

into



Irish National Teachers' Organisation
Cumann Múinteoirí Éireann

Response by

The Irish National Teachers' Organisation (INTO)

To

Special Educational Needs and Disability (SEND) Bill

The Irish National Teachers' Organisation (INTO) is the largest teachers' union on the island of Ireland. The Organisation presently represents over 40,000 teachers, principals and vice-principals, with over 7,000 members in schools in the north of Ireland.

As an organisation INTO has always been strategically involved in the development of a strong and effective educational service in Ireland. Throughout this engagement the issues surrounding children with special educational needs is viewed as a priority.

It is widely accepted that the performance of an education system cannot exceed the quality of the teachers. This concept is particularly true in the area of SEN

INTO has been actively involved in all stages of the Review of SEN and Inclusion since it was launched in 2006 we have been very supportive of the initial aims to:

- Reduce bureaucracy;
- Improve early identification and intervention;
- Develop Inclusion and Capacity Building.

INTO is underwhelmed by the content of The Bill. It falls significantly short of the vision set out in The Review and the work undertaken by the focus groups. There is very little in The Bill to assist teachers in their efforts to ensure that all of their pupils have the opportunity to develop to their full potential. It fails to place the pupil at the centre and continues to be driven by the needs of the system rather than pupils. The emphasis is placed on increasing levels of responsibility on Boards of Governors, Principals and Teachers without providing the same commitment to ensure appropriate support and resources. We welcome the recognition of the rights of the child to challenge the provisions made to meet their needs.

This Bill is defined by what it fails to address, these failings fall into seven key areas:

1. It is silent on how Inclusion can be promoted, funded and monitored;
2. It fails to ensure meaningful cooperation between Education and Health and Social Care;
3. It offers no solution to the unsustainable levels of bureaucracy;
4. It does not provide teachers with access to support and advice;
5. The importance of pre-school in ensuring early identification and intervention is ignored;
6. The future of the formal Statementing and Review Process is not include;
7. The opportunity to enhance the role of Special Schools as potential centres of excellence has been squandered.

Duties on the Education Authority (EA) and Boards of Governors (BoG)

Clause 1

We welcome the requirement of the EA and BoGs to have regard to the views of the child.

INTO recommends:

- That this requirement should include the recognition that the level of participation in decision making must be appropriate to the child's level of cognitive ability and maturity.

Clause 2

We welcome the requirement on the EA to devise and publish a plan of arrangements for special educational provision. The effectiveness of this process is limited by the fact that there is no mechanism for stakeholders to hold the EA to account for the diversity, suitability or effectiveness of the plan. Meaningful engagement with stakeholders should be underpinned in legislation rather than regulation. There is also a need to sequence the development of a plan with the academic year.

INTO recommends:

- That there is a requirement for EA to consult with all recognised educational stakeholders (4);
- EA be required to notify all stakeholders when a new plan is published (6);
- The publication date should be no later than 31st May (5);
- The plan should include details of inter-departmental working;
- The review should include data about the levels of inter-departmental provision requested and met.

Currently access to additional SEN support and resources is shrouded in mystery and a mountain of paperwork and a complex chain of diversionary waiting lists.

A teacher can only access Capacity building at the discretion of the school. CPD is often linked to the school development plan rather than the individual needs of staff members.

INTO recommends:

- That the provision of resources and support are subjected to increased transparency and accountability so that teachers, schools and parents can discover the types of support and resources available and the thresholds that have to be passed to access them;
- Teachers have independent access to CPD based upon their requirements.

Duties of Boards of Governors

Clause 3

This clause generates some concerns for this organisation, particularly the requirement on BoGs to ensure that every pupil on the SEN Register has a Personal Learning Plan. This requirement is premