



**Northern Ireland  
Assembly**

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**COMMITTEE  
FOR EDUCATION**

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**OFFICIAL REPORT  
(Hansard)**

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**Special Educational Needs and  
Inclusion**

18 January 2012

**NORTHERN IRELAND ASSEMBLY**

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FOR EDUCATION**

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**Members present for all or part of the proceedings:**

Mr Mervyn Storey (Chairperson)  
Mr David McNarry (Deputy Chairperson)  
Ms Michaela Boyle  
Mr Jonathan Craig  
Mrs Jo-Anne Dobson  
Mr Phil Flanagan  
Mrs Brenda Hale  
Mr Trevor Lunn  
Mr Conall McDevitt  
Miss Michelle McIlveen  
Mr Daithí McKay

**Witnesses:**

Mr John O'Dowd           )       The Minister of Education  
  
Mrs Dorothy Angus       )       Department of Education  
Mrs Irene Murphy       )

**The Chairperson:**

Minister, you are welcome. Irene and Dorothy, again, welcome to the Committee. I will hand over to the Minister to make his presentation. A paper has now been provided to the Committee for this session, which is appreciated. Minister, are you content for the accompanying briefing papers to be in the public domain?

**Mr O’Dowd (The Minister of Education):**

Yes.

**The Chairperson:**

OK. Thank you.

**Mr O’Dowd:**

Thank you very much for your invitation to present on where we are in respect of developing our special educational needs (SEN) proposals. We initially asked for the meeting to be held in private, because we are in policy-development mode. However, after speaking to the Chair and the Deputy Chair, I am more than happy for the meeting to be held in public. Nevertheless, we are in policy-development mode. So I ask that members and particularly the media allow this phase of policy development to develop before people become rigid in their positions on these matters. We are not at the end of this journey; we are only in the middle of it. We have a long way to go before any definitive legislation is produced or finalised as a result of the SEN review.

I am acutely aware that we are dealing with a very sensitive and, indeed, emotive issue, particularly for the families and loved ones of young children with SEN. We want to ensure that we treat those families and young people with respect throughout the development of the policy. However, I think that we would be failing as legislators if we did not review and overhaul the SEN legislation. I emphasise that this is not a cost-cutting measure. The SEN review was introduced in much better economic times to look at the inconsistencies in provision across the board; the delays in assessment and provision; the significant increases in the number of children being recorded with SEN and the reasons for that; the increase in the number of children with SEN and complex needs; and the pressures on parents, schools and boards. All those matters have been taken into account, and they are the reasons behind the SEN review.

With those things in mind, we have now finalised our response to the consultation. Unsurprisingly, there were over 2,900 respondents to the original consultation document. Many of them went into great detail, and I welcome that fact. There was a mixture of views on the proposals: some were supportive and some were negative. Parents, guardians and practitioners took part in the consultation response, and I am aware of the role that the Committee played at that time as well.

I am now looking to move to putting firm proposals on the table as to how we move the SEN issue forward. I have listened carefully, as an Education Committee member and since becoming Minister. I have liaised carefully with my officials, who have gone through the responses in detail. I have looked in great detail at the document that is going to be published on the consultation responses. I have given much thought to my views on those responses; hence the delay in proceeding with the SEN review. However, that time has been well spent.

I will now inform the Committee of what I believe is the way forward. During February, we will move to further discussions with key stakeholders. We will then come back to the Committee with what I believe will be the best way forward after listening to all those points of view. Although I have in my mind a framework of how this should develop, I am still open to persuasion on these issues. I am conscious that, when someone comes back to a Committee without having taken on board its views, they could be accused of not listening. That is not the case; well, I hope that is not the case. I hope members accept that, as Minister, I have a responsibility to make decisions. I emphasise that I want to get agreed positions on SEN. I do not want this to turn into a political row or dispute. I believe that the Department, the Committee and the stakeholders in this matter can move forward in a collective way on the basis that we need to review the SEN issue.

With your permission, Chair, I will list the issues that I want to bring forward in the proposals. I will also make a number of comments about matters within the SEN review that I will not be moving forward with. If you are content, we will then open it up to further detail.

