



Northern Ireland  
Assembly

Public Accounts Committee

## Report on Impact Review of Special Educational Needs

Together with the Minutes of Proceedings of the Committee relating  
to the Report and the Minutes of Evidence

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## PUBLIC ACCOUNTS COMMITTEE

### Membership and Powers

The Public Accounts Committee is a Standing Committee established in accordance with Standing Orders under Section 60(3) of the Northern Ireland Act 1998. It is the statutory function of the Public Accounts Committee to consider the accounts, and reports on accounts laid before the Assembly.

The Public Accounts Committee is appointed under Assembly Standing Order No. 56 of the Standing Orders for the Northern Ireland Assembly. It has the power to send for persons, papers and records and to report from time to time. Neither the Chairperson nor Deputy Chairperson of the Committee shall be a member of the same political party as the Minister of Finance and Personnel or of any junior minister appointed to the Department of Finance and Personnel.

The Committee has 9 members including a Chairperson and Deputy Chairperson and a quorum of 5.

The membership of the Committee since 20 January 2020 has been as follows:

Mr William Humphrey (Chairperson)

Mr Roy Beggs (Deputy Chairperson)

Mr Cathal Boylan

Mr Harry Harvey<sup>1</sup>

Mr Maoliosa McHugh

Mr Matthew O'Toole<sup>3</sup>

Ms Órlaithí Flynn

Mr David Hilditch

Mr Andrew Muir<sup>2</sup>

<sup>1</sup> With effect from 17 February 2020 Mr Harry Harvey replaced Mr Gary Middleton

<sup>2</sup> With effect from 31 March 2020 Mr Andrew Muir replaced Mr Trevor Lunn

<sup>3</sup> With effect from 19 May 2020 Mr Matthew O'Toole replaced Mr John Dallat

## List of Abbreviations used in the Report

the Committee	Public Accounts Committee (PAC)
C&AG	Comptroller and Auditor General
DE	Department of Education
EA	Education Authority
ELBs	Education and Library Boards
ETI	Education and Training Inspectorate
NIAO	Northern Ireland Audit Office
NICCY	Northern Ireland Commissioner for Children and Young People
SEN	Special Educational Need

## Executive Summary

1. In the five years from 2015 to 2020 over £1.3 billion was spent by the Department of Education (DE) and the Education Authority (EA) on supporting children with Special Educational Needs (SEN) in mainstream schools within Northern Ireland. The costs continue to rise every year.
2. Currently just under 20 per cent of the school population has a reported SEN, equating to 67,224 children in 2019-20, of which 19,200 have a Statement of SEN. Pupils with SEN are increasingly being educated in mainstream schools, including Learning Support Centres attached to mainstream schools. In 2019-20, 70 per cent of pupils with a Statement of SEN attended mainstream schools.
3. PAC notes the findings of the Northern Ireland Audit Office's (NIAO) 27 June 2017 SEN report highlighting that the number of children with SEN was continuing to rise. Whilst the educational achievements of children with SEN were improving, there had been no strategic evaluation of the support provided to these children to ensure the best possible outcomes. The NIAO's 2017 report also highlighted inconsistencies in the identification of children with SEN and unacceptable delays in the Statutory Assessment process. The NIAO made 10 recommendations and concluded that neither DE nor the EA could demonstrate value for money in terms of economy, efficiency or effectiveness in the provision of support to children with SEN in mainstream schools. The Committee was unable to consider the 2017 report due to the suspension of the Assembly.
4. In January 2020 the EA reported that it had undertaken an audit of practice in Special Education across the EA and made a number of recommendations for improvement. The EA's report and its associated recommendations were scrutinised by the Education Committee. In addition, the Commissioner for Children and Young People (NICCY) published her 'Too Little, Too Late' report in March 2020. The NICCY report found that the education system is under extreme pressure and was finding it difficult to respond to the scale and complexity of SEN.
5. In September 2020, the NIAO published the follow-up to the 2017 SEN report, entitled 'Impact Review of Special Education Needs'. The Committee heard from the NIAO that none of the 2017 recommendations have been fully implemented

and performance has deteriorated. PAC is deeply concerned that it is over thirteen years since DE began a review to address a range of issues including the increase in the number of children with SEN, and the inconsistencies and delays in identification, assessment and provision. DE has spent more than £3.6 million on the review, which is not yet complete, and the Committee was extremely disappointed to find that the unacceptable issues identified in the NIAO's 2017 report persist.

