



General Teaching Council
for Northern Ireland

**GTCNI RESPONSE TO THE
DEPARTMENT OF EDUCATION
CONSULTATION
'THE WAY FORWARD FOR SPECIAL
EDUCATION NEEDS AND INCLUSION'**

EXECUTIVE SUMMARY

- The Council is committed to promoting the highest standards of educational provision for all children and young people with special educational needs.
- The Council welcomes any policy proposals that make special needs provision more fit-for-purpose and responsive to the needs of children, young people and their parents.
- However, the Council is gravely concerned with what appears to be an imbalance of accountabilities inherent in the current policy proposals with teachers and schools to be held ultimately responsible for special needs provision with only limited reassurances regarding resources and support.
- The Council fully recognises many of the pressures on teachers, schools and the wider education service arising from current demands and modes of provision.
- The Council supports inclusive models of schooling when schools are adequately resourced and teachers are empowered to meet the associated professional challenges.
- The Council welcomes the recognition that special schools have an important role in supporting mainstream schools and providing educational support for pupils with complex needs.
- Given the litigious climate that surround special educational needs provision and in light of the House of Lords decision in *Phelps v London Borough of Hillingdon 2001*, the Council asks the Department of Education to review, as a matter of urgency, the likely legal implications of its current proposals for teachers and schools.
- The Council calls for greater clarity on the support mechanisms, including additional resources that will be made available to schools in light of these policy proposals.
- The Council calls for greater clarity about the responsibilities of DE and the ESA in respect of special needs provision.
- The Council has reservations about the replacement of the current sequential model of 1-5 in the existing CoP and its replacement with a 3 strand model and the proposition that schools should not assume that an increase in a child's level of need, or time within a school, necessarily calls for increased level of resources.

- The Council calls on the Department not to rush the introduction of these radical proposals until they have been subject to greater scrutiny in terms of resourcing and legal accountabilities.

1.0 Introduction

1.1 The Council welcomes this opportunity to respond to this important consultation and recognises the significance of the issues addressed within the overarching policy context of 'Every School a Good School'. However, the Council wishes to express, at the outset, its grave concerns about the direction of travel envisaged in this consultation and also to put on record its disappointment about the time it has taken to bring this policy proposal to consultation given that the review of special education and inclusion was initiated as far back as April 2006. Indeed the Council has concerns that increasingly there has been an 'adversarial politicisation' of education policy that has hampered progress on issues such as policy development. That said, the Council looks forward to working with the Department over the coming months, to ensure that the final policy proposals adequately address the complex issues surrounding special needs provision and inclusion.

1.2 GTCNI is committed to promoting the highest standards of education for all our children and young people in N. Ireland and the area of special needs provision is regarded by Council members as a policy area that lies at the heart of quality educational provision. In its various publications, the Council has sought to ensure that the education system is committed to excellence for all along with a concomitant commitment to equality of opportunity as a fundamental principle underpinning all policy development and delivery. In no area is this commitment to excellence and equality of opportunity more important than in the area of special educational needs and inclusion.

1.3 The Council, at the outset of its response, wishes to emphasise that the education system and, particularly schools and teachers, face ever increasing challenges with respect to special needs provision. The context for the Review, at pages 1-3 of the consultation, illustrates this complexity, and refers to among other things:

- the fact that 17.7% of the school population is regarded as having SEN;
- the steady increase in numbers of pupils being referred for statutory assessment;
- the evidence of unmet need and the bureaucracy attached to the statementing process; and
- evidence that the current SEN framework often identifies children and supports them in their learning but that there remains an inconsistency in assessment and levels of support across the five Education and Library Boards (ELBs).

1.4 However, the Council at the outset of this response wishes to express grave concern about the direction of travel suggested by current policy proposals. This concern is brought into sharp focus by the assertion made in paragraph 1.4 of the consultation which quite abruptly states:

‘The underlying aim of these proposals is that all children are provided with the necessary support to help them work towards achieving their full potential with the **onus placed firmly on the schools** (our emphasis) to provide for the diversity of need.’

The sentiments expressed in this statement highlights one of the main concerns that the Council has, namely in imbalance of accountabilities in relation to special needs provision that runs throughout this consultation. The Council will return to this area later in this response.

1.5 In responding to the consultation, the Council has decided that its approach will be in the form of a narrative rather than simply ticking the response options given. This is very much in keeping with the Council’s view that the issues to be addressed are too complex to be reduced to a ‘tick box’ response and its associated tabulated analysis.

1.6 However, before turning to the specifics of the consultation document the Council would wish to make some more general observations. The document as it stands is seriously flawed in that it can offer no guarantee as to funding whilst at the same time proposing that whatever funding is eventually made available will be largely delegated to schools. On the surface this would seem to be an obvious strategy in keeping with the new mantra of ‘maximum delegation’. However, the reality is certainly likely to be more complex particularly around the issue ring fencing delegated budgets to schools and the relationship, if any, to FSM. Most practitioners would suggest that the current resources for special needs are inadequate for the demands that are being made upon them; the reality is that a decision to further delegate funds will almost inevitably bring problems similar to those faced when teachers’ salaries were first delegated to schools at the inception of LMS funding. Quite simply the delegated budgets of schools had to be augmented by an immediate injection of funds to ensure that the staffing levels were maintained. The current level of funding centrally managed is seen as deficient but the situation will almost certainly be worsened if delegation to schools does not bring additional funding.

CONSULTATION POINT 1. INCLUSION

1. Do you agree with the introduction of an inclusive framework based on the wider concept of additional educational need (AEN)?

