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Dear Peter

SEND BILL

Further to your letter of 16 October asking to be kept informed of any additional commentary on the Committee's amendments to the Bill, I would like to provide an update on the response from the Minister of Justice regarding the Committee's proposed amendment for a new clause to introduce a right for a child to speak at their own SENDIST hearing.

The Minister for Education has a clear policy position on the importance of a child's view being heard and taken into account in decisions concerning the child. This is evidenced by the provisions of the SEND Bill. However, while supporting the principle of the amendment proposed by the Committee, the Minister for Education indicated that he would have to consult the Minister of Justice on this amendment as Tribunal procedure was under the Department of Justice's remit.

The Minister of Justice has now advised that there has always been a de facto right for a parent to bring a child along to the hearing to give oral evidence and that the Tribunal has never refused to hear the views of a child whether communicated in writing, electronically or orally. This may provide the assurance the Committee was seeking. The Minister of Justice has also expressed concerns that this amendment has the potential to create significant precedent for all legal proceedings in which a child has an interest. We would ask that the Committee reflects on its position in light of this new information. I hope this information is helpful in compiling the Committee's report.

The Minister of Justice has also helpfully stated that he will be writing to the President of the Tribunal to draw his attention to the fact that the Committee is interested in this issue and to acknowledge the existing good practice by the Tribunal.

Children's Services Cooperation Bill

During the clause by clause scrutiny of the SEND Bill, the implications of the Children's Services Cooperation Bill were discussed in regard to the amendments proposed by the Committee that concern cooperation between the Departments of Education and Health, or the Education Authority and Health and Social Care Trusts. The Committee will be aware that the Children's Services Cooperation Bill has now been scheduled for Final Stage on 3 November.

At clause by clause scrutiny, members of the Committee raised this Bill and were aware that it could overtake some of the amendments proposed by the Committee. I would be grateful if you advise whether this forms part of the Committee's consideration of its report?

Yours sincerely

Russell

RUSSELL WELSH
Departmental Assembly Liaison Officer