



Northern Ireland  
Assembly

Committee for Education

# OFFICIAL REPORT (Hansard)

Special Educational Needs Review:  
Ministerial Briefing

13 June 2012

# NORTHERN IRELAND ASSEMBLY

## Committee for Education

### Special Educational Needs Review: Ministerial Briefing

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

Mr Mervyn Storey (Chairperson)  
Mr Danny Kinahan (Deputy Chairperson)  
Ms Michaela Boyle  
Mr Jonathan Craig  
Mr Phil Flanagan  
Mrs Brenda Hale  
Mr Trevor Lunn  
Mr Daithí McKay  
Mr Sean Rogers

**Witnesses:**

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

**The Chairperson:** Minister, Dorothy and Irene, you are very welcome. Thank you for the way that you have engaged on this issue. I speak on behalf of the Committee when I say that it is appreciated. The work that the officials have done in bringing this piece of work to this point is appreciated. You have taken the time to come back to the Committee after having been here not that many weeks ago, and that is useful and is appreciated. We are in your hands.

**Mr O'Dowd (The Minister of Education):** Thank you, Chair, for your kind comments. This has been a two-way process. The Committee and, indeed, the special educational needs (SEN) representative bodies and advocacy groups have approached this in a very positive and constructive manner. Everyone understands that we have to get this right and that we are dealing with some of the most vulnerable young people in our society, who deserve to be given a chance through education. As I have said many times, this is a continuing conversation. The Committee has relayed a number of issues to me, and a number of the advocacy groups have relayed a number of issues to me. I want to discuss those further, and I will then be in a position to produce a policy memorandum for the Executive. I hope to have that in place for the last Executive meeting before the summer recess. However, if we do not reach that stage, I would much prefer to get it right than just log it with the Executive at that point. If the policy memorandum gets agreement with the Executive, we will be on a considerable legislative journey, in which the Committee will play a central role. Thus far, collectively, we have approached it with the right attitude, and, if we approach it with that attitude as we move forward, we can reach a successful conclusion to this journey for the young people involved.

Chair, I will go through the concerns that have been raised by the Committee. As regards the first issue —

**The Chairperson:** Sorry to interrupt, Minister. Members, the paper that the Minister has provided is tabled in your folders.

**Mr O'Dowd:** Yes, Dorothy and Irene have provided a comprehensive response to each of the concerns that the Committee and the representative bodies have raised.

The Committee's first issue is to do with the co-ordinated support plans (CSPs), the role of the Department of Health, Social Services and Public Safety (DHSSPS) and a statutory duty being placed on that Department. I have no remit on this matter, but I am on record as having said to the Committee that I believe that the Health Department is engaging and has engaged in a positive manner in regard to the relationship between both Departments and, thus far, in regard to the ongoing SEN work and the development of a SEN policy. I have no reason to doubt that that will be the case in the future. However, I have no role to play in placing a statutory duty upon any Department other than my own.

Your second concern is about the capacity and capability of boards of governors to identify and provide for pupils with SEN. The Committee will be aware that there are already duties on boards of governors to use their best endeavours in relation to provision for children with SEN. These duties are important because they form the basis for the means by which the majority of schoolchildren will have their special educational needs recognised, assessed and addressed. These duties recognise that schools and teachers, along with parents, are the primary educators of children and know them best. I have previously reported the Education and Training Inspectorate (ETI) findings that 62% of the post-primary schools inspected and 82% of the primary schools inspected are very effective in the delivery of SEN provision, and I believe that capacity is growing in both areas. We want all schools to raise their standards to the standards of the very effective schools, so we need to strengthen some of the general duties on boards of governors. My proposals will aim to strike a balance between, on the one hand, strengthened but reasonable duties that can be achieved by boards and, on the other hand, the desire expressed by some groups for very specific duties that are able to be appealed through a SEN disciplinary tribunal. The duties on boards of governors will be to ensure that the school principal, the senior management team and learning support co-ordinators fulfil their respective roles on the proper management of SEN assessment and provision and that the boards' services are properly accessed. The duties will not require individual governors to make decisions on SEN provision beyond their competence. The boards of governors will continue to look to the effective leadership of the school and the teaching workforce to deliver SEN. All schools and all boards of governors will be required to undertake training on the new framework. Work can begin on this programme when agreement has been reached on the final policy.

Chair, do you want me to stop for questions as I go through each of the issues?