This Council welcomes this more positive assertion which hopefully will go some way to ameliorating the sometimes negative labelling associated with special educational needs generally. The Council would also assert that 'gifted children' also have additional needs and, for this reason, it would be helpful if the Department of Education could provide a comprehensive definition of additional educational needs in order that the wider education service can have an agreed conceptual understanding of what the term means. Moreover, the Council has long advocated that schools should be inclusive learning environments. To this end, it recommends 'Index for Inclusion' as a useful and practical guide for schools. The key features of this index include:

Building Community

- Everyone is made to feel welcome;
- Students help each other;
- Staff collaborate with each other;
- Staff and students treat one another with respect;
- There is a partnership between staff and parents/carers;
- Staff and Governors work well together; and
- All local communities are involved in the school.

Establishing Inclusive Values

- There are high expectations for all students;
- Staff, governors, students and parents/carers share a philosophy of inclusion;
- Students are equally valued;
- Staff and students treat one another as human beings as well as occupants of a 'role'; and
- Staff seek to remove barriers to learning and participation in all aspects of the school'

(For further details see Centre for Studies on Inclusive Education (CSIE) inclusion.uwe.ac.uk/csie/indexlaunch.htm)

However, and notwithstanding the above recommendation, the Council is concerned that the tone of the current consultation and, in particular, its imbalance of accountabilities will potentially undermine attempts to promote inclusion in schools.

The Council welcomes the consultation document's assurance that special schools will continue to cater for those children and young people with 'complex needs, severe disability or behaviour'. Indeed, the Council would argue that the professional expertise available in special schools needs to be shared more widely with teachers working in mainstream schools. The current policy work being carried out on learning communities provides an opportunity to develop further the role and remit of special schools.

CONSULTATION POINT 2

2. Do you agree with the key principles on which the policy proposals are based?

In general, the Council agrees with the positive aspects of the principles outlined and it has already offered some suggestions about promoting inclusion in schools. Also, as stated earlier, the recognition that negative labels may further disadvantage children and young people with additional educational needs is to be welcomed. However, the Council is once again concerned that an explicit targets mentality will drive this policy with all their usual concomitant unintended consequences. An over simplistic emphasis on measurable targets may well distract from the more personalised learning that this new policy framework espouses. The complexity of this whole area has been highlighted in the Teaching and Learning Research Programme's study 'Identity and Learning Programme'. It states:

'Maximising the potential of children and young people calls for a more appropriate understanding of them as social actors within their cultures and communities, and of how education fits into, and contributes to, their lives as a whole [Principles into Practice: A Teacher's Guide to Research Evidence – teaching and learning' TLRP 2007 p 9].

Furthermore, the Council welcomes the central focus that the professionalism of teachers has in this policy proposal especially principle (h) which states:

'all professionals, including teachers, have the skills and knowledge to allow early identification and intervention to facilitate improved outcomes'.

That said, the Council is concerned that teachers and schools will be held accountable without appropriate support or adequate professional development opportunities. To emphasise once again, there is a serious imbalance in accountabilities associated with these policy proposals. This concern is brought into clear aspect in paragraph 4.6 page 13 which states:

'Although the review recognises that a number of the key proposals will require significant additional resources and can only be implemented

as and when resources are made available, many of the proposals are not dependent on additional resources’.

The Council takes the view that the proposals, as outlined, are heavily resource dependent and that it will be incumbent upon the Department to ensure that its policy proposals are adequately supported. As everyone generally agrees, ‘special needs’/now additional educational needs provision is demand led but that resources are finite. Therefore, one of the intentions of this policy appears to better align, from the Department’s point-of-view, a demand led service with finite resources and support. Unfortunately, the Department appears to be focusing on teachers and schools as a way to resolve this resource/demand conundrum and then holding them accountable for any inadequacies of provision.

CONSULTATION 3. EARLY IDENTIFICATION AND INTERVENTION

3. Do you agree with the proposals relating to early identification and intervention?

The Council recognises the importance of early identification and intervention in relation to additional educational needs. However, this is a difficult and complex area. To this end, the Council has sought to ensure that special needs/now additional educational needs are comprehensively covered in the GTCNI Teacher Competences. For example, competence 9 states that:

‘Teachers will have developed a knowledge and understanding of their responsibilities under the Special Educational Needs Code of Practice and know the features of the most common special needs and appropriate strategies to address these.’

Furthermore, competence 13 states that:

‘Teachers will have developed a knowledge and understanding of the statutory framework pertaining to education and schools and their specific responsibilities emanating from it.’

The Council, for its part, recognises that teachers have a number of professional and indeed, legal responsibilities and this is as should be. However, the major preposition underpinning the current policy proposals is that the legal accountability of teachers may well increase in this complex area without the accompanying support. The Council is, therefore, concerned that individual schools and teachers could be put in legal jeopardy. There is also extensive legal precedent in this area. Indeed, the House of Lords Judgement in Phelps et al (see attachment to this paper) in 2001 has arguably revolutionised education law. The Lords gave pupils a right to financial compensation when those responsible for their education fall below the acceptable standard of care. Therefore educational professionals, including teachers, are now open to judicial

scrutiny in a way they have never been before. The Lords' decisions set educational negligence in stone. Lawsuits, or at least the threat of them, are now part of the education landscape. Worryingly the Lords explicitly argued that they are also liable in damages for negligence. Thus with the Phelps et al case the law of education in relation to special needs has been revolutionised. More recently, Carty v Croydon London Borough Council in 2005 reflected the Lords' judgement with respect to Phelps.

