



Response to Committee of Education Inquiry into the Strategic Review of Current SEN Provision and Transformation agenda

20 November 2025

We welcome the opportunity to input into the Committee of Education's Inquiry and to further highlight our policy recommendations on advancing equality for children with special educational needs (SEN).

We note the main objective of the Inquiry is to “analyse and evaluate the challenges faced within current SEN support systems in schools and assess the extent to which the Department's SEN Reform Agenda Delivery Plan is addressing these.”

Engagement and evidence provided to date

We have previously engaged with the Committee on several occasions to highlight our recommendations and would encourage the Committee to consider these previous submissions within your Inquiry. Specifically, we draw your reference to:

- Our [evidence](#) presented to the Education Committee on the 5th June 2024 on several topics, including actions to advance equality for children with SEN.
- Our [updated policy recommendations](#) on Advancing Equality for Children with SEN, published in June 2024. (Annex Item A). This document highlights our recommendations in the areas of:

- Ensuring timely access and to high-quality education for all children with SEN.
- Reforming the law to enhance protections.
- Limiting and controlling the use of restrictive practices in schools.
- Funding and monitoring a targeted action plan to ensure key inequalities are tackled.
- Ensuring collaboration to deliver better outcomes and services.
- A [report](#) from an event jointly organized by ECNI and NICCY in March 2025, bringing parents, community and voluntary sector, and relevant stakeholders together to discuss priority areas for action to improve SEN service delivery. (Annex Item B)
- Our briefing document provided to members of the Education Committee in June 2025, including summary of priority actions in the area of SEN. (Annex Item C)

Areas for consideration by the Committee

We additionally wanted to provide the following summary of selected specific opportunities and actions to further promote equality and good relations through the SEN Reform Agenda and Delivery Plan. The following highlighted recommendations do not represent a comprehensive overview of areas in which we have identified required actions, but instead are areas of current contextual relevance to the Inquiry and which may not have been previously considered in-depth by the Committee.

1. Ensuring actions to address needs of children with SEN acknowledge and consider the needs of children with additional equality characteristics.

Children with SEN have different needs, challenges, experiences, and identities across the equality groups, and therefore require different and appropriate solutions. This could mean, for example, providing specific help for children with SEN who speak English as an additional language, such as translated materials and language support¹. We are aware that teachers have indicated difficulty in being able to discern between

¹ Bell Foundation (2024) [EAL and SEN: Guidance for Integrated Provision in Schools](#) (Accessed 06/11/2025)

English-language challenges and a potential special educational need for newcomer pupils² resulting in possible delays to diagnosis, statementing, and provision of appropriate support.

We also note that some equality groups, for example Travellers, experience disproportionately higher levels of SEN and may require a targeted policy response to address different barriers and ensure all children are able to fully access and thrive within education. Recent data³ suggests that Traveller children have higher rates of SEN, with 34% of Traveller children with SEN compared to 18% of total school population (2021/22), and 32% of Traveller children with SEN compared to 19% of total school population (2022/23).

2. Monitoring and Accountability

The Department's SEN Delivery Plan highlighted that "Appropriate governance structures and arrangements will be established, led by a Senior Officer within the Department of Education and reporting directly to the Minister to ensure that there is a clear focus on delivery of the Reform Agenda and Delivery Plan. Delivery partners including other Executive Departments and their ALBs and sectoral support bodies will be represented as appropriate". As yet, we have not heard updates on what format such governance and accountability will take, and opportunities for engagement for relevant organisations.

We have consistently highlighted the importance of continued stakeholder engagement in policy development, implementation, and review.

In terms of monitoring, we have emphasised the need for inequalities experienced by children with SEN across the Section 75 equality groups to be targeted and tracked. As previously highlighted, children and young people with SEN are not a homogenous group. Children with SEN will have multiple identities and may face combined negative impact. Disaggregated data across equality grounds is essential to track impacts and outcomes of the SEN Reform Agenda for specific equality groups.

We note the lack of data on additional characteristics of SEN pupils in the Independent Review of Special Education Needs Services and

² Barnardos NI (2015) [Feels Like Home: Exploring the experiences of newcomer pupils in primary schools in Northern Ireland](#) (Accessed 06/11/2025)

³ DE Data shared with ECNI (April 2024). Further data suggests that numbers of Traveller children with SEN were 43% (2018/19), 40% (2019/20), and 37% (2020/21).

Processes⁴, making it difficult to assess intersectionality within SEN and other equality grounds.

3. Compliance with Section 75 duties.

The Department should comply with Section 75 duties throughout its work on SEN transformation. Section 75 duties are continuing duties and Section 75 should be applied at both strategic and implementation stages for all policies. The Department should ensure compliance with its Section 75 equality scheme commitments regarding promoting equality of opportunity and good relations for all policy development and implementation related to the SEN Reform Agenda and associated Delivery Plans.

We further highlight that equality screening and equality impact assessment (EQIA) are policy development tools, designed to support policy makers to identify, consider and mitigate for impacts across different equality groups. In that sense, and considering our recommendations above in terms of considering the additional equality characteristics of children with SEN, screening and EQIA would be valuable in developing good policy that effectively considers the potentially differing impacts of SEN policy across all groups of children.

As well as complying with equality scheme commitments, the publication of screening/EQIA assessments also provides greater openness and transparency for stakeholders.

Further information

The Commission is available to provide further information as is useful to the Inquiry of the Committee. We additionally draw your attention to:

- Our full recommendations on Advancing Equality for Children with Special Educational Needs: <https://www.equalityni.org/SEN>
- Our Advice on Section 75 duties for public authorities: <https://www.equalityni.org/PublicAuthorities>

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⁴ See Ipsos (2023) Independent Review of Special Education Needs Services and Processes: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)



EQUALITY COMMISSION FOR NORTHERN IRELAND

Advancing Equality for Children with Special Educational Needs

Policy Position Paper

June 2024

ADVANCING EQUALITY FOR CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

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Executive Summary

High quality early-years and education, including SEN provision, is known to play a key role in children's development, including for children from particular equality groups. It is essential that children with Special Educational Needs (SEN) have access to a high-quality educational experience. SEN provision must advance equality of opportunity for children and young people, and their families, across the full range of equality categories.

This paper highlights a range of areas in which progress is required to ensure that children with SEN are afforded equality in education. Progress is needed to address the shortcomings identified across several reviews of SEN services and to reform legislation to better promote equality for children with SEN.

The Commission has consistently highlighted concerns regarding education for children with SEN, including regarding delays in securing a school place and the importance of children with disabilities and special educational needs having access to a full range of educational facilities and opportunities.

Advancing Equality for Children with Special Education Needs: Summary of Recommendations

To progress equality for children and young people with SEN, and their families, the Commission recommends that action is required across 5 overarching areas.

- Ensure timely access and to high-quality education.
- Reform the law to enhance protections.
- Limit and control the use of Restrictive Practices in Schools.
- Fund and monitor a targeted action plan to ensure key inequalities are tackled.
- Ensure collaboration to deliver better outcomes and services.

We summarise below our key recommendations in each of these overarching areas.

Ensure timely access and to high-quality education.

- Ensure that all children with SEN access and receive high-quality education.
- Tailor SEN provision to meet the specific needs of different equality groups.
- School places for children with SEN should be allocated and communicated to families at the same time as children without SEN.
- Children and young people must be effectively supported when moving to a new school and moving beyond school.
- Action is required to stop prejudice-based bullying and negative stereotyping of children with SEN.

Reform the law to enhance protections.

- Schools should be required by law to provide special equipment and services for disabled pupils, and there should be stronger protections against discrimination and harassment in schools.
- Consideration should be given to empowering the Special Educational Needs and Disability Tribunal (SENDIST) to award compensation if a disabled child experiences discrimination.

Limit and control the use of restrictive practices in schools.

- Schools should only ever use restrictive practices as a last resort, in line with clear guidance and supported by comprehensive training.

Fund and monitor a targeted action plan to ensure key inequalities are tackled.

- SEN services should be resourced to meet objective need, with an action plan developed, implemented and monitored to ensure equality of opportunity for children with SEN.

- Inequalities experienced by children with SEN across the section 75 equality groups should be targeted and tracked.

Ensure collaboration to deliver better outcomes and services.

- Leadership and collaboration between the Department of Education, the Department of Health, and others, is essential to provide effective services and appropriate support for children with SEN.
- Routinely involve children, parents, carers, schools and other expert organisations in the planning, delivery and review of appropriate support for children with SEN.

Delivering Change

The Commission will continue to engage with the Executive, Assembly and elected representatives, relevant Ministers and Departments, and key wider stakeholders to secure advocacy and adoption of our recommendations.

We would welcome your engagement with colleagues, officials, and elected representatives to secure implementation of our recommendations.

1 Background

- 1.1 The Commission has consistently called for action to ensure a high-quality of educational experience for all children in Northern Ireland, including those with Special Educational Needs (SEN)¹.
- 1.2 High quality early-years and education, including SEN provision, is known to play a key role in children's development, and can have significant beneficial impacts for those children most at risk of educational underachievement. It also has a significant impact on children from particular equality groups, including children with disabilities².
- 1.3 This paper presents the Commission's positions relating to children with SEN, highlighting our key policy recommendations. It outlines high-level positions on ensuring quality education and support; delivering improved protections; and limiting and controlling the use of restrictive practices.
- 1.4 The paper also includes a number of cross-cutting recommendations that the Commission considers important to see implemented across a range of Government strategies, programmes and plans. These include actions to target interventions and track impacts; to ensure that key datasets contain comprehensive equality data to facilitate full equality analysis; to ensure leadership at all levels on equality issues; to ensure rolling stakeholder involvement; and to ensure time-bound and resourced action plans to underpin effective delivery.

Special Educational Needs

- 1.5 In the education system in Northern Ireland, children can be categorised as having 'Special Educational Needs' if they have

¹ 'Special educational needs' (SEN) is a legal definition and refers to children with learning problems or disabilities that make it harder for them to learn than most children the same age See <https://www.nidirect.gov.uk/articles/children-special-educational-needs>

² DE (2017) [Study of Early Education and Development: meeting the needs of children with special educational needs and disabilities in the early years](#), page 11

‘a learning difficulty which calls for special educational provision to be made’³.

- 1.6 While it is children with disability, particularly those with complex needs, that are often most disproportionately negatively impacted by issues affecting children with SEN, it is important to note that not all children with SEN⁴ have a disability, and not all children with a disability have SEN⁵.
- 1.7 In that context it is essential that SEN provision advances equality of opportunity for children and young people, and their families, across the full range of equality categories.
- 1.8 International treaties, such as the United Nations Convention on the Rights of the Child (UNCRC)⁶ and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)⁷, highlight the right to education, the primacy of the best interests of the child, and the rights of all children including children with disabilities to inclusive education and reasonable accommodation of their requirements.

³ [The Education \(Northern Ireland\) Order 1996](#)

⁴ The Department for Education categorises SEN into five areas: Cognition and Learning; Social, Behavioural, Emotional, and Wellbeing; Speech, Language and Communication Needs; Sensory; Physical Needs. From: Recording SEN and Medical Categories; Guidance for Schools, Department of Education NI, 2019. Quoted in NIAO Northern Ireland Audit Office (2020) Impact Review of Special Educational Needs.

⁵ Many children with SEN are protected under grounds of disability. Disability is defined as: “a physical or mental impairment which has substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities”. Long-term means: lasting, or likely to last, at least 12 months. Normal day-to-day activities include mobility; manual dexterity; physical co-ordination; continence; ability to lift, carry or otherwise move ordinary objects; speech, hearing or eyesight; memory or ability to concentrate; ability to learn or understand; ability to recognise the risk of physical danger; taking part in normal social interaction; forming social relationships. For further details, see: <https://www.equalityni.org/Individuals/I-have-a-problem-with-an-education-service/Disability>

⁶ ARTICLE 2 (non-discrimination) The rights set out in the UNCRC apply to every child whatever their race, colour, gender, language, religion, ethnicity, disability or any other status.

ARTICLE 3 (the best interests of the child) In all decisions and actions that concern children, the best interests of the child shall be a primary consideration.

ARTICLE 12 (respect for children’s views) Every child has the right to express their views on matters that affect them, and for these views to be taken into consideration.

ARTICLE 28 (education) Every child has the right to education.

ARTICLE 29 (education and children’s development) Education should help develop every child’s personality, talents and mental and physical abilities to the full.

⁷ UNCRPD, Article 7 Children with Disabilities, sets out that ‘States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children’ and that ‘In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.’

UNCRPD Article 24 Education, sets out, inter alia, that States Parties shall ensure an inclusive education system at all levels; reasonable accommodation of the individual’s requirements is provided; and that persons with disabilities receive the support required, within the general education system, to facilitate their effective education.