**The Chairperson:** Yes, and I will bring in Danny.

**Mr Kinahan:** I want to explore that a bit more. I was a governor for a brief time, and I am concerned that, when something comes up that a governor is not fully knowledgeable about, they are totally reliant on the advice given by the teacher when making their decision. My concern is that a legal or statutory responsibility on a governor will cause them to not want to be a governor if they feel that they may be taken to court or have to spend many more evenings as a governor. You said that you are exploring this, and the one thing that we need to ensure is that people do not feel that they are going to be taken to court or will spend hours in legal wrangles.

**Mr O'Dowd:** Yes, one of the frustrating parts for many observers and, indeed, for me is that, as we go through each stage of the process, we are able to develop more detail. The devil in the detail will be at the stage where we have agreement on the way forward, and then we will produce guidance and regulations around that. Again, the regulations will come before the Assembly for approval. So, Assembly Members, the public and boards of governors will be able to satisfy themselves at that stage that we have the balance right. We believe that there is a requirement for the balance to be improved around the statutory duties of boards of governors to support them. We also want to put in place training. Boards of governors, quite rightly, rely on the experience of principals, but they will also be able to rely on the experience of learning support co-ordinators in schools. If boards of governors are unwilling or they believe that there is not enough information in front of them at that time, they will be able to access the boards or the Education and Skills Authority (ESA) for further advice before making any decision.

**The Chairperson:** It all revolves around the part in the current legislation that states that the board of governors “shall use its best endeavours”. It is about how you change that to get the outcome from the policy and do so in a way that does not lead to what the Deputy Chair referred to. The trick is how you make that change, and that is a challenge.

**Mr O'Dowd:** The third issue raised by the Committee was that a statutory obligation will be placed on boards of governors to provide services for a child with a CSP, but they will have no power to ensure that the Department of Health, Social Services and Public Safety will deliver that service. To reiterate, the statutory duty proposed for boards of governors relates to putting in place the personal learning plan (PLP) for all children with SEN. It does not relate to school governors and the CSP. It will be the education and library boards or ESA that will have the duty regarding the completion of a statement set out in a co-ordinated support plan where that is necessary to meet the needs of a child. The existing duties on the health and social services authority to help a board in relation to SEN children will remain, and those are contained in article 14(3) of the Education Order 1996. As I said earlier, I do not have the power to place a statutory duty on the health sector. I will, however, continue to liaise with the Minister of Health, Social Services and Public Safety on the matter. I put it on the record again that I believe that that engagement to date has been very positive. In short, the role of boards of governors with regard to these matters will be with PLPs, in which the health sector will not be involved. The responsibility for CSPs, in which the health sector will be involved, will fall to the education board or ESA, whichever is in place at that time.

The Committee stated that annual reviews will be totally optional and felt that there should some duty to provide them at regular intervals to assess the adequacy and relevance of the care and services required. My proposals will not remove a statutory duty for an annual review by the board. For children on co-ordinated support plans, I plan to retain the provision for annual reviews, as set out in article 19 of the Education Order. Annual reviews will not be optional. The proposal is to continue to provide for a formal review each year. The proposal is that each statutory review will involve an initial consideration of whether the parent, guardian or school feels that a full review is necessary. The proposals allow for parents or guardians to require that a full review be undertaken if they feel that the provision in place is not meeting the child's needs. The proposals would allow for the school to seek a full review in any case where it is felt that the parent may not be able to make an informed decision or where they feel a child's needs are not being met. The power already exists for regulations to make provision for an annual review. It will be those regulations, supported by a statutory code of practice, that will put in place the detailed arrangements for the annual review.

It is also important to note that around three quarters of annual reviews carried out result in no change to a child's provision. There has been certain commentary that perhaps we should improve the review process and empower parents, guardians and children to have a more effective voice in the process. We can do that through these regulations as well. I am also concerned that we are conducting reviews for the sake of conducting reviews and that we are feeding the machine, rather than making positive change to children's lives. The proposals allow for annual reviews to take place every year if the school, parents or guardians wish them to. However, if there is an agreement among those parties for the review not to take place, the review does not need to take place. I am concerned about feeding the machine for the sake of it.

**Mr Kinahan:** On the matter of feeding the machine, two schools that I have been told me that there is a mass of children who have not even been assessed and are therefore not in the queue for review. Will the resources be provided so that we can get everyone assessed? Surely that is more important than doing reviews. We should make sure that everyone who needs an assessment gets one.