Therefore, given the litigious climate that surrounds special educational needs the Council asks the Department of Education to review, as a matter of urgency, the likely legal implications of its current proposals in light of recent judgements in the House of Lords.

CONSULTATION POINT 4. PRE-SCHOOL SETTINGS

4. Do you agree with the proposals relating to pre-school settings?

The Council recognises that importance of high quality pre-school education for children in N. Ireland. It is also gratifying to know that the highest quality pre-school education is provided by professional teachers working in the statutory sector. This finding has been recently endorsed by the Chief Inspector in his report covering the period 2006-2008. The Chief Inspector's Report states at paragraph 63:

'There is some variation in the overall effectiveness across the types of pre-school provision. The highest and most consistent quality is in the nursery schools, where over one-half of provision is judged to be outstanding. In nursery units just under one-half of the provision ranges in quality from very good to outstanding; in the voluntary/private centres it is just over one-third.'

The significant difference in performance, identified by the Chief Inspector, is clearly explained by the fact that preschool provision in the statutory sector is led by professional teachers. Moreover, the Chief Inspector's findings echo those of the EPPE project. EPPE found that children who don't receive pre-school provision suffer in their development. Children who attend high-quality centres showed less anti-social and worrying behaviour and more independence when they started school. However, and very significantly, the EPPE research demonstrated that the biggest impact comes from having qualified teachers working with young children.

Turning to the special needs in the pre-school sector the Chief Inspector's report covering 2006 – 2008 states at paragraph 71 page 28:

'There has been a slight improvement in the quality of the provision made for special educational needs (SEN) over the reporting period

but much remains to be done. The provision remains much stronger in the statutory sector, which is reflective of the variation in the levels of training, available expertise and support and funding across pre-school settings.'

In light of the above analysis, the Council takes the view that Departmental policy regarding pre-school education has significant weaknesses. The policy recommendation in the current consultation that the non-statutory, voluntary and private early education settings in receipt of funding through the Pre-School Education Expansion Programme should also work within any revised framework is a worrying development. Special needs provision is a complex area that requires highly trained and professional teachers. The needs of pre-school children in general, and those with special educational needs in particular, can only be best provided for under the care and direction of qualified teachers who are provided with support and high quality continuing professional development. It is now well established that early diagnosis of special needs and early intervention can be very beneficial in term of educational and other forms of remediation. In this context, a high quality preschool sector staffed by highly skilled professional teachers should be given a higher priority within these policy proposals. Moreover, since the 'Hall4' development young children between 15 months and 4 years are no longer assessed as a matter of routine. As a consequence of this, many children now enter preschool settings with complex needs without prior assessments having been carried out. It, therefore, falls to the preschool sector to initiate assessments. While professional teachers in nursery schools are well placed to initiate these assessments it is unlikely that personnel within the private and voluntary sectors would have the necessary skills to do so. Furthermore, even in the context of teacher-led preschool provision, there will always be a need for interdisciplinary collaboration between teaching professionals and those with a medical and psychological/social services remit. However, as teachers in the nursery/preschool sector are not yet covered by C2k and it would be impossible for them to maintain and exchange the electronic- based records that effective collaboration will require. In light of this analysis, the Council cannot agree with the proposals, as they stand relating, to pre-school settings at Consultation point 4.

CONSULTATION POINT 5. PRIMARY AND POST-PRIMARY

Do you agree with the proposals relating to primary and post-primary?

The Council recognises many of the challenges facing teachers and schools as they respond to increasing numbers of pupils presenting with a wide range of complex special/additional educational needs. Indeed, the Chief Inspector's Report covering 2006-2008 recognised that 'mainstream schools require continuous support and advice if they are to meet adequately the learning needs of all of their pupils. They would benefit from working more with, and using the expertise of, special schools who continue to develop their level of skills and

experience in meeting a widening range of SEN' (Chief Inspector's Report 2006-2008 page 48, para 154).

The Council endorses the views of the Chief Inspector that schools need and are entitled to high quality support to enable them to build their capacity to provide for pupils' special/additional educational needs.

While the general policy outline in paragraphs 7.1 to 7.15 contains some positive aspirations there is a lack of detail on how teachers and schools will be supported to meet the challenges envisaged. Indeed, the tenor of the narrative again reinforces in the Council's mind that there is a fundamental imbalance in accountabilities inherent across the policy proposals as a whole. Moreover, the reference to the Jontiem World Conference that it is not our education systems that have a right to certain types of children; it is the school system that must adjust to meet the needs of all children, is to say the least platitudinous. The teaching profession in N. Ireland is well aware of its responsibilities and, indeed, the Council in its Code of Conduct and Professional Practice upholds the highest standards of conduct and practice, specifically.

Teachers will:

- maintain professional relationships with those pupils/learners entrusted to their care which respect the pupil/learner as a person and encourage growth and development;
- acknowledge and respect the uniqueness, individuality and specific needs of each pupil and thus provide appropriate learning experiences; and
- aim to motivate and inspire pupils with a view to helping each realise their potential.

(GTCNI Code of Values and Professional Practice)

The Council, therefore, takes the view that some fundamental questions regarding both primary and post-primary schools need to be addressed in particular:

1. Levels of resourcing including teacher planning and preparation time.
2. Variation in class sizes both within and across schools.
3. The higher number and sometimes 'critical mass' of pupils who present with special/additional needs in a small number of main stream schools.
4. The imbalance in accountabilities that run throughout these proposals.