6. The Committee heard from the NIAO that it remains of the view that DE and the EA cannot demonstrate value for money in the provision of support to children with SEN and there is a need for a systemic review of the SEN policies, processes, services and funding model to ensure the provision is sufficient to meet the needs of all children with SEN.
7. There have been unacceptable delays in the SEN Statutory Assessment process. PAC believes there has been a culture within the EA whereby the continued failure of the Statutory Assessment process and the delivery of a sub-optimal service with deep rooted and systemic weaknesses was tolerated for far too long. The Committee finds the oversight and scrutiny by both DE and the EA Board to be lacking and found there to be no evidence over many years of sufficient challenge of the continued poor performance.
8. PAC welcomes the progress now made by the EA in clearing the backlog of Statutory Assessment cases and the commitment to reducing delays. However, the Committee remains deeply concerned and disappointed that children and their families had been failed for many years and the impact this has had. In the Committee's view there are elements of dysfunctionality within the EA.
9. There have been significant issues with the availability of management information and the accuracy and reliability of the data in the EA. There has been a dearth of good data in the system. These basic management information deficiencies must be addressed.
10. PAC recognises the crucial importance of early intervention - it is better for the child, the family and everyone else involved, and it can also be more cost effective. By getting the early intervention right there could be a reduced need for

a Statement of SEN. However, despite this there is not enough focus on early interventions and enabling children to access support on a timely basis. The Committee found that the number of children seeking to access SEN support is not known and as such there is a fundamental piece of work to be undertaken to establish the extent of unmet need. In the absence of this data the EA cannot fully understand the demand for the services and identify the gaps in provision.

11. PAC welcomes DE and the EA's acknowledgement that they could have done better in meeting the needs of children with SEN and their families. The Committee has no doubt that had the EA better management processes and better management information in place, it could have provided a much better service to many of those children and families. The Committee is also concerned that the increasing number of appeals made against the EA, and conceded or found in favour of the parents/carers, is an indication of a systemic issue and raises serious questions on whether the processes and procedures are fit for purpose.
  
12. On a positive note, PAC is pleased to hear that the educational attainment in examinations for children with SEN have improved considerably, over the years, and it would like to see this success story apply to far more children. PAC recognises and commends the dedication of front line staff involved in the provision of support to children with SEN.
  
13. The Committee, dissatisfied with the depth of some responses and explanations at the first evidence session by the EA, requested additional written evidence be provided. PAC expects witnesses to be up to speed and have reflected on events, even where these occurred before their tenure. Witnesses are expected to have consulted where necessary with other officials, so they can fully inform the Committee and address any concerns raised.

## Recommendations

### Recommendation 1

14. PAC remains concerned at the number of children that have been failed and how long these failings have been allowed to continue for. In the Committee's view there are elements of dysfunctionality within the EA.

**In view of the fact that the EA is in its sixth year, PAC recommends DE should commission an independent review of the EA to assess its effectiveness.**

### Recommendation 2

15. PAC strongly believes that there is a need for an independent, external review of the effectiveness of SEN processes, to help build public confidence.

**PAC recommends that there should be an immediate independent, external review of the SEN service provision and processes. This review must be completed promptly and should include:**

- **an evaluation of all types of SEN support provided by developing benchmarks and collating data to demonstrate the progress made by children;**
- **an assessment of the impact of adult assistance on children's outcomes, for both primary and post-primary school pupils, to determine when it is the best form of support;**
- **obtaining an understanding as to why there is a higher proportion of children with SEN and specifically children with a statement of SEN in Northern Ireland compared to England;**
- **benchmarking SEN services with other jurisdictions to learn from their experiences;**
- **consideration of the funding of SEN services including the delegation of budgets; and**
- **assessing the impact of the new Framework coming from the revised Regulations and Code of Practice.**

### Recommendation 3

16. PAC expects DE to implement a rigorous performance monitoring process with greater focus on the EA's performance against the statutory timeframe for assessment and statementing.



#### **Recommendation 4**

17. PAC is concerned at the extent of the EA Board's oversight, monitoring and challenge of the EA's performance in respect of SEN and also the EA Board's understanding of its role.

**PAC recommends that the Board must satisfy itself as to the quality and relevance of the information provided to it. The Committee considers that a Board is failing in its role if it does not challenge performance for key areas such as SEN and where there is a significant operational problem the Committee expects the Board to drill in to it.**

#### **Recommendation 5**

18. PAC considers the absence of reliable information and data in the EA as a key attribute to the poor performance in the delivery of SEN services.

**PAC therefore recommends that deficiencies in the management information held by the EA are addressed urgently and that clear performance frameworks are put in place which should include targets for accessing school based SEN support services. In addition, the EA should collate data on the number of children that schools have identified as needing SEN support and are waiting to be referred to the Educational Psychology Service.**

#### **Recommendation 6**

19. Only once there is an evidence base can DE and the EA provide assurances that money is being used to best effect.

**PAC recommends that the effectiveness of funding allocated to all stages of the SEN process is reviewed to ensure that every pound is well spent, in meeting the needs of all children, with or without a statement of SEN.**

## **Recommendation 7**

**20. PAC expects decisions made by the EA to be robust and able to withstand challenge. As a matter of urgency the issues leading to the increase in the number of appeals, and the reasoning as to why the EA concede so many, needs to be understood.**

## Introduction

21. The Public Accounts Committee (PAC) met on 15 October 2020 and 19 November 2020 to consider the Comptroller and Auditor General's (C&AG's) Report "Impact Review of Special Educational Needs". The main witnesses were:

### 15 October 2020

- **Mr Derek Baker**, Accounting Officer, Department of Education;
- **Ms Sara Long**, Chief Executive, the Education Authority;
- **Ms Una Turbitt**, Interim Director of Children and Young People's Directorate, the Education Authority; and
- **Mr Kieran Donnelly**, Comptroller and Auditor General.

### 19 November 2020

- **Ms Sharon O'Connor**, Chair of Education Authority Board, in post 1<sup>st</sup> April 2015 to 31<sup>st</sup> December 2020;
- **Dr Andy McMorran**, Member of Education Authority Board, in post 1<sup>st</sup> April 2015 to date; and
- **Mr Gavin Boyd**, Ex-Chief Executive of the Education Authority, in post April 2015 to March 2019.

## Background

22. In the five years from 2015 to 2020 over £1.3 billion was spent by DE and the EA on supporting children with SEN in mainstream schools within Northern Ireland. In the next few years, DE and the EA predict an increase in the number of children requiring a statement of SEN and therefore an associated increase in the cost of providing for these children.

23. Currently just under 20 per cent of the school population has a reported SEN, equating to over 67,200 children in 2019-20, of which 19,200 have a statement of SEN. Pupils with SEN are increasingly being educated in mainstream schools, including Learning Support Centres attached to mainstream schools. In 2019-20, 70 per cent of pupils with a statement of SEN attended mainstream schools.

24. The Education (Northern Ireland) Order 1996, the Special Educational Needs and Disability (Northern Ireland) Order 2005 and the Special Educational Needs and Disability Act (Northern Ireland) 2016 provide the primary legislation for the SEN framework. DE intended implementing a new SEN Framework during the 2018-19 academic year, this was delayed due to the suspension of the NI Assembly. At the end of September 2020 the Education Minister published the draft SEN Regulations and the draft statutory Code of Practice for consultation, which will give effect to the Special Educational Needs and Disability Act (Northern Ireland) 2016.
25. On 27 June 2017, the NIAO published its report on Special Educational Needs, highlighting that the number of children with SEN and the associated costs were continuing to rise. Whilst the educational achievements of children with SEN were improving, there had been no strategic evaluation of the support provided to these children to ensure the best possible outcomes. The report also highlighted inconsistencies in the identification of children with SEN and unacceptable delays in the Statutory Assessment process. It included 10 recommendations and concluded that neither DE nor the EA could demonstrate value for money in terms of economy, efficiency or effectiveness in the provision of support to children with SEN in mainstream schools.
26. On 29 September 2020, the NIAO published the follow-up to the 2017 SEN report, entitled 'Impact Review of Special Education Needs'. PAC heard from the NIAO that none of the 2017 recommendations have been fully implemented and performance has deteriorated. The NIAO remains of the view that DE and the EA cannot demonstrate value for money in the provision of support to children with SEN and there is a need for a systemic review of the SEN policies, processes, services and funding model to ensure the provision is sufficient to meet the needs of all children with SEN.

