



Department of
Education
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**DEPARTMENT OF EDUCATION
DISABILITY ACTION PLAN
2020 – 2024**

This Plan shows what we are doing to have due regard to Section 49A of the Disability Discrimination Act 1995 (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006).

If you require this plan in an alternative format (such as in large print, in Braille, on audio cassette, easy read or on computer disc) and/or language, please let us know.

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1. INTRODUCTION

1.1 Under Section 49A of the Disability Discrimination Act 1995 (as amended by Article 5 of the Disability Discrimination (NI) Order 2006), the Department of Education is required, when carrying out its functions, to have due regard to the need to:

- promote positive attitudes to disabled people; and
- encourage participation by people with a disability in public life ('the disability duties').

1.2 Under Section 49B of the DDA 1995, the Department is also required to submit to the Equality Commission a disability action plan (DAP) showing how it proposes to fulfil these duties in relation to its functions.

1.3 The Covid-19 emergency has impacted on Departmental activity, leading to reprioritisation of efforts in support of the Executive's Covid-19 response and to:

- ensure the continuity of learning for children and young people;
- support vulnerable children and children of key/critical workers; and
- ensure families do not experience hardship as a result of schools closing.

However, the Department continues to work with education partners and other Departments in the discharge of statutory duties.

1.4 As Minister and Acting Permanent Secretary of the Department of Education, we are committed to effectively implementing the disability duties and this DAP. The necessary resources will be allocated (in terms of people, time and money) in order to effectively implement this plan and

where appropriate, build objectives and targets relating to the disability duties into corporate and annual operating plans.

Appropriate internal arrangements will be put in place to ensure that the disability duties are complied with. The effective communication of the plan to staff will be ensured and all necessary training and guidance for staff will be provided on the disability duties and the implementation of the plan.

- 1.5 This is the Department's 4th DAP and covers the period 2020-2024. The first plan covered 2007-2011, the second covered 2012 - 2013 (and extended to include 2013-2014) and the third covered the period 2014-2017 (and extended until 2020).
- 1.6 A consultation on the plan was held in late 2019, with no responses from individuals with a disability, or organisations representing their interests. In view of the lack of responses, ongoing feedback will be welcomed from people with a disability as well as organisations representing their interests. There will also be additional consultation and engagement, following the issue of this plan.
- 1.7 An annual progress report will be submitted, to the Equality Commission, on the implementation of this plan. A five year review will be carried out on this plan (and further disability action plans).
- 1.8 The Department will continue to consult with people with disabilities and their representative groups when implementing and reviewing this plan. We will also engage, with people with disabilities and their representative groups, through day to day communication and membership of the Joint Consultative Forum – Education Sector and other forums/organisations.

1.9 This plan, our latest Annual Progress Report and our five year review of DAPs can be found on the Department's [Equality Scheme](#) and [Disability Action Plan](#) webpages.



Peter Weir MLA

MINISTER OF EDUCATION



Lianne Patterson

ACTING PERMANENT SECRETARY

2. FUNCTIONS

2.1 The Department of Education is responsible for setting policy, strategy and for the central administration of education and related services in Northern Ireland. It has a wide and complex range of functions, impacting on all areas of a child's wellbeing. As well as being responsible and accountable for the quality of education in grant-aided schools, youth organisations and those services offered by early years providers, it has responsibility for leading the development of the Executive's Children and Young People's Strategy and its Childcare Strategy.

The Department is supported in delivering its functions by a range of Arm's Length Bodies (ALBs), each of which is accountable to the Department.

2.2 The Department is ultimately accountable through its Minister to the Assembly for the effective delivery of its commitments and goals and for the effective use of the public funds for which it is responsible. The Permanent Secretary is the Minister's principal advisor, the administrative head of the Department and the Accounting Officer.

2.3 The Department of Education's vision is "a system that is recognised internationally for the quality of its teaching and learning, for the achievements of its young people and for a holistic approach to education."

2.4 At present, the Department's key priorities and objectives are:

1. ensuring continuity of learning for children and young people during the Covid-19 pandemic;

2. improving the wellbeing of children and young people, including supporting those who are vulnerable or who have special educational needs;
3. increasing access and improving the learning environment for all;
4. raising standards and tackling underachievement to ensure learners get the best possible education;
5. developing the education workforce; and
6. transforming the education system to ensure high quality, sustainable education for the 21st century.

2.5 The structure of the education system includes eight executive non-departmental public bodies, contributing to the delivery of relevant Programme for Government (PfG) and Ministerial priorities and statutory responsibilities:

- Education Authority;
- Council for Catholic Maintained Schools;
- Council for the Curriculum, Examinations and Assessment;
- The Youth Council for Northern Ireland;
- Comhairle na Gaelscolaíochta;
- General Teaching Council for Northern Ireland;
- Northern Ireland Council for Integrated Education; and
- Middletown Centre for Autism.