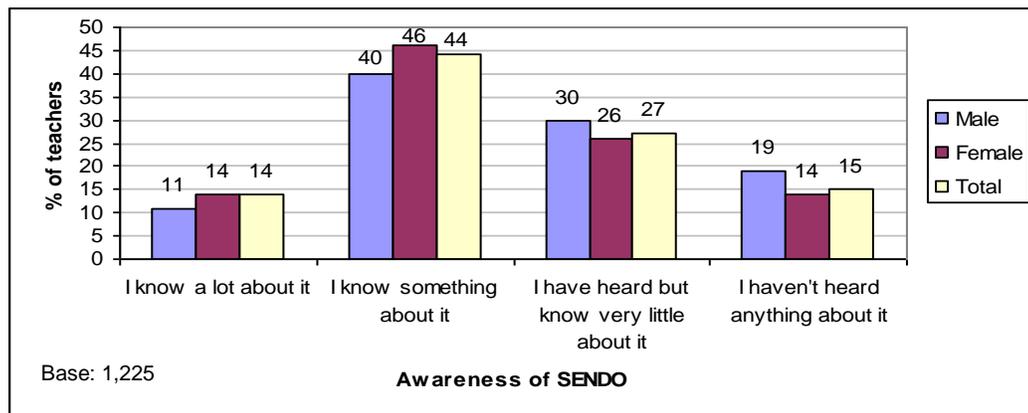
CONSULTATION POINT 6. TRAINING AND DEVELOPMENT

Do you agree with the proposals relating to training and development?

The Council has long advocated that high quality continuing professional development lies at the heart of any school improvement policy. Moreover, the very serious delay in publishing the Review of Teacher Education has been totally unacceptable to the profession at large in Northern Ireland. The Council can only hope that the policy proposals emanating from the protracted review are worth the wait!

With respect to SEN, the capacity of teachers and schools can only be maximised by appropriate professional development that builds on initial teacher education. Moreover and by way of example, the Council, in its 2007 Survey asked teachers a number of questions relating to their preparation for SENDO (The Special Educational Needs Disability Order) Teachers were asked to rate their level of agreement to a number of statements in relation to special educational needs. There were found to be statistically significant differences in the responses of male and female teachers, with significantly more male (19%) than female (14%) stating that they hadn't heard anything about SENDO. Cumulatively 51% of male and 60% of female teachers said they knew a lot or something about SENDO. These findings are illustrated in figure 1.

Figure 1 Awareness of the implications of SENDO (by gender)



Moreover, just less than one half of teachers (49%) stated that they had between 1 and 2 days training to prepare them to implement their responsibilities in relation to the Disability Discrimination Code of Practice for Schools. A slightly lower proportion (45%) of teachers had less than 1 days training and a small minority (3%) had between 3 to 4 days or 4 or more days training. These figures are illustrated in figure 2.

Duration of CPD Training

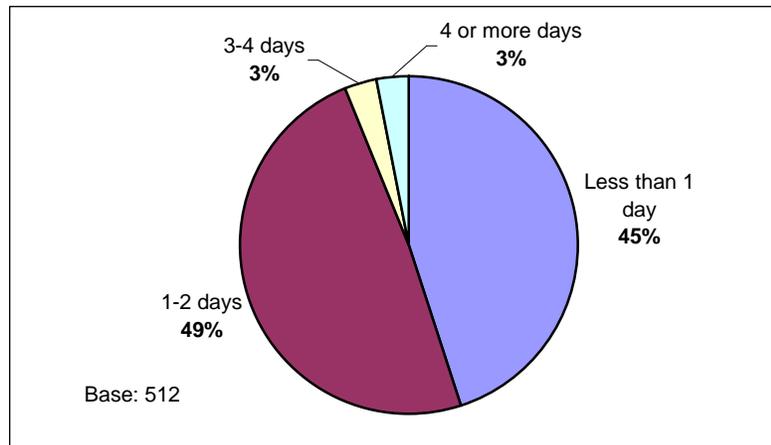
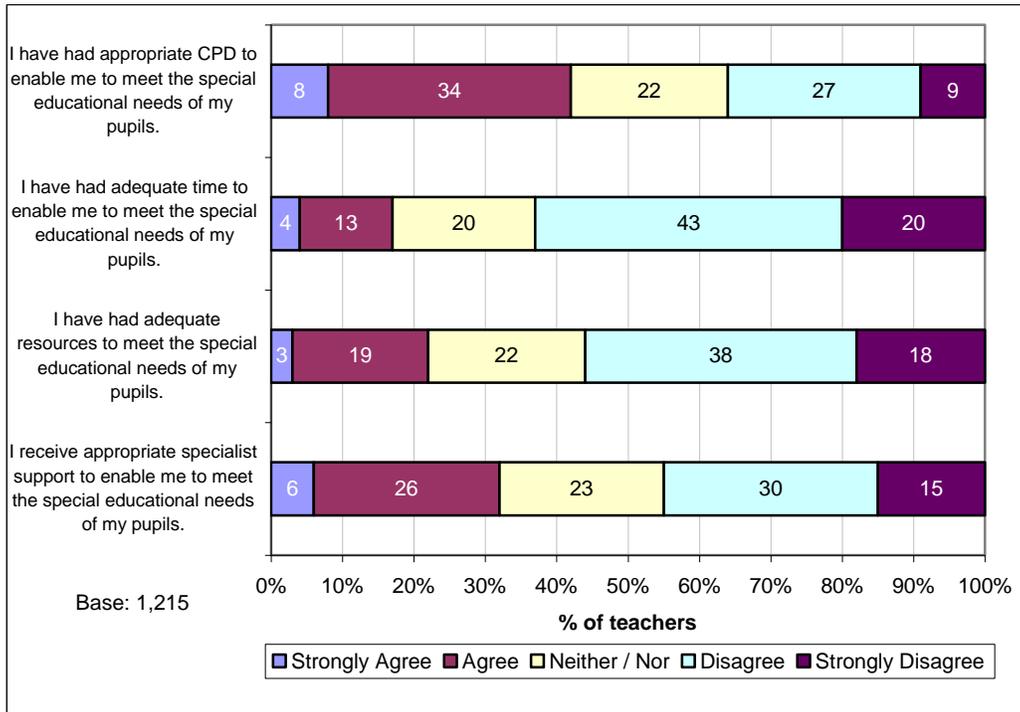