### **There is little evidence that the Education Authority is operating effectively**

27. It is clear from the evidence provided to PAC that old management practices, policies and processes continued for some time, following the amalgamation of the five Education and Library Boards (ELBs) into the EA in April 2015. The first

priority of the new organisation was business continuity and there were significant issues in drawing together the practices and data from the five ELBs.

28. PAC heard that the transition period was difficult and overly long. A unified, consistent, regional approach only started to be put in place from April 2016. Experienced staff and corporate expertise was lost. PAC was shocked to hear that the 2017 NIAO report was the 'starting point' to address the serious issues that had been ongoing for many years. Whilst the Committee recognised the challenges associated with merging organisations it questioned where SEN was in terms of strategic priorities for the EA.
29. Witnesses acknowledged there were long standing systemic issues and it is clear to the Committee that the systems and processes being used were simply not fit for purpose. Too much time has been spent chasing bits of paper and reacting to situations, rather than proactively dealing with them. In addition, the EA's Directorates and individual services have been working in silos and do not communicate well with each other. PAC heard that work is ongoing to ensure silos are broken down, to improve communication both internally and externally; IT systems have been replaced or upgraded and an improvement plan for the assessment and statementing process is now in place. The witnesses expressed deep regret that children and their families had been let down and gave a commitment to make further improvements.
30. There have been unacceptable delays in the SEN Statutory Assessment process. PAC believes there has been a culture within the EA whereby the continued failure of the Statutory Assessment process and the delivery of a sub-optimal service with deep rooted and systemic weaknesses was tolerated for far too long. The Committee heard there were "some very pernicious cultural deficiencies in performance". Whilst the commitment for improvement is welcomed the Committee remains concerned at the number of children that have been failed and how long these failings have been allowed to continue. In PAC's view there are elements of dysfunctionality within the EA.

## **There is a need for an independent review of SEN service provision and processes to build confidence in the Education Authority**

31. In September 2019 serious whistleblowing allegations were made about the Statutory Assessment process. Consequently, an audit of practice was commissioned and conducted internally by EA staff. PAC struggled to comprehend why the review into such a critical service was conducted internally and considers if the EA wanted to instil confidence in this process that it should have been conducted by external specialists.
32. An associated internal HR investigation, which commenced in March 2020, is still ongoing. It is being conducted by two independent HR experts, and overseen by three Board members. PAC continues to be surprised that no end date had been specified for the ongoing internal HR investigation and expressed concern that it could go on indefinitely. Witnesses informed the Committee that the investigation is nearing completion.
33. PAC noted with interest that the Board Chair wanted a significant system wide review, similar to that undertaken within Scotland<sup>1</sup>, but it had been agreed to prioritise the audit of practices investigation. The Committee strongly believes that there is a need for an independent, external review of SEN processes, to help build public confidence.

## **There are weaknesses in the Department of Education's governance and oversight arrangements**

34. The Committee is concerned that little progress has been made in addressing the recommendations made in the NIAO's 2017 report and that the issues with SEN processes have been known for a significant time. DE advised PAC that the consultation on the draft SEN Regulations and Code of Practice<sup>2</sup> have

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<sup>1</sup> The Scottish Government's Doran Review of Learning Provision for Children and Young People with Complex Additional Support Needs, published in November 2012, was conducted to identify ways of improving educational outcomes for children with complex additional support needs.

<sup>2</sup> The Department of Education's Code of Practice provides guidance for the EA, schools and Health Trusts on the identification, assessment and provision of Special Educational Needs.

commenced and were assured by DE's Accounting Officer that this would bring improvement. However, the Committee is not convinced that the implementation of these Regulations and Code of Practice will resolve the significant, long standing issues.