Legislative Provisions

- 1.9 The Disability Discrimination Act 1995 protects disabled people against various forms of discrimination placing duties on employers and service providers to make reasonable adjustments for people with disabilities.
- 1.10 Legislation on the rights of children with SEN in Northern Ireland includes, Article 8 of the Education Order 1996, amended by SENDO 2005, creating duties on schools and enshrining the rights of children with SEN to participate in all activities within education (subject to certain, justifiable constraints).
- 1.11 In 2006, the Commission developed guidance relating to SENDO 2005. The advice in this ‘Disability Discrimination Code of Practice for Schools’⁸ (the “SENDO Code”) remains valid.
- 1.12 The Autism Act (NI) 2011 amended the Disability Discrimination Act 1995 and required an autism strategy to be prepared and broadened the definition of disability to include social and communication abilities, and “taking part in normal social interaction; or forming social relationships”⁹.
- 1.13 The Special Education Needs and Disability (NI) Act 2016 (SEN Act) places increased duties on Board of Governors, the Education Authority (EA) and health and social services authorities. The Act requires the EA to publish an annual plan of its arrangements for SEN and to involve the voice of the child when making decisions that affect them involving special educational provision.
- 1.14 Provisions covered by the SEND Act have, in the main, yet to be commenced. With the exception of raising the age of the child to 19 and including guidance on the inclusion of the views of the child, little of the associated Code of Practice has commenced.
- 1.15 A draft Code of Practice to support 2016 Act has been in place since April 2021, and has streamlined assessment and support

⁸ For further details, see: [ECNI \(2006\) Disability Discrimination Code of Practice for Schools](#)

⁹ For further details, see <https://www.autismni.org/autism-act-ni-2011>

processes, moving from a five-stage to a three-stage process^{10 11}.

- 1.16 The Commission has called¹² for the final Code of Practice to clarify outstanding issues including around student involvement, staff training, and review and dispute resolution.

2 Recent Context

- 2.1 The number and proportion of pupils on Stage 3 of the register (statemented) has increased from 17,709 (2017/18) to 21,956 (2021/22), representing a 35% increase since 2017¹³. Previous reviews highlighted that the number of children with SEN also increased by 48% between 2004/05 and 2018¹⁴.
- 2.2 There have been persistent challenges in ensuring children with SEN are placed and enrolled in a suitable school in a timely manner¹⁵. Between April 2022–January 2023, the Education Authority (EA) conceded two-thirds of cases brought to Special Educational Needs and Disability Tribunal (SEN IST), with the majority of other appeals withdrawn, often following agreement with parents. This suggests significant problems in the system of assessing need and allocating places, described by the authors of the Independent Review of Education (2023) as indicative of “*a system in crisis*”¹⁶.
- 2.3 During the pandemic, the Commission highlighted concerns regarding the impact of COVID-19 on education, including for

¹⁰ Stage 1 involves school-delivered SEN provision; Stage 2 involves school delivered provision and external SEN service provision; while Stage 3 involves SEN provision as set out in a statement.

¹¹ For further details, see: [EA SEN Code of Practice | SEN Plan](#) and [O'Connor et. al. \(2023\) The prevalence of special educational needs in Northern Ireland: A comparative analysis](#)

¹² We have also recommended that the Code of Practice should: include details of how pupils will be involved in the development of overall SEN provision; emphasise the importance of accessible communication and relevant support to enable each individual with SEN to participate effectively within any decision-making process that will impact on their educational experience and opportunities; training measures for teachers and learning support co-ordinators; and examples of models of good practice demonstrating how students can be involved in the review appeals processes, and in the development of support and learning places.

¹³ Independent Review of Special Education Needs Services and Processes. Ipsos. March 2023.

Page 20: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)

¹⁴ NICCY: Too Little Too Late (2020): <https://www.niccy.org/too-little-too-late-reports/>

¹⁵ [NI Education: Almost 400 children with special needs waiting on school place - BBC News](#)

¹⁶ For further details, see pg. 97 [Independent Review of Education \(2023\) Investing in a Better Future - Volume 2](#)

children with SEN¹⁷. Disruption, and lack of access to appropriate support for at-home learning (e.g. digital devices or personalised support), were raised as likely to impact disproportionately on children with SEN. In England, Ofsted has highlighted that long-standing problems in the system of care for children and young people with SEN were worsened by the COVID-19 pandemic¹⁸.

- 2.4 The DE Special Education Strategic Area Plan was published in June 2022 with the stated aim to “ensure pupils have access to a placement that best meets the needs of children and young people with a Statement of Special Educational Needs”¹⁹.
- 2.5 The Department of Education’s recent (2023) Corporate Plan describes a vision that *“Every child and young person is happy, learning and succeeding”* with strategic goals that include meeting the learning needs of all children and young people and developing their knowledge and skills, enabling them to fulfil their potential; and delivering an effective, child-first, collaborative and high-quality education system²⁰.
- 2.6 The recent Independent Review of Education (2023) identified multiple areas for reform regarding SEN, including increasing staffing levels of educational psychologists, increasing the emphasis on SEN during teacher training, and reforming the statementing process²¹.
- 2.7 Since the reestablishment of the Northern Ireland Executive in early 2024, an Assembly motion was passed on investment and transformation of SEN services. The motion (27 February 2024) states that:

“This Assembly commits to prioritising the needs of our most vulnerable children with Special Educational Needs and Disabilities (SEN); notes that the current system for supporting children with SEN has failed to deliver appropriate and timely

¹⁷ For further details, see: ECNI (2020) COVID-19 Education Policy Position <https://www.equalityni.org/Education/Covid19>

¹⁸ For further details, see: [Children and young people with SEN disproportionately affected by pandemic - GOV.UK](#)

¹⁹ For further details, see: [Department of Education \(2022\) Special Education Strategic Area Plan 2022-27 - Planning for Special Education Provision](#)

²⁰ For further details, see: [Department of Education \(2023\) Every CHILD Corporate Plan for 2023-2028](#)

²¹ For further details, see Independent Review of Education (2023) <https://www.independentreviewofeducation.org.uk/key-documents/investing-better-future>

support for parents, pupils and schools; and calls on the Minister of Education to prioritise and invest in SEN transformation, to ensure that the End to End Review of Special Educational Needs produces an action plan that will be implemented urgently, and to make a commitment that all children with SEN in key transition years are notified of a school placement which meets their needs no later than children without special educational needs.”.

- 2.8 In 2024 the Department of Education shared a high-level policy statement on children with SEN. Within this, they highlight the strategic objective to:

“ensure children and young people with presenting special educational needs (SEN) and/or disability have access to a high-quality educational experience. EVERY CHILD will be taught within a setting appropriate to their needs (right place), supported by a confident and highly skilled workforce (right people) delivering an engaging, flexible curriculum, that will be bolstered by tailored interventions (right support) and adequate resources to address any specific need/ difficulty without delay. (right time).”

- 2.9 The Department of Education is currently undertaking an End-to-End Review of SEN, in light of the findings of the Independent Review of SEN²², and with the intention of creating an Action Plan to address longstanding challenges.
- 2.10 The Commission has consistently highlighted concerns regarding SEN education, regarding waiting lists for placements and the importance of children with disabilities and special educational needs having the same access to a full range of educational facilities and opportunities as children without a disability²³.
- 2.11 We also note the lack of data on additional characteristics of SEN pupils in the Independent Review of Special Education

²² See Ipsos (2023) Independent Review of Special Education Needs Services and Processes: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)

²³ For further details, see: [ECNI - Equality law covers children with special educational needs \(equalityni.org\)](#)

Needs Services and Processes²⁴, making it difficult to assess SEN provision for specific equality grounds.

3 Overarching Commission Recommendations

- 3.1 To progress equality for children and young people with SEN, and their families, the Commission recommends action across 5 overarching areas. Action is required to:
- Ensure timely access and to high-quality education.
 - Reform the law to enhance protections.
 - Limit and control the use of restrictive practices in schools.
 - Fund and monitor a targeted action plan to ensure key inequalities are tackled.
 - Ensure collaboration to deliver better outcomes and services.

4 Ensure timely access and to high-quality education.

Ensure that all children with SEN access and receive high-quality education.

- 4.1 Educational Bodies must identify and tackle barriers to participation, progression and attainment – including issues with regards to statementing, attendance, and transition from primary to post-primary.
- 4.2 The Education and Training Inspectorate (ETI) should monitor the compliance of School Boards with their duty to prepare

²⁴ See Ipsos (2023) Independent Review of Special Education Needs Services and Processes: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)

accessibility plans, including to improve the physical accessibility of the school, and to increase participation in the curriculum.

Supporting Rationale

- 4.3 The Commission has consistently highlighted the importance of children with special educational needs having the same access to a full range of educational facilities and opportunities as children without SEN.
- 4.4 Students with SEN or a disability have lower attainment levels than students without any SEN or disability and are less likely to go on to higher education²⁵. Of school leavers in 2019/20²⁶, 79.5% of students with SEN Stages 1-4, and 71.4% of students with SEN Stage 5 left school with at least 5 GCSEs²⁷, compared to 94.3% of students without SEN.
- 4.5 A range of factors contribute to the attainment levels of children with SEN. Adequate provision made in an effective manner is essential to ensuring children with SEN can meet their full potential.
- 4.6 Key barriers²⁸ found to the attainment of children with SEN include insufficient precision with Statements and a lack of appropriate supports during the transition from primary to post primary education.
- 4.7 The Northern Ireland Audit Office's Impact Review on SEN in 2020 concluded that *"more still needs to be done to ensure schools are applying a clear and consistent approach to identifying and providing for children with SEN, (that) significant delays in assessing and providing for children persist; (and that), there is a need for an urgent overhaul of SEN policies, processes and procedures"*²⁹.

²⁵ ECNI (2017) Statement on Key Inequalities in Education

²⁶ NISRA (2021) [Qualifications and Destinations of Northern Ireland School Leavers 2019-20](#)

²⁷ Not including English and Maths. Of school leavers in 2019/20, 45.6% of students with SEN Stages 1-4, and 33.8% of students with SEN Stage 5 left school with at least 5 GCSEs including English and Maths, compared to 83.4% of students without SEN.

²⁸ See Ipsos (2023) Independent Review of Special Education Needs Services and Processes: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)

²⁹ Northern Ireland Audit Office (2020) Impact Review of Special Educational Needs.

- 4.8 As a result of inadequate numbers of educational psychologists and lack of timeline for the assessment process, children with SEN remain subject to unacceptable waiting times for assessment. EA has a statutory duty to complete an assessment within a 26-week statutory timeframe, however Independent Reviews have highlighted that this deadline is often missed³⁰.
- 4.9 Furthermore, children with SEN are likely to have poorer attendance in school than their peers. In 2021/22, Children with a statement of SEN had an attendance rate of 86.0% compared with those without a statement (91.3%)³¹.
- 4.10 In the year 2021/22, a total of 51.0% of pupils in special schools had a 10% absence (compared to 32.4% of mainstream schools). These figures may be influenced by COVID-19, however, high levels of absence (29.6%-32.4%) were also recorded in special schools in the preceding four years³².
- 4.11 Boards of Governors, under The Special Educational Needs and Disability (Northern Ireland) Order 2005³³ are required to prepare accessibility plans for their school to include “increasing the extent to which disabled pupils can participate in the school's curriculum”, and “improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and associated services provided or offered by the school”.

³⁰ See Ipsos (2023) Independent Review of Special Education Needs Services and Processes. “EA has a statutory duty that it is completed within the 26 week statutory timeframe. Stakeholders highlight that for many years the length of time to get an assessment by an EA Educational Psychologist has been much longer. Whilst it has been recognised that over the past year the EA has focused on meeting the 26-week deadline and their performance against this target has improved considerably, many question the extent to which the EA Psychology Service can maintain this. EA staff highlighted that the greatest demand on Educational Psychologists time is now the statutory assessment process and annual reviews.”

³¹ For further details, please see: [Attendance at grant aided primary, post primary and special schools in Northern Ireland 202122 Revised.pdf \(education-ni.gov.uk\)](#)

³² For further details, please see: [Tackling Educational Disadvantage \(TED\) \(education-ni.gov.uk\)](#)

³³ For further details, see: [The Special Educational Needs and Disability \(Northern Ireland\) Order 2005](#)

Tailor SEN provision to meet the specific needs of different equality groups.

- 4.12 Targeted and specific measures are required to support children with SEN with different equality characteristics and from different backgrounds.
- 4.13 For example, specific and appropriate support should be provided for children with SEN who speak English as an additional language. Support should involve integrated working between the Education Authority's (EA's) SEN Team and the Intercultural Education Service.
- 4.14 This should include ensuring support materials are appropriate and accessible, that translation services are available when required. Schools and teaching staff must also have access to high quality and evidence-based guidance on how to best support children with SEN who speak English as an additional language.
- 4.15 It is essential that high-quality educational experiences for children with SEN are delivered across all sectors of the education system. For example, children with SEN attending Irish-medium schools have experienced longstanding challenges³⁴ from the lack of language-appropriate SEN resources and support.
- 4.16 There is a need to ensure that data is collected on the equality characteristics of children with SEN, and that such data is used to target interventions and track impacts.