Figure 2

Furthermore, in its survey the Council asked a number of Likert scale questions in relation to how confident, effective and supported they felt in relation to Special Educational Needs. Referring to figure 3.

- 42% of teachers agreed or strongly agreed that they had appropriate CPD to enable them to meet the Special Educational Needs of their pupils. Over one-third (36%) of teachers disagreed or strongly disagreed with the statement, whilst just over one-fifth (22%) of teachers neither agreed nor disagreed;
- The majority of teachers disagreed or strongly disagreed that they had adequate time to enable them to meet the Special Educational Needs of their pupils (63%). Around one-sixth (17%) of teachers agreed or strongly agreed with this statement, whilst one-fifth (20%) of teachers neither agreed nor disagreed;
- Similarly, the majority of teachers (56%) disagreed or strongly disagreed that they had adequate resources to meet the Special Educational Needs of their pupils. Just over one-fifth (22%) of teachers agreed or strongly agreed with this proposition (22%) neither agreeing or disagreeing; and
- Less than one-third (32%) of teachers agreed or strongly agreed they had appropriate specialist support to meet the Special Educational Needs of their pupils. 45% of teachers disagreed or strongly disagreed with this statement, while 23% neither agreed nor disagreed.

Figure 3: Dealing with Special Education Needs responsibilities



This evidence from the Council’s survey is indicative of the challenges ahead in building teacher and school capacity to cater for the special/additional educational needs of their pupils. The whole of the proposed policy framework is predicated on the capacity of teachers and schools to meet the challenges ahead. The evidence from the GTCNI survey calls into question whether the support systems will be able to support teachers in this endeavour and this will be particularly acute in the diagnosis of complex needs as opposed to low level assessments (for the full survey details see GTCNI Survey of Teachers 2006).

Furthermore, the Council is also somewhat surprised by the assertion in paragraph 8.3 page 22. The authors of the consultation should have been already aware that the GTCNI competence framework places a responsibility on initial teacher education providers to ensure that beginning teachers are adequately prepared for their professional responsibilities in relation to special needs.

In conclusion, the lack of specifics and guarantees of support for teachers is very worrying and the Department is asked to provide a more thorough analysis of what is required as a consequence of its policy recommendations.

CONSULTATION POINT 7. LEARNING SUPPORT CO-ORDINATORS

Do you agree with the proposals relating to Learning Support Co-ordinators?

Paragraph 9.1 recognises many of the challenges faced by teachers in fulfilling the role of SENCO and the policy proposals to reconfigure this role as Learning Support Co-ordinator (LSC) is a serious attempt to deal with the issues identified. Indeed, the Council's own focus group of SENCOs identified similar challenges and obstacles facing SENCOs. There is no doubt that SENCOs perform a difficult and complex role and it is essential that they are supported by a clear career structure and continuing professional development. The Council notes with interest the intention to develop an accredited professional qualification in this area and would ask the Department to ensure that the remit of the GTCNI, as the professional regulatory body for teachers, is respected in this area.

The practical difficulties facing small schools have also been highlighted and the Council looks forward to seeing what support and co-ordination arrangements are put in place for such schools including the nursery/preschool sector.

CONSULTATION POINT 8. CO-ORDINATED SUPPORT PLANS

Do you agree with the proposals relating to Co-ordinated Support Plans (CSP)?

This proposal is probably one of the most radical in the current consultation. The Council fully recognises many of the issues associated with the traditional statementing procedures and the associated bureaucracy and costs. It would also exhort the Department to carefully examine the situation in Scotland. Since the 2004 Education Act, the term 'Special Education Needs' is no longer used. Moreover, the Scottish equivalent of the Statement, the Record of Needs, has been abolished. It would be interesting to know if the Scottish system is proving financially viable and what lessons, if any, can be learned.

Turning to the specifics of the proposal on Co-ordinated Support Plans and the plan to move away from the current statutory annual review, the Council, while understanding the sentiment behind the proposal, is concerned about its implications. The annual review provided a useful summative focus for reviewing a child's progress and future needs. Furthermore, one of the advantages of statements, however much the process was flawed, was that they carried with them a quantum of support and resources. There is an inherent danger that the proposals surrounding Co-ordinated Support Plans could become an excuse for cost-cutting and placing additional burdens on teachers and schools. Moreover, the imbalance of accountabilities between DE/ESA and schools is also a concern with these proposals. Furthermore, the requirement that schools will continue

with Personal Learning Plans is indicative that the bureaucratic burden on schools and teachers will remain and possibly increase.

CONSULTATION POINT 9. TRANSITION POINTS

Do you agree with the proposals relating to transition points?