**The Chairperson:**

OK. Thank you.

**Mr O'Dowd:**

I will start with the term additional educational needs. The original proposals were to introduce an overarching additional educational needs framework, of which SEN would be part. Since the existing SEN definition is clearly established in legislation, it will not be replaced by the term additional educational needs. The original proposal for an overarching additional educational needs framework will not be separately defined in legislation. In that regard, additional educational needs will be dealt with through the Every School a Good School policy. SEN will remain as is.

Next is the reduction in bureaucracy. The current framework is heavily bureaucratic and needs to be a much more straightforward and responsive process. I propose a move to a straightforward two-level structure to replace the current five stage process for identifying and meeting needs. Level 1 will be where the school is in the lead and level 2 will be where the education and library boards (ELBs), moving to the Education and Skills Authority (ESA), will be in the lead. That will significantly reduce the bureaucratic overload for schools and boards that is associated with the current framework and enable the focus of resources to be on meeting the need rather than feeding the system. The two levels will, importantly, reflect the level of need of the child and not the stage of response from the school or the board.

The statutory process for the annual review of statements will be more flexible, to allow schools and parents to discuss annually whether a formal review is required. A formal review will be carried out only where either the parent or school feels that a review of provision is necessary. I emphasise that we are not removing the review process. Each party to the review will have equal status in the case. The parent or the school can ask for a review. If either asks for a review, the review has to go ahead. Currently, we have around 14,000 reviews annually, which require a massive commitment of resources and staff. I believe that is not the way forward, but the rights of the parent and the rights of the school will be enshrined.

With regards to standards of SEN provision across all schools, the Education and Training Inspectorate (ETI) evidence from mainstream school inspections clearly demonstrates that, where a serious commitment is given to SEN by the school leadership, the arrangements to identify, assess and meet the needs of SEN pupils are of a high standard. The ETI reports that high standards were not in place in 18% of the primary schools and 38% of the post-primary schools inspected in 2010-11. I therefore propose some strengthening of the legislative duties on boards of governors to positively promote the achievement of high standards across all schools. I will go into that matter in more detail during questions.

I turn now to the early identification of needs and provision in schools and early year settings. Early identification and intervention programmes are vital to promote and address difficulties and to reduce the need for long-term and extensive intervention at a later stage in a child's education. That is particularly the case for children in early years settings. A two-year pilot in early years settings is being rolled out across the ELBs and will be fully operational from early 2012. The

evaluation of the pilot will include considerations of the right balance of external supports between capacity building for staff and individual support for children. The original proposals for the establishment of early-intervention officers and multidisciplinary groups are not being pursued. Instead, the early years pilots will establish a model of good practice in multidisciplinary workings.

In the consultation process, the establishment of multidisciplinary groups brought significant responses from consultees, most of which were negative. So I do not believe that their establishment is the way forward. A five-board pilot in mainstream schools, including nursery schools, has also begun to develop teacher expertise in educational assessment. That was originally proposed as low-level diagnostic testing, which has been misunderstood. Perhaps understandably, respondents thought that it related to the medical diagnosis of conditions by teachers. That was never the intention. However, to avoid unnecessary confusion, the term educational assessment will be used. Training will be provided for teachers that will improve their skills in SEN assessment so that schools can be more responsive to needs in-house and avoid unnecessary delays in awaiting educational psychological assessments, etc.

A key proposal is that statutory co-ordinated support plans (CSPs) that are led by ELBs and the ESA will be introduced for children with SEN who have the most significant educational needs and will replace statutory statements. CSPs will place an important new emphasis on outcomes and targets for children with SEN, and also on input by parents. CSPs will generally apply to all children with SEN in special schools or learning support centres and to those in mainstream classes with the greatest levels of need. Following a transitional period, CSPs will generally apply to around half the number of children who currently have statements. A legislative definition of multiple and/or complex needs is proposed to those children with level 2 needs. In the future, that will assist ELBs and the ESA to identify the children with SEN for whom they have a specific responsibility.

The current framework of 26 weeks to produce a statement will be reduced to 20 weeks for a CSP. Central to the implementation of that change is that ELBs and the ESA will be required to set out clearly the range of supports that they ordinarily make available to schools to assist them to support pupils and to SEN pupils themselves. That will ensure that supports will be more flexible and responsive to needs than at present. The statutory duty on boards of governors will also be strengthened with regard to CSPs.

With regard to appeals, which will, of course, be an important part of that, I propose that parents will have the same rights of appeal to the Special Educational Needs and Disability Tribunal (SENDIST) with regard to CSPs as currently exists for statements. That is an important matter. As CSPs would relate only to children with multiple and/or complex needs, it is envisaged that a number of appeals against an ELB decision not to carry out a statutory assessment of a CSP is likely to increase until the new framework is fully embedded. Therefore, what will set the new framework is the legislation, which will be agreed by the Assembly, and cases that are brought before the Special Educational Needs and Disability Tribunal. That casework will set the legislative framework to cover those matters, as will the legislation that is set out by the Assembly in the future.

I also want to see greater use of the informal dispute avoidance and resolution service. However, it will be an initial step before heading towards a tribunal. Across a number of legislative matters — indeed, in judicial reviews — judges now expect less formal intervention before heading towards judicial review. The use of the dispute avoidance and resolution service as a first step before heading toward tribunal is an efficient and effective way forward. However, I believe that the resolution service should be more independent from the boards and ELBs. I also believe that it should go out to tender in the community and voluntary sector. For example, a bidder from that sector could come forward and provide that tribunal service rather than it being based in boards as it is at present. I believe that would be a fairer way forward.

Current statutory guidance requires schools to put in place individual education plans (IEPs) for SEN pupils. I propose to introduce personal learning plans (PLPs) to replace IEPs and place a new statutory duty on boards of governors to ensure that every child with SEN has a personal learning plan. PLPs, like CSPs, will have stronger emphasis on outcomes than there is at present and will be reviewed regularly. That aims to provide greater assurance to parents that their children's needs will be met by schools.

I will move on to the development of capacity in our schools. Within the current SEN framework, a comprehensive SEN capacity-building programme has been rolled out to schools since 2010-11. That has involved a series of leadership and management conferences on disseminating best practice for principals and special educational needs co-ordinators (SENCOs) from all sectors. Those are also available to view through the C2k system. A detailed SEN

resource file is available in every school and online, which aims to ensure that all schools are equipped with the necessary knowledge and skills to manage successfully the needs of the majority of pupils with SEN and/or a disability. A SEN resource file for early years settings is under production. We are also looking at how teacher training programmes are meeting the modern needs of SEN, and a number of pilot schemes are being rolled out on that matter.

The role of special schools was raised with the Committee and individual members. There was great concern that there was no future for special schools in the new provision of SEN. However, I want to put it on the record and make it clear that I want to see the continuing development of our special schools. They provide an excellent service to families and their students and pupils, and I have no intention of removing special educational needs schools from the system. That was never the intention of the review. For whatever reason, there was concern in special educational needs schools that we had an agenda to remove them from the system. However, I am putting it on the record, and I will be putting it into the foreword of my response to the consultation, that that is not the case.

I propose to change the name of the SENCO to the learning support co-ordinator (LSC) in line with the concept of school support for the learner to enable him or her to reach their full potential. The learning support co-ordinator will have responsibility for the co-ordination of teaching and learning in the school for pupils with SEN and/or a disability. However, a wider remit for additional educational needs groupings will not be prescribed. There will be no requirement that all LSCs will be in a senior management position in schools. It is proposed instead that guidance will be included in a revised code of practice for each senior management team to accept responsibility for the needs of pupils with SEN and/or a disability and to ensure that the school LSC has a voice at the senior management team meetings.

With regard to transitional arrangements, following the production of any new legislation, there will be a two-year transitional period prior to full implementation. That will provide for smooth transition from statement to co-ordinated support plan and will ensure that the needs of the child are fully considered in the context of a new framework. During that two-year period, ELBs/ESA will undertake a statutory transitional arrangements review of the needs of children with a statement. That will determine whether level 1 support from the school or level 2 support from ELB/ESA will be required.



Children in special schools or learning centres will not need transitional arrangements but will automatically transfer to the CSP. Statemented children who are within three years of leaving school will retain their statement until leaving school. All remaining statements in place at that stage of full implementation will convert to CSPs.

It is worth noting that we spend over £210 million on SEN funding. That will continue, and I have ring-fenced the SEN budget from any further cuts. The SEN budget of £210 million is secure, and we have £14 million prioritised for three years to fund the capacity-building programme and pilots. That is what is in this comprehensive spending review (CSR). It will be up to the next Administration and the next Education Minister in the next CSR to decide how they will continue to roll out the funding of SEN and SEN training in future. However, I imagine, even going into the next CSR, that you will require money to be set aside for SEN training and capacity-building in our schools.

The policy time frame that I envisage for finalisation of the legislative changes to the programme will be around September 2013. That will depend on the preparation of legislation, the legislation passing through the Assembly, and it being agreed. Any legislative changes will have to go through the full rigour of Committee scrutiny and Assembly scrutiny. If agreement is reached, the legislation will come into place around 2013.

I know that there is a lot of information for members from myself and my colleagues. However, I understand that my colleagues offered briefings to members — to education spokespersons — before the meeting to allow them to go into detail. Those briefings are still available to members. My colleagues are keen to engage with members of the Committee during Committee and outside it. If members want further information about what we do not get through today, my officials are more than happy to engage with them.

**The Chairperson:**

Thank you, Minister. That is appreciated. We took up the offer of a briefing from your officials. That is to be welcomed. Clearly, this is an issue of grave concern. There is a duty on us all to ensure that the discussion that will take place over the next number of months following on from all that has already taken place is done in the context of an informed debate. Given the time restraint, I will ask just one simple question. The Department's research, entitled 'Parental Attitudes to the Statutory Assessment and Statementing Procedures on Special Educational

Needs', which was published in 2005, stated that almost 64% of parents who responded reported that their child had experienced difficulties for longer than two years prior to the start of the assessment period. Given what you said today about there being a proposal to reduce the stages from five to three, which is welcome, and to replace the current legally binding statutory statement with a CSP, will the CSP be as legally binding as a statement is currently?

**Mr O'Dowd:**

The simple answer to that last point is yes: the CSP will have a legal foundation and will place legally binding commitments on the school. The protection of the child's education will be embedded in law. That was an important matter for parents who were concerned that the removal of statementing was about removing their legal entitlements rather than improving services. That is key.

One of the reasons why the review came about was because of the attitudinal survey that you referred to. I am sure that all members around the table know about the delay that parents and young people experience as they go through the statementing process or attempt to get on to it. We want to improve the capacity and skills in our schools so that the special educational needs of our children are identified at an earlier stage and the school then moves to identifying the resources and support that the child requires.

There is no point in replacing a process with the same process. It should not take two or three years; it should be a much tighter time frame than that. The earlier the identified needs of the child are met, the better the chance of improving that child's educational outcomes. That is what we have to achieve. It is about improving the system through early identification and early support in the schools. If the schools believe that they need additional support, it should be available. They should also be able to engage with the boards and ESA about the support that the boards and ESA will bring in at level 2.

Certainly, the CSPs have a legal framework. The strength of that legal framework will be decided by the Assembly. It will be a legislative change and will come before the Committee. As I said at the beginning, I want to seek agreement on the way forward. The destiny of the CSP and its legal framework rests with the Committee and Assembly. I am more than happy to work with both to ensure that we enshrine a legal framework that protects the rights and entitlements of parents and young people.

**The Chairperson:**

Approximately 60,000 children are on the special educational needs register, and roughly 14,000 children have statements. Given that the aim of the outcome is to ensure that we spread provision to a wider cohort of children, do you envisage that CSPs will be able to address that imbalance? Many thousands of children never get to the point of having a statement. That is where the delay is. There is not so much of a delay in putting together the statement, although there are problems, but the biggest problem is children in schools with needs having been identified but waiting for years. In some cases, children move on to post primary without having any intervention or process put in place.

