

Report on	Draft Response to the Department of Education - Consultation on Special Educational Needs (SEN) Regulations and SEN Code of Practice
Date of Meeting	10 th December 2020
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Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To agree the draft response to the Department of Education - Consultation on Special Educational Needs (SEN) Code of Practice.
2.0	Background
2.1	The draft SEN Regulations and draft SEN Code of Practice are one part of a new SEN Framework the first element being the Special Educational Needs and Disability Act (Northern Ireland) 2016 (the SEND Act). The SEND Act introduces new duties for Boards of Governors of grant aided schools and the Education Authority, provides for greater cooperation with health and social care authorities and brings in new rights for parents and children. (Relates to consultation above). Many of these new duties and rights have not yet been introduced, as they need to be supported by new SEN Regulations and the new SEN Code of Practice
3.0	Main Report
3.1	Please see attached draft response in Appendix 1
4.0	Other Considerations
4.1	<u>Financial & Human Resources Implications</u> None <u>Professional Support</u> None.
4.2	<u>Equality and Good Relations Implications</u> None

4.3	<p><u>Risk Management Implications</u> None</p>
5.0	<p>Recommendation(s)</p>
5.1	<p>To agree Draft Response to the Department of Education - Consultation on Special Educational Needs (SEN) Regulations and SEN Code of Practice.</p>
6.0	<p>Documents Attached & References</p>
6.1	<p>Appendix 1 Draft Response to the Department of Education - Consultation on Special Educational Needs (SEN) Regulations and SEN Code of Practice.</p>



Appendix 1

Department of Education - Consultation on Special Educational Needs (SEN) Regulations and Special Educational Needs SEN Code of Practice.

Mid Ulster District Council Response

December 2020

Mid Ulster District Council welcomes the development of the Draft SEN Code of Practice and Draft SEN Regulations and the opportunity to comment on them.

Roles & Responsibilities

MUDC welcomes the clarity the SEN Regulations and SEN Code of Practice bring to the roles and responsibilities of all those involved in the Special Educational Needs (SEN) support for young people.

The publication of the Education Authority's Plan of Arrangements for Special Education Provision is well received. Parents and teachers have often criticised the lack of information from the EA on the detail of such provision and its availability. The Regulations should make it clear what special education provision the EA intends to make for children and young people with SEN. Reviewing it annually should also ensure that the effectiveness of the provision is studied, and adjustments made where evidence requires. MUDC would have apprehensions however, an annual cycle can lead to a tick box exercise and not a comprehensive plan for provision based on sound evidence and need.

MUDC particularly welcomes the importance of a whole school approach, ensuring that SEN is not the sole responsibility of one teacher, but rather all staff are working together for the best outcomes of the child/young person. The inclusion of the roles of the Board of Governors and the Learning Support Coordinator (LSC) (previously known as the SENCO), within the SEN Regulations, making them a statutory requirement for all schools, is very positive. However, the Regulations falls short, by

not placing the role of the LSC within the senior management team of the school. The NIAO audit report outlines instances where SENCOs have been compromised or inhibited in their ability to perform their duties effectively due to a lack of support from Senior Management.

The inclusion that an LSC is to have at least of 3 years full time experience of teaching children with SEN, is positive addition. This ensures that LSCs are properly trained and experienced to, not only support the child with SEN, but to expertly assist the wider school staff to support the child also. However, MUDC would prefer that the SEN Regulations go further, by implementing the long-standing recommendations made in various SEN reviews, for all teachers and all student teachers be trained in SEN.

The Three stages of Special Education Provision

MUDC are in favour of the reduction from 5 stages to 3 stages in Special Education provision. Each stage in the Code of Practice appear to be clearly structured and outlined, for all parties involved in a child's Special Education provision, to follow and adhere to.

However, many children face substantial delays in accessing additional support from the EA because of the Time Allocation Model used to allocate Education Psychology time to each school. The allocation of time per year, calculated using a complex regionally based formula which takes into account the size of the school, educational attainment and a social index of need, is having a severe disadvantage to many children. Schools are forced to prioritise a small number of children every year, regardless of the true need in the school, leaving children waiting long periods or even having their need unmet altogether.

The waiting times for additional services is also a matter of great concern for MUDC. NICCY have reported a '**bottle neck**' in accessing such support **with demand exceeding supply**. MUDC is also concerned what impact moving from 5 to 3 stages will have on these already oversubscribed services. Timeframes for these services should be detailed within the Code of Practice and Regulations, like those detailed for the Statutory Assessment process.

In addition, the NIAO report notes the concerns raised by NICCY that, **the support provided at stage 3 does not last long enough to yield positive lasting results.** NIAO point out that, as a result **the length of time spent waiting to access the stage 3 support may in some cases be longer than the period of time for which the support will then be provided.** MUDC would concur with these concerns and does not believe this has either been addressed or resolved in the new Code of Practice. MUDC supports the NIAO recommendation to produce **an evidence base as to which types of support have the best outcomes for children to ensure resources are used to best effect.**

MUDC welcomes the improvements made to the timeframes for a Statutory Assessment in the SEN Regulations, in particularly with regard to the maximum timeframe for Valid Exceptions of 34 weeks. However, it is well documented that the EA have consistently missed the current timeframe of 26 weeks (85% in 2019/20), MUDC fails to see any assurances, within the SEN Regulations and SEN Regulations, these revised timescales will be met.

Personal Learning Plan (PLP)

Personal Development Plans should be an important part of any child's SEN provision, in order to record the measures and interventions put in place and to track progress and outcomes. However, MUDC is fully aware of a number of reports that have found the current Individual Education Plans (IEPs) to be inconsistently applied across schools and at times ineffective in improving outcomes. One of the major causes of this is the schools lack of resources to implement meaningful interventions. MUDC would strongly advocate for the proper resourcing of all schools, to fully implement the interventions identified by the PLP, and required by the child, to improve their educational outcomes.

Another downfall of the current IEPs is the lack of monitoring and evaluation in assessing a child's progress. In order to improve the success of the new PLP, MUDC would seek support the NIAO recommendation that **the Department and the EA must assess the quality of SEN support provided in mainstream schools by formally evaluating it in terms of the progress made by children. This would**

allow resources to be focused on types of support, which maximise progress and improve outcomes

Concluding Remarks

Mid Ulster District Council is pleased to see the Department's commitment to fulfilling the Northern Ireland Executive's New Decade, New Approach 2020 pledge, **to deliver a new special educational needs framework to support young people with special needs to achieve their full potential.** However, there have been a number of substantive reviews of SEN provision produced within the last 12 months, the EA's internal audit (January 2020), NICCY's "Too Little Too Late" Review (March 2020) and the NI Audit Office Impact Review of SEN (September 2020). All these reviews have underlined considerable failings in the delivery of SEN provision across Northern Ireland. Whilst MUDC can see positive contributions that the new Regulations and Code of Practice makes to addressing some of the recommendations made in these reports, there are still some important recommendations that do not appear to be implemented. MUDC would urge the Department to consider all of these reviews in detail and ensure that they implement all the recommendations made in order to provide the highest standard of SEN provision for the children and young people of Northern Ireland.