

Submission to Committee of Education's Strategic Review of Current SEN provision and Transformation Agenda

December 2025

Introduction

The office of the Northern Ireland Commissioner for Children and Young People (NICCY) was established in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland (NI). This legislation confers on NICCY a range of powers and duties including keeping under review the adequacy and effectiveness of law, practice and services, advising government, promoting an understanding of children's rights and best interests and bringing, assisting or intervening in legal proceedings.

The remit of the Commissioner is children and young people up to 18 years old, or 21 years, if the young person is disabled or was in the care of social services. In determining how to carry out these functions, the paramount consideration is the rights of the child, and the Commissioner is required to base all work on the United Nations Convention on the Rights of the Child (UNCRC).

The UNCRC sets out minimum standards for children's rights across all areas of their lives such as, civil and personal protection, health, education, and welfare. The four guiding principles which flow through the Convention are the rights:

- To non-discrimination;
- To survival and development to the highest level;
- To their best interests being a primary consideration; and
- To their voice being heard in all matters affecting them.¹

The UNCRC also highlights that as rights-holders, children have special rights to protection from all forms of harm, violence and abuse and to be supported in their recovery from abuse. The State party has an obligation to ensure that appropriate measures and procedures, including investigatory, court and judicial processes, are in place to realise these rights. The rights of the UNCRC are interdependent and indivisible – like children's lives they cannot be compartmentalised. Relevant UNCRC articles should be explored by the Committee in relation to this consultation and how it engages with the rights of children and young people.

The UN Committee on the Rights of the Child also periodically provides more detailed advice on specific rights in its General Comments, and the following should be considered in relation to this inquiry. General Comment No. 1 outlines the purposes of education for children and young people, and clarifies that education should be holistic, child-centred, and empowering, aiming to develop the child's personality, talents, and respect for human rights and the environment. General

¹ For more information on the UNCRC, please see: [Convention on the Rights of the Child | OHCHR](#)

Comment No. 9 is also of relevance here, on the rights of children with disabilities, including those with special educational needs.² The UN Convention on the Rights of Persons with Disabilities has a specific article ([No. 7](#)) relating to the rights of children with disabilities, which should be read alongside the UNCRC's General Comment No 4 on Article 24 – the right to inclusive education.

NICCY wishes to draw attention to the fourth Optional Protocol which is being currently being considered by the UN Committee, which would require States to identify and allocate sufficient resources for children's education. Further information on this, and the process, is available [here](#).

Previous work

In March 2020, NICCY published '[Too Little Too Late](#)' (TLTL), a [Rights Based Review of Special Educational Needs \(SEN\) Provision in Mainstream Schools in Northern Ireland](#), making 40 recommendations. The Review focused on mainstream schools, and highlighted a range of barriers that included:

- Insufficient, poor quality and inadequately resourced services and support provision;
- A lack of early identification and assessment of need, and delays in the statutory assessment and statementing process;
- Poor communication, engagement with and involvement of children and young people, their parents/carers, and other key stakeholders, by relevant authorities; and
- Poor coordination and communication between education and health in relation to identification, diagnosis, assessment and implementation of support.

When children's special educational needs are not met, this can have a range of negative impacts on their education, mental health and wellbeing, which may include social isolation, bullying, anxiety, self-harming, suicidal thoughts, delayed social development and academic progression, and negative impacts on self-esteem and self-confidence.

Since the publication of TLTL, NICCY has closely scrutinised progress made by relevant authorities in response to work undertaken to address our recommendations. Three monitoring reports are available online, published in [2022](#), [2023](#) and [2024](#). Our overall assessment, following analysis of the updated monitoring information provided by the Department of Education (DE), the Education Authority (EA) and other relevant authorities, is that progress in addressing our recommendations as part of wider transformation work is too slow.

