



NI ASSEMBLY EDUCATION COMMITTEE SEN INQUIRY

RESPONSE FROM THE SPECIAL EDUCATIONAL NEEDS ADVICE CENTRE (SENAC)

The Special Educational Needs Advice Centre (SENAC) is a regional charity providing independent advice, information, and advocacy on the statutory special educational needs (SEN) system to families of children with SEN and disability. In the last year, our services supported over 1200 families.

Since 2003 SENAC has provided a range of services for parents/carers and their children to secure access to the necessary education provision for children's individual learning needs including a confidential SEN Adviceline, a SEN Tribunal Representation Service and Children's Education Advocacy Service. SENAC also delivers community-based SEN workshops to a range of community and family support groups. Each year we receive referrals to our services from on average over 80 different organisations as well as referrals from practitioners within Education and Health. This provides SENAC with a unique and comprehensive insight into the lived experiences of the parents and children we support and the challenges they face. This response reflects SENAC's perspective informed by our case work, services, and the experiences of those we support and focuses on the most common current concerns and challenges emerging from our services.

SENAC welcomes the Education Committee's SEN Inquiry and appreciates the opportunity to contribute.

Parental Engagement with the Education Authority:

SENAC have welcomed the Education Authority's commitment to build parental confidence in the Authority and in the SEN transformation and particularly their recent assurances to improve communication with parents. However, difficulties contacting and communicating with EA Officers remains one of the most frequently raised issues by parents contacting our Advice services. Parents report experiencing delays in responses to emails, phone calls not returned and limited access to SEN Link Officers, all of which can be both frustrating and challenging for concerned parents and can delay the SEN decision-making processes for their child. While we acknowledge the pressures faced by the EA and appreciate their recent assurances and actions regarding improving communication with parents, this has not yet reflected in the experiences of parents we engage with.

In light of these ongoing communication difficulties, SENAC welcomes the further development of EA Connect, particularly the inclusion for parents to have enhanced access and transparency within the Statutory Assessment process. The digitisation of the Statutory Assessment process is welcomed as it will enable parents to track the progress of the Assessment and identify when the statutory timeframes within the process are not reached, so delays can be identified and addressed. While this is positive and should reduce stress for parents during this process, it

should not replace a parent's opportunity to speak directly to an EA Officer when concerns or uncertainty arises.

SENAC's engagement with parents enables insight into those areas of frustration and stress that undermines parent's confidence in the system. Increasing parental confidence in the Education Authority and SEN Reform and Transformation will only develop when change delivers timely support for their child's needs, positive and constructive engagement with parents in the SEN decision-making processes, and respecting parent's rights to advocate for their child.

Protecting Statutory Rights and Provisions:

As the system continues to reform and digitalise, it is essential to ensure legal safeguards and statutory protections remain robust. The SEN Reform Agenda-Delivery Plan actions a significant shift in the approach to supporting children with a Statement of Special Educational Needs (SEN) with the intention to *'transform the support model from one traditionally and predominantly based on almost universal one-to-one support to an evidence-based, whole-school and child-centred model of delivery support that includes greater flexibility for schools in how professional support is provided.'*

While this approach is in part positive, any move away from addressing the individual needs identified within a Statement of SEN would conflict with legislative requirements to specify SEN provision, and the statutory legally enforceable provisions within a Statement. Challenging though it may be to implement, the SEN statutory framework is based on individual need. Each Statement of SEN is developed to address the unique requirements of an individual child, not the broader needs of the school. The Education (Northern Ireland) Order 1996 mandates explicitly that Statements must specify the SEN provision for a child. Compliance with this legislative duty leaves no scope for flexibility within the Statement itself. Whole-school strategies should be viewed as complementary to the specific individual provisions outlined in a child's Statement of SEN, not as a replacement or alternative.

For those children with Statements in mainstream schools where school staff may not have the expertise and specialism in many areas of SEN, the Statement and the specification of individual SEN provision enables greater inclusion of children with SEN.

The use of classroom assistance (CA) and particularly one to one support within Statements of SEN has been the focus of much discussion on the need to reform this support and reflected in the Delivery Plan. There has been a perception that parents' wishes for classroom assistance are to blame for the rise in the level of one-to one CA support within Statements. This is unfair to both parents and the children for whom such support transforms their educational experience and outcomes as evidenced many times in our case work. It is not parents who decide whether or not a child requires additional adult assistance or the level of that assistance. That is determined by the Education Authority based on the evidence provided by professionals within the reports submitted during the Statutory Assessment. Where the level and type of classroom assistance is quantified and specified, including one-to-one support within a Statement it is based only on the evidence of need and the EA rightly performing their legal duty to specify and quantify that SEN provision.