**Mr O'Dowd:** Reviews play a very important role in the system, but, given that three quarters of reviews do not result in changes, I would much prefer that professionals and specialists were out on the ground assessing children than sitting around a table carrying out a review. If services need to be put in place, those services should be put in place. We should be doing that rather than conducting annual reviews for the sake of conducting reviews. However, I emphasise that there has to be an agreement between the parent or guardian and the school for a review not to take place. If either wishes a review to take place, a review will take place.

**Mrs Hale:** Thank you, Minister. If reviews do not happen every year because parents or teachers choose not to have them, will that affect funding attached to that child for that year or will the funding stay in place until the next review takes place?

**Mr O'Dowd:** The services being delivered to the child would remain the same. The only way to change them would be through a review. So, if a review does not take place, the services to the child will remain.

Those are all the concerns that the Committee raised with me, Chair. I am not sure how you wish to deal with the concerns of the advocacy groups or whether there are any specific questions or issues that you would like to raise with me. I know that Irene and Dorothy's paper covered them in detail, although the Committee may have received it only yesterday evening or this morning.

**The Chairperson:** I am not saying this in any cynical way — I mean it genuinely: the work that has been done by your officials is very much appreciated. We said that with regard to how the paper was set out the last time, and exactly the same thing has happened with the queries that we have raised. It is appreciated. I know that when officials come in front of the Committee, they sometimes wonder why all the Committee ever asks for is more and more information. However, it is appreciated, and we want to place on record our thanks.

I want to raise a point that was brought to my attention just yesterday. In the original proposal, mention was made of nurture classes. Is it the case that they are not now mentioned in the second draft of the policy? You know, Minister, from having been on the previous Committee, that that issue had been raised with us as an example of good practice. Where does the Department sit in relation to that issue, and will it be included in the final draft of the policy?

**Mr O'Dowd:** I have had a number of different experiences of nurture groups, both positive and — negative is too strong a word. I have not made up my mind on the future provision of nurture groups. Most, if not all, are funded through the neighbourhood renewal programme in the Department for Social Development (DSD), which, working in conjunction with the Department of Education, has brought an added and beneficial aspect to education in many areas, particularly socially deprived areas. I have recently agreed to visit a nurture unit in a socially deprived area to engage with the staff and parents on that. I am not saying that that will be the final decision on where I go on these matters, but I want to explore nurture units further before making a firm commitment either way on their future.

**Mr Kinahan:** Last time you were here, Minister, you said that you were still in conversation about all the matters, which we are very grateful for. However, in some schools, there is still a concern about upskilling and training teachers, although you said last time that some cope with that extremely well. Will someone make sure that, if extra resources are needed in some schools, they will be made available to allow them the time to do the training and thinking when they are under pressure from everything else that comes at them?

**Mr O'Dowd:** I am always reluctant to promise extra resources, because we are living in very difficult times. However, training will be available. We are going through a number of pilot projects that look at training for teachers. No teacher will be asked to fulfil a task that is beyond his or her qualifications. We have mentioned in our report that the British Psychological Society will provide training to teachers. It is a recognised qualification. Those teachers will be specialists in that field, and that training will allow them to assess children. The only role that teachers will be carrying out will be an educational assessment role. They will not be asked to carry out any health assessment or any other assessment that is beyond their qualifications or the criteria. We will roll out that training.

I am also looking at the early stages of a review of teacher training, and that will provide an opportunity to include SEN provision in early teacher training and to allow teachers further training in that speciality. That is at a very early stage, and it will certainly benefit the new teachers coming through the system. We will provide training to the teachers who are already in the system, and we will have to continue to look at our resources and match, as best we can, those resources with areas of need. However, it has to be said that our training inspection reports are positive; they are coming back with high percentages. Our primary and post-primary schools are excellent at this already, but we still have to make improvements in some schools, and we will continue to monitor that.

**Mr Rogers:** Thanks, Minister, and thanks for listening. I want to pick up on your point about the training of teachers, and so on. The certificate of competence will in no way upskill teachers to the level of an educational psychologist.

**Mr O'Dowd:** No.

**Mr Rogers:** One could be cynical and say that we need more educational psychologists in the system as well, because we can all see that early intervention is the key. That is just a comment.

My real point is about the personal learning plans. There is no specific right of appeal against a school. Parents have a right to get an assessment from the board. We all get letters and queries about why the process takes so long, so can you ensure in any way that the boards will speed up that process?

