result of the process, what will happen to children who currently have a statement?

Mrs Murphy:

As I said, the proposals do not go into that level of detail. I am sorry to sound repetitive, but that is a fact. When we reach a level of detail that indicates that a child who currently has a statement should continue to have co-ordinated support plans, transitional arrangements will be put in place. There is nothing further that I can say or any further assurances that I can give, except to say that, overall, the proposals aim to ensure that the needs of your child, and those of other children, will be met as early as possible.

Mr McKinney:

The problem coming from the floor seems to be with respect to the document's status. You are asking for people to be consulted in a vacuum. *[Applause.]*

Mrs Angus:

Sorry, I thought you were going to make a statement.

Mr McKinney:

No, I was indicating what I sensed from the floor. Is the document's status not part of the problem?

Mrs Angus:

The document sets out, as all consultation documents do, the broad direction of travel for special educational needs, and the purpose of the consultation process is to find out people's views in light of that broad direction of policy travel, so that the Minister and the Department can then consider future arrangements. As with all such documents, when a broad direction of travel is set, we then work on the fine detail of the proposals. The special educational needs framework is very complex, so a lot of work will need to be done after the direction of travel is set.

Mr Derek Doherty (Aspergers Network):

I am a parent and carer, and I work with quite a few other organisations that have links with parents and carers. I have yet to speak to a charity or voluntary organisation that does not think that this consultation process is the worst that they have ever come across. *[Applause.]*

The proposals would remove the statementing process, albeit that it is not a good process; it is long, laboured and bureaucratic. In addition, the rights and legal provisions — right up to High Court level — whereby children can challenge the Department would be removed. Parents and carers are not interested in challenging teachers, who have a complex, hard enough job. A quarter of the population have a disability or SEN, so they could fill many rooms this size. Teachers are not the problem; it is the Department of Education.

You talked about clarity, but there was silence when the young lady over here put her question to you. At a meeting in Dunmurry, I asked you a very simple question: if a child does not have a statement, what are his or her legal rights to transport? Some people in this room were at that meeting, and the answer to my question was that transport is the responsibility of a different Department. That is not acceptable. It may be a minor issue, and I was going to speak about the legal aspects of it, but I see that the person who wrote a legal letter to Caitríona Ruane is here, so I will veer away from the subject. What about transport? If it is not mentioned in a child's statement, he or she does not seem to have a legal right to it. Are you going to remove the transport to even get these children to school? The whole consultation process is an absolute disgrace.

Mr McKinney:

Pick up on the point about transport; the rest was comment.

Mrs Angus:

Transport is considered within the overall context of a child's needs. Of course, not every child with special educational needs requires transport, but it is looked at in the round, along with the child's educational needs, and, if transport is deemed necessary, it is provided.

Mrs Murphy:

It is proposed that CSPs will place much greater emphasis than statements on outcomes for the learner.

Mr D Doherty:

Perhaps I can cut the time being spent on this matter. I asked a very simple, basic question about a child's legal right to transport. The lady who spoke first did not answer the question, and you are not answering it. Please answer the question.

Mrs Murphy:

The Department of Education does not determine what goes into a statement. As you know, that is a matter for education and library boards.

Mr D Doherty:

If a child has a right or fits the relevant criteria, will that child get transport legally under the new system?

Mrs Murphy:

The only change to what is contained in the statement, as regards education provision and other provision such as transport, is that a CSP should better reflect outcomes for the child. There is no proposal to change the transport arrangements that are associated with the statement.

Ms Monica Wilson (Disability Action):

Fearghal said that teachers are at the sharp end, but we have all seen tonight that parents are at the sharpest end. It is really important that we recognise the frustration, anger and worry of parents. The voice that is missing from the debate is the children's voice. Any future consultation with parents and children needs to be better focused to hear and communicate the children's voice.

There is a real issue around the retention of rights, and people want to safeguard what they have fought hard for. It is important that that issue be recognised and dealt with. People are concerned about rights and the focus on funding. There are potentials that have not been explored. For example, there is a potential for the nurturing groups to become silos, in which children with disabilities and special educational needs, who have been removed for whatever reason, are kept.

I will stop soon, Fearghal, honestly. How long will the funding for capacity building last? How do you train new teachers to think around that? We have not spoken tonight about the children who are dealt with under the inclusion element. No one wants any child to not have a high quality, safe and secure education. People are so concerned about these children that that discussion has not even been held. How does that fit in with UK policy on independent living?

Mrs Murphy:

The review did not consider independent living. However, we will take on board any comments that you or other individuals or organisations want to make in relation to education provision and independent living. As part of the formal consultation process, we have been out to listen to the views of children and young people. That contact was facilitated by Participation Network. Those children and young people were very eloquent in their presentations, which were very powerful. The lessons that we learned from those consultations will be taken forward as we progress.

Dr Tony Byrne (Parents' Education as Autism Therapists):
I am a parent of two children with autism. I am also chairperson of Parents' Education as Autism Therapists (PEAT), which is a charity here in Northern Ireland. I will say something positive: I have never before heard the Department of Education say that it will base children's provision on outcomes. I am a veteran of tribunals with boards and so on, so I know what it is like to go up against such people as a parent. What do you mean by appropriate and timely early identification and intervention? Who will be in charge of deciding what is appropriate and timely for the children?