While we recognise the significant resource constraints faced by government departments, and are encouraged by their commitment to SEND transformation, we are disappointed by the lack of evidence demonstrating that transformation work in the five years since the publication of our review has led to significant improvements in children's outcomes. We note recent developments in the implementation of the

² The UN Committee's General Comments and the Optional Protocols are available at: [Optional Protocols and General Comments of the UN Committee - Niccy](#)

EA's Local Impact Teams and advise that the effectiveness of this approach, particularly in terms of improving children's outcomes, must be rigorously evaluated through the analysis of quantitative, qualitative and disaggregated data.

Additionally, NICCY has provided advice to government in relation to the draft SEN Regulations and Code of practice, the draft 'Strategic Area Plan for Special Education Provision 2022-2027 and Draft Area Plan 2022-2027', available [here](#). We have previously published a parent's guide to provide information and advice to parents on special educational needs, available [here](#). We regularly meet with DE and EA to raise concerns and receive progress updates on special educational needs provision, alongside engagement with teaching unions and teaching staff.

Pupils with SEND are increasingly being educated in mainstream schools, including in SPiMs. In 2024/25, 4,560 pupils (6.5% of all SEN pupils in schools and pre-school settings) were enrolled in specialist provision classes in nursery, primary and post-primary schools (SPiMs) an increase of 2,519 pupils and 3.5 percentage points since 2019/20.³ In 2025, NICCY published '[Every Child's Right to Inclusive Education: Specialist Provisions in Mainstream Schools](#)'. This report, which drew on visits to schools and engagement with educators, parents, and advocacy organisations, highlighted:

- Concerns that an increasing number of children are being placed in inappropriately, and are consequently denied the opportunity to fulfil their academic, social and emotional development, to their fullest potential;
- Unmet needs due to poor access to educational psychology, health therapies and support services, which were associated with the risk of regression in children's learning and development;
- Gaps in provision, including in early years, Irish Medium Education, post-primary education, post-16 education and a shortage of specialist placements for children with behaviour needs;
- Training and workforce pressures, including access to training for classroom assistants and teachers working with children with complex needs. Identified gaps related to the use of restrictive practices, behaviour, inclusion, autism, and disability training.
- Poor communication about placements for pupils with SEND as a significant barrier to effective planning by schools in advance of children taking up placements in SPiMs, and a source of unnecessary stress for children and parents/carers.

Despite challenges, the report highlighted examples of good practice and the potential of SPiMs to offer high-quality, flexible education close to home, if placements are appropriate, timely, and properly resourced.⁴

As the expansion of new SPiMs continues, there is considerable focus by relevant authorities on identifying potential settings in geographical areas where there are

³ NI Statistics and Research Agency, 'Annual enrolments at schools and in funded pre-school education in Northern Ireland, 2024-25' (Available at: [Annual enrolments at schools and in funded pre-school education in Northern Ireland 202425](#)), accessed on 09.12.25

⁴ Our recommendations can be found at pages 19-20 of the report.

current placement pressures. While this is important, the EA must simultaneously focus resources on ensuring that established provisions receive a timely response to requests for specific support required to ensure a safe and appropriate environment is available to all pupils. It is very concerning that we continue to receive reports from stakeholders highlighting that poor communication and/or a lack of timely action by the EA has delayed children's access to education in SPiMS. We recommend that the Committee explore this further, with a view to identifying specific barriers and possible solutions that can be put in place to ensure that children with SEND have equitable access to education.

A recurring theme across engagement with parents, carers, education staff and other stakeholders undertaken as part of our work on SEND, relates to pupils' behavioural needs. Schools advise that they do not feel adequately supported to meet pupils' needs, while parents and carers perceive that some schools are reluctant to offer placements to children with more complex behaviour. We also receive reports that children and young people often do not feel listened to, or that their views are not taken seriously by professionals. NICCY recommends that the Committee examine this theme in more detail, with particular attention to the adequacy of, and investment in, services.

