



Department of
Education
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**PUBLIC CONSULTATION DOCUMENT
ACCOUNTING FOR CHILDREN WITH A
STATEMENT OF SPECIAL EDUCATIONAL NEEDS:
CHANGING THE 'SUPERNUMERARY' STATUS**

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Background

1. In March 2023, the Independent Review of Special Educational Needs Services and Processes was published. One of the report's recommendations dealt with how children with a statement of Special Educational Needs (SEN) are 'counted' within a school's approved enrolment number (at present they are considered 'supernumerary' i.e. not 'counted' within the schools approved enrolment number but deemed outside that number and over and above it). Recommendation I1 reads: *DE should ensure that children with a statement of SEN should not be supernumerary within the school, they should be included within the school's overall enrolment numbers and enrolled at the same time as other pupils.*
2. Furthermore, in December 2023, the Independent Review of Education – 'Investing in a Better Future' was published. One of its recommendations was explicit on this point. Volume 1, para 5.34 states, '*Learners with a statement of SEN should not be classified as supernumerary (as is currently the case)*'.
3. The report goes on to say that: '*This policy would be implemented on a phased approach with full implementation occurring only when there is sufficient confidence in the processes. An early action would be treating pupils as supernumerary only in the year of their admission to a new school (P1 or Year 8) and including them in the roll thereafter. As soon as possible the system should move to a "SEN first" model (Volume 2 paragraph 3.46)*'.

Legal Position

4. Articles 11 and 12 of the Education (Northern Ireland) Order 1997 require the department to determine an admissions number and an enrolment number for each grant-aided mainstream primary and post-primary school. Articles 25 and 29 of the Education (Northern Ireland) Order 1998 set similar requirements in respect of full-time and part-time statutory pre-school provision respectively. The department sets these numbers for each school in consultation with Boards of Governors (BoGs) and the Education Authority (EA) and, where relevant, the Council for Catholic Maintained School (CCMS).
5. Under open enrolment arrangements, all mainstream schools must admit children up to the approved admissions number and within an overall enrolment number.

6. Under Article 10 of the Education (Northern Ireland) Order 1997, the BoG of a school **shall not**:
- i. admit to the school a number of children which exceeds the school's admissions number for the year; or
 - ii. cause or permit the number of registered children at the school at any time to exceed the school's enrolment number.
7. Similar provisions for statutory pre-school provision are set out in Articles 24 and 28 of the Education (Northern Ireland) Order 1998.

'Supernumerary' Children

8. Children who have a statement of SEN, children admitted on appeal and children admitted by direction of the Exceptional Circumstances Body (ECB) (Years 8-12 only) are treated as supernumerary for school admissions purposes. Children who have a statement of SEN are treated as supernumerary for the entire duration of their time at school while the other groups are supernumerary for the year of admission only.
9. Article 10 of the Education (Northern Ireland) Order 1997 serves as the basis for children admitted by appeal or by the ECB to be treated as supernumerary. The Article also references children admitted by direction of Article 42 of the 1996 Order and children subject to a school attendance order. The basis for treating these children as supernumerary for one year only is, therefore, set out in legislation. Article 10(4) of the 1997 Order states that, when calculating the number of children in the school for the purposes of determining whether the approved enrolment number has been reached '*... no account shall be taken of any pupil first registered at the school in that school year in compliance with:*
- 1. *a direction of an appeal tribunal;*
 - (aa): *a direction of the body constituted by regulations under Article 16A(6) [Exceptional Circumstances];*
 - (b): *a direction under Article 42 of the Education (Northern Ireland) Order 1996; or*
 - (c): *a school attendance order.'*

10. The practice of treating children who have a statement of SEN as supernumerary for the duration of their time at school is custom and practice and not a legal requirement.