35. DE accepted that it should have questioned the EA more robustly regarding the failure to achieve the 26 week statutory timeframe for assessment and statementing. It too readily accepted the "valid exceptions"<sup>3</sup> and did not probe further. Valid exceptions appear to have been used as an excuse to allow things to drift.

### **There are weaknesses in the Education Authority Board's governance and oversight arrangements**

36. The EA Board is considered to be a very large Board in terms of membership and there have been difficulties in ensuring that members are fully sighted. The EA Board witnesses told PAC that they were made aware of the increase in the numbers of children presenting for Statutory Assessment; the delays within the system and provided with headline figures. Witnesses stated that reports provided to the Board were not as informative as they should have been and added that the Board was not fully aware of the significant issues around the accuracy and reliability of the information provided to them, the delays against the 26 weeks legislative timescale or the extensive use of "valid exceptions". PAC was told that Board Members had questioned these issues and were provided with appropriate assurances. The Committee was disappointed that the Board did not challenge the information presented in more depth. PAC remains concerned as to the EA Board's oversight, monitoring and challenge of the EA's continued poor performance against the 26 week statutory target.

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<sup>3</sup> The EA must comply with the statutory timeframe of 10 weeks for Phase 2 of the process unless it is impractical to do so for specified reasons, commonly known as "valid exceptions", for example the EA to seek further advice from parents or the Health Trusts.

## **There are basic management information deficiencies within the Education Authority**

37. Within the EA there have been significant issues with availability of management information and the accuracy and reliability of the data. The EA witnesses acknowledged that there was a dearth of good data in the system. Problems arose from the combination of: lack of rigour on input; the absence of any meaningful data analytics; and not having a defined and clear performance framework.

38. Whilst assurances were given that the management information supporting the Statutory Assessment process has now improved, with the move to one IT system, the Committee was concerned by the previous lack of consistency or rigour in the approach to data management, data quality and data input and that these issues still persist in relation to the stage 3 pupil support services data.

## **The Education Authority do not know how many children in schools require SEN support, or why the numbers are higher in Northern Ireland than in other jurisdictions**

39. Witnesses explained that a common model for the time allocation of Educational Psychology Service is used to deliver services to primary and post-primary schools. This involves calculating the time allocation to each school using a regionally based formula. The time allocation limits the number of children that can be referred to the Educational Psychology Service. As such there is an unmet need, as schools cannot refer all children that may need support. The EA does not hold data on the number of children that schools would like to refer. This is held at school level.

40. The Committee considers that information on unmet need is fundamental and there is a crucial piece of work to be completed by the EA to identify all children seeking to access SEN support services.



41. PAC understands that the time allocation model was intended to bring about regional consistency. However, the model has not been subject to any review since implementation. In addition, in the absence of any measure of unmet need the Committee struggles to see how the EA can determine if Educational Psychology Service's resources are appropriately allocated. Witnesses recognised that the time allocation needs to be reviewed.
42. PAC found it staggering that neither DE nor the EA knew why there is a higher proportion of children with SEN and specifically children with a statement of SEN in Northern Ireland compared to England. The Committee was told that the diagnosis of autism amongst schoolchildren here is twice the rate in England and again there was no explanation as to why that was the case. Reasons suggested as to why Northern Ireland has a higher rate of SEN than other jurisdictions include behavioural problems, attachment issues, higher child poverty and the legacy of the troubles.
43. PAC heard that there are some issues in Northern Ireland that are common in other jurisdictions. These include issues around identification of need, delivery of services at the early intervention stage, the statementing process and the ability to demonstrate outcomes. The Committee was surprised to learn that there was little evidence of comparisons with other jurisdictions by the EA in relation to these common issues with SEN and that conversations were still at an early stage.

**There is a lack of focus on the early intervention and support of children with SEN which is considered crucial and could reduce costs in the long term**

44. PAC recognises the crucial importance of early intervention - it is better for the child, the family and everyone else involved, and it can also be more cost effective. By getting the early intervention right there could be a reduced need for a Statement of SEN. As part of the discussions around early intervention DE referred to the Minister's announcement regarding the establishment of new nurture units in primary schools. DE advised that nurture units have been thoroughly evaluated, are high impact and relatively low cost and could avoid the need for SEN interventions later on. The Committee Chair recognised that

nurture units can be invaluable to schools and a roll out of this provision would be welcomed.