In 2021, NICCY undertook a rights-based review on the use of Restraint and Seclusion in Educational Settings due to serious concerns about the risk of restrictive practices being misapplied and related to this, the risk of traumatic impacts on children and indeed families. The 'Neither Seen, Nor Heard' Review Report made 15 recommendations to Government, available [here](#). The report focused in particular on children and young people with additional needs and/or special educational needs (with or without a statement) across educational settings. In December 2022, we published a monitoring update, available [here](#). NICCY is disappointed by the lack of progress in implementing our recommendations which we consider essential to ensuring children's needs are fully supported and that the use of restrictive practices is minimised in educational settings.

In March 2025, the Equality Commission for NI and NICCY organised a stakeholder engagement event on 'Advancing Equality and Rights for Children with SEND'. The [attached briefing report](#) summarises the event presentations and discussions which will be of relevance to the Committee's Inquiry.

Children and young people with SEND face specific barriers that prevent them from fully experiencing their right to an effective education, and they are also at risk of experiencing intersectional disadvantage on the basis of disability, gender, religion, legal status, ethnic origin, age, sexual orientation, language, socio-economic status and/or looked after status. These factors can also impact on and differentiate parents and carers' capacity to advocate for their child and exacerbate inequalities.

Finally, we draw the Committee's attention to [the Partnership for Inclusive Education's response to the Department of Education's Special Educational Needs \(SEN\) Reform Agenda and Delivery Plan 2025–2030](#), published by Children in NI. The report identifies several areas of concern, including underinvestment and workforce shortages, mental health, reduced timetables, non-attendance, and lack of consultation and legal clarity, and cautions that successful reform requires proper

resourcing, a rights-based approach, and co-design with children, families, and the professionals who support them.

Casework examples

The majority of the cases received per year by our Legal and Investigations (L&I) department are to do with education, the largest portion of which are related to SEN.⁵ We frequently find that there is a lack of communication between the EA and the families involved, in addition to delay in response to NICCY's queries on cases, involving multiple requests for responses. This does not help the stress and anxiety that families face when trying to navigate the complex SEN system.

Some of the common problems that arise within this casework that may be of assistance to Committee's Inquiry are as follows:

Refusal to conduct SEN statutory assessments

- Statutory assessment applications are regularly declined despite applicants having the need for such assessments.
- The child or young person and parent/s then need to appeal the refusal to conduct a statutory assessment to SENDIST. Many appeals are successful and subsequently a statutory assessment completed.
- In one case, this resulted in the child obtaining a statement with 20 hours of classroom assistance per week. The need for this child was evidently genuine and the initial refusal and subsequent appeal process is a needlessly lengthy and stressful process for the child and their family.

Late placement of SEN children

- There is a myriad of situations that lead to a delay in children not starting their SEN placements on time. In one example, a child with Severe Learning Difficulties had long delays in getting their placement confirmed. The parents were told by a range of special schools that the schools could not meet the child's identified needs, leaving the child and family in a state of flux. This remains ongoing, meaning the child is not in any formal education.
- In another case, a SPiM was named on the SEN statement but when term began the SPiM was not yet open. There was a lack of clarity on how the school was properly implementing the statement if the named provision was not yet open. Contingency arrangements involved short 30 minute and 45-minute 'taster' visits per week. The teacher that was hired for this new Specialist Provision Special setting did not start work until November. NICCY questions how a placement that is not yet operational gets named on a statement, as this should not be happening.
- There have been other cases recorded in which the EA have not issued a final SEN Statement within the statutory timeframe of 26 weeks, thereby delaying the child's start in school.

⁵ For example, in 2023/2024, education queries accounted for 63% of all enquires to the legal and investigations team. For more information, please see: [Annual-Complaints-and-Legal-Report-2023-24.pdf](#)

Inappropriate provision

- There has been an ongoing problem with provision being unsuitable as the education estate struggles to cope with increasing demand.
- In two other cases, schools that have been named on the SEN Statement were not aware that the child was coming to their school. In both cases NICCY's intervention resulted in the placement being confirmed but the lack of coordination and communication resulted in an unnecessarily anxious wait by children and their families. This is a further sign of the lack of communication referred to above.