Supporting Rationale

- 4.17 Children with complex needs, such as children with disability, require appropriate and timely support to access and participate in the full range of educational opportunities available to children without SEN.
- 4.18 There is a need to consider the needs of specific groups. For example, the Commission has more generally pointed to

³⁴ For further details, see: [Comhairle na Gaelscolaíochta \(2022\) Submission to Draft Special Education Strategic Area Plan \(SESAP\)](#)

educational inequalities in attainment and access to education experienced by Irish Travellers, Roma and Newcomer children; those entitled to free school meals (particularly boys, notably Protestant boys); looked after children, young carers; and disabled children and young people.

- 4.19 We note the lack of data on additional characteristics of SEN pupils, for example in the Independent Review of Special Education Needs Services and Processes³⁵. The absence of equality data limits the potential to target interventions and track the extent to which services are delivering for pupils across the range of equality groups.
- 4.20 Whilst socio-economic disadvantage is not a specified ground under the equality legislation, it is clear that educational barriers and inequalities are exacerbated by poverty and social exclusion. Regarding SEN, 2021/22 data indicates that 27% of children have SEN in areas that score highest in the Multiple Deprivation Measure (MDM), while 12% of children have SEN in areas scoring lowest on MDM³⁶.
- 4.21 Specific groups may require additional support. For example, in 2007-08, 42% of Traveller children had SEN Stages 1-4 compared with 14% of all pupils; 52% had SEN Stages 1-5 compared to 18% of all pupils; and 11% of Traveller pupils held formal statements of need compared with 4% for the wider school community³⁷. More recent data³⁸ also suggests that Traveller children have higher rates of SEN, with 34% of Traveller children with SEN compared to 18% of total school population (2021/22), and 32% of Traveller children with SEN compared to 19% of total school population (2022/23).
- 4.22 The Bell Foundation has highlighted that children with SEN who also do not speak English as their primary language, “*may face linguistic challenges and may need targeted language support*,”

³⁵ See Ipsos (2023) Independent Review of Special Education Needs Services and Processes: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)

³⁶ For further details, see pg.229 [Independent Review of Education \(2023\) Investing in a Better Future - Volume 2](#)

³⁷ ECNI (2008). Inequalities in Education – Facts and Trends 1998-2008.

³⁸ DE Data shared with ECNI (April 2024). Further data suggests that numbers of Traveller children with SEN were 43% (2018/19), 40% (2019/20), and 37% (2020/21).

devised by EAL specialists, to help them learn both the language and all their subjects in English”³⁹.

- 4.23 Evidence suggests that children from different sectors of the education system in Northern Ireland may experience inequalities in accessing appropriate SEN support. For example, in their response to DE’s consultation on the Draft Special Education Strategic Area Plan (SESAP) (2022), Comhairle na Gaelscolaíochta stated that, *“There are currently no permanent Specialist Provisions in Irish-medium schools, profoundly impacting on Irish-medium pupils’ access to linguistically appropriate intervention”⁴⁰* and in their 2020 Irish-Medium Education Sectoral Development Plan, they further state, *“Children in Irish-medium schools are greatly disadvantaged by not being able to access appropriate or timely intervention regarding their special educational needs. This is particularly acute in respect of children presenting with specific learning difficulties, including dyslexia, where the lack of suitable standardised tests greatly impedes identification and subsequent intervention. Current criteria used by Educational Psychologists, for example, are exclusively in English, meaning that children being educated through the medium of Irish, cannot access them until much later in their school lives.”⁴¹*
- 4.24 DE data suggests that children educated through the medium of Irish have similar rates of SEN to the total school population, however lower numbers have a Statement (3.77% in 2022/23 compared to 7.02% of the total population). This may suggest a lack of appropriate testing and assessment offered to children in Irish medium schools.
- 4.25 The Commission has longstanding positions on mainstreaming equality in education, including on the importance of embedding equality and good relations into teacher training. In light of the diversity of life experiences and educational needs within the Northern Ireland student population, we consider it essential that all teachers are equipped to ensure students’

³⁹ For further details, see Bell Foundation (2024) [EAL and SEN : Guidance for Integrated Provision in Schools](#)

⁴⁰ For further details, see: [Comhairle na Gaelscolaíochta \(2022\) Submission to Draft Special Education Strategic Area Plan \(SESAP\)](#)

⁴¹ For further details, see Comhairle na Gaelscolaíochta (2020) IME Sectoral Development Plan 2020 : <https://www.comhairle.org/english/about/publications/>

particular requirements are understood and met – including while pupils are awaiting formal Statementing processes.

School places for Children with SEN should be allocated and communicated to families at the same time as children without SEN.

- 4.26 Children with SEN should be informed of their school place at the same time as children without SEN.
- 4.27 The Education Authority should utilise data from across health and early education to effectively forward plan and ensure children with SEN are placed in schools at the same time as children without SEN.

Supporting Rationale

- 4.28 We note challenges for children with SEN and Disability in accessing appropriate pre-school and nursery places. In March 2024, the Minister of Education highlighted that the Department of Education (DE) had identified more than 1,000 children with Special Educational Needs (SEN) who still needed a school place for the coming September⁴².
- 4.29 We further note the findings of the Independent Review of Education⁴³ which state that *“Learners with statements of SEN should not be considered as supernumerary to admission or enrolment figures. This approach should allow institutions to prepare to meet the needs of these learners. The goal should be to adopt a ‘SEN first’ model that ensures that learners with a statement of SEN receive school placements in a timely manner.”*
- 4.30 We note also comments in the Independent Review of SEN Services and Processes⁴⁴ that action *“to reduce late and delayed placements is essential. Ongoing, early engagement is*

⁴² See Northern Ireland Assembly (2024) [Education Committee Meeting on 20th March 2024](#)

⁴³ For further details, see Independent Review of Education (2023) <https://www.independentreviewofeducation.org.uk/key-documents/investing-better-future>

⁴⁴ See Ipsos (2023) Independent Review of Special Education Needs Services and Processes: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)

required with schools and relevant DE teams to minimise any further late or inappropriate placements. Many stakeholders and schools have noted that if SEN children were counted within the general enrolment of the school and SEN school applications were processed before other applications this would help to reduce this issue.”

- 4.31 We note the aim of EA’s Special Education Strategic Plan “to ensure that all pupils with a Statement of Special Educational Needs have access to a placement that best meets their assessed needs.”
- 4.32 Regarding planning for transition, the Independent Review of SEN Services and Processes⁴⁵ also notes that “EA does not seem to have sufficient data on the number of children with SEN in the system. This was emphasised by the fact that over the past three to four years there have been hundreds of SEN children transitioning from primary to post primary school, without a post primary place by the end of June”.
- 4.33 Data presented in the Independent Review of Education indicates that between 2015/16 to 2021/22 the number of statemented learners in mainstream pre-school increased by 120%⁴⁶ This increased demand, if persisting over time will required targeted action and resources.
- 4.34 Cases recently supported⁴⁷ by the Equality Commission further reinforce the importance of ensuring the appropriate provision of services so that children can attend, participate in, and fully benefit from learning and development provision at pre-school and school.

⁴⁵ See Ipsos (2023) Independent Review of Special Education Needs Services and Processes: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)

⁴⁶ For further details, see: Independent Review of Education (2023). Volume2, pg. 83 [Investing in a Better Future - Volume 2](#)

⁴⁷ See for example: ECNI (2023) ‘Disability case highlights strain on schools, children and families’ (regarding a lack of access to toileting facilities to a young girl who is a wheelchair user); and ECNI (2023) ‘Nursery apologises as disability discrimination case is settled’ (regarding reduced hours provision to a young girl with Downs Syndrome).

Children and young people must be effectively supported when moving to a new school and moving beyond school.

- 4.35 Overarching policy processes are needed to provide early planning and preparation for adolescents during their transitions between schools.
- 4.36 It is also essential to support young people with SEN to transition into adult life including assistance to pursue opportunities in further / higher education and employment, alongside other young adults without SEN. Action must be taken to identify any required additional services or support that they may require.
- 4.37 It is important that action is taken to ensure effective transitions. Such action could include giving consideration to the merits of extending the statutory duty to support young adults with SEN and Disability beyond the age of 19.
- 4.38 It is essential that young people with SEN are not left without support simply due to a change in their age.

Supporting Rationale

- 4.39 The Independent Review of Special Education Needs Services and Processes highlighted challenges regarding transitions between schools, stating that they were “*a significant issue for many of those who were consulted during this review. The lack of data and the notice that children, parents and schools have had regarding placements is a significant concern.*”⁴⁸
- 4.40 Beyond school, evidence indicates that young people with specific care needs often experience a lack of support when making the transition from one service to another⁴⁹. With regards to Health and Social Care, the Commission has also

⁴⁸ See Ipsos (2023) Independent Review of Special Education Needs Services and Processes: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)

⁴⁹ For further details, please see: Care Quality Commission (2014) [From the Pond to the Sea: Children's transition to adult health services](#)

long recognised the importance of effective transition from child to adult services⁵⁰.

- 4.41 The Independent Review of Education recommended that:
*“Many learners with special needs face particular difficulties at the point of leaving school and embarking upon adult life. They should receive continuing support in education, training and employment. In the case of people with complex and severe needs more intensive and long-lasting, possibly permanent, support will be required.”*⁵¹
- 4.42 The Autism Strategy highlights that life transitions may *“include children to adult services, education, employment and life changes, such as moving house, bereavement, changing relationships... Support and communication throughout transitions processes must be strengthened, improved and planning must commence at an early stage”*⁵².
- 4.43 In other parts of the UK, under the Children and Families Act⁵³ (2014), an education, health and care (EHC) plan will be put in place for children and young people aged up to 25 who need additional support⁵⁴. An Education, Health and Care plan (EHC plan) is a legal document which describes a child or young person's aged up to 25 special educational needs, the support they need, and the outcomes they would like to achieve.
- 4.44 The Department for Economy provides funding to support students with SEN access further and higher education through the Additional Support Fund⁵⁵. Services such as EA's Transitions Service (14+)⁵⁶, and the Department for Economy's Additional Support scheme provide support to young adults with SEN attending further or higher education, although there is no legal obligation for EA or the Department to provide these services.

⁵⁰ For further details, please see: ECNI (2017) Age Equality Policy Priorities and Recommendations

⁵¹ For further details, see: Independent Review of Education (2023). Volume2, pg. 84 [Investing in a Better Future - Volume 2](#)

⁵² See DOH (2023) [Autism Strategy 2023-28](#)

⁵³ For further details, see: [Children and Families Act 2014](#)

⁵⁴ For further details, see: [Children with special educational needs and disabilities \(SEN \): Extra help - GOV.UK \(www.gov.uk\)](#)

⁵⁵ For further details, see: [Disability support at college | NI Direct](#)

⁵⁶ For further details, see: [EA Statement of Special Educational Needs | SEN Plan](#)

Action is required to stop prejudice-based bullying and negative stereotyping of children with SEN.

- 4.45 There is a need to tackle prejudice-based bullying and challenging stereotypes, including for SEN children across the equality categories.
- 4.46 Strong and visible leadership from the School Principal, senior management team and Board of Governors is needed to promote an anti-bullying culture within every school, and to monitor and address incidences of bullying.
- 4.47 Support materials and opportunities within the curriculum must comprehensively address prejudice-based bullying and address negative stereotyping, including of children with SEN.
- 4.48 It is essential that, among other measures, the Department of Education undertakes updated and comprehensive research to establish, and track over time, the prevalence and nature of prejudice-based bullying across the equality categories, including that which is perpetuated against children with SEN, and to assess school compliance with the Addressing Bullying in Schools Act. Financial resource to conduct research on bullying in schools should be included within Departmental spending plans.

Supporting Rationale

- 4.49 Prejudice-based bullying at school can blight the lives of young people, negatively affecting their attendance and attainment as well as having a long-term impact on their life chances.
- 4.50 Research conducted by the Anti-Bullying Alliance (UK) suggests that 36% of pupils with SEND experience frequent bullying compared to 25% of those without SEND. Several other academic studies have highlighted high levels of bullying experienced by children with autism, speech and language challenges, and Asperger Syndrome⁵⁷.

⁵⁷ For further details, see: <https://anti-bullyingalliance.org.uk/tools-information/all-about-bullying/at-risk-groups/sen-disability/do-children-SEN-experience-more>

- 4.51 In 2015 Burns et al.⁵⁸ highlighted that protection against harassment and discrimination against pupils with a disability in primary and post-primary schools is currently weaker than the protection offered to students in further or higher education. Current SEN legislation does not specifically provide protection against disability-based harassment.
- 4.52 DE's most recent research (2011)⁵⁹ on the nature and extent of bullying in Northern Ireland schools found that *'there is evidence that disabled children and young people are more vulnerable to bullying'*. A 2010 report⁶⁰ by the then ELBs also indicated that there was a clear link between the incidence of bullying and SEN.
- 4.53 We note that PSNI figures indicate that the proportion of disability hate crimes where the victim is under 18 increased each year from 6 per cent in 2012/13 to 37 per cent in 2021/22 before falling to 23 per cent in 2022/23⁶¹.
- 4.54 In March 2024, the Minister of Education advised the Assembly that *"The Department plans to complete a new research study in order to gather up to date data on the nature and prevalence of bullying type behaviour and to baseline the impact of the Act in all schools. The Department will commission this research in the forthcoming financial year, dependent on the availability of funding"*.⁶²
- 4.55 The 2022 'Effective Responses to Bullying Behaviour' guidance⁶³, produced by EA, states that: *"It is important for the senior leadership team to track and monitor how effectively the preventative and whole school approaches are consistently delivering agreed outcomes to reduce the likelihood of bullying behaviour and promote restoration"*.
- 4.56 Given lack of inspections by the Education and Training Inspectorate since 2017, due to action short of strike in schools, there is little published data on whether Boards of Governors

⁵⁸ Burns, S., Leitch, R., Hughes, J., (2015) [Education Inequalities in Northern Ireland](#)

⁵⁹ DE (2011) Nature and extent of bullying in schools in the north of Ireland

⁶⁰ Northern Ireland Education and Library Boards (2010) It's Good to Listen – Experiences of Pupils with Special Educational Needs

⁶¹ For further details, see: [Trends in Hate Motivated Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2022/23 \(psni.police.uk\)](#)

⁶² See NI Assembly (2024) Assembly Questions (AQW [8151](#)/22-27: 21 March 2024),

⁶³ EA (2022) [Effective Responses to Bullying Behaviour](#)

are aware of their duties, and whether they are complying with the Addressing Bullying in Schools Act.

5 Reform the law to enhance protections

Schools should be required by law to provide special equipment and services for disabled pupils, and there should be stronger protections against discrimination and harassment in schools.

- 5.1 We continue to recommend changes to SENDO 2005 in order to place an additional duty on schools to provide auxiliary aids and services for disabled pupils, where reasonable; and that the current residual duty on the Education Authority in relation to the making of reasonable adjustments, is extended so that it includes a requirement to provide auxiliary aids and services.
- 5.2 Wider changes are also needed both to the Disability Discrimination Act 1995 and SENDO 2005⁶⁴ in order to address inconsistencies and strengthen protection against discrimination and harassment for disabled people. For example, there is currently less protection for disabled pupils in schools than for disabled students in further and higher education.
- 5.3 The Commission continues to recommend changes to the legislation so that disabled people, including children and young people, have protection against indirect disability discrimination and discrimination arising from disability; thus addressing the impact of the House of Lords' decision in June 2008 in the case of Mayor and Burgesses of the London Borough of Lewisham v Malcolm⁶⁵. The Commission continues to recommend legislative changes so that disability-related

⁶⁴ For further details, see ECNI (2012) Strengthening Protection for Disabled People Proposals for Reform - [Full report](#)

⁶⁵ For further details, see Mayor and Burgesses of the London Borough of Lewisham v Malcolm (2008) UKHL 43 [Lewisham v Malcolm](#)

discrimination is replaced by provisions prohibiting indirect discrimination and discrimination arising from disability⁶⁶.

Supporting Rationale

- 5.4 The Disability Discrimination Act 1995 (DDA 1995) prohibits discrimination against disabled people in employment and when accessing goods and services, including public transport. It also gives protection to disabled people against discrimination when accessing private clubs, buying or renting premises, and when subject to the functions of public bodies.
- 5.5 The Special Educational Needs and Disability (Northern Ireland) Order 2005 makes it unlawful for schools to treat disabled pupils and prospective pupils less favourably than other pupils in all aspects of school life. It also provides protection against discrimination for disabled students and prospective students in further and higher education. In addition, it makes it unlawful for general qualifications bodies (such as the CCEA) to discriminate against disabled pupils when awarding certain qualifications, including GCSEs, GCEs, etc.
- 5.6 Currently, under disability legislation in Northern Ireland, there is no free-standing protection for disabled people against harassment related to their disability outside employment and the provision of further and higher education. The recommended changes are in line with legislative changes which have already been implemented in Great Britain under the Equality Act 2010.
- 5.7 The amendment sought would ensure that where reasonable, a disabled pupil would not be put at a substantial disadvantage compared to a non-disabled pupil. The provision of auxiliary aids and services could entail, for example, extra support, electronic lesson notes, or the provision of an adapted computer keyboard.

⁶⁶ The introduction of provisions prohibiting indirect discrimination will mean that employers or service providers, cannot, without justification, apply provisions, criterion or practices that, although they are applied equally to everyone, place disabled people at a disadvantage. The introduction of provisions prohibiting discrimination arising from disability will mean that employers, service providers and others cannot, without justification, treat a disabled person less favourably because of something arising in consequence of his or her disability. For further details, see ECNI (2012) Strengthening Protection for Disabled People Proposals for Reform - [Full report](#)

- 5.8 Currently the obligation to provide auxiliary aids and services arises when stipulated in a statement of special educational needs, and not all disabled children have special educational needs. In such circumstances, the disabled child without an identified special educational need, has no right to auxiliary aids or services under SENDO 2005; even if they experience substantial disadvantage at school for a reason related to their disability.
- 5.9 In addition, as the duty to make reasonable adjustments is an anticipatory duty, it means that schools will have to anticipate those auxiliary aids and services which it would be reasonable to expect may be needed by disabled pupils who may be admitted to the school in the future.
- 5.10 In the rest of the United Kingdom, schools are already required to provide auxiliary aids and services to disabled pupils.

Consideration should be given to empowering the Special Educational Needs and Disability Tribunal (SENDIST) to award compensation if a disabled child experiences discrimination.

- 5.11 Consideration should be given to whether successful claims of unlawful disability discrimination in education should be eligible for compensation in the Special Educational Needs and Disability Tribunal (SENDIST).
- 5.12 Similarly, consideration should be given to whether cases of unlawful direct discrimination, harassment, and failure to provide reasonable adjustments should be eligible for compensation, as well as indirect discrimination and discrimination arising from disability if protections are widened as we recommend above.

Supporting Rationale

- 5.13 Unlike disability discrimination in services, discrimination experienced on other grounds in schools, or discrimination experienced by adults with disabilities, young people experiencing discrimination or harassment in schools have no recourse to financial compensation through the SENDIST.
- 5.14 The SENDIST considers parents' appeals⁶⁷ against the decisions of the Education Authority about children's special educational needs, and deals with claims of disability discrimination in relation to children at school.
- 5.15 The IMNI Jurisdictional report⁶⁸ on implementation of the UNCRPD in Northern Ireland (2017) (p.8) stated:
- "In Northern Ireland, discrimination cases in the provision of school education which do not involve disability are dealt with in the County Court; which is empowered to award all remedies available in the High Court, including damages for any loss and compensation for injury to feelings. However, disability cases go to the Special Educational Needs Tribunal (SENDIST), which is not empowered to make compensation for discrimination or harassment. This means that there can be situations where one child could be harassed because of race and one because of disability and the first child can seek compensation⁶⁹, whilst the second child cannot"⁷⁰.*
- 5.16 Children and adults who experience unlawful disability discrimination outside of school can be awarded compensation

⁶⁷ An appeal to SENDIST can be made: If a parent or the school have asked the Education Authority to assess formally a child's special educational needs and it has decided not to, or if it carries out the assessment but then decides not to make a statement on a child; If the Education Authority does make a statement, or amends an existing statement, a parent can appeal against the educational contents of the statement. A parent can also appeal if the Education Authority decides that their child should no longer have a statement, or decides not to amend a statement after carrying out a re-assessment of the child's needs. In certain circumstances a parent can also appeal if the Education Authority decides not to re-assess the child, or turns down your request to have the child placed in a different school. For further details, see: <https://www.justice-ni.gov.uk/articles/special-educational-needs-and-disability-tribunal-0>

⁶⁸ For further details, see: IMNI (2017) [United Nations Convention on the Rights of Persons with Disabilities Jurisdictional 'Parallel' Report on Implementation in Northern Ireland Working Paper](#) (August 2017)

⁶⁹ See Articles 18-20 and 54 of the [Race Relations \(Northern Ireland Order\) 1997](#)

⁷⁰ See Article 22 (4) of the [Special Educational Needs and Disability Order 2005](#)

through the Industrial Tribunal and County Court as appropriate.

- 5.17 The Workplace Relations Commission in the Republic of Ireland has awarded compensation in cases of disability discrimination in schools, for example a case in which a school was found to have discriminated against a young person with Down's Syndrome by excluding them from the classroom⁷¹.

6 Limit and control the use of restrictive practices in schools.

Schools should only ever use restrictive practices as a last resort, in line with clear guidance and supported by comprehensive training.

- 6.1 We call for the repeal of Article 4 (1)(c) of the Education (NI) Order 1998⁷², and for development and monitoring of DE guidelines on restrictive force.
- 6.2 In line with UNCRC recommendations, restrictive practices should only ever be used as a last resort and should never be used as a punitive or disciplinary measure. Positive behaviour support and working to de-escalate behaviours which require intervention must always be the preferred approach⁷³.
- 6.3 Guidance on use of restrictive practice developed by the Department of Education must be coupled with comprehensive and mandatory training for Principals, Board of Governors, and school staff. As highlighted in EA's Guidance, schools should be supported with additional advice and training as required.
- 6.4 It is essential that instances of use of restrictive practice are recorded, and that robust monitoring of schools' processes for

⁷¹ For further details, see: [ADJ-00021398 - Workplace Relations Commission](#)

⁷² Article 4 (1)(c) of the Education (NI) Order 1998, enables such force as is reasonable in the circumstances for the purpose of preventing a pupil from: *"engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise."*

⁷³ For further details, see [EA Positive Behaviour Policies and Resources](#) (accessed May 2024)

responding to and recording instances of restrictive practice are in place. It is essential that data is disaggregated across the equality grounds.

Supporting Rationale

- 6.5 The Commission has concerns regarding the disproportionate use of restrictive practice on children with SEN. Behaviours considered challenging are often strongly associated with certain developmental difficulties and disabilities. Having a learning disability affects the way a person understands information and how they communicate⁷⁴.
- 6.6 In NICCY's Neither Seen nor Heard Report (2021)⁷⁵, parents/carers and teaching staff described the use of restrictive practices as resulting *"in extremely negative, long lasting traumatic experiences for all involved, most particularly for the child who experienced it first-hand"*.
- 6.7 Furthermore, 72% of schools who responded to NICCY's survey on restrictive practices in educational settings stated they had never received guidance on creating a policy on physical interventions. Only 51% of schools stated they had a policy on physical interventions that included the use of restraint, and only 10% had a policy on seclusion.
- 6.8 The Department of Education's 2022 Review⁷⁶ of the Use of Restraint and Seclusion in Educational Settings in Northern Ireland called for the repeal of the Article 4(1)(c) at the "earliest legislative opportunity". Other statutory agencies such as NICCY have also called for repeal.
- 6.9 The UNCRC has also called⁷⁷ for action to *"develop statutory guidance on the use of restraint on children to ensure that it is used only as a measure of last resort and exclusively to prevent harm to the child or others and monitor its implementation"*.

⁷⁴ For further details, see: [Restraint and Seclusion of Children with Additional Needs in Schools \(niassembly.gov.uk\)](https://niassembly.gov.uk)

⁷⁵ NICCY (2021) [Neither Seen Nor Heard. Rights Based Review on the Use of Restraint and Seclusion in Educational Settings](#)

⁷⁶ See [Review of restraint and seclusion in educational settings published | Department of Education \(education-ni.gov.uk\)](https://education-ni.gov.uk)

⁷⁷ UNCRC Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland, 2023 E (b)

- 6.10 More broadly, the Commission has recommended⁷⁸ that equality and good relations issues should be mainstreamed into initial teacher education (ITE) and continuous professional development (CPD). In light of the diversity of life experiences and educational needs within the Northern Ireland student population, we consider it essential that all teachers are equipped to ensure students' particular requirements are understood and met.

7 Fund and monitor a targeted action plan to ensure key inequalities are tackled.

SEN services should be resourced to meet objective need, with an action plan developed, implemented and monitored to ensure equality of opportunity for children with SEN.

- 7.1 Ensuring that SEN services, strategies and action plans are resourced to meet objective need now and in the future is essential given the importance of addressing current and longstanding challenges in SEN. For example, addressing understaffing in key roles such as educational psychologists will alleviate challenges across the system.
- 7.2 There is a need for SMART, outcome focussed, time-bound and resourced action plans as a basis for effective, on-time and prioritised delivery.
- 7.3 It is essential that actions are targeted and tracked across the equality grounds, with data collected and published as part of the monitoring of the Action Plan.
- 7.4 Stakeholder organisations and the Equality Commission must also be properly resourced to support individuals, organisations, and the Executive and Departments to better

⁷⁸ ECNI (2018) [Equality in Education: Policy Recommendations](#)

shape and assist the development and delivery of the plans and services.

- 7.5 In the preparation of plans and budget proposals, Departments and other public authorities should ensure that they fulfil their statutory equality and good relations duties.

Supporting Rationale

- 7.6 The Department of Education is undertaking an End-to-End Review of SEN⁷⁹ with the intention of creating an Action Plan to address longstanding challenges.
- 7.7 Multiple reviews have shown the inadequate educational experience of children with SEN. The most recent Independent Review of Special Education Needs Services and Processes⁸⁰ highlights increasing number of children with complex needs, extensive administrative burdens and duplication within the system, increased numbers of request for assessment by Educational Psychologists, and insufficient protected time for SENCOs⁸¹.
- 7.8 ‘Too Little, Too Late: A Rights Based Review of Special Educational Needs (SEN) Provision in Mainstream Schools in Northern Ireland’ in March 2020 found “*a system under extreme pressure, unable to respond to the scale of need and the complexity of issues that children are facing/presenting*”. Subsequent monitoring reports have demonstrated the detrimental impact of COVID-19 on progressing key targets and recommendations⁸².
- 7.9 The Commission notes the findings of the Independent Review of Special Education Needs Services and Processes⁸³ that schools currently face extensive administrative burdens, and the Review’s 15 recommendations including that the SEN

⁷⁹ For further details, see: [End to End Review of Special Educational Needs \(SEN\) | Department of Education](#)

⁸⁰ Ipsos (2023) Independent Review of Special Education Needs Services and Processes

⁸¹ Every grant-aided school must have a SEN Co-ordinator (SENCO). They are a staff member and responsible for co-ordinating the school's special educational needs provision. In a small school, the SENCO might be the principal. See [Supporting children with special educational needs | nidirect](#)

⁸² For further details, see [NICCY \(2022\) Too Little Too Late 2022 Monitoring Report](#)

⁸³ See Ipsos (2023) Independent Review of Special Education Needs Services and Processes: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)

system “needs to be re-aligned and reformed to move from a process system driven to a child-centred approach which meets the needs of children with SEN”. The Commission notes the need for a comprehensive and measurable transformation plan to address recurring issues in SEN service delivery, as highlighted within the findings of the Review, stating that “*within a year DE needs to set in place a plan that will set out the actions that will be delivered to implement transformational change to SEN and the wider education system within reasonable timescales.*”

7.10 On adequate resourcing, the Commission notes recent Budgetary pressures across public services, including reductions to EA’s SEN Transformation Budget in 2023/24⁸⁴.

7.11 However, it is known that appropriately resourcing SEN and related services at an early-age is likely to lead to long-term financial savings⁸⁵, while also improving long term outcomes for children with SEN, as highlighted in the Independent Review of Education⁸⁶, stating:

“investment that could improve access to special educational needs (SEN) services and provide support for other specific types of need (as experienced by disadvantaged families, newcomers and Roma/travellers) in early years could provide a significant long-term saving as well as improving long-term outcomes for children”.

7.12 The Commission has previously highlighted concerns⁸⁷ about the potential for funding decisions for 2023/24 to have major significant adverse impact across the equality grounds. Funding decisions should, as far as possible, be such that they serve to advance equality, tackling longstanding inequalities, and addressing any emergence or exacerbation of inequalities.

⁸⁴ For further details, see [ECNI \(2023\) Budget 2324 Briefing - Equality Impacts](#)

⁸⁵ See also Fitzsimons and Teager (2018) The Cost of Late Intervention in Northern Ireland, produced by the Early Intervention Foundation, in which the authors conclude that the annual short-run cost to the public sector of late intervention in Northern Ireland is estimated at £536 million per year. This is equivalent to £288 for every Northern Ireland resident, or £1,166 per child.

⁸⁶ For further details, see [Independent Review of Education \(2023\) Investing in a Better Future: The Independent Review of Education in Northern Ireland](#) Volume 2, para 1.24

⁸⁷ For further details, see [ECNI \(2023\) Response to DE Budget EQIA \(2023/24\)](#)

- 7.13 ECNI's analysis⁸⁸ of previous spending decisions indicated that children with SEN were likely to be adversely impacted by budget decisions taken by the Department of Education, most specifically on reductions to dedicated school staff to support children with SEN, and reduction to the SEN Transformation Budget.
- 7.14 Other statutory bodies have also highlighted substantial concerns regarding SEN service provision, particularly in the context of the NI Budget 2023-24. For example, NICCY has stated:
- "NICCY is immensely concerned about potential adverse impacts of budget cuts to NI's already struggling SEN system. The EQIA acknowledges that there will be major adverse impacts of budget cuts to SEN and other programmes for children with disabilities but fails to include any specific data detailing programmes that have been or will be cut, precluding an informed assessment of the implications of cuts for children with SEN"*⁸⁹.
- 7.15 DE's own analysis⁹⁰ of spending decisions (2023/24) indicated that children with disability will experience major negative impacts, including from budget reductions to SEN and wider programmes such as School Holiday Food Grants and Healthy Happy Minds and minor negative impacts from budget reductions to Belfast Wide Early Years Pilot under Fair Start, Playboard NI Play Policy, EA Block Grant, Entitlement Framework, Engage Programme, and Extended Schools.
- 7.16 Reductions to the Core Grant within spending decisions (2023/24)⁹¹ will likely have a continuing negative impact on the community and voluntary sector organisations that provide services for children and young people with a disability. Community and voluntary sector organisations have highlighted⁹² that cessation of Core Grant funding would have an adverse impact on disabled people and may undermine the

⁸⁸ For further details, see [ECNI \(2023\) Budget 2324 Briefing - Equality Impacts](#)

⁸⁹ For further details, see NICCY DE EQIA response at <https://www.niccy.org/publications/advice-on-the-department-of-education-draft-budget-eqia-2023-24/>

⁹⁰ For further details, see [ECNI \(2023\) Response to DE Budget EQIA \(2023/24\)](#)

⁹¹ For further details, see [ECNI \(2023\) Budget 2324 Briefing - Equality Impacts](#)

⁹² For further details, see: [Disability Action Response to the Department of Health Budget Equality Impact Assessment | Disability Action Northern Ireland](#)

ability of the Department of Health to meet objectives outlined within the Department's own Equality Scheme.

Inequalities experienced by children with SEN across the Section 75 equality groups should be targeted and tracked.

- 7.17 All key measures should not only be tracked in aggregate but also for the impact on individuals from across the full range of equality grounds.
- 7.18 Key datasets should contain comprehensive equality data to facilitate full equality analysis to underpin the targeting of interventions and tracking of equality impacts, including with regards to SEN.
- 7.19 There is also a need to address gaps in the equality data held within key datasets and to make this information accessible to a wide range of decision makers and stakeholders.

Supporting Rationale

- 7.20 Children and young people with special educational needs are not a homogenous group. Children with SEN will have multiple identities and may face combined negative impact. Disaggregated data across equality grounds is essential to best meeting the needs of children with SEN.
- 7.21 We note the lack of data on additional characteristics of SEN pupils in the Independent Review of Special Education Needs Services and Processes⁹³, making it difficult to assess intersectionality within SEN and other equality grounds.
- 7.22 The absence of equality data for children with SEN makes it difficult to target interventions and track impacts for individuals / groups from across the range of equality categories.

⁹³ See Ipsos (2023) Independent Review of Special Education Needs Services and Processes: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)

- 7.23 Providing comprehensive equality metrics for all key measures will assist equality considerations to be a core component of public policy design and delivery, facilitating the fuller targeting and delivery of interventions, including for the full range of equality groups.
- 7.24 The Commission has consistently recommended⁹⁴ that public authorities collect detailed equality information / equality disaggregated data to inform public policy making and service delivery, so that equality considerations are at the heart of public policy making and are informed by the specific needs of those experiencing inequalities.
- 7.25 Section 75 statutory duties require public authorities to adhere to the arrangements in their Equality Schemes and to assess the equality impacts and monitor any adverse impacts of policies. High quality and disaggregated equality data is essential in ensuring that equality assessments are evidence based and appropriate⁹⁵.

8 Ensure collaboration to deliver better outcomes and services.

Leadership and collaboration between the Department of Education, the Department of Health, and others, is essential to provide effective services and appropriate support for children with SEN.

- 8.1 There is a need for leadership at all levels on equality issues. Leadership must promote positive attitudes, challenge stereotypes and discrimination and ensure that options to advance equality are considered at the earliest point, and across the lifecycle, of all policy development and delivery.

⁹⁴ For the Commission's full position and recommendations regarding Equality Data, please see: <https://www.equalityni.org/EqualityData>

⁹⁵ For further details, see ECNI (2020) [Section 75 Using Evidence in Policy Making A Signposting Guide](#)

- 8.2 It is essential that Departments demonstrate leadership and work together to progress equality of opportunity for children and young people with SEN, and that each Department has clear responsibilities regarding progressing equality for children and young people with SEN.
- 8.3 The Department of Finance should consider creating guidance on how the Children's Services Co-operation Act (Northern Ireland) 2015 may be used in practice, in order to provide officials with clear information on how resources may be shared and pooled between different Departments.

Supporting Rationale

- 8.4 Authors of the Independent Review of Education stated that, within SEN service services, there are *"indications of a system in crisis"*⁹⁶, while the Independent Review of SEN Processes and Services highlighted Leadership as a critically important area, recommending that *"DE should convene a task and finish working party of principals to develop recommendations for SEN leadership training that would be available to principals, SENCOs and school leadership teams"*⁹⁷.
- 8.5 Effective delivery of services for children and young people with SEN also requires inter-Departmental cooperation between Department of Education and the Department of Health, along with other bodies such as the Education Authority and the Department for Economy. Community paediatricians, health visitors, occupational therapists, and social workers are all employed by Health and Social Care Trusts and provide important expertise in supporting children with SEN.
- 8.6 The Children's Services Co Operation Act (Northern Ireland)⁹⁸ 2015 aims to improve co-operation amongst Departments and Agencies and places a duty on Children's Authorities to co-operate where appropriate as they deliver services aimed at improving the wellbeing of children and young people. The Act

⁹⁶ For further details, see: Independent Review of Education (2023). Volume2, pg. 84 [Investing in a Better Future - Volume 2](#)

⁹⁷ See Ipsos (2023) Independent Review of Special Education Needs Services and Processes: [Independent Review of Special Educational Needs Services and Processes | Department of Education](#)

⁹⁸ For further details, see: [Children's Services Co-operation Act \(Northern Ireland\) 2015 \(legislation.gov.uk\)](#)

requires “*co-operation among certain public authorities and other persons in order to contribute to the well-being of children and young persons; to require the adoption of a children and young persons strategy; and for connected purposes*”.

- 8.7 The Act enables pooling of resources to effectively deliver children’s services, stating “*a children’s authority may— (a) provide staff, goods, services, accommodation or other resources to another children’s authority; (b) make contributions to a fund out of which relevant payments may be made*”.
- 8.8 Guidance on the Act was published by the Department of Education in 2015 and updated in 2022⁹⁹ and focuses on explaining the duties within the Act.
- 8.9 Section 8 of the Act requires The Department of Finance to make regulations and provision for procedures to be followed by children’s authorities when exercising the powers conferred by the Act. To date, this has not occurred, and it is our anecdotal understanding that there is a lack of knowledge among public officials on how the Act may be used in practice.
- 8.10 The Act also requires the Executive to prepare a report on the operation of the Act. This must take place “*not more than 18 months after the date on which it adopted a children and young person’s strategy*”¹⁰⁰.

Routinely involve children, parents, carers, schools and other expert organisations in the planning, delivery and review of appropriate support for children with SEN.

- 8.11 It is essential that children with SEN, parents and carers, and teachers, amongst others, are fully involved in decision making across all stages of a child’s educational journey, for example

⁹⁹ For further details, see: [Department of Education - CSCA - Guidance - Revised March 2022](#)

¹⁰⁰ See Section 5 of the [Children’s Services Co-operation Act \(Northern Ireland\) 2015](#)

during assessments and statementing, design of educational plans, and during regular reviews.

- 8.12 The community voluntary sector, and organisations with expertise in supporting children with SEN, should also be included and consulted in conversations regarding educational planning, access, and participation for children with SEN.
- 8.13 It is essential also that the voices of young people with SEN are considered within the development, delivery and monitoring of any action plan(s) and in service design, delivery and monitoring.
- 8.14 Involvement should be in line with principles enshrined in International Conventions, including the United Nations Convention on the Rights of the Child (UNCRC) and the UN Convention on the Rights of Persons with Disabilities (UNCRPD).
- 8.15 DE should further consider developing systematic structures to enable effective and representative consultation with children and young people, including those with SEN. This must also consider accessibility requirements of children with SEN.