**Mr O'Dowd:**

As you pointed out, somewhere in the region of 65,000 children are on the SEN register. However, not all those children will need to move to a CSP; nor, indeed, do they need to move to statementing at this stage. It is a waiting game: the school, board or whomever waits on the progress of the child through the five stages of the statementing process. If a child is identified as having special educational needs, we want to ensure that those needs are assessed and the relevant support is put in place as quickly as possible. In many instances, even now, that support can and should be provided by the school. I am not suggesting that that is not the case across many schools; many of our schools provide that support. However, at a policy and a departmental development level, we recognise that we have to give our schools the capacity and resources to do just that. So a training programme is being rolled out for our schools, our boards of governors and senior management teams. That programme will require continued investment. Therefore, schools have a role to play, but I am not diminishing the Department's role in providing support to schools.

As with statementing, CSPs should be provided only to children with the most complex needs. External and additional support should be provided only to children with the most complex needs, and that is what CSPs and statementing are about. We want to identify needs early and, if you need to move to a CSP, you should be able to do so as quickly as possible.

**The Chairperson:**

Thank you. I will move to members' questions. Six members have indicated they wish to ask questions. Members should try to keep the time restraint in mind.

**Mrs Dobson:**

Minister, thank you for your briefing. Will you give us examples of how the review will practically deliver clear accountability on spend and the educational outcome of our students with SEN?

**Mr O'Dowd:**

Sorry, in terms of spend?

**Mrs Dobson:**

The educational outcomes and spend.

**Mr O'Dowd:**

The educational outcome for all our pupils is assessed by the Education and Training Inspectorate (ETI). My report notes that the ETI has concerns that, in a significant number of our primary and post-primary schools, further measures could be taken to support children with SEN. There are many good examples of schools doing that; others require further support and development in how they deliver for their pupils with SEN. The ETI will continue to do that. We have brought the review forward because there is a general acceptance that we are not running an effective, efficient system to deliver on the needs of children with SEN. We do not have total agreement on how to do that, but I believe that, through this process, we will agree on how we do that.

I am not as focused on the financial outcomes. I am certainly focused on the fact that we have to run an efficient and effective system, not to ring-fence or save money but to ensure that our system delivers educational outcomes for children with SEN. As I said, that will be defined through all the accountability mechanisms in place around our schools, through our boards of governors and education boards, which will develop into ESA, and through the Assembly and the Education Committee. A range of accountability mechanisms is in place, but an individual child's outcome will be measured by that child, their parents and the Education and Training Inspectorate.

**Mrs Dobson:**

I met a number of school principals in my constituency, and I know that other Committee members have done the same in theirs. Although I am aware of the overall aim of the review of

the educational experience of schoolchildren with SEN, will this put increased pressure on school budgets with which principals are struggling? Might it potentially have the opposite effect on our schoolchildren? You mentioned £210 million for SEN.

**Mr O'Dowd:**

The education of children with SEN is equal to the education of children who do not have SEN. Children deserve all the educational opportunities that we can deliver. I accept that our schools face financial pressures and, although we have had welcome investment, pressures continue to bear down on them. However, we are wasting money on an over-bureaucratic system, which I want to, and we will, reduce. If there are any savings, they will be reinvested into our school system to the benefit of all pupils, including those with SEN. We are moving to a system in which there will be further investment in schools for SEN support. Of course, principals and senior management teams will, rightly, argue for more, as the Committee and I will do in future. We have set aside £14 million for further capacity building for our schools in the years ahead to improve services within their current resources. We are looking at how we train teachers for future SEN provision. That in itself is an investment up front. So we are looking at all measures to support schools within our existing resources, but I accept that school principals and boards of governors will argue that they need additional resources. There is a certain validity to that argument, but I do not believe that it goes as far as stating that we cannot change the system or introduce this one.

**Mrs Dobson:**

May I make a final point? I will be brief.

**The Chairperson:**

Yes, but then we need to move on.

**Mrs Dobson:**

In its response to the Department's consultation, the Committee expressed concern regarding the role of teachers in assessing individual children and the potential for resultant litigation. Has the Department taken on board those concerns? What guidance are you giving to schools and teachers on their role in assessment?