Placement of Children who have a Statement of SEN in Mainstream Schools

11. As set out above, children who have a statement of SEN are admitted as supernumerary to mainstream schools over and above approved admission numbers. There was a total of 29,499 children who had a statement of SEN in 2024/25 (8.3% of overall pupil numbers) with 7,462 in special schools, of which 22,037, the majority of children, were educated in mainstream schools, 4,490 of whom were in specialist provision classes.
12. Between 2017/18 and 2024/25, the overall population of children in primary and post-primary schools increased by 3.22% while during that period, the number of specialist provision classes increased by 159% (228 classes 2017/18 to 590 classes 2024/25). The number of children enrolled in specialist provisions has increased by 141% (1,846 2017/18 to 4,452 2024/25).
13. Supernumerary children who obtain admission to mainstream schools do not reduce the number of available places or prevent other children from gaining admission if available places remain.
14. In practical terms this means that some schools can have large numbers of children with a statement enrolled, often resulting in actual numbers of children being significantly above the schools' approved enrolment numbers, while also having available places. Some schools are, therefore, facing challenges in safely educating children within approved accommodation. Children who receive a statement of SEN during a school year also become supernumerary, thus creating a vacancy for another child to be added to the class/year group. This is reported as having a particular impact in statutory pre-school settings. Continuing to record children who have a statement of SEN as supernumerary could lead to unsafe class numbers, sub-optimal learning environments, excessive numbers of adults in the classrooms (classroom assistants), continued challenges to teachers and pressures on resources which are already stretched.

15. The practice of treating children who have a statement of SEN as supernumerary is, therefore, becoming increasingly challenging as, over the last number of years, there have been significant increases in the numbers of children who have a statement of SEN educated in mainstream schools. The continued growth in specialist provision classes which consist entirely of children and young people who have a statement of SEN, could see schools exceeding their approved enrolment numbers by a considerable margin – while simultaneously having available places. As the number of children with a statement of SEN continues to grow, the sector should only be expected to increase.

Impact on Approved Numbers

16. Any decision to change the treatment of children with a statement of SEN as supernumerary will, for several schools, lead to the position where they move from being undersubscribed, or slightly oversubscribed, to being heavily oversubscribed.
17. This can be managed in the short-term by Temporary Variations (TVs) to school numbers, however it will be necessary to undertake an exercise to ‘right-size’ the school’s approved admissions and enrolment numbers to reflect the reality on the ground. The ‘Resetting and Normalisation’ processes have shown there is scope for an agile method of addressing this without the need for Development Proposals at every school. Work on this is being taken forward separately and is the subject of a separate consultation process.

Proposal

18. The environment that existed when children who have a statement of SEN were first treated as supernumerary has changed dramatically. In past years it served as a simple way of ensuring children who had a statement were able to secure a place at a school which was appropriate to meet their needs. While this may have been manageable at the time, the number of children who have a statement attending mainstream schools has grown far beyond the numbers at the time the practice was adopted.
19. This consultation is therefore, to seek views on ending the current practice of treating children who have a statement of SEN in mainstream schools as supernumerary at all times.

20. The proposed phased approach would be to treat children who have a statement as supernumerary for the year of admission only, and only where a change of placement is necessary.
21. Removal of the supernumerary process completely requires careful consideration of the implementation of a 'SEN First' approach and what changes would need to be made to the school admissions processes. The system is not currently in a state of readiness to move forward with complete removal of the supernumerary status of children who have a statement of SEN and further work and engagement is required to take this forward.
22. Therefore, this consultation is based on a proposal that children who have a statement of SEN will no longer be classed as supernumerary after their first year of admission or if they are already placed in the school, with complete removal of supernumerary status potentially to take place in the future and be the subject of additional consultation at that time.

Consultation

The department would like to hear your views and feedback on this proposed change.

Completing the Survey

Duration

The survey should take no more than 10 minutes to complete and will remain open for responses until 26 June 2025 at 23.59.

Your responses will be treated in the strictest confidence and the report of the survey will not identify any individual. Rather your responses will be added to those of others to make summaries of the responses of people that take part.

The survey complies with the [Data Protection Act 2018](#) including [The UK GDPR | ICO](#). [The Privacy Notice](#) for this survey explains the legislative basis for the survey and your data protection rights.

How to Respond to this Consultation

The preferable method of response is **through the online survey**. This approach allows for the most efficient analysis of responses and by limiting the use of paper and printing, minimises the environmental impact.

However, we understand that a paper-based response via e-mail or post may be the preference for some. If this is the case, you are encouraged to respond as early as possible as our timeline could be impacted by postage delivery times and the additional analytical processing required.

The primary response method for this consultation is through the online survey on the [Citizen Space Hub](#). You can also access the online survey from the DE consultation webpage.

This document is also available on the DE website at:

<http://www.education-ni.gov.uk/consultations>

Alternative formats are available, to request the survey in an alternative format please contact us via the details below.

Email: supernumeraryconsultation@education-ni.gov.uk

Telephone: 02891 279472 and talk to one of the Consultation Team.