In general, this recommendation is laudable and outlines ideal practice. However achieving ideal practice will not be cost neutral. The levels of personal one-to-one support required will be labour intensive and it will only be this one-to-one support that will achieve the objectives of the recommendation.

As stated earlier, the Council has expressed concerns about the overall consultations recommendation for voluntary and private pre-school settings. This is once again raised with regard to the proposal that schools will need to liaise with voluntary and private pre-school settings on pupil assessment information. While the Council can have confidence in the professional competence of qualified teachers' abilities to carry out pupil assessments in the statutory pre-school sector, it is not assured that the same level of expertise is available in voluntary and private settings.

However, the Council is supportive of the general recommendations to support children with additional educational needs in particular:

- the appointment of Transition Co-ordinator; and
- restructuring of DEL Career Services to focus, as a priority, on young people aged 14-19 with statements by appointing careers managers and specialist careers advisors.

However, this recommendation from the Inter Departmental Working Group (IDG) will be here to be reviewed in light of the recommendations in this consultation on statementing. Moreover, the proposal in paragraph 11.7 page 29 that, in addition to those with CPSs any pupil with SEN should have the opportunity to access the Transition Support Service is laudable but certainly not cost neutral. Furthermore, the Council would be concerned if any reprioritisation of careers support in schools would lead to less effective support for the generality of children and young people.

CONSULTATION POINT 10. DEVELOPING EFFECTIVE PARTNERSHIPS

Do you agree with the proposals relation to the development of effective partnerships?

(a) within school and pre-school settings:

In general, the Council is supportive of this recommendation notwithstanding the barriers to its effective implementation. Indeed, the recommendations are compatible with the Council's own Code of Values and Professional Practice (see commitment to colleagues and others).

The Council fully recognises that special/additional education can only be effectively met by collaborative working between schools and other support agencies. This is particularly important as the presenting needs become more complex. It must also be emphasised that the nursery /preschool sector has an important role to play in establishing and contributing to these collaborative arrangements.

However, the Council is concerned the Department through the ESA might attempt to micro manage learning communities and collaborative working. This concern is evidenced by the statement at paragraph 12.5 page 31 in that it is proposed that the Senior Management Team incorporate any targeted area of external support into their school development plans (SDP). The Council would suggest that this should be a matter of judgement for schools' SMTs. The ESA will also have to establish relationships with Boards of Governors that reflect and respect their respective roles.

Do you agree with the proposals relating to the development of effective partnerships?

(b) Across educational settings and learning communities:

Again, these proposals are generally welcomed notwithstanding the complex administrative issues that arise. However, the Council would require that in any collaborative or interprofessional working that the primacy of the teacher in all matters relating to teaching and learning is recognised. That said, the Council also recognises the primacy of other professionals within their own area of expertise.

The Council also welcomes the recognition given to the role of special schools in learning communities and would argue that their expertise needs to be maximised. Furthermore, the proposal to incentivise collaborative working relationships is a move in the right direction.

Do you agree with the proposals relating to the development of effective partnerships?

(c) Between mainstream and special schools:

This is a very welcome recommendation and the Council supports it wholeheartedly. Moreover, the proposal that opportunities should be created for special schools to achieve recognition as centres of expertise within learning communities and, possibly on a regional wide basis in the provision of specialist

outreach and training services is very much in keeping with the Council's espousal of dynamic professional communities.

However, the Council is aware of policy developments in other UK jurisdictions on the role of special schools. Indeed, Baroness Mary Warnock in her 2006 lecture to the General Teaching Council of Wales applauded the idea of enabling special schools to become 'specialist' whether in particular areas of disability or indeed, as do mainstream schools, in particular curriculum areas. Remarking on this development Baroness Warnock stated:

'This in itself is a welcome move from the lumping together of all SEN children as of one kind. They not only educate children with these disabilities who are lucky enough to live in their area, but also send out teachers to share their expertise, presumably with the mainstream teachers and classroom assistants who are called on to accommodate pupils with these disabilities in their own schools' (GTCW Annual Lecture 2006).

The development outlined above and the philosophy underpinning it is innovative and far reaching. The Council would urge the Department to review these developments and their potential application to Northern Ireland.

Do you agree with the proposals relating to the development of effective partnerships?

(d) Between Education and Health and Social Care (e.g. Education and skills Authority and proposed Regional Health Boards):

This is a significant proposal and, if achieved in practice, it would lead to a significant improvement to the current position where structural barriers may become blockages to meeting children's needs effectively. Moreover, the Council notes with interest that the consultation identified the challenges faced by professionals in both the education and health and social care sectors in working together to meet the needs children who face barriers to learning. For its part, the Council looks forward to opening up discussions with professional bodies in health and social care sectors to examine ways in which our respective professionals can work together more effectively. It must also be remembered that this collaborative approach will have implications for early professional education across a range of professions.

The Council acknowledges the proposed 'team around the child' approach but hopes that policy planners fully understand the resource implications of this for teachers and schools. Inter-professional working will be time intensive and this will be particularly acute in school-based situations.

The Council acknowledges that there will be a need for increased standardisation of information systems to better support collaboration between various

professional but notes that the historical record suggests that this is easier said than done!

Do you agree with the proposal relating to the development of effective partnerships?

(e) Between the Department of Education (DE) and the Department of Employment and Learning (DEL).

The Council would argue that this should be taken as a sine qua non for all effective educational policy development in Northern Ireland. However, the aspiration is often not realised in practice and the potential for bureaucratic drag and its negative impact on education policy is, unfortunately, a fact of life here.

Do you agree with the proposals relating to the development of effective partnerships?