**Mr O’Dowd:**

Detailed guidance will be set out. The legislation will set out the framework within which we all have responsibilities, including the boards and ESA. We will also set out the legal responsibilities of boards of governors and their legal responsibilities to staff. All of that will be set out clearly in legislation. Through the use of guidance, we will also clarify issues regarding the role of teachers.

In my presentation, I said that some concern was raised about some of the terminology during the consultation. Teachers felt that they would be involved in an almost medical assessment of a child with special needs. We will move to clarify that. Teachers will be involved in an educational assessment, and they are the best people to do that. A teacher in a classroom will very quickly be able to tell you about children who are not performing. Perhaps they will not be able to do that in detail quickly, but they will be able to identify children who are not performing to the level that a child of a particular age is expected to perform. The teacher will then drill down further into the needs of that child. We are seeking an educational assessment from teachers, certainly not a medical assessment. That is a job for medical professionals and others.

All of those matters will be addressed in legislation, within which the framework will address the question of where responsibilities lie. That will be clarified further through guidance, and so on. We have moved to clarify that we seek not a medical assessment but an educational assessment, and teachers already fulfil that role.

**Mrs Dobson:**

Are you taking on board the concerns raised about potential difficulties?

**Mr O’Dowd:**

Yes, we have. That concern was brought to our attention during the consultation process, and we have moved to clarify the situation.

**Miss M McIlveen:**

Minister, thank you for coming to the Committee this morning. I welcome today’s briefing. In the previous mandate, you and others sat through many presentations on the issue of assessment and heard the concerns of the sector and of parents in particular. My question follows on from that asked by Jo-Anne: how formal or informal will the interface with health professionals be?

Will they be involved in determining and developing policy?

**Mr O'Dowd:**

Even now, we have an interface with the health sector in special educational needs, particularly the schools. It would be foolish of any Department to work in isolation. I am more than happy to work with the Department of Health, Social Services and Public Safety, and my officials and I will do so in developing those policies further. I will have to bring a policy document to the Executive to seek agreement on the way forward. In the production of that document, my colleagues and I will sit down with our relevant opposite numbers in the Health Department to discuss how we move forward in the provision of SEN. Joined-up government is accepted as the way forward. The current Executive have been much better at it than, perhaps, the previous Executive, for understandable reasons. We will work with the health sector and any other sector or Department that believes that it has a role to play in improving young people's lives, particularly children with special educational needs.

**Miss M McIlveen:**

You mentioned that you plan further consultation with key stakeholders in advance of coming back to the Committee. In what format will that be, and do you plan to establish an advisory group to support your development of policy?

**Mr O'Dowd:**

I will let my officials come in on the exact detail, and I will then come back on some points.

**Mrs Dorothy Angus (Department of Education):**

As the Minister said, we have offered some individual briefings for key stakeholders on developing the policy. It is our intention that, when the Minister publishes his direction of travel, we will carry out more focused consultation in that way. That will not be done in the same way as the original consultation, which went out to the public generally. One way would be, as suggested, to bring together groups of people with an interest and use them as a sounding board for the best way to deliver particular proposals. At this stage, the proposals are high level. That consultation will consider how some of those will be delivered in practice. We intend to include in those groups a broad range of stakeholders, including people from the boards who deliver support, schools and voluntary organisations. We will also meet any individuals who request a meeting.

**Mr O’Dowd:**

We are attempting to reach out as far as possible. The extensive consultation process that we carried out was, in fact, extended on a number of occasions, and the Committee played a significant role in that. There have been 2,900 responses thus far. I am of the view that, having taken on board the concerns raised during the consultation, we will not be able to reach agreement on everything. I have some concerns about advisory bodies, etc. Sometimes, people who attend meetings express a point of view, and if the Department does not act on that, they think that it has not listened — that is not the case. The Department has listened, but it may have an alternative and more viable view on the way forward. I am keen to engage with key stakeholders. However, as I said at the start of the meeting, I am still in policy-development mode. I may not agree with all the points raised by the Committee. However, I will come back, argue my point and explain what I believe is the best way forward and why. At the end of the process, we will have to reach agreement on the legislation, so there will have to be a wee bit of give and take on those matters from all sides.

**Mr McDevitt:**

Thank you, Minister, for being so open about this stage in the policy-development process. I want to take you back to a pretty significant event that took place about a year ago today, when you were sitting on the Committee. A lot of the stakeholders came together that day to debate the draft proposals. Following that event, the Committee expressed concern about the role envisaged in a proposal for what are known as multidisciplinary groups. Its report refers to:

“the increase in the amount of the required to operate multi-disciplinary groups effectively.”

A number of teaching bodies then raised a specific concern, which was that teachers rejected the idea of multidisciplinary groups becoming gatekeepers who would somehow interfere with the primacy of the teacher. Have you any further thoughts on that?

**Mr O’Dowd:**

That issue generated a significant response from the consultation and, indeed, at the event that you mentioned. I dropped the idea of multidisciplinary groups because of the concerns raised. You mentioned teachers, but a number of bodies raised concerns about how they would work. Would they be yet another unnecessary accountability mechanism? Would they add bureaucracy to the system when we were trying to remove it? I thought so, so I withdrew that proposal and



will take it no further.

**Mr McDevitt:**

I have a brief supplementary question. There are some aspects of the thinking behind the need for a multidisciplinary group that, I suppose, remain valid today. How do you propose to capture that?

**Mr O'Dowd:**

That goes back to Michelle's point about how we develop the legislation and further develop those proposals. We want to work in conjunction with the Health Department, the trusts and all others involved in the delivery of SEN. If we start with the development of the proposals and move through the process in that way, everybody will have a stake.

In general, the principle behind the multidisciplinary groups was good. However, when the proposal went out to consultation, people expressed concerns about further bureaucracy and an accountability mechanism that teachers felt was no longer necessary, so why would we proceed? This is a new beginning, so we do not want to proceed with a proposal that would cause friction or bad faith. I believe that assessment can be done in different ways, for example, through the early identification training that we are providing to early years staff and the resource pack that we have provided to all sectors and will provide to early years. The reasons behind the need for the multidisciplinary groups are, therefore, not as pertinent as they once were.

**Mrs Angus:**

One of the pilots relates to early years settings. It has been run across the five boards in five slightly different ways, simply because there are still five boards. The pilots, although looking specifically at early years, will bring in, for instance, health interventions because those are very important at that stage. Through those pilots and their eventual evaluation, we hope to be able to look at what is the best model for, and the best balance of, interventions between schools, the health sector and what will be ESA. The pilots are one way of testing what will be needed in future.

**The Chairperson:**

So that will ensure that a teacher clearly knows the distinction between the educational and health needs of a child. I think that that is the crux of the problem. It is about making sure, as definitively as you can, that the teacher does not become the psychologist. The teacher is there to identify educational needs, some of which will relate to a health problem.

**Mrs Angus:**

There is the identification and then there are the interventions. Sometimes, the interventions from various professionals are complementary. A speech and language therapist, for example, can work very closely with a teacher. Teachers can reinforce what speech and language therapists do without taking on what they do.

**Mr Lunn:**

Thank you, Minister, for that run-through. You said that there was quite a bit to take in, and, from what I was able to take in, I did not hear anything that I disagreed with. I particularly welcome your commitment to special schools; it is nice to have that on the record.

You mentioned reducing the five-stage statementing process to a two-stage process, but the paper refers to three stages. Will it be two or three stages?

**Mr O'Dowd:**

Sorry, it was three stages in the SEN review's original proposals, but we have reduced that to two. Of the five steps involved in the current statementing process, three take place in the school, and the final two are board responsibilities. We want to reduce that bureaucracy. It is not just about reducing the number of steps; it is about the identification of areas of responsibility, including where that responsibility rests in more complex cases, for identifying children with special educational needs and how support is provided to them.

**Mr Lunn:**

Is it fair to say that it is not a compression of the system but that you found that parts of the previous system were unnecessary?