Supporting Rationale

- 8.16 Article 12 of the United Nations Convention on the Rights of the Child¹⁰¹ provides that “Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously” in line with their evolving capacity.
- 8.17 Furthermore Article 3 of the Convention states that “the best interests of the child must be a top priority in all decisions and actions that affect children”, while Article 23 states that “a child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to provide support to disabled children and their families”.
- 8.18 The UN Convention on the Rights of Persons with Disabilities (UNCRPD), Article 4 states¹⁰² that “In the development and

¹⁰¹ [The United Nations Convention on the Rights of the Child \(UNCRC\)](#)

¹⁰² [UNCRPD Article 4 – General obligations](#)

implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”

- 8.19 EA, in their advice regarding the statementing process for children with SEN state, *“Involving children with SEN and their parents in decision making is a key objective of the SEN Code of Practice. Parents should also be involved in supporting and consolidation of learning/strategies, where appropriate.”*¹⁰³
- 8.20 We note challenges experienced by parents and carers of children with SEN, for example experiencing significant stress at points of assessment, diagnosis, and in obtaining support for their children¹⁰⁴. Community and voluntary organisations have been described as “vital”¹⁰⁵ in supporting parents and carers in navigating the SEN system, and in providing information, support, and guidance.
- 8.21 In relation to driving attainment, The Chief Inspector's Report 2012-2014¹⁰⁶ highlighted the benefits of broader family / community involvement in education noting: *“It is clear that schools alone cannot break the cycle of low outcomes; there is a need for greater coherence and connection between the learners, their families, their communities, their schools and the wide range of agencies and health support service providers that play a significant part in their lives.”*

¹⁰³ For further details, see: [Statement of Special Educational Needs | SEN Plan \(eani.org.uk\)](http://eani.org.uk)

¹⁰⁴ For example, see Holland, J., Pell, G. and (2018), Children with SEND and the emotional impact on parents. British Journal of Special Education, 45: 392-411. <https://doi.org/10.1111/1467-8578.12240>

¹⁰⁵ See page 12 of NICCY: Too Little Too Late (2020): <https://www.niccy.org/too-little-too-late-reports/>

¹⁰⁶ The Education and Training Inspectorate (2013) An Evaluation of Extended Schools - Chief Inspector's Report 2012-2014, p26

9 Conclusion

9.1 SEN provision must advance equality of opportunity for children and young people, and their families, across the full range of equality categories.

9.2 We have set out in this document a number of specific recommendations for action. These positions seek to ensure quality education and support; deliver improved protections; limit and control the use of restrictive practices in schools; implement a fully resourced and monitored action plan; and ensure collaboration to better deliver effective SEN support.

Delivering Change

9.3 The Commission will continue to engage with the Executive, Assembly and elected representatives, relevant Ministers and Departments, and key wider stakeholders to secure advocacy and adoption of our recommendations.

9.4 We would welcome your engagement with colleagues, officials, and elected representatives to secure implementation of our recommendations.

Further information

9.5 For further information visit www.equalityni.org/SEN

June 2024



Advancing Equality and Rights for Children with Special Educational Needs and Disability (SEND)

Event Briefing Report

March 2025

Background

The Department of Education (DE) launched its SEN Reform Agenda and Five-Year Delivery Plan on 4 February 2025. The Delivery Plan identifies 148 specific actions across the areas of Right Support, from the Right People, at the Right Time and in the Right Place, and includes details on the governance and accountability structures to ensure progress.

On 6 March 2025, the Equality Commission for Northern Ireland (ECNI) and the Northern Ireland Commissioner for Children and Young People (NICCY) organised a stakeholder engagement event on Advancing Equality and Rights for Children with Special Educational Needs and Disability (SEND). The event, which took place in Equality House, Belfast, had over 40 participants and provided an opportunity for stakeholders to share information and discuss next steps and actions going forward. The Children's Law Centre (CLC) participated by presenting an overview of the SEN legal framework and recommendations for SEN reform that are child-rights compliant.

This report summarises the presentations and discussions that happened throughout the event.

Key Themes Shared During the Event

- Participants reiterated that all children with SEND should be able to access and receive a high-quality education.
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- There is a need to develop an agreed definition of 'inclusion', specifying how this will be measured. Schools need to become more accessible and inclusive educational spaces for all children.
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- While elements of the Delivery Plan were welcomed, concerns regarding funding and feasibility were shared by most stakeholders.
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- Further detail is needed on outcomes, targets, and governance and accountability structures to ensure progress on the Delivery Plan.
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- The Delivery Plan needs to detail specific actions to address inequalities experienced by children with SEND across the equality groups, for example, newcomer children and Traveller children.
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- It is essential that SEND reform takes a child-centred and child-rights approach which promotes equality of opportunity for all children with SEND.
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- Decision-making in the placements process needs to be improved by considering the views of schools and parents. For example, clear and transparent parental guidance on educational provision in Specialist Provision in Mainstream Schools (SPiMs) should be produced.
-

Opening Remarks

"Every child deserves an equal chance to succeed. While we welcome the inclusion of SEN as a priority area within the Programme for Government, decision-makers must take urgent and meaningful action to tackle the range of inequalities faced by children with Special Educational Needs. This remains a key priority for the Equality Commission which is committed to continuing advocacy and engagement in this area.

"Addressing inequalities experienced by children with SEN is embedded in the Equality Commission's Corporate Plan, and we will continue to advocate for positive change for children with SEN and their families."

Geraldine McGahey

Chief Commissioner
Equality Commission
for Northern Ireland



Session One

Advancing Equality for Children with SEN: Latest Context and Next Steps

Key Themes

- While elements of the Delivery Plan were welcomed, concerns regarding funding and feasibility were shared by most stakeholders.
- The Delivery Plan needs to detail specific actions to address inequalities experienced by children with SEN across the equality groups.
- Further detail is additionally needed on outcomes, targets, and governance and accountability structures to ensure progress on the Delivery Plan.

Inequalities Across the Equality Groups

The first session was facilitated by Dr. Chris Jenkins (Senior Policy Officer, Equality Commission for Northern Ireland) and focused on considering the needs of children with SEN across the equality groups, including children with complex disabilities, newcomer children, and Traveller children. Chris emphasised that children with SEN have different needs, challenges, experiences, and identities, and therefore require different and appropriate solutions. Specific and appropriate support (for example, support materials and translation services) is required for children with SEN who speak English as an additional language, and targeted support may be required for groups such as Travellers, children on free school meals, and children with SEN educated through the medium of Irish.

Challenges include delays in assessment (sometimes due to assuming challenges experienced by children were due to a lack of English language proficiency rather than a special educational need), lack of support for parents, lack of accessible information and signposting, and experiences of prejudice and stereotyping. Participants highlighted that, while it is welcome that the SEN Reform Agenda highlights the need for an inclusive approach, further work was needed to move away from a deficit-based model of service delivery towards genuinely inclusive and culturally competent models, and to raise expectations for all children and young people with SEN.

Views on the Delivery Plan

The session included an analysis of the Department of Education's SEN Reform Agenda and Delivery Plan and compared the actions within the Plan to recommendations made by the Equality Commission to advance equality for children with SEN. While welcoming elements of the Delivery Plan, including the commitment to support young people with SEN post-19 and to develop data collection systems, the Equality Commission's initial analysis also highlighted a range of concerns.

These include:

- the lack of targets, focus, and specific and tailored actions to address inequalities across the different equality groups, for example, newcomer children with SEN and Traveller children with SEN.
- the lack of actions related to areas disproportionately impacting equality groups, such as restrictive practice and bullying.
- a lack of commitment to law reform to strengthen rights for young people with SEND.

Participants were asked for their views on the Delivery Plan and what could be done to ensure the needs of children with SEN across the equality groups are appropriately considered going forward. Broadly, participants agreed with the Department's analysis of the challenges. Participants acknowledged and were supportive of the need to reform and support the educational psychology services to ensure children are assessed in a timely manner and placed appropriately in the right school, and to explore options for reforming the current model of one-to-one support using classroom assistants for some children with less complex and severe learning difficulties. Participants, however, also shared concerns regarding the feasibility of the Plan, particularly given the financial context and lack of sufficient resourcing and advocated for the inclusion of specific and measurable targets in order to assess the progress of the Plan.

Support for Teachers and Training

Teachers and teaching unions shared a feeling that teachers lack support to best support children with complex needs, and that details on training and support for teachers are not adequately outlined in the Plan. Some participants welcomed the inclusion of mandatory minimum content and accredited basic level of training in SEN within the Delivery Plan, however, they also highlighted the need for wider reform of teacher education, the need for continuous professional development, and a greater focus on multidisciplinary support for children and young people with SEND. The Equality Commission has also highlighted the need for training and support for teachers (within initial teacher education and as part of continuous professional development), across a number of equality issues.

The Need for Consultation and Engagement with Parents and Young People

Finally, views were also shared that the Plan had not received sufficient public consultation, including that parents had not been involved sufficiently in the design of the Plan. Concerns were highlighted that equality impact assessments relating to the Plan have not been published. Participants felt the Plan required further detail in terms of accountability and governance structures and wanted clarity on how stakeholders would be engaged as actions to deliver the Plan are progressed.

Session Two

Specialist Provision in Mainstream Schools (SPiMs): Expediency or Inclusion?

Key Themes

- There is a need to develop an agreed definition of 'inclusion', specifying how this will be measured.
- Decision-making in the placements process needs to be improved by considering the views of schools and parents. Clear and transparent parental guidance on educational provision in SPiMs should be produced detailing specific support provision, access to health professionals, and curriculum options.
- Pupil voice should be enhanced in discussions about SPiMs and SEND issues more broadly.
- A rigorous and holistic approach to assessment and monitoring of children's outcomes is required.
- The current gap in post-16 provision in mainstream schools for pupils with SEND should be addressed.

This session, which was facilitated by Dr. Arlene Robertson (Policy and Research Officer, NICCY), focused on key findings from NICCY's work on Specialist Provisions in Mainstream Schools (SPiMs). In recent years, SPiMs classes have been opened at pace by the Education Authority (EA) in primary and post-primary schools as an emergency response to the SEND placements crisis.

NICCY's examination of SPiMs draws on Article 24 and General Comment 4 by the United Nations Committee on the Rights of Persons with Disabilities (UNCRPD), which set out the right to inclusive education in detail.

Arlene presented key findings gathered during visits to SPiMs in schools across Northern Ireland, as well as engagement with a range of stakeholders, including parents, education staff and advocacy groups. Findings were summarised under three key themes: appropriateness of placements, quality and inclusivity of SPiMs placements, and impacts on children's education, health and wellbeing.

Participants' views on how to ensure children who are placed in SPiMs experience their right to an inclusive education were as follows:

Inclusion

The recent rapid expansion of SPiMs across mainstream schools was viewed as expediency rather than inclusion, or, at best, a tentative first step towards inclusion. An agreed definition of inclusion is urgently needed, with attention to how this will be measured and aligned with the purpose of education.

Participants cautioned against the assumption that mainstream education is inclusive for pupils with SEND, noting the risk of segregation. Locating SPiMs centrally within the school environment is crucial in ensuring that pupils and teachers do not feel isolated from their peers. Social participation is an important aspect of inclusive education, and extra-curricular and lunchtime clubs can play a role in facilitating this.

Appropriateness of Placements

A first step in supporting inclusion is to ensure that children are placed appropriately. Consideration must be given to pupils' individual needs and the wider mix of needs in the SPiM class when placing children. Schools' and parents' views must also be given due consideration by the EA. Parents require clear and transparent information about educational provision in SPiMs, including specific support provision, access to health professionals and curriculum options.

Children who are placed inappropriately can feel emotionally unable to attend school and miss out on their education. The lack of alternative educational provision currently offered in such circumstances must be addressed.

Whole Person Approach

Participants highlighted the importance of recognising children's academic aspirations, individual capacities and potential to learn. Expectations for children with SEND should not be lowered because they are placed in a SPiM. Current constraints in the provision of support and resources, including health interventions, were depicted as tantamount to setting some children up to fail. A rigorous approach to the assessment and monitoring of children's outcomes is needed. This should take a broad and holistic approach that encompasses academic, developmental, happiness and wellbeing outcomes.

Children and Young People's Voices

Participants emphasised the importance of listening to children's voices and responding appropriately. Depending on age and capacity, children's voices may be captured through their parents or guardians. Parents stressed that they do not feel listened to, even when their child is in crisis, and feel very disempowered by the current system.

Transitions

The lack of post-16 provision in mainstream schools for pupils who are educated in SPiMs was identified as a significant gap. Parents emphasised that young people who are placed in SPiMs are not being provided with opportunities for educational success on an equal basis with their peers. Attention was drawn to good practice examples in the Irish medium sector, facilitated by SPiMs at each key stage in post-primary school and an inclusive ethos.

Training and Support

Participants suggested that for SPiMs to work effectively, significant investment in training and support for both newly qualified and more experienced education staff is needed. The importance of softer skills such as empathy, passion and talent was noted.

Session Three

Overview of Legislative Context and Possible Next Steps

Key Themes

- Success of SEN Reform is dependent on significant and sustainable funding to stabilise and embed SEND services, transparent processes for access to school-based and external support, and enhanced cooperation between children's services providers (in compliance with statutory duties under the Children's Services Cooperation Act (NI) 2015).
- It is essential that SEN Reform takes a child-centred and child-rights approach, which promotes equality of opportunity for all children with SEND.
- Schools need to become more accessible and inclusive educational spaces for all children.

This session was facilitated by Kathryn Stevenson (Head of Legal Services, Children's Law Centre), and focused on the Children's Law Centre's (CLC) analysis of the Department's Delivery Plan in the context of the current SEN legislative framework and pending legislative reforms included in the Special Educational Needs and Disability Act (Northern Ireland) 2016, associated regulations, and revised Code of Practice.