Ongoing work

In addition to the themes identified in our published reports, we draw the Committee's attention to key issues of concern that have emerged through our ongoing work on SEND.

NICCY's TLTL Review focused on mainstream settings, however we are also aware through our engagement with special school leaders of ongoing constraints and challenges that undermine the rights of children and young people in these settings. School leaders report increasing complexity and diversity of need in the school population, while simultaneously there has been a lack of investment in the school estate and an ongoing dilution of service provision, including health support. This delegated to classroom assistants. In this context, school leaders have expressed serious concerns about the potential violation children's rights, particularly those with the most complex needs, including their right to safety, their right to education, health and their right to life.

A recurring theme across NICCY's engagement with parents, carers, education staff and other stakeholders undertaken as part of our work on SEND, relates to behavioural needs. Schools advise that they do not feel adequately supported to meet pupils' needs, while parents/carers perceive that some schools are reluctant to offer placements to those with complex behaviour needs. Parents/carers also report that children and young people with behaviour needs often do not feel listened to, or that their views are not taken seriously by professionals. We recommend that the Committee examine this theme in more detail, with particular attention to the adequacy of, and investment in, services and support.

It is increasingly evident through our work that children and young people with SEND are at risk of experiencing intersectional disadvantage on the basis of disability, gender, religion, legal status, ethnic origin, age, sexual orientation, language, socio-economic status and/or looked after status. These factors can also impact on and differentiate parents/carers' capacity to advocate for their child and exacerbate inequalities. We recommend that the Committee adopts an intersectional lens in its scrutiny of SEND support in order to identify the interaction of multiple factors that may differentiate children's access to effective support and services.

As the Committee will be aware, NICCY is currently undertaking research on children's experiences of missed education, and while data collection is still underway, it is clear that a lack of early intervention and unmet special educational needs is a significant barrier to children's school attendance. Parents/carers have

highlighted that educational support provision for children who cannot attend school is often inaccessible and insufficient. We are also concerned that a lack of specialist support provision and reasonable adjustments may be a key driver in the increasing number of school de-registrations. Issues such as this should also be considered in the context of DE's recently published 'Attendance Matters' Strategy. We are happy to engage further with the Committee on our preliminary findings as our research progresses, should this be of assistance to this Inquiry, or the Committee's forward work programme.

Conclusion

NICCY welcomes the Committee's Inquiry into a Strategic Review of the Current SEN Provision, and the Transformation Agenda being undertaken, and the opportunity to submit information as part of it. We have concerns about the processes around planning, communication with children, young people and their parents and of the joint working between different Government Departments at a much earlier stage. The Children's Services Co-Operation (NI) Act 2015 should be utilised to its full potential in order to facilitate and entrench joint working. There is a lack of up to date, timely, and accurate data which hampers the ability to monitor and review the effectiveness of laws and services to children and young people.

Greater transparency and detail on how Health and Education are working together, including data sharing and consideration of workforce planning, to improve early intervention support for children with SEND would be welcome, and we would encourage the Committee to consider this as part of its Inquiry. Persistent barriers continue to exist in health, including in Autism and ADHD assessment waiting lists, which has significant impacts on the education of children with SEND, and timely access to SEND support.⁶

Systematic reform must work towards enabling children's needs to be identified at the earliest opportunity and investment in Early Years SEND must be prioritised, as well as ensuring that there is no 'cliff edge' and ensuring support exists as children and young people progress throughout their education. The voice of the child is often missing in discussions and overlooked within the policy and legislative process. Whilst we do recognise that there is a great deal of work and focus on transformation, which is welcome, NICCY considers that an inclusive education policy is central to achieving high-quality education for children and young people with SEND, without discrimination, and on an equal basis with others.

Should the Committee require any further information, please do not hesitate to contact us at info@niccy.org

⁶ For more information, please see NICCY's 2024 Health and Social Care Briefing: [Health and Social Care Briefing – July 2024](#)