Mrs Angus:
By early intervention, we mean that a child who has a need should be identified as soon as possible, but not necessarily in primary 1. Whenever the need is evident, it should be recognised as soon as possible, and, most importantly, the intervention to help the child should be put in place. That is one of the important issues in the review. Due to the way in which assessments are made, and because there is a focus on statements, some interventions are not put in place as quickly as they might be, because those involved are awaiting the formal assessment to be made by somebody else. We have proposed that more should happen in schools and capacity building for teachers, because, often, teachers, as skilled educationalists, will be able to recognise that the child has a communication difficulty or dyslexia, or something like that, and they will be able to put some strategies in place immediately to help the child.

In some cases, the assessment, in broad terms, might be done by the school, or it might be done by the special education needs co-ordinator (SENCO) under proposals whereby the SENCO could be trained to do some of the educational diagnostic testing. It would depend on the complexity of the child's needs as to whether the assessment was carried out by an educational psychologist or through a multidisciplinary assessment. We would like to get more flexibility into the system so that help can be given to the children as soon as possible.

Mr McKinney:
I will give Kathryn Stevenson 20 seconds to speak. The organisers have said that we can run until 9.00 pm. We were going to stop at 8.45 pm, but I sense a bit of heat coming into the discussion. We do not want to overrun, so I will allow quick questions after Kathryn has spoken.

Ms Stevenson:
With regard to the learning support co-ordinators and the extension of the role to include diagnostic testing, it is important that we guard against a situation arising in which people who are not qualified to make assessments of individual children are able to do so; they need to be trained properly. *[Applause.]*

Mr Eddie McGlinchey (Fleming Fulton School):
I have some positive observations and two short questions for the panel.

Mr McKinney:
One question, please.

Mr McGlinchey:
Fleming Fulton School welcomes the consultation document, because it highlights the need for more outreach support in mainstream schools for young people who are statemented and enables more meaningful and effective inclusion. We also support the vision of interdisciplinary and multidisciplinary working with, and in, mainstream schools and the approach to including young people with physical disabilities in a school of their choice. That is a method that has been tried and tested successfully for years in special schools.

We are a school for young people who have physical disabilities and learning difficulties, and we have been looking to the future and meeting the many requests that we get for specialist help and support from parents, young people and our teaching colleagues. As part of the process, we have had to get funding from the Big Lottery Fund for our 4-year project, the linked independent living and advice centre (LILAC). We are supporting 100 pupils in 67 schools and giving a free service throughout Northern Ireland. That is all to do with collaborative working and offering specialist support, as laid down in the review.

Is that the type of innovative project that fits with the vision for capacity building that the

Department has for SEN and inclusion? If it is proven to demonstrate value for money — because those seem to be the buzzwords — and given that extra money will be available to support the realisation of the outcomes of the review, will the Department consider funding and giving statutory recognition to such schemes or projects, to which the young people have a right and which will assure quality education and standards?

Mrs Murphy:
The Department is very aware of the LILAC project in Fleming Fulton and the very good work that is being undertaken through it. I am sure that Eddie would not expect me to say tonight that the Department will provide funding for any particular project, but I can say that projects that use support from experienced teachers from the special education sector to help children maintain positive experiences in mainstream education will be considered by the Department.

Ms Ruth Kearney (Association of Teachers and Lecturers):
I am a trainee teacher in my third year of study, and I am extremely concerned with the training that is necessary to adequately teach children with SEN. I have heard the concerns raised by parents this evening, and, as a trainee teacher who will be going into employment with no experience of special educational needs, I am sure that I do not have their confidence.

My main concern with the proposals is time. As I graduate next year, I will not benefit form the proposed changes in initial teacher training courses that are set out in paragraph 18.5 of the consultation document. How, when and where will that additional support be provided and how extensive will it be? *[Applause.]*

Ms Boyd:
The Department is aware that initial teacher training does not currently fully cover special education. It is also aware that there are some very highly competent teachers who have skilled themselves up and are providing extremely well for all of the children — in some cases, in a vast range of need — in their classrooms. If you are fortunate to go into a school where there is a teacher like that, I am quite sure that there will be good methods and structures from which you can learn through the dissemination of good practice. That is what we find in the best schools.

Having working in ETI for the past number of years, I have seen some very good practice in our schools, which is in the public domain in the form of school inspection reports and our survey reports. However, we are also aware that some schools can do a lot better, and those schools are required to improve within two years.

Usually young teachers who are struggling will ask us what they can do, where they can go for advice and whether we can provide them with any assistance. We are often able to point them in the right direction. Schools are very good at disseminating and sharing good practice, and it is rare to see a school which is drastically failing its pupils. About 50% of schools that have been looked at in the past three years are providing very well for special educational needs. There is room for improvement in the other 50%, and my role in the next year will be aimed at helping to upskill teachers at those schools.