2.6 The Department co-operates closely with all government departments, particularly with Department for the Economy (in the area of teacher education and “Pathways to Success”), the Department for Communities (on disability and gender issues) and The Executive Office (on racial equality issues). In matters of children’s welfare and wellbeing and special educational needs there is close co-operation with the Department of Health.

3. PUBLIC LIFE POSITIONS

- 3.1 Across the Northern Ireland Civil Service, the number of applications from persons declaring a disability has increased to 10% from a figure of 3% in 2015/16. Because of disclosure control, we do not have the corresponding figure for appointments.
- 3.2 The Department makes appointments to a wide range of public and other bodies in the education sector. Many of these appointments are regulated by the Commissioner for Public Appointments for NI (CPANI).
- 3.3 The Department remains committed to applying the principles of the CPANI Code of Practice to all the appointments it makes and paying due regard to the key principle that equality of opportunity and diversity must be inherent throughout the appointment process.
- 3.4 The Department has responsibility for specified public life appointments to its NDPBs (listed at Paragraph 2.5 plus a Tribunal NDPB), as well as some appointments to other educational bodies including:
- Diocesan Education Committees of the Council for Catholic Maintained Schools;
 - Governing Bodies of Certain Voluntary Grammar Schools; and
 - Grant Maintained Integrated Schools - Board of Governors.

4. DISABILITY DEFINITIONS

4.1 The Disability Discrimination Act 1995 defines disability as:

“A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities”.

In [Disability Discrimination Law in Northern Ireland - A Short Guide \(ECNI. 2011\)](#) there are additional clarifications:

- physical impairments affecting the senses such as sight and hearing, heart disease, diabetes, epilepsy; and
- mental impairments including learning disabilities and mental ill health;
- substantial - put simply, this means that the effect of the physical or mental impairment on ability to carry out normal day-to-day activities is more than minor or trivial. It does not have to be a severe effect;
- long-term adverse effect - the effect has to have lasted, or be likely to last, overall for at least twelve months and the effect must be a detrimental one;
- people who are diagnosed with cancer, HIV and multiple sclerosis are deemed to be disabled from the point of diagnosis rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities; and
- a normal day-to-day activity is something which is carried out by most people on a fairly regular and frequent basis, such as washing, eating, catching a bus or turning on a television.

5. SPECIAL EDUCATIONAL NEEDS

5.1 The legislative definition of “special education needs” is “a learning difficulty which calls for special educational provision to be made”. A child has a “learning difficulty” if a) he has a significantly greater difficulty in learning than the majority of children of his age, b) a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in ordinary schools, or c) he has not attained the lower limit of compulsory school age and is, or would be, if special educational provision were not made for him, likely to fall into categories a) or b) when he is of compulsory school age.

The purpose of special educational provision is to remove or diminish the barriers to achievement, which children and young people may face, whether they are, for example, the classroom approach to learning or the physical nature of the learning environment.

5.2 The law dealing with Special Education in Northern Ireland is contained in The Education (Northern Ireland) Order 1996 as amended by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDO) and the Special Educational Needs and Disability Act (Northern Ireland) 2016.

5.3 Some of the key changes introduced by the Special Educational Needs and Disability Act (Northern Ireland) 2016 are:

- The Act will strengthen the co-operation between education and health in the identification and assessment of children who have, or may have, SEN, and in the provision made for children who have SEN and in the

preparation of a transition plan (to prepare a child with a Statement for adulthood);

- The EA will be required to seek and listen to the views of the child;
- Each school will be required to have a Learning Support Co-ordinator (LSC) – the new name for a Special Educational Needs Co-ordinator (SENCO);
- Every child who has SEN is to have a Personal Learning Plan (PLP);
- Young People (children over compulsory school age) are to be given their own rights within the SEN Framework;
- A new right of appeal at annual review of a SEN Statement is to be introduced.
- A new right of appeal of an EA decision not to make a SEN Statement for a child under two or about the content of a Statement is to be introduced;
- Strengthened independence from the EA of arrangements for dispute avoidance and resolution;
- New arrangements for independent mediation about EA decisions that carry a right of appeal; and
- EA will be required to produce an annual plan of its arrangements for special educational provision, including resources, advisory and

support services and training, which will support the need for an open and transparent approach to how the EA determines the SEN services it will provide.