45. PAC understands that the new SEN Regulations and Code of Practice will require statutory pre-school settings to have Learning Support Co-ordinators which reflects the importance of early intervention at the preschool stage, to deal with problems as early as possible. PAC also welcomed DE's consultation on a proposal to enable greater agility in establishing Learning Support Centres, where need is identified, and reducing the bureaucracy of the full development proposal process. The Committee also heard from DE that one of the core things it wants to do to improve the provision, at supported school level, is to free up the time of the Learning Support Co-ordinators in schools, so that they have the facility to provide a better level of support at individual school level. DE estimates that the full-year cost of that will be £30 million, as it will have to provide substitute teachers or backfill for those staff.

46. Currently access to stage 3 pupil support services is via an assessment by the Educational Psychology Service and the time allocation model essentially rations the number of children that can have timely access to these services. PAC is aware of the huge frustration among schools, principals and teachers about the bottleneck that exists as a result of this rationing. PAC was surprised that, despite the importance of early intervention and the positive impact on a child's wellbeing, there is no target for how quickly a child with SEN can access the pupil support services. The EA officials agreed that access to these services need to be simplified and there are a number of the services which children should be able to access directly and not require referral by an Educational Psychologist. The Committee considers this would enhance and improve the early intervention.

### **There is a need for evidence of robust evaluation and associated outcomes**

47. In the absence of an evidence base as to which types of SEN support have the best outcomes for children, DE and the EA cannot be sure that money is being spent wisely. PAC considers the Education and Training Inspectorate's (ETI) have a very significant role to play. Each individual school inspection reviews the

SEN provision within the school. In addition, PAC heard that ETI will conduct a thorough evaluation of SEN at a strategic level looking at the progress that pupils have made by visiting fifty schools. DE would like the ETI evaluation to be completed within the next 6-9 months but this depends on when inspections can restart, due to the impact of the COVID pandemic. PAC welcomes this commitment as there is a need to ensure that children are being treated equitably across Northern Ireland and also to ensure that money is being spent on support that achieves the best outcomes. However, it must be remembered that the EA also has a key role to play in collating evidence as to the impact of the SEN support services it provides to children.

48. The cost of providing adult assistance increases year-on-year and in 2019-20 cost £95 million. Some parents and classroom assistants have raised concerns with PAC about the effectiveness of adult assistance, particularly in post-primary schools, as it may not always be the best form of support. PAC is disappointed that despite millions of pounds being spent on adult assistance neither DE nor the EA have evaluated the impact of adult assistance on children's outcomes and have only recently recognised it as an area that needs investigation. The EA is currently developing a pilot, to test models, and have undertaken to complete this as part of its wider Programme of Improvement. In addition, when the ETI restarts school inspections they will look at the schools' management of adult assistance.

### **Managing the funding and the future financial sustainability of SEN**

49. The NIAO report highlights that the current SEN funding is unsustainable. PAC heard that the amount spent on SEN each year is consuming an ever-greater proportion of the total education budget. SEN is a demand led service and in 2019-20, £311 million was spent by the EA on SEN. Whilst the EA has a sense of the growing costs, based on numbers leaving and new children entering the SEN system, PAC is alarmed that the EA Chief Executive could not provide projected costs for future years. The EA subsequently provided this information to the Committee, by correspondence.

50. The EA's correspondence informed PAC that the EA tracks and projects expenditure relating to pupils with a statement of SEN across three main budget

lines: Special Education Needs - statemented pupils; Special Schools; and Transport SEN Element. The EA has projected a significant increase in the number of pupils with a statement of SEN, as a result of the statementing backlog beginning to be cleared.

51. Following the award of a statement of SEN, which is a statutory instrument, the EA has no choice but to pay the costs associated with the provision set out in that statement whether it has the budget or not. The provision of a statement of SEN has future funding implications which may last the entire school life of the child. The EA is looking at its budget and overspends, and it is committed to preparing a financial recovery plan for all its services, including stage 3 pupil support services, to determine how it can get all services living within budget and spending money wisely. PAC is aware that DE has produced annual budgets for the last six years, making it extremely difficult to perform long-term planning. Witnesses told the Committee that the decrease in the education budget over the past ten years is equivalent to a loss of about £200 million of spending power. This reduction has affected schools' ability to finance SEN from its own budget, for children without a statement of SEN.