**Mr O'Dowd:**

I suppose that, in blunt terms, the answer is yes. Part of the identified difficulty was that, during

the five-stage statementing process, not only was there a delay within those stages but, while the child was going through the process, there was a question of where the responsibility rested for offering support. We believe that, once need is identified, appropriate support should be delivered almost immediately within the stages.

**Mr Lunn:**

You gave us an anticipated finalisation date of September 2013. Is that in any way dependent on the establishment of ESA, or could it go ahead with either ESA or the boards?

**Mr O'Dowd:**

No, this will go ahead in conjunction with the boards. Then, as we move towards the establishment of ESA, it will be easily transferred. The legislation will be drafted in such a way as to take that into account.

**Mr Lunn:**

So if ESA has not been established by 2013 —

**Mr O'Dowd:**

I have every confidence in the ability of the Education Committee to deliver ESA by 2013.

**Mr Lunn:**

It is not up to the Committee.

**The Chairperson:**

I am glad that you said “the Committee” and not “the Chair”. *[Laughter.]*

**Mr O'Dowd:**

The Chair is the Committee. *[Laughter.]*

**Mr Lunn:**

I have one final question. It is appalling that 65,000 pupils are on the SEN register, and I believe that that figure has been rising over the years. Is that because of the better identification of children with SEN, or are more kids being born who will end up with a special educational need? You talked about work across Departments. Is work going on to identify why so many children

are ending up in that situation?

**Mr O'Dowd:**

I will let Dorothy or her colleague provide more detail on that. In my opinion, a lot of it is down to earlier identification. We are getting better at identifying special educational needs. However, children on the register have a wide spectrum of needs and there is a wide range of ways in which schools support them.

**Mrs Irene Murphy (Department of Education):**

There are a variety of reasons why that is happening. For instance, better medical intervention for very premature babies is one reason for the increase in the number of children with highly complex needs. These days, parents are much more acutely aware if their child is not performing as they might expect them to. The internet allows parents to research issues much more readily, and there is, generally, an increased awareness. At the lower end of need, in stages 1 and 2 of the current framework, some children's needs might have been inappropriately identified as SEN. That issue has been identified by the Education and Training Inspectorate.

**The Chairperson:**

Time is of the essence. I want to bring in Daithí with the final question on this subject. We will then move on, because I appreciate that the Minister has another engagement.

**Mr McKay:**

Thanks, Chairman. I will try to be quick.

I very much welcome the Department's adoption of a listening approach. It is clear that some aspects have changed in response to the consultation. Very often, that is not the case with Departments.

The initial Committee report referred to the CSP experience in Scotland and the fact that there were concerns about its effects there. How has the experience in Scotland, which is years ahead of here, informed the Department's approach?

**Mr O'Dowd:**

We can learn from Scotland's process. Scotland's introduction of legislation that overhauled

SEN provision led to a dramatic reduction in the number of children who would otherwise have been statemented. Scotland, however, had to return to the legislative process to correct, for want of a better term, errors identified in how the process was rolled out. Let us learn from the benefits and mistakes of the Scottish experience, but we are not replicating that model here. This is a local answer to a local problem, as well as providing opportunities for children with SEN. The Scottish model has been taken on board. We examined the experience there, but we want to produce a model that suits the needs of our schools, our pupils and our education system, all of which are distinct from the Scottish model.

**Mr McKay:**

CSP reduces the process from 26 weeks to 20 weeks. Is that a direct result of the removal of some of the five stages?

**Mr O'Dowd:**

Yes. Not only is it less bureaucratic but we feel that 26 weeks is a significant period in an educational, never mind a calendar, year. We want to shorten the process through the removal of bureaucracy and because the time frame needs to be reduced. We are talking about the educational futures of our young people, so let us identify as quickly as possible what resources are required for a child and put them in place. We think that 20 weeks is realistic.

**The Chairperson:**

Undoubtedly, a wider range of questions will emerge, and the Committee will have to undertake a piece of work. Engagement will have to take place, and Conall, rightly, referred to the successful event that we held here when you were a member of the Committee. We will have to assess how concerns raised at that stage have been addressed. We will try to work our way through that. Thank you very much for your evidence, Minister. I also thank Dorothy and Irene very much. I have no doubt that we will see you again in the future.