Kathryn highlighted that the CLC has broadly welcomed the Department of Education's SEN Reform Agenda and Five-Year Delivery Plan, however, she also highlighted several critical concerns about how the Department can ensure the delivery of an effective, legally compliant SEND reform process that upholds children's rights and meets the needs of all children with disabilities and special educational needs. These concerns, and the discussions from participants related to each, are categorised under the following key themes:

Prioritising Disability Rights and Legal Obligations

Kathryn highlighted that the Department's use of 'SEN' (instead of 'SEND') could potentially make children with disabilities less visible within the policy. Given the fact that the inclusion of children with SEND in mainstream education is a key driver for this Plan, it is crucial that disability rights and equality are at the forefront of the Plan, reinforcing the clear legal obligations designed to protect disabled children's rights. Participants also highlighted concerns about the lack of actions to address disability within the Programme for Government and the need for legislative change across a number of areas, including the incorporation of UNCRPD and UNCRC (United Nations Convention on the Rights of the Child).

Ensuring the Graduated Response Framework Works for Children

The Plan introduces a graduated response framework to streamline support processes. CLC stressed that this framework must not introduce unnecessary bureaucracy that will delay or complicate children's access to essential support. Above all, it must align with the existing SEND legal framework and statutory Code of Practice to ensure children's rights remain protected.

The graduated response approach has been taken from a draft revised SEN Code of Practice that was consulted on in 2021 but has yet to complete Assembly scrutiny. CLC stressed that the Department of Education has failed to respond to the significant concerns raised previously by the CLC and other key stakeholders when consulting on the Code of Practice, and the revised Code of Practice has not been published. CLC further highlighted their concern that the graduated response framework is implementing the draft revised SEN Code of Practice through the back door.

Early Intervention and Capacity Building

The Graduated Response Framework puts greater emphasis on schools and pre-school providers to identify children's needs and put in place early learning support.

CLC highlighted that for early intervention to succeed, education settings need adequate internal capacity – including human and financial resources – and, where necessary, access to appropriate and timely external support. Therefore, special educational provision must be available, accessible, and transparent, ensuring that children receive timely support without facing administrative bottlenecks.

The Need for Proper Consultation, Equality Compliance and Accountability

As highlighted during the first session, concerns were raised regarding whether the Department of Education has fully met its statutory equality duties under Section 75 of the Northern Ireland Act 1998. CLC has urged the Department to publish its equality impact assessments and monitoring arrangements as it implements the Five-Year Delivery Plan.

It was further highlighted in discussions that effective consultation with children, families, and service providers must remain a core part of the process. The voices of those directly affected by SEN policies should shape the development and implementation of reforms to ensure they meet needs. Active involvement from families, teachers and service providers in monitoring the impact of investment will also be essential.

CLC and other stakeholders have also called for robust outcomes monitoring and data collection to track the Plan's impact, including assessing whether schools have the capacity to provide early intervention, evaluating whether EA pupil support services can meet demand, and measuring how special educational provision improves outcomes for children with SEND. Participants also highlighted the need for Annual Progress reports to be published to ensure transparency, as well as the need for greater accountability of the EA and schools, including reform of the powers of the SEND Tribunal.

Online Participation

In order to facilitate participation of parents and those requiring reasonable adjustments, a link to join the event online was made available. Given the challenges of enabling full participation in a hybrid event, officers from ECNI and NICCY met with parents following the event to get their views on the main themes of discussion.

We were told that:

- Some children in secondary education SPiMS were not able to access the full educational curriculum and were not being supported to take examinations.
- Post-16 education provision was often not available or appropriate for what is outlined in young people's statements of SEN (which describes support required up to the age of 19).
- Concerns were raised around the use of restrictive practices in schools, the need to repeal Article 4(1)c of the Education Order 1998, the lack of guidance to support teachers and schools, and the lack of engagement from the Department in the design of updated guidance.
- Concerns were highlighted regarding accountability in schools and lack of inspections due to action short of strike by teaching staff.
- It was emphasised that all children should have access to appropriate communication and supportive technologies. Participants discussed the need for legislative reform, including the Equality Commission's recommendation to make changes to SENDO 2005 in order to place an additional duty on schools to provide auxiliary aids and services for disabled pupils, where reasonable.

Closing Remarks

"I want to pay tribute to children and their parents who work hard to navigate Northern Ireland's complicated SEND system. Children and young people are being failed and cannot wait any longer for change. As a crucial first step in bringing forward meaningful change, relevant authorities must rebuild broken trust and take immediate action to make the SEND system more accessible to all. It is EA and DE's responsibility to ensure children have access to suitable education and that they need to make the system less complicated.

"I'm calling for a radical and collaborative approach to transformation, with children's voices at the centre of that process. I suggest a universal design approach for all-inclusive schools, with enhanced support for all and smaller class sizes. NICCY and others will monitor and review the Government's progress against its own priorities for SEND.

"We need stronger legal protections, including incorporation of the UNCRC, which will strengthen the protection of children's right to education, including appropriate support and teaching methods based on their unique talents and abilities."

Chris Quinn

Northern Ireland Commissioner
for Children and Young People



Further Information

For further details on Advancing Equality and Rights for Children and Young People with SEND, please visit the following web pages:

ECNI – Special Educational Needs



NICCY - Review of SEN Provision – 'Too Little, Too Late'



CLC - SEN Reform Agenda and Five Year Delivery Plan:
Key Considerations from CLC



Participant List

In addition to a number of parents of children and young people with SEND, the following organisations were represented at the event:

Altram
Angel Eyes
Autism NI
Independent Autism Reviewer for Northern Ireland and the Department of Health's Autism Reviewer Office
Ballynahinch High School
Caleb's Cause
Children's Law Centre (CLC)
Comhairle na Gaelscolaíochta
Craigavon Traveller Support Committee
Disability Action (DA)
Early Years
Equality Commission for Northern Ireland (ECNI)
Guide Dogs NI
The Irish National Teachers' Organisation (INTO)
Mencap
NASUWT, The Teacher's Union
National Deaf Children's Society (NDCS)
National Education Union (NEU)
The Northern Ireland Commissioner for Children and Young People (NICCY)
Queens University Belfast (QUB)
Royal College of Speech and Language Therapists (RCSLT)
Royal National Institute of Blind People (RNIB)
SEN Reform NI
The Special Educational Needs Advice Centre (SENAC)
Stranmillis College
Ulster Teachers' Union (UTU)
Ulster University (UU)

Note

We want to thank all the participants who attended this event and shared their insights, experiences and expertise. This report was written by officers at the Equality Commission for Northern Ireland, NICCY, and the Children's Law Centre. While we endeavoured to best reflect the views of participants, this report is only a summary of recurring themes and will not reflect the diversity of views in the room. Given time constraints, this report has not been co-written and has not been endorsed by the organisations in attendance. This report is available for public use.

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Advancing Equality in Education during this Assembly mandate

Briefing Paper

June 2025

Overview

We welcome that the Department for Education is working to address a number of areas of importance within education, including improving delivery of SEN services and actions on childcare. We continue to emphasise the need to address persistent inequalities in education in attainment, attendance, and bullying across disability, race, gender, and other grounds, while also stressing the importance of addressing any inequalities faced by children entitled free school meals.

This briefing provides **one-page overviews of the Commission's policy recommendations to advance equality in education**, providing a summary of the current context within selected areas, and highlighting specific opportunities and actions to further promote equality and good relations within education for the remainder of this Assembly mandate (2022 - 2027).

Key areas to promote equality of opportunity and good relations in education during this mandate:

- **Ensure compliance with statutory Section 75 equality and good relations duties.** The Department should ensure compliance with the arrangements in its approved equality scheme to promote equality of opportunity and good relations over the course of this mandate.
- **Improve outcomes for children and young people with SEN.** Legal reform, targeted support, and outcome-focused and resourced action plans are all required to improve outcomes for children and young people with SEN.
- **Commit to repealing Article 4 (1) (c) of the Education (NI) Order 1998.** The Commission has called for the repeal of Article 4 (1)(c) and for development and monitoring of guidelines on restrictive force.
- **Target and track budgets to ensure they address educational disadvantage.** Budget allocations should be monitored to assess how they improve outcomes for pupils from different equality groups, with targeted measures to ensure they address educational inequalities.
- **Provide appropriate, accessible, flexible and affordable childcare and early-years provision.** We call for the publication and delivery of an Early Learning and Childcare Strategy within this mandate.
- **Embed equality and good relations in the Northern Ireland curriculum.** The Commission calls for comprehensive action by the Department of Education, schools and other education bodies, to embed equality of opportunity and good relations within the content and delivery of the curriculum.
- **Publish comprehensive research on bullying and compliance with the Addressing Bullying in Schools Act.** While we welcome recent developments in addressing longstanding data gaps, we also highlight that opt-in and voluntary surveys are not a substitute for comprehensive and rigorous research in this important area.
- **Strengthen teacher professional development.** Equality and good relations issues should be mainstreamed into initial teacher education (ITE) and continuous professional development (CPD).

For further details on the full range of Commission positions and recommendations, please visit <https://www.equalityni.org/Education/Policy>.

Ensure compliance with equality duties

The Department of Education have recently published two significant strategic documents that outline proposed transformation to the education system. The SEN Reform Agenda and Delivery Plan highlights 148 actions to transform SEN service delivery, while the Transformed plan highlights a range of actions to drive educational excellence, including legislative reform (education participation up to 18), teacher training and curriculum reform, among others.

We have concerns that neither of these significant policies have gone to public consultation, and neither have any published equality screening or equality impact assessment (EQIA). The Department should have undertaken and published screening and/or EQIAs for both these strategic policies, and these should have informed the policies before decisions were taken. The Section 75 duties are continuing duties and Section 75 must also be applied at both strategic and implementation stages.

What do we want delivered in this mandate?

Public authorities should apply their Section 75 equality scheme arrangements to all aspects of their organisational functions. This includes how they plan and deliver a service, to policies on employing people, enforcing the law, buying services, approving budgets and regulating others.

Integrating equality of opportunity principles and practices from the outset ensures that equality considerations are mainstreamed and built into the policy development process from the beginning, rather than being bolted on at the end. Section 75 requires public authorities to have due regard for the need to promote equality of opportunity between:

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- men and women generally
- persons with a disability and persons without
- persons with dependants and persons without

The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive action to promote equality of opportunity and encourages public authorities to take action to address inequality among the groups listed above.

Public authorities must also have regard for the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The Commission emphasises that the good relations duty embraces and extends beyond the religious / political dimension of 'community relations'. Consideration of the needs and interests of all minority ethnic groups is also important in this context. Public authorities must recognise the inter-dependence of equality and good relations.

The Department should ensure compliance with its Section 75 equality scheme commitments regarding promoting equality of opportunity and good relations for all policy development and implementation over the course of this mandate.

Our advice on compliance with equality duties for public authorities can be found at www.equalityni.org/S75duties

Improve outcomes for children and young people with SEN

Children with Special Educational Needs (SEN) have lower levels of attendance and attainment in education than children without SEN. They experience higher levels of bullying and stereotyping, and experience challenges across their educational journey including delays in assessment and statementing, challenges in securing a timely school place, and a lack of support when transitioning into and between schools and to adult life.

These challenges also differ by equality group and socio-economic status. For example, we know speech and language special needs for newcomer children can sometimes be undiagnosed and instead confused with not having English language proficiency, resulting in them not getting the assessments and support they may need.

What do we want delivered in this mandate?

We are calling for action in three key areas to ensure meaningful progress is made for children with Special Educational Needs (SEN) in this mandate:

1. **All children with SEN should be able to access high quality education that meets their individual needs.** Children with SEN have different needs, challenges, experiences, and identities, and therefore require different and appropriate solutions. This means providing specific help for children who speak English as an additional language, such as translated materials and language support. Extra attention is also needed for Traveller children and those from the most disadvantaged areas, who may face additional barriers.

It is additionally important that the Education and Training Inspectorate (ETI) monitors the compliance of School Boards with their legal duty to improve accessibility. This includes improving the accessibility of school buildings, and making sure children can participate fully in the curriculum.

2. **The Department's SEN Reform Agenda and Delivery Plan should include clear, measurable targets to ensure equality of opportunity for children with SEN.** To ensure effective delivery, services must actively address the inequalities children with SEN face across all Section 75 equality groups. Progress should be tracked and data should be published regularly to ensure transparency, accountability, and to build confidence.
3. **Legal protections for children with SEND should be strengthened.** Consideration should be given to empowering the Special Educational Needs and Disability Tribunal (SENDIST) to award compensation if a disabled child experiences discrimination. Unlike discrimination experienced on other grounds, or discrimination experienced by adults with disability, young people experiencing discrimination in schools have no recourse to financial compensation through the Special Educational Needs and Disability Tribunal. Legal protections for children with SEN should be strengthened.

Special educational needs services must be improved for all children so that every child can access their right to a high-quality, inclusive education. Targeted support is needed that recognises and responds to the different barriers faced by children from all equality groups.

You can access our full recommendations at www.equalityni.org/SEN

Commit to repealing Article 4 (1) (c) of the Education (NI) Order 1998

Article 4 (1)(c) of the Education (NI) Order 1998, enables force as is reasonable in the circumstances for the purpose of preventing a pupil from: “engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.”