(f) Through the establishment of multi-disciplinary groups

This proposal is very much in keeping with the concept of 'the team around the child', which is a welcome. However, the role and remit of multi-disciplinary groups, as outlined in the proposals, is a cause of concern. As envisaged, the multi-disciplinary groups will have a supporting and accountability role in their relationships with schools. This response has referred earlier to the imbalance of accountabilities inherent throughout this consultation and the 'challenge' function of the proposed multi-disciplinary groups is another example of this. Furthermore, as described, multi-disciplinary groups effectively become gatekeepers to statutory assessment which may lead to the provision of a co-ordinated support plan and the accompanying resources. It is, therefore, not possible for the Council, in the absence for further detailed planning proposal, to support the role and remit of multi-disciplinary groups at this juncture. While the concept 'team around the child' is laudable the mechanisms to make this happen are not developed well in this particular proposal.

Do you agree with the proposals relating to the development of effective partnerships?

(g) With parents and carers

The Council acknowledges that it is best practice when professionals work closely with parents and carers. Indeed, this is covered in the Council's Code of Practice which states that teachers will:

'Ensure that relationships with parents guardians or carers of pupils, in their capacity as partners in the education process, are characterised by respect and trust'.

Do you agree with the proposals relating to the development of effective partnerships?

(h) With children and young people

The Council supports the United Nations Convention on the Rights of the Child and suggests that all policy developments relating to children and young people should take cognisance of it. Furthermore, the Council is aware of recent research carried out by Lundy and McEvoy at QUB 'Developing outcomes for educational services: a children's rights-based approach' (2009) and would suggest that the observations these authors may need to be considered as part of the current consultation exercise.

Do you agree with the proposals relating to the development of effective partnerships?

(i) With voluntary organisations

This is a sensible proposal and it may well help the overall system raise its capacity for supporting pupils with special/additional educational needs. However, it is essential that the Department draws a clear distinction between legitimate voluntary groups that support children and young people from those groups which are better described as pressure groups.

CONSULTATION POINT 11. OUTWORKING OF THE PROPOSED MODEL

Do you agree with the replacement of the sequential stages of 1- 5 of the current CoP by the proposed 3 strand model (within school, within school plus External Support, Co-ordinated Support Plans)?

This recommendation is far reaching and its impact on teachers and schools will be profound. This will be particularly the case in those schools that have traditionally attracted large members of pupils with special/additional educational needs.

The Council is also concerned by the tone of the paragraphs 13.2 and 13.3 with phrases such as '...provision they will be expected to deliver' and 'it will be important that schools should not assume that an increase in a child's level of need, or time within a school necessarily, calls for increased level of resource...' The Council would argue that if the Department of Education is seriously concerned about improving the overall provision for pupils with special/additional educational needs then a much more resourced and justified rationale for the

new model should be made. Moreover, this policy recommendation again reflects the imbalance in accountabilities manifest throughout this consultation. The Council, therefore, has to ask the hard question as to how much are these proposals concerned with improvements to special needs provision and how much are they concerned with capping budgets and limiting resources.

There is no clear educational rationale for the proposed new model and, in the absence of this, the Council has grave reservations about both its manifest and latent objectives and, as a consequence, the recommended model cannot be supported at this stage.

CONSULTATION POINT 12. RESOLUTION AND APPEAL MECHANISM

Do you agree that the current informal appeal, dispute avoidance and resolution and formal appeal arrangements (SENDIST) for children with SEN should remain unchanged?

The Council noted the conclusion of the ETI in its 2008 'Survey on Dispute Avoidance and Resolution Service which states'

'Overall, DARS is a functional and credible resolution service which is managed efficiently and effectively. A majority of the cases referred to the service are facilitated successfully to find a resolution to disputes while a small minority remain unsolved for a variety of reasons, not least an unwillingness or inability to compromise because of policy or legislative constraints or to focus singularly on the needs of the child'.

The Council accepts that both DARS and SENDIST will have to modify their respective processes and remits if the recommendations in this consultation come into effect.

CONSULTATION POINT 13. FUNDING

Do you agree with the proposals relating to funding?

One of the main problems associated with special needs funding is that provision is demand driven within a limited budgetary capacity to meet potential demands. This is a complex area and the Council recognised that the current review of the Common Funding Formula will as the consultation documents states:

'need to ensure that the SEN and Inclusion Reviews informs and supports the ongoing work to refine the current formula funding arrangements to ensure the formula is able to reflect emerging policy developments' (paragraph 15.1 page 47).

The Council is also concerned that the Department's views on making generalised SEN Funding available to all schools are an overly simplistic approach. If it is accepted that there is a correlation between social deprivation and issues such as family breakdown, unemployment etc and concentrations of pupils with additional /special needs in certain schools a 'crude' undifferentiated approach to funding must be avoided.

In respect of the funding of special schools and outreach services, the consultation needs to provide much greater clarity. It is essential that any revised arrangements provide for flexibility to enable outreach services and special schools to respond quickly to fluctuations in demand. Indeed, there may well be merit in funding places as opposed to actual numbers. Many placements/demand for outreach services are short term so a simple pupil census approach would not work.

CONSULTATION POINT 14. MONITORING, REVIEW, EVALUATION AND ACCOUNTABILITY

Do you agree with the proposals relating to monitoring, review, evaluation and accountability?

The Council, on behalf of the teaching profession, fully accepts the importance of appropriate accountability. Moreover, accountability and planning must be based on reliable evidence and any move towards improving the existing Education Management System (EMS) is to be welcomed.