**Mr O'Dowd:** There is a right of appeal. The first process will involve parents approaching the teacher, and, if they are not satisfied with that, they can then approach the board of governors. If they are not satisfied with the response from the board of governors, they can, at that stage, go to the board, or ESA, and ask for an assessment of their child. If the board turns them down, the plan is that an appeal could be lodged with the special educational needs and disability tribunal (SENDIST). While that appeal is being lodged with SENDIST, we can also move onto the dispute avoidance and resolution service (DARS), which is an intermediary service not a ruling service, to try to resolve the matter. If that does not work, the appeal can go through SENDIST, and it will make a decision on what provisions the child should or should not have at that stage.

One of the reasons why we are conducting the review is to reduce bureaucracy and the time that it takes for a child to get an assessment and a statement, or a CSP, as it will be called. We are reducing the stages from five to three. We believe that we can now conduct the review within 20 weeks; we have gone from 26 weeks to 20 weeks. One of the main concerns and complaints that we hear is that the system takes too long to identify the needs of the child and to put in place measures to address those needs.

An appeals mechanism is in place. In the last number of days, I have had correspondence from the Human Rights Commission on the whole area of appeals, which I am studying. In a matter of weeks, my officials will go to a conference in England that will involve other jurisdictions. They are going to raise the issue of appeals and how best we can manage the appeals mechanisms in our special needs provision. So, we will learn the lessons from the other jurisdictions, we will study further the Human Rights Commission's report and we will take the best from that and put it in place.

**Mr Lunn:** Thanks, Minister. You mentioned other jurisdictions. What is the situation in other jurisdictions as regards co-operation between the education and health sectors?

**Mr O'Dowd:** I do not know. I am not sure what the relationship is or whether there is a statutory duty. Perhaps my officials will know.

**Mrs Irene Murphy (Department of Education):** There are different arrangements in different jurisdictions. A number of years ago, Scotland entered into the process of developing co-ordinated support plans in which health and education are more fully integrated. England has had a review of special education needs and is looking at closer linkages between health and education. Then again, their systems in those areas are different.

**Mr Lunn:** So, at the moment, we do not know whether a statutory duty is imposed on both Departments in any of those jurisdictions?

**Mr O'Dowd:** I will stand corrected, but, in a lot of those instances, health and education are run through the councils at that level. Social care is run through the councils. That is where the co-operation would be. It would be a singular body.

**Mr Lunn:** Twice today, and the last time you were here, you referred to the fact that you do not have a remit to impose a statutory duty on the Health Department. However, you would have to respect the view of the Children's Law Centre, which does not often miss and hit the wall. It is talking darkly about disputed matters and negligence claims that may well result in judicial review if both Departments are not bound by statute to provide these services. It is talking about discrimination claims and negligence actions, and strongly recommends a statutory duty. The Northern Ireland Commissioner for Children and Young People (NICCY), although a bit nicer about it, said the same thing. It just seems odd what the outcome might be. Both Departments have such an onerous duty. Should it not be a statutory duty on both Departments? The Children's Law Centre said it believes it is the result of resource-based pressures upon the system. In other words, it is saying that the Health Department cannot really afford it. The Department of Education may well end up operating with one hand tied behind its

back if there is not that duty. Has there been any discussion at an Executive level about this? Is it that important?

**Mr O'Dowd:** We are continuing discussions with the Health Department on a range of issues on which education and health interface with each other. I am of the view that those discussions are productive and working well. Ideally, I would like to see a statutory duty, but it is not in my power to impose that. It has to be said that, by and large, the health and education services work very well together. There has not been considerable friction between the two. Certainly, I would not be of the view that the health services have left education hanging out on its own in the delivery of special educational needs services to date. There is always the possibility of legal challenges or judicial reviews around all the services we deliver across the board. We should plan as best we can to ensure that we do not end up in court. Where we are now is productive and, if we can reach a stage at which there is a statutory duty on other Departments, so be it. However, I have no power to impose that.

**Mr Lunn:** This is a major review. It just seems such a golden opportunity to tie things up for the future. It is glaringly obvious what should be done.

**Mr O'Dowd:** After today's deliberations, the next phase will be the preparation of the policy memorandum to the Executive. At that stage, there will be an Executive discussion and more individual discussions with Ministers. I will flag up the Committee's concerns around this issue and others. Issues that have been raised with me will be part of the report. There will be an opportunity for the Executive to discuss it further then.

**Mr Lunn:** Fair enough.

**Ms Boyle:** I thank the Minister for his presentation, and I thank Dorothy and Irene also.

Danny mentioned teacher training. Will you expand on that a bit? You said that the British psychology team will be providing that training, maybe along with other providers. Will that training and upskilling of teachers to provide them with the necessary tools be done in-house or externally? Will teachers have to come out of school for the training or will it be done during the school day?