The ongoing challenge regarding Statement provision for parents supported by SENAC has been ensuring that the Education Authority fulfils its legislative responsibility to specify the special educational needs (SEN) provision, rather than issuing general statements. The provisions within Statements when EA appropriately specify provisions, should be valued for the support it

guarantees for children, support which could not be accessed without a Statement. The actions outlined in the SEN Reform Agenda - Delivery Plan related to Statements should be subject to further scrutiny and must not undermine legislative duties or permit the dilution of the strength of provisions for the child and compromise the objectives of the Statement. Inevitably, such practice may result in more appeals to the SEN and Disability Tribunal.

Stages of the SEN Framework:

When the new 3 Stage SEN Framework was introduced without the full commencement of the SEND Act 2016 or a revised Code of Practice, the Education Authority initially confirmed it was for recording purposes only and would not be applied to decisions on SEN provision as the framework did not have the legislative status of the 5 stage framework in the operative 1998 Code of Practice. This was not the reality as the 3-stage framework has been widely applied to identify and make provision for SEN. This has caused confusion and concern for parents. This situation between the application of the 3-stage Framework which is not supported in either the primary or subordinate legislation alongside the legal duty of schools and the EA to have regard for the current operational Code of Practice (1998) with its continuum of need and framework cannot continue. DE must progress the legislative journeys of the Draft Code and Draft SEN Regulations. The delay in moving forward with this has not been satisfactorily explained allowing the operational implementation of the 3-stage framework and the graduated response framework, neither of which is supported in the provisions of current legislation. If there is a reluctance to progress the draft Code of Practice, then this must be questioned and addressed.

Local IMPACT Teams:

Reconfiguring the EA Pupil Support Services into the multi-disciplinary Local Impact Teams alongside the introduction of an online referral portal to streamline administrative processes for schools, was a positive proposal. However, as these teams were not provided with additional capacity to address the increasing demand for specialist support for children and schools, concerns have emerged regarding their current capability and overall effectiveness. To strengthen the teams, it is hoped the range and number of specialists can be increased including support from and collaboration with Health Trusts and Allied Health Professionals. It is challenging to see how without this these Teams will have the capacity to be effective.

Contact with parents through our advice services has highlighted that many parents are unaware of the Local Impact Teams or the process schools must now follow to secure specialist support for their child and progress to Stage 2. Although this new model of support is in the early stages and a developing process and EA have engaged with parents to inform them of the reforms, further engagement should be considered.

Graduated Response Framework:

There are concerns and questions on the introduction and use of the Graduated Response Framework which has recently been introduced to schools alongside whole school provision.

The extent to which the Graduated Response Framework has been applied to address a child's educational needs is now the determining factor on whether or not a Request for Involvement (RFI) to the Local Impact Team will pass the Moderation Panel and progress to the Local Impact Team for support. This graduated response framework is based on an unpublished draft Code of Practice which as yet does not replace the SEN Code of Practice 1998 which is the only operative statutory guidelines as confirmed by the Minister of Education in the SEN Policy

Statement. It should be the impact and application of the statutory framework within the 1998 Code which determines access to specialist support. How the graduated response framework based on the draft Code lawfully complies with current statutory SEN framework in respect of SEN provision has not yet been explained.

Schools are currently undertaking training on the graduated response framework and from our engagement with parents, little is yet known or fully understood about this new graduated response, yet it is being used in decision-making for access to the Local Impact Teams and EA's decisions on requests for statutory assessments. This uncertainty on the status of a graduated response based on a draft Code combined with the pace of operational change before schools have completed training or confirmation that they have capacity and resources to implement whole school provision and the graduated response framework risks creating more barriers to support for the children and continued failures to meet the complexity of needs.

Whole School Provision:

Whole school provision is a concept that is not clearly defined particularly regarding what is offered across different schools and how each school delivers and implements this. A school's effectiveness to deliver whole school provision is dependent on the resources and capacity available. Whole school provision must ensure equity and equality of educational opportunity and in SENAC's view this has not been satisfactorily outlined or evidenced by EA. This is an important concept for parents and schools to understand as the application of whole school provision is often applied by schools before a child moves to SEN provision. This risks delay of a child accessing SEN provision when required. At the time of the public consultation in 2021 on the Draft Revised Code of Practice, SENAC reflected our concerns and parent's concerns on the lack of information or clear criteria for moving a child from 'whole school provision' to SEN provision and how that adheres to the legal definition of SEN and SEN provision. To date the relationship between whole school provision and SEN provision remains unclear.