52. PAC noted the work undertaken by DE, benchmarking SEN spend per child against England. It is apparent that less money is spent per child with SEN here than in England. PAC also heard that work had been undertaken to review the Common Funding Formula, which currently takes no account of the fact that schools have to fund SEN at stages 1-3 from their own delegated resources. The sustainability of the current funding arrangements for SEN is a real concern for the Committee coupled with the lack of evidence base as to which types of SEN support provide the best outcomes for children. Only once there is an evidence base can DE and the EA provide assurances that money is being used to best effect.

### **There have been unacceptable delays in the SEN Statutory Assessment process**

53. The EA provided an update on the number of cases which are currently exceeding the 26 week Statutory Assessment timeframe. PAC heard that only 38 percent of Statutory Assessments are now exceeding the 26 week timeframe compared to

85 percent during 2019-20. PAC welcomed the EA's commitment to reducing delays, but expressed concern and disappointment that children and their families had been failed for many years, and the impact this has had. The Committee has no doubt that had the EA better management processes and better management information in place, it could have provided a much better service to many of those children and families.

54. PAC was told that the term "valid exception" was being used too frequently and as an excuse and therefore, Statutory Assessments were allowed to drift. PAC was told that this has now been addressed in the draft Regulations and Code of Practice, however the Committee will reserve judgement on that as the Regulations and Code of Practice are not yet in place. The Committee understands there is now good cooperation between the EA and the Health Trusts, with a SEN Co-ordinator in each Health Trust acting as a single point of contact, with improved electronic transmission of data, and the nature of information requested from the health and social care professionals streamlined.

55. The EA's audit of practice reviewed the SEN Statutory Assessment process and made a number of recommendations. The EA aims to quicken the process and hopes to have all Statutory Assessments completed within 26 weeks by 31 March 2021, unless they have a valid exception. This should be assisted by the improvements in IT provision which the Committee was told are now in place. Further correspondence with the EA has highlighted that there is a need for additional resources if the backlog is to be reduced to zero by 31 March 2021. The progress made by the EA is welcomed by PAC, but there is still some way to go to clear the backlog of cases.

### **The number of appeals against Education Authority decisions have risen significantly**

56. PAC expressed concern at the number of appeals against the EA and the proportion being conceded by the EA before the Tribunal hearing. Of those cases that do proceed to Tribunal, PAC was alarmed that the majority are found in favour of the parent/carer. PAC is concerned something must be wrong systemically. The Committee was surprised to hear that the EA does not know

why there have been more appeals or indeed why so many are conceded. The EA's audit of practice also highlighted concerns with the number of appeals conceded and recommended a lessons learned exercise be undertaken to enable trend analysis. The EA gave assurances that action is now being taken to understand why it is happening, the trend behind it, and how it can be addressed.

### **The educational achievements of children with SEN have improved**

57. Witnesses told the Committee that the educational attainment gap is closing between children with and without SEN which can be attributed to the quality of teaching, learning in schools and the work of teachers, classroom assistants and school leaders. PAC welcomed the improved educational attainment in examinations for children with SEN and would like to see this success story for more children.

### **A review that has been ongoing for more than 13 years cannot be value for money**

58. PAC noted the extended consultation of the draft Regulations, at the end of September 2020, which will give effect to the Special Educational Needs and Disability Act (Northern Ireland) 2016 and the draft Code of Practice. However, the Committee considers that 13 years to conduct a review of SEN, even when part of an ongoing continuous improvement process and made-up of many smaller reviews with different facets, that has still not concluded, is too long. PAC, therefore, questions if it is good use of public resource and represents value for money. The current arrangements, where the current Code of Practice is now nearly 25 years old and is not aligned to the legislation passed by the NI Assembly in January 2016 is unacceptable.

## List of Appendices

Minutes of Proceedings can be viewed [here](#)

Minutes of Evidence can be viewed [here](#)

Correspondence can be viewed [here](#)

Other Documents relating to the report can be viewed [here](#)

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