The use of restrictive practices disproportionately affects children with Special Educational Needs (SEN). Behaviours considered challenging are often strongly associated with certain learning disabilities. Having a learning disability affects the way a person understands information and how they communicate¹. In NICCY’s Neither Seen nor Heard Report (2021), parents/carers and teaching staff described the use of restrictive practices as resulting “in extremely negative, long lasting traumatic experiences for all involved, most particularly for the child who experienced it first-hand”.

What do we want delivered in this mandate?

We are calling for the following actions to be delivered within this mandate to limit the use of restrictive practice in schools:

1. **Repeal Article 4 (1) (c) without delay** We are aware that the Minister has indicated that repeal of Article 4 (1) (c) of the Education (NI) Order 1998 will be considered in the context of the revised guidance on physical restraint and seclusion. We continue to draw attention to the first recommendation of The Department of Education’s 2022 Review of the Use of Restraint and Seclusion in Educational Settings in Northern Ireland, that called for the repeal of the Article 4(1)(c) at the “earliest legislative opportunity”.
2. **Encourage positive behaviour support.** We highlight that, in line with UNCRC recommendations, **restrictive practices should only ever be used as a last resort and should never be used as a punitive or disciplinary measure.** Positive behaviour support and working to de-escalate behaviours which require intervention should always be the preferred approach.
3. **Provide guidance and training to teachers.** Guidance on use of restrictive practice developed by the Department of Education should be coupled with comprehensive and mandatory training for Principals, Board of Governors, and school staff. As highlighted in EA’s Guidance, schools should be supported with additional advice and training as required.
4. **Monitor the use of restrictive practice.** All use of restrictive practice should be recorded, and robust monitoring of schools’ processes for responding to and recording instances of restrictive practice should be in place. It is equally important to monitor and record the prevalence of the use of restrictive practice on students from different equality groups.

Repeal Article 4(1) (c) of the Education (NI) Order 1998 and provide guidance on restrictive practice to protect children, particularly those with SEN, from harmful practices.

You can access our full recommendations at www.equalityni.org/SEN

¹ For further details, see: [Restraint and Seclusion of Children with Additional Needs in Schools \(niassembly.gov.uk\)](https://www.niassembly.gov.uk/restraint-and-seclusion-of-children-with-additional-needs-in-schools)

Target and track budgets to ensure they address educational disadvantage

Many children experience [persistent inequalities in education](#) (for example in attainment, attendance, and bullying) across disability, race, gender, and others, as well as inequalities experienced by children on free school meals.

Whilst socio-economic disadvantage is not a specified ground under the equality legislation in Northern Ireland, we have continued to highlight that the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion, across issues such as education and housing.

The Commission has also highlighted concerns regarding the impact of previous Budgets, including on boys in education, and the need ensure that budget allocations, even in difficult financial periods, advance equality of opportunity and do not lead to new or exacerbated inequalities. We highlighted that young people were likely to experience a number of differential negative impacts from a range of budget proposals across Departments in 2023/24, most particularly related to education, health, and training and employment opportunities.

What do we want delivered in this mandate?

We are calling for action and commitment in two key areas to address educational disadvantage.

1. Targeting and tracking budget allocations

The common funding formula provides schools with a per capita payment, calculated on an annual basis for Traveller, Roma and Newcomer pupils. This payment is not ring fenced and can be spent at the school's discretion. There does not appear to be a clear system for monitoring how schools are spending funding received in terms of whether it is being used for evidence-based interventions that will raise the attainment of children.

Budget allocations under the common funding formula should be monitored to assess how they address educational inequalities across the equality groups.

2. Finalising and resourcing a new Traveller Education Strategy

The Commission has long been concerned about bullying, non-attendance, drop-out rates and poor educational outcomes experienced by Traveller children.

We welcome that the Department is currently reviewing the Traveller Child in Education Framework and developing a forward action plan. Given longstanding inequalities experienced by Traveller children, it is essential this work progresses at pace, is appropriately resourced, is designed with thorough involvement of relevant stakeholders, and is transparently monitored and reviewed on a regular basis.

Assurance is required on use of Budgets and allocations under the common funding formula to address educational disadvantage. The Traveller Child in Education Framework should result in an updated Action Plan by the end of this mandate.

You can access our full recommendations at <https://www.equalityni.org/Delivering-Equality/Addressing-inequality/Education/Policy/Education-priorities-overarching-areas>

Provide appropriate, accessible, flexible and affordable childcare and early-years provision

Access to affordable, flexible, and inclusive childcare remains a barrier for many families across Northern Ireland, particularly women, lone parents, and families from equality groups – including children from minority ethnic communities and disabled children. For example, [2023 research commissioned by the Department of Education](#) found:

- 46% of parents of children with disabilities, special needs, or other additional needs reported difficulty accessing suitable childcare.
- Families who speak English as an additional language were less likely to use formal childcare due to cultural and communication barriers.

The Department has taken initial measures aligned with the Commission's recommendations on childcare, including targeted support for particular groups, affordability provisions, support for sustainability of the sector, and collection of data. Despite this welcome progress, we consider further action is needed.

What do we want delivered in this mandate?

We are calling for the following actions to be delivered within this mandate to improve access to childcare and early-years provision.

- **Publish and deliver a comprehensive Early Learning and Childcare Strategy.** The strategy should be:
 - accompanied by a SMART, time-bound and resourced action plan;
 - informed by comprehensive equality data; and
 - co-designed with ongoing input from parents, providers, and stakeholders.
- **Childcare should meet the specific needs of children from across the full range of equality groups.** For example:
 - Disabled children need access to suitable facilities and trained staff, including appropriate access to specialists, such as speech therapists. The needs of older disabled children should be considered.
 - Outreach, including in different languages, may be required to ensure minority ethnic, migrant, and Traveller families are aware of and able to access childcare services
- **Address gender stereotypes and wider issues.** There is a need to tackle stereotypes and to better encourage and facilitate both women and men to better share childcare responsibility (including parental leave), mindful of the diverse range of family types. Employers and training providers should be supported to develop carer friendly practices, including flexible working practices and the sharing of family responsibilities.

The Department should publish and deliver a comprehensive Early Learning and Childcare Strategy and ensure childcare meets the diverse needs of children and their families.

You can access our full recommendations at www.equalityni.org/Childcare

Embed equality and good relations in the Northern Ireland curriculum

The [Independent Review of Education \(2023\)](#) recommended “**major reform of the curriculum and keep it under continual review**”. We welcomed that the Department have since announced a Strategic Review of the NI Curriculum, and we responded to the recent Call for Evidence².

The Commission have called for comprehensive action to be taken by the Department of Education, schools, and other education bodies, to **embed equality of opportunity and good relations within the content and delivery of the curriculum**. We have also recommended that children from across the equality grounds see themselves substantively reflected in the school curriculum and classroom activities, for example – the culture and identity of minority ethnic children; and that support materials and opportunities within the curriculum comprehensively address prejudice-based bullying.

What do we want delivered in this mandate?

We are calling for the following actions to be delivered within this mandate to fully integrate equality and good relations into the curriculum:

- **Ensure the purpose for the curriculum promotes equality and good relations:** The curriculum, beyond focusing on academic attainment and development, should explicitly promote equality, diversity, inclusion and good relations, and tackle prejudice. A proactive and intentional approach to the inclusion of additional relevant and appropriate materials should be taken across the curriculum.
- **Ensure equality is embedded across the content of the curriculum:** Comprehensive action should be taken by the Department of Education, schools and other education bodies, to embed equality of opportunity and good relations across the content of the curriculum. Content should be reviewed on a regular and ongoing basis to ensure alignment with international best practice. We seek clarity on the breadth of the current curriculum (for example, the degree to which different equality groups and issues impacting them are visible and addressed within the curriculum).
- **Support teachers to deliver:** Teachers should be supported in the delivery of all aspects of the curriculum, including equality and good relations elements, via teacher training and continuous professional development. Mechanisms should also be developed to ensure that the curriculum is delivered consistently across schools.
- **Measure more than academic results:** In seeking to assess the effectiveness of the curriculum, it is important that metrics are assessed that relate to, not only academic achievement, but also to the achievement of the broader purpose of the curriculum, for example in promoting good relations and changing attitudes.

We seek assurances that equality considerations are fully integrated into any outworkings of the Curriculum Review and future reforms to the curriculum.

You can access our full recommendations at <https://www.equalityni.org/Education/Policy>

² For further details, see [ECNI \(2025\) Response to the DE Call for Evidence as part of the Curriculum Review](#)

Publish comprehensive research on bullying and compliance with the Addressing Bullying in Schools Act

Prejudice-based bullying in schools remains a serious, persistent issue. While acknowledging the important and valuable work of EA's Addressing Bullying in Schools Implementation Team to support schools in responding to bullying-type behaviour, we highlight that there is currently:

- No comprehensive research on the nature or prevalence of bullying in schools in Northern Ireland since 2011.
- No comprehensive research or analysis of schools' compliance with the Addressing Bullying in Schools Act since it came into force.

What do we want delivered in this mandate?

We are calling for action in the following areas:

- **The collection of baseline data on the prevalence of bullying across the equality categories.** Given the lack of data on the nature and prevalence of bullying in schools, it's important that the Department commission comprehensive research in this area in order to appropriately target future interventions and resources. Data from research on bullying should be disaggregated across equality groups. This will allow the department to:
 - Track long-term trends.
 - Identify which groups are most affected.
 - Target interventions more effectively.

The Department has cited budget constraints as a barrier to this research. We seek assurance that a **costing exercise** was conducted in order to assess whether or not it was possible to resource research on bullying within this year's Budget, and request the Department provide detail and estimations of this costing.

- **The Department of Education to assess and track compliance of schools with duties outlined in the Addressing Bullying in Schools Act.** The Commission welcomes recent developments that substantive questions on compliance within the Addressing Bullying in Schools Act were included in the School Omnibus Survey 2024. While we welcome this development as progress in addressing longstanding data gaps, we also highlight that:
 - previous Departmental Omnibus surveys had a 22% completion rate in 2022 (during action short of strike), and 38% in 2018.
 - that opt-in and voluntary surveys are associated with various biases and risk providing an inaccurate or partial picture.

We highlight that opt-in and voluntary surveys are not a substitute for comprehensive and rigorous research in this important area.

The Department should commission and publish comprehensive research on bullying and school compliance with the law. This will support the effective implementation of legislation, identify gaps in protections, and guide stronger, evidence-based interventions.

You can access our full recommendations at <https://www.equalityni.org/Education/Policy>

Strengthen teacher professional development

Teachers play a central role in creating inclusive, respectful, and supportive learning environments. Yet, many teachers in Northern Ireland lack the support, training, and resources they need to meet needs of a diverse student population, respond to emerging social challenges, and tackling prejudice. Initial Teacher Education (ITE) and Continuing Professional Development (CPD) are key opportunities to equip teachers with the skills they need³.

It is of note, however, that **continuous professional development is largely voluntary** (teachers not required to participate beyond core school training days), meaning there is no requirement (and often no time or capacity) for teachers to undertake updated training on new methods or approaches to education, or on complex issues that have changed over time, for example the impact of growing up online⁴.

What do we want delivered in this mandate?

We are calling for the following changes to be delivered to strengthen teacher professional development:

- **Support continuous teacher development.** Teachers should be supported and given ringfenced time to access opportunities for continuous professional development. The Department should also consider and explore options such as teachers being required to undertake a defined number of hours each year to maintain accreditation, looking at best practice in other jurisdictions.
- **English-language support.** We note research suggesting a lack of appropriate teaching support for specific needs of children, for example children who speak English as an additional language. For example, recent evidence to the Education committee from Queen's University Belfast (11 Dec, 2024) highlighted findings from their [report](#) that suggested an 'emergency response' approach dominates the provision of English language support for newcomer pupils, with classroom assistants not trained in teaching English as a foreign language being expected to take responsibility for supporting newcomer pupils' English language learning.
- **Training for teachers on prejudice-based bullying.** This can further empower and assist staff to better understand their responsibility to prevent and respond to prejudice-based bullying including unintentional acts that cause harm, anxiety or distress, and become more confident to tackle prejudice.

Actions should be taken to improve and strengthen continuous professional development for teachers and teaching/classroom assistants, with particular consideration of training in equality and good relations issues.

You can access our full recommendations at <https://www.equalityni.org/Education/Policy>

³ The UN Committee on the Rights of the Child (2023) [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#), CRC/C/GBR/CO/6-7, para 44(b) also includes a focus on teacher training: "Integrate comprehensive, age-appropriate and evidence-based education on sexual and reproductive health into ... teacher training and ensure that it includes education on sexual diversity, sexual and reproductive health rights, responsible sexual behaviour and violence prevention..."

⁴ In relation to effectively understanding and responding to challenges growing up online, research from Stranmillis University called for "investment in evidence-informed, up-to-date and practical professional development within Initial Teacher Education as well as CPD/in-service training for all education staff". For further information, see [Growing Up Online | Children's online activities, harm and safety in Northern Ireland - an Evidence Report](#)