Specialist Provision in Mainstream Schools:

The experiences and views of parents contacting our Advice Services regarding specialist provisions in mainstream schools has been mixed. The most common issues and concerns have generally reflected the findings in the 2024 Education and Training Inspectorate Report of Specialist Provisions in Mainstream Schools. These are concerns relating to late decisions on confirming placements or the promise of places in specialist provision classes yet to be created.

SENAC would welcome an independent review of specialist provisions within mainstream schools particularly as the recent ETI report focused on schools already experienced in delivering specialist provision classes. Since then, many more schools with no prior experience have quickly established such provisions. This rapid expansion highlights the need for further evaluation, particularly regarding classroom space, student inclusion, and staff expertise. Given the range of specialist provision across numerous schools a commitment to provide a guide for parents outlining the roles and types of provision within each mainstream school setting would be welcome.

One concern within the ETI report which should as a priority inform ongoing professional training within schools was the highlighted need for advice for schools on baseline assessments and measuring progress and outcomes. Schools should be confident in their ability to assess

and measure progress to ensure children within specialist provision receive effective learning support.

For those children with severe learning difficulties and complex needs who would have received a place in a special school if resource capacity allowed, parents have concerns that their child may not receive the same level of support and expertise in specialist provisions compared to a special school setting. This is a valid concern as, while there are many positives relating to appropriately resourced specialist provision in a mainstream school it is not equivalent to a special school. The SEN capital investment programme to increase and enhance special school places is welcomed but in the interim careful assessment and consideration is needed when placing a child with complex needs in specialist provision instead of a special school.

Children out of school:

SENAC have been most concerned about the growing number of children within our advice services unable to attend school. In the last few years, the number of children SENAC have supported who are out of school due to school related anxiety and emotionally based non-attendance (EBSNA) has tripled. For many of those SENAC has advocated for, it is evident that their anxiety stemmed from either being placed in schools that don't meet their needs or from inadequate SEN support. As a result, these children struggle to cope at school, which often leads to declining mental health. Many vulnerable children and young people end up missing school for extended periods, receiving minimal or no educational support at home, little contact from their school and lacking access to specialist services that could help them return to school.

While there has generally been an increasing awareness in the last couple of years of the increasing number of children with SEN unable to attend school due to EBSNA factors there has been an unsatisfactory response from Education or Government and a lack of urgency to identify solutions and support for these children. The introduction of a new absence code for schools to record attendance related to this issue and the limited support available through Educational Psychology is only a start to help identify the number of children and young people across schools impacted and the support they may need to return to school.

It is concerning that there is a lack of a co-ordinated strategy either from DE or within the Education Authority to address this increasing challenge to children's educational opportunities and their right to education. The majority of the children unable to attend school within our case work and enquiries are still registered with their school and many have Statements of SEN yet there is little action to support a transitional return to school. The lack of a DE led strategy and the notable absence of any reference to this issue within the SEN Reform Agenda - Delivery Plan sends an unfortunate message to these families and vulnerable children that their needs are not prioritised.

Many of the children SENAC has assisted by securing the necessary provision and support to return to school had previously exhibited early warning signs that they were struggling to cope prior to their non-attendance. It is essential that schools receive comprehensive guidance and develop greater awareness to identify early indicators of potential EBSNA to proactively support those at risk. Examples of indicators observed in our case work include increased absences, behavioural changes, being sent home early, reduced timetables, and declining mental well-being. The manner in which schools respond is also crucial, a disciplinary approach is often adopted instead of a supportive one as a school may not recognise when a child is

overwhelmed especially if a child 'masks' their stress and struggle at school, only showing distress at home. Our advocacy frequently addresses the misconception held by some schools that, in the absence of overt signs or issues in school due to the child 'masking' their stress and pressure, there is no cause for the school to take any action. Consequently, schools may miss their opportunity to play a significant role in supporting these children. Enhanced awareness of potential EBSNA developing, and guidance for schools on the provision of coping strategies and reasonable adjustments are vital to safeguard a child's ability to attend school.

Thank you for your consideration of this contribution to the Committee's SEN Inquiry. If you wish to learn more about SENAC, please visit our website www.senac.co.uk

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