- 5.4 Many of these new duties and rights have not yet been introduced as they need to be supported by SEN Regulations and a SEN Code of Practice. [Consultations](#), on these two elements of the new framework opened on 30 September 2020 with a closing date of 19 January 2021.
- 5.5 A new SEN Steering Group was established in 2019-20 to provide a strategic forum for discussion on relevant education and health policy development and appropriate governance arrangements to help ensure effective implementation of all aspects of the new SEN Framework.

Membership comprises representatives of DE, the Departments of Health, Justice, Economy and Communities, the EA, HSC Trusts and the Public Health Agency. Part of the Group's work has involved the monitoring of the implementation of the Notification, Referral and Assessment Project which will help improve interfaces and processes between the EA and Health and ultimately improve the statutory assessment process.

The Group has also established a further project to review the statutory education transition planning process for children, who have a statement and are aged 14, to help ensure the move from education to adult life is as smooth and effective as possible.

- 5.6 In 2017 the Northern Ireland Audit Office produced a report on [Special Educational Needs](#) and while recognising that the educational achievements of children with special educational needs are improving

stated more needed to be done to monitor and evaluate progress and access the effectiveness of support provided.

The Department has set-up a SEN Programme Board to assess progress on addressing the recommendations of the NIAO SEN report. The Programme Board will continue to meet until any outstanding actions are addressed, including any arising from the follow on impact report from the NIAO.

The NIAO's follow-up SEN Impact report was published on 29 September and assessed the progress made by the Department and the Education Authority (EA) in addressing the recommendations in the 2017 report.

The report found that actions have been taken to progress all of the 2017 recommendations; however, the overall conclusion is that significant issues identified in the 2017 NIAO SEN report persist and that NIAO remains of the view that the Department and the EA cannot demonstrate value for money in the provision of support to children with SEN.

The Department (and the EA) gave evidence to the Public Accounts Committee (PAC) on 15 October 2020 in regard to the impact report and will address any further recommendations arising from the resultant PAC report when published.

- 5.7 The [SEN Learner Journey Project](#) is key in supporting and complementary to the work being undertaken by the Department in implementing the new

SEN Framework and Code of Practice and the transformational work being undertaken by the EA.

The project has the primary objective to transform communication and engagement with learners, their parents/carers and other relevant stakeholders in implementing the new SEN Framework to create a learner centric system and improve service delivery, experience and outcomes for pupils.

Engagement has been undertaken with children and young people, parents and carers, SEN co-ordinators and principals.

6. ACTION MEASURES

6.1 The following pages detail actions, performance indicators/targets, timescales and intended outcomes to display due regard to the disability duties.

DEPARTMENT OF EDUCATION

**MEASURES TO PROMOTE POSITIVE ATTITUDES TOWARDS DISABLED
PEOPLE AND ENCOURAGE THE PARTICIPATION OF DISABLED
PEOPLE IN PUBLIC LIFE**

DISABILITY ACTION PLAN 2020-2024

DISABILITY ACTION PLAN 2020-24

Part 1 - Promote positive attitudes towards disabled people

Ref	Measure	Actions	Timescale	Measurement Indicator(s)	Intended Outcome
1	New Special Educational Needs Framework to improve provision for all children with SEN.	<p>Commencement Orders to start various provisions/duties within the Special Educational Needs and Disability Act (NI) - the SEND Act. This includes giving rights to children over compulsory school age and having explicit regard to the views of the child.</p> <p>Finalise new Regulations and issue these for a further consultation in September 2020. (The previous consultation was in 2016 and significant changes have been made since then.)</p>	Phased implementation of the SEN Framework from 2020/21.	<p>All provisions/duties in 2016 SEND Act commenced.</p> <p>New SEN regulations made.</p>	The new SEN and Inclusion Framework is intended to improve provision for all children with SEN including those with a disability. This includes new rights for children with a SEN statement who are over compulsory school age.

		<p>Finalise the Code of Practice and issue this for consultation in September 2020.</p> <p>Training for schools on new SEN and Inclusion Framework</p>	2020-21	<p>Finalised Code, taking account of feedback from consultation, published.</p> <p>Completed training and evaluation of feedback from participants</p>	
2	Implementation of DE specific autism actions (outlined in the NI Executive's Autism Strategy and Action Plan).	Joint working with other departments and relevant bodies.	2020-21	<p>To develop a new regional framework for the delivery of children and young people's emotional wellbeing, autism and Attention Deficit Hyperactivity Disorder (ADHD) services.</p> <p>To ensure that sufficient autism training is available for teachers and others in the educational workforce.</p>	
3	The Priorities for Youth (PFY) Policy sets the framework for inclusive delivery of DE-funded youth service provision.	Targeted provision of youth work to help meet the needs of specific S75 groups of young people, including those with special educational needs or disabilities.	Annual update from the Education Authority	Number young people registered with Youth Services that have a registered disability	More inclusive youth service.