In the constituency I represent, a border constituency, we have a lot of children from the other jurisdiction attending schools. Will the Department look to review its policy on that? Will children from the other jurisdiction be entitled to a personal learning plan in the school that they choose to go to in the North?

**Mr O'Dowd:** I will deal with your latter point first. That will form part of my ongoing discussions with Minister Quinn. Our last North/South Ministerial Council (NSMC) meeting was cancelled due to the referendum in the South. We are now meeting on Friday, in NSMC education sectoral format, to discuss the cross-border survey and other cross-border issues. I would assume that any child who is accepted to a school in this jurisdiction would be entitled to the services of that school. That would be my overall impression. If a child is deemed eligible to attend a school, they are eligible for the services available to all the other children in that school.

With regard to teacher training, I suspect that it will be a bit of both: there will be in-school training and training outside the school. I emphasise that the training will be around educational assessment, not health assessment. The training is to ensure that teachers are able to assess children's educational needs rather than their health needs. The British Psychological Society will be providing that training. It is a recognised qualification, and I think there will be a demand from teachers to have that qualification as part of their CV.

**Mrs I Murphy:** It is a certificate of competence in educational testing, and it is accredited by the British Psychological Society. It is being run in two cohorts as a pilot in 2011-12 and 2012-13. Both cohorts of teachers from schools across all five boards have already been trained and a number have received their accredited qualification. It is a pilot, and therefore the usage of the training skills that they have acquired will be evaluated by the Education and Training Inspectorate at the end of next year.

**Mr McKay:** Thanks for the presentation, Minister. The Equality Commission sent us correspondence about this last month and raised other issues, one of which was the bullying of children with special educational needs as well as other disabled children, an issue that came up in more general terms at

Question Time this week. How does the Department plan to take that issue forward in parallel with the other issues we discussed? It also recommended that the Department look at a number of legislative changes in conjunction with the Department of Justice (DOJ) and Office of the First Minister and deputy First Minister (OFMDFM).

**Mr O'Dowd:** Clearly, bullies pick on children who are different or who are perceived to be different from them. I suspect then that children with special educational needs would be the target of a range of bullies. However, there is also a positive side to this. We looked at a number of cases with regard to co-operation between, for want of a better term, mainstream schools and special schools, where children are brought together and come together. There is a better understanding from all sides that children are children and that young people are quicker to accept each other than adults perhaps are. Even with special educational needs within mainstream schools, children are much quicker to learn to accept differences than adults perhaps are. I have nothing in front of me about what the Equality Commission sent with regard to that matter, but we will study it further.

Sorry, what was your second point about DOJ?

**Mr McKay:** There were three points. First, the commission proposed that the Department introduce legislative changes to the Special Educational Needs and Disability Order 2005 (SENDO) in order to place an additional duty on schools to provide auxiliary aids and services for disabled pupils, where reasonable. Secondly, it recommended that the Department should, in conjunction with OFMDFM, undertake a legislative review of the equality legislation. Thirdly, it recommended that the Department, in conjunction with DOJ, should ensure that the practices and procedures of SENDIST do not restrict access to justice for disabled children.

**Mr O'Dowd:** I will let Irene come in on that, if you do not mind.

**Mrs I Murphy:** A number of organisations raised concerns about children having their voice heard. The Department of Justice has been undertaking a review of tribunal procedures and so forth, which has not yet reported. As regards changes to SENDO, the Equality Act 2010 in England made specific changes in relation to schools, and those would require a change to the Disability Discrimination Act. If those changes are made through OFMDFM, the aspects of SENDO would subsequently fall into line with those. When reviews or recommendations come through from the Department of Justice or OFMDFM, we look at those particular aspects.

**Mr O'Dowd:** I mentioned previously to the Committee that, in England, a pilot scheme is under way in which children can lodge an appeal with a tribunal there. A number of the groups quite rightly raised the issue of the right of the child to ask for an appeal. I want an opportunity to study the outworkings of the pilot scheme in England. It is an exciting proposal. The proposal to extend the rights of the child and encourage children to express their rights is interesting. As Irene has said, the Department of Justice is in charge of the tribunal service, and it is conducting a number of reviews. We will monitor the pilot scheme in England, and we will liaise with the Department of Justice on the tribunal service and how we can enhance it.