Dr McKeown:

I do not pretend to be an expert in teacher training, but I echo the points that were made earlier about how important it is that teachers are also trained in the different disabilities. However, part of that training should also look at ways of achieving a change in culture, so that schools do not feel threatened by engagement with parents. Training and support should be provided to help schools and others involved in education provision to work alongside, and in partnership with, parents in a truly effective way.

Ms Claire Chalmers (National Deaf Children's Society):

I am here to represent those parents involved with the National Deaf Children's Society; my child is deaf. At present, the system is very different from school to school and from board to board. If learning support co-ordinators in each school will now have a new enhanced role, how can parents be sure that all of our children are being treated equally across Northern Ireland? Taking the responsibility away from the boards and giving it to schools will not ensure fairness.

Mr McKinney:

I will take that as a comment for now.

Ms Koulla Yiasouma (Include Youth):

The document represents a lost opportunity. It is clear that it tried to do two things, one of which was to revise and review the current system. From hearing parents today, it is clear that the document has singularly failed to achieve that. Secondly — where my interest comes in — it tried to address some of the needs of groups of children who have been excluded from school for various reasons, such as looked-after children and Traveller children. I say this with some trepidation in view of who is here: please do not forget those children. Both issues need to be addressed properly. Perhaps it was too much to try and do that in one document, but the other children whom this document sought to support should not be forgotten.

Ms Wendy Twamley (Longstone School):

I am a parent from Longstone. Section 10.6 of the document states that:

> "Where support for a child can be provided entirely within the school, albeit with some help from local and/or special schools or advice from the local Multi-disciplinary Group… or ELB/ESA personnel, there should be no need for a CSP".

That section eliminates the 13,000 children in Northern Ireland who have a statement and who have rights already. What legal protection will be provided for those kids? *[Applause.]*

Mr McKinney:

Just a final comment from the Department on that point.

Mrs Angus:

Which point? There were several.

Mr McKinney:

The final one. What protection will you provide for people who are already statemented and whom Ms Twamley feels will now leave that paddock?

Mrs Angus:

If there is a change in the system and a transition to a new one, the needs of the children who already have statements will obviously have to be very carefully considered as they transfer into the new system. However, we must remember that there are 60,000 children who have special educational needs, 13,000 of whom have statements. We are looking at the needs of a very broad spectrum of children when trying to address and improve the system for the children who have statements and for the many who are waiting to be assessed.

Mr McKinney:

As I have been hinting quite strongly for the past few minutes, we have run out of time. I thank all of those who have contributed. My apologies to those who did not get an opportunity to contribute from the floor, but we tried to get a good cross-section of opinions aired. There is some informal time available for people to raise issues with contributors, the Department and the MLAs and members of the Education Committee who are present. To close the evening, I introduce Dominic Bradley, who is the Deputy Chairperson of the Education Committee. *[Applause.]*

Mr D Bradley:

Good evening, ladies and gentlemen. It falls to me to draw proceedings to a close. I begin by thanking Fearghal, who did a very effective and efficient job. There were a lot of various opinions, and he tried his best to select a wide range of views. Thank you very much for your work, Fearghal. *[Applause.]*

I also thank the Department of Education officials who came here tonight and the representatives of the advocacy groups. There was a frank exchange of views, which was added to by the many contributors from the floor. If anybody is wondering why the MLAs did not speak, it is because we decided earlier, at the Education Committee meeting, to devote the time to parents and other representatives of disability groups to give them the opportunity to express their views. That is what democracy is all about. It was a really useful exercise to have people here with departmental officials and representatives to discuss this very important issue.

I know that some of you have already sent in your responses to the consultation. However, at this stage, you may feel that there are other things you want to say but which, because of the short deadline, you did not get an opportunity to say in your initial response. The Education Committee encourages you to respond further if there are any other points that you want to make.

The proceedings tonight have been recorded by Hansard, and I thank the officers from Hansard for staying late to do that work. As Mervyn said, a report from tonight will be posted on the Education Committee's website for everyone to read. We will also forward the report to the Department of Education, and that information will be reflected in the Committee's response to the consultation.

Next Tuesday, there will be a debate in the Assembly on the SEN consultation. We have secured that time from the Business Committee, and that is another date for your diaries. The all-party motion calls on the Minister of Education to ensure that there is early expert diagnosis and efficient intervention in relation to special educational needs; ring-fencing of funding; an equitable spread of responsibility between teachers and health and education experts; and retention of the statutory rights of parents and children. Those are the main elements in the motion, and I am very pleased to say that it reflects a lot of the important points which were raised tonight. It has all-party support.

The Minister will be in the Chamber on Tuesday to respond to that debate, and, on behalf of the Committee, I invite everyone to attend as guests in the Public Gallery if you are free to do so. If anyone would like to be there, please let a member of the Committee or a member of staff know and we will arrange a place for you.

I thank you all for giving up your time to come here tonight. I know that many of you have made a considerable journey to participate in this valuable exercise, and I thank the panellists. Perhaps we will see you next Tuesday for the debate in the Chamber. Thank you very much and good night. *[Applause.]*