		<p>Inclusive youth units/programmes encourage participation of young people with special educational needs and/or disabilities.</p> <p>Delivery of Youth Service partnership programmes in Special Education Schools</p> <p>Promotion of positive attitudes towards S75 groups through Community Relations, Equality and Diversity programmes for young people.</p> <p>Participative structures to encourage leadership and youth voice</p>		<p>Number of young people with disabilities who participate in Youth Service programmes co-designed specifically for their needs</p> <p>Number of Youth Service programmes delivered in Special Education Schools</p> <p>Number of young people who participate in Leadership/ Volunteering programmes designed to increase awareness of young people with special educational needs or disabilities</p> <p>Thematic teams established to provide a facility for young people from Section 75 to offer their opinions and campaign on behalf of young people.</p>	<p>Improved attitudes of young people towards those with a disability.</p>
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		Embed a Welcome Ethos within statutory youth work settings and encourage its adoption across voluntary youth work settings.		Roll out the Welcome Ethos Model including development of resources and staff training.	
4	The Mental Health Charter	Create greater awareness of the Charter (and that many of its commitments relate equally to those with other disabilities including physical, sensory, learning and hidden disabilities).	Annually	Assess effectiveness by use of annual staff questionnaire.	Greater awareness of disability issues.
5	Internal diversity and inclusion lunchtime seminars	To feature presentations on disability issues.	Quarterly/half yearly	Assess effectiveness by use of annual staff questionnaire.	Greater awareness of disability issues.
6	DDO, DDA, Section 75 and Disability Awareness Training	Intranet articles and internal emails.	Annually	Use of annual staff questionnaire	Greater knowledge of the reasonable adjustment duty and disability issues.
7	Positive imagery relating to persons with a disability	Guidance to policy makers on the use of positive imagery	Ongoing	Number of publications featuring positive imagery	Greater visibility for disabled persons in the Department's publications.
8	Promote awareness of Disability Days	Intranet articles and internal emails.	Quarterly/half yearly	Assess effectiveness by use of annual staff questionnaire.	Greater awareness of the range of disabilities and their impact.

9	Training	Ensure staff are aware of relevant training courses – “Diversity Now”, “Introduction to Section 75” and “Disability Awareness for Frontline Staff”	Annually	Use of annual staff questionnaire	Greater knowledge of Disability/Equality issues.
10	Induction	Ensure Induction Pack features information on the Disability Discrimination Act 1995 and reasonable adjustment.	2020-21	Number of requests.	Greater awareness of the DDA and reasonable adjustment.

Part 2 - Encourage participation by disabled people in public life.

Ref	Measure	Actions	Timescale	Measurement Indicator(s)	Intended Outcome
1	Public Appointments	<p>Targeted e-mails issued to groups representing persons with a disability highlighting public life opportunities;</p> <p>Where appropriate the Department uses the guaranteed interview scheme for its public appointment competitions.</p>	On-going. Each appointment process has its own deadlines / closing date.	% of applications from persons with a disability.	Increased diversity amongst the Department public appointees. More applications from persons declaring a disability.
2	Website Accessibility	<p>This website is partially compliant with the Web Content Accessibility Guidelines version 2.1 AA standard.</p> <p>Our underlying content management system is currently being upgraded from Drupal 7 to Drupal 8.</p>	By September 2021.	Feedback from persons with a disability and disability organisations.	<p>Making the website accessible, in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.</p> <p>Any new PDFs or other documents we publish will meet required accessibility standards.</p>

3	Guide to Making Information Accessible	Quality assure document with organisations representing the interests of disabled people.	By March 2021	Sign off by organisations representing the interests of disabled people.	Greater engagement with disability/groups representing the interests of disabled people.
4	Best practice in consultations	Targeting organisations representing the interests of disabled people – where there may be any impact on disabled people.	Ongoing	Extent of feedback from organisations.	Greater knowledge of impacts on disabled people.
5	Facilitate work placements/work experience	Encourage teams to facilitate placements for persons with a disability.	Ongoing	Number of placements and degree of satisfaction re placement.	Provide workplace experience for the placement and greater insight for the host team (and the Department).
6	Resources on disability issues particularly learning difficulties	Engage with organisations representing the interests of disabled people and public authorities.	2020-24	Extent of feedback from individuals/organisations.	Highlighting organisations involved and resources/support available.
7	Action within the NICS Diversity Champions Network (and liaison with the	Assess how opportunities/working conditions can be improved for disabled	Ongoing	Use of annual staff questionnaire	Increase in opportunities/working conditions for

	NICS Disability Working Group).	people within the NICS.			disabled people within the NICS.
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