**Mr McKay:** Do you have any idea when the pilot scheme will be completed?

**Mrs I Murphy:** No, I do not have the date with me, but I can get it for you.

**Mr Rogers:** Have there been any discussions with the Department for Employment and Learning (DEL) about extending the statement for young people to the age of 24 so that a young adult can have the statement through further or higher education? My other point relates to the competence of our teachers to carry out educational testing and the need for our boards to have speech therapy and occupational therapy facilities so that programmes can be devised for speech and games, etc, to be employed in schools?

**Mr O'Dowd:** No, there have not been any discussions with DEL on that issue. The review solely looks at the provision of special educational needs services and assessments for young people who are under the remit of the Department of Education. If the Committee wishes to raise the matter with DEL, that is a matter for the Committee. I am more than happy to raise it with the Minister for Employment and Learning. The issue has been raised with me, but it really comes under the remit of the Minister for Employment and Learning.



What was your last point, Sean?

**Mr Rogers:** It was only a comment really. It is key that schools get good support from the ESA or from the education and library boards in respect of speech therapy and occupational therapy.

**Mr O'Dowd:** That type of support will continue into the future. We obviously have to ensure that it is properly resourced and that resources are used in the best way, but that support will continue.

**Mr Rogers:** Thanks, Minister. I would ask that we write to DEL about that.

**The Chairperson:** I have a couple of queries. We received correspondence from Glenveagh Special School, which said that it is essential that a clear framework structure and additional resources are in place for special schools if they are to fulfil their role as centres of expertise. In the response, it says that the review of the common funding formula scheme will consider whether a funding formula for special schools is appropriate. Yesterday, you announced who will lead that review, and that is to be welcomed, but will there be any disconnect between making a policy in a vacuum and any change to the common funding formula? Obviously, one will have to take account of the other, but it could be that, as a result of the work that he has undertaken, Sir Bob may bring forward a recommendation that is specific to special schools and which could have a different impact on the policy as it currently stands. It is the mechanics of it. It has been raised as an issue, so how do you deal with that? That is really the point that I am trying to get at.

**Mr O'Dowd:** The common funding formula review will report by January or February 2013, which will be in line with any legislative journey that this report is on. I am just looking at that point again, and I am not sure whether it specifically covers the issue that Glenveagh has raised. There is, and will continue to be, a role for special schools in our sector. Part of the review will look at using special schools as centres of expertise. If there is an additional resource burden on special schools as a result of that, that will have to be matched by the Department to ensure that the funding is in place to allow them to spread out their knowledge and expertise in that field. The common funding formula review will report in parallel with our legislative journey, so we will be aware of both as the legislation goes through.

**The Chairperson:** The other query was in a similar vein but in a different place. Issues were raised around how we ensure that preschool provision in the preschool education advisory groups (PEAGs) is aligned with other provision. It is about trying to ensure that we have a continuum. It is about how children are identified in a preschool setting and how that follows through to primary school, and so on. In the House earlier this week, you talked about reviewing or looking again at — I forget the phrase that you used — the early years policy and the huge disconnect that there could be there and about how important it is to get preschool provision right in this policy so that there no disconnect between preschool provision and the child's primary school setting.

**Mr O'Dowd:** I am continuing discussions with my officials on PEAG settings and how we ensure that those settings are fully utilised and resourced to provide SEN services. I am not yet satisfied that we have got it right. I am in discussions with my officials about how we ensure, even before the policy memorandum goes before the Executive, that we have that further clarified and that it matches the role of PEAG settings. As regards the 0-6 strategy, any education provision will have to take account of SEN and where the SEN journey takes us. As we develop, or redevelop, the strategy, we will take cognisance of where we are with the SEN proposals at that time.

**The Chairperson:** In the paper that you gave us, you said that, when it comes to legislative change:

*"Further consideration will be given to the mechanisms for ELBs/ESA placing SEN children for whom they are responsible in PEAGs settings."*

Is that likely to be further beefed up or alluded to in the policy memorandum, or do you see it as something additional that will be dealt with later on?

**Mr O'Dowd:** It will be notified in the policy memorandum. The detail of the legislation will come later on. There are some anomalies between statutory nurseries and PEAG settings under the legislation, which is open to various interpretations. It may be interpreted differently. Can you place a child with SEN in a PEAG setting? Some people argue that, under the current legislation, you can, while there

may be a view from others that you cannot. So, we want to ensure that that is all clarified, that it is a workable proposal and that it is workable legislation that covers all our education settings.

**The Chairperson:** Minister, thank you very much. Irene and Dorothy, as always, thank you for all your work.