Post: Accounting for Children with a Statement of SEN Consultation
School Admissions Team

Rathgael House
Balloo Road
Bangor
BT19 7PR

Consultation Survey

About you

Question 1. Please tick the box that best describes you as a respondent: (Please tick one option only).

Please select only one item.

- A member of the public
- A parent/guardian
- A pupil
- A school or pre-school leader
- A teacher or educational practitioner
- A school governor or member of pre-school management committee
- A Sectoral, Community or Other Body

Question 2. Are you the parent/carer of a child with a statement of educational needs?

- Yes
- No

Question 3. Please specify which Sectoral, Community or Other Body.

Please do not include any personal information in the text box.

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Question 4. What type of school does your child(ren) attend? (Please tick all that apply).

Please select all that apply.

- Pre-school
- Primary school
- Post-primary school
- Special school

Question 5. What type of education are you involved in? (Please tick one option only).

Please select only one item.

- Pre-school
- Primary school
- Post-primary school
- Special school

Question 6. How strongly do you agree or otherwise with the following statement:

‘The treatment of children who have a statement of SEN as supernumerary for their duration of their time at school needs to change’.

Please select only one item.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please do not include any personal information in the text box.

If you have answered disagree or strongly disagree to any of the questions above, please let us know why:

The department’s proposed phased approach is to account for children who have a statement of SEN as supernumerary for the year of admission only, and only where a change of placement is necessary. This will inform the way forward in considering potentially moving to the position whereby children who have a statement of SEN may no longer be classed as supernumerary.

Treating children with a statement of SEN as supernumerary for the year of admission only would ensure that:

- approved admission numbers would stay constant and not vary year-on-year in response to the number of children with a statement of SEN, providing schools with confidence on the number of children without a statement of SEN to be admitted;
- Area Planning decisions would be informed by a more accurate assessment of need based on number of children in an area/school; and
- children with a statement of SEN would still be guaranteed access to the school on their statement;

Question 7. How strongly do you agree or otherwise with the following statement:

‘The Department should treat children who have a statement of SEN as supernumerary for the year of admission to a new school only’.

Please select only one item.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please do not include any personal information in the text box.

If you have answered disagree or strongly disagree to any of the questions above, please let us know why:

Question 8. Do you foresee any issues with Department’s proposed approach to treat children who have a statement of SEN as supernumerary only for the first year of admission to a new school?

- Yes
- No

Please do not include any personal information in the text box.

If you have answered yes, please advise what issues/challenges.

Question 9. To what extent do you think this proposed approach to the recording of children who have a statement of SEN will:

- Improve learning environments for all pupils
 - Not at all
 - To some extent
 - To a moderate extent
 - To a large extent

- Improve quality of education provision
 - Not at all
 - To some extent
 - To a moderate extent
 - To a large extent

- Promote equality for pupils with SEN
 - Not at all
 - To some extent
 - To a moderate extent
 - To a large extent

- Support an inclusive education system
 - Not at all
 - To some extent
 - To a moderate extent
 - To a large extent

- Support planning for special educational provision

- Not at all
 - To some extent
 - To a moderate extent
 - To a large extent
-
- Ensure schools are 'right sized'
 - Not at all
 - To some extent
 - To a moderate extent
 - To a large extent

Question 10. How strongly do you agree or otherwise with the following statement:

'Children who have a statement of SEN should never be supernumerary.'

Please select only one item.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please do not include any personal information in the text box.

If you have answered disagree or strongly disagree to any of the questions above, please let us know why:

Question 11. Do you have any alternative proposals the Department should consider regarding recording children who have a statement of SEN as supernumerary?

- Yes
- No

Please do not include any personal information in the text box.

If yes, please provide details of alternative proposals.

Thank you for completing the above survey. If you have any further comments and/or queries please use the comments box below.

Please do not include any personal information in the text box.

Comments/Queries

Privacy

The Department may combine your responses with those of others to report on the aggregated findings of this consultation and no individual will be identified or identifiable in the report. The report will be published on the website www.education-ni.gov.uk

The Department may also use your comment(s) verbatim in this report of this consultation. If you do not wish the Department to do so, please indicate by ticking the box below and your comment(s) will only be used with those of other respondents to create an aggregate picture of all comments made.

I do not wish my comment(s) to be repeated verbatim in any report of this consultation.

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