The Council notes with interest the statement in paragraph 16.1 that 'these proposals are therefore based on the premise of increased accountability at all levels'. However, as noted throughout this response, the Council would argue that there is an imbalance in accountabilities and often only vague promises of extra resources to schools. Moreover, the consultation hasn't set out in any detail how the capacities of teachers and schools are to be maximised. In this context, the Council calls upon the Department to clarify and rebalance the accountabilities. The Department also need to provide much more detail on how it intends to increase schools' capacities to respond to the responsibilities arising out of these proposals. Moreover, there is also a danger that the Education and Skills Authority (ESA). may take some considerable time to bed down as an effective support service. Indeed, there is also a possibility that, in the short to medium term, the ESA will be more concerned with developing its own internal structures and process rather than supporting front line services.

CONSULTATION POINT 15. ROLES AND RESPONSIBILITIES

Do you agree with the proposals relating to the roles and responsibilities for?

(a) The Department of Education (DE)

The Council recognises that under political control, the Department is responsible for strategic policy development in Northern Ireland. That said, Ministers and Civil Servants must accept ultimate responsibility for special educational needs and inclusion and, in the current consultation it is not clear how ministers and civil servants will be held to account. Therefore, the role and remit of the Assembly and the Assembly's Education Committee need to be detailed as part of the overall accountability framework.

(b) The proposed Education and Skills Authority (ESA)

The Council has earlier expressed concerns and reservations as to whether in the short to medium term the ESA will be fully functioning as a support body for schools and teachers. As of yet, it has no record in supporting schools and there is a danger that it may become inward looking mainly concerned with its own structures and processes rather than with providing support to schools. Moreover, it is unclear from the consultation what degree or risk in relation to the overall proposals will be carried by the ESA.

(c) The Department of Health, Social Services and Public Safety (DHSSPS)

The Council accepts that proposed collaborative working between the various Government departments are a positive development. However, unfortunately, this remains an aspiration rather than a reality on the ground. The Council is aware of research carried out in Queens University, Belfast 'Competition or Collaboration. A critique of multi agency working in Northern Ireland to meet the needs of young people at risk of exclusion from mainstream schooling' (Carlisle, K. Gallagher, T. Kilpatrick, R. and Daniels, H. 2008) which emphasised that:

'Organisational structures traditionally encourage specialisation and 'silo thinking', so effective joined up practice may require specific policy pressure.'

The research went on to note that:

'While most respondents agree that inter-agency working was a good idea, most also agreed currently that it was limited'.

The Council, can only conclude that the basis for collaborative working which is fundamental to these policy proposals will be tested by the reality on the ground. Moreover, it is within this reality that schools and teachers are to be held accountable if these policy recommendations are implemented.

(d) Multi- disciplinary Groups (MG)

The Council has earlier expressed some concerns about the role and remit of these groups. Notwithstanding the expertise that multi-disciplinary working can bring to meeting children's needs, there appears to be a contradictory role for MG's. On the one hand they are envisaged to have been an accountability remit and somewhat to a lesser extent a supportive role.

(e) mainstream schools and other educational establishments.

As stated earlier, the whole thrust of these policy recommendations is to place maximum responsibility and accountability on schools and teachers. However, paragraphs 17.9 to 17.16 suggest that schools are going to be micro-managed in discharging their responsibilities by DE/ESA/ETI. The Council accepts that appropriate accountability is important but it is not convinced that enough support and resource guarantees have been given to teachers and schools as part of this consultation. The Council, therefore, calls on the Department, as a matter of urgency to review the accountability and support structures and processes that underpin these policy proposals. Schools and teachers need more explicit guarantees that capacity building in respect of these proposals will be of sufficient quality to enable them to move forward with confidence in the direction outlined.

(f) the Education and Training Inspectorate (ETI)

The roles and responsibilities for the ETI are appropriate.

(g) Children's Services Directors

The Council's earlier reservations about the ESA generally apply to the Children's Services Directors.

CONSULTATION POINT 16. PROPOSED PHASED INTRODUCTION OF THE POLICY.

Do you agree with the proposed phased introduction of the proposals?

The Council has grave reservations about the timetable for the policy implementation. As noted earlier, the review was initiated in April 2006 some three and a half years ago but yet there appear to be undue haste to implement the policy recommendations by 2010/2011 at a time when schools are

facing unprecedented changes and challenges. The Council has expressed many concerns in this response most notably around capacity in schools to take ownership of these responsibilities and the imbalance in accountabilities explicit in the policy recommendations. Furthermore, the Council notes that the Minister in her foreword states that:

“While some of the members of the Executive have concerns about aspects of the recommendations from the review, we have agreed to allow these proposals to be published for consultation in their entirety”.

The Council, too, has significant reservations and it now calls on the Department to take stock as to where these proposals could potentially position teachers and schools as they attempt to meet the needs of children and young people with special educational needs which must be a primary focus of attention.

2.0 Conclusion

2.1 The Council recognises and appreciates the expertise that many colleagues in the wider education service have made in helping to draw up these policy proposals. It also recognises that there are many areas within the current arrangements and modes of provision that need to be improved. Moreover, the Council fully recognises the pre-eminent role that teachers and schools will have to play. However, special educational needs provision is complex and resource intensive. It is, therefore, essential that the implications of these policy proposals for schools and teachers are critically evaluated in order to ensure that special educational provision is indeed set within a overall policy framework of ‘Every School a Good School’. It is imperative that schools and teachers are not put into a position in which they lack the capacity and support necessary to enable them to provide for all children with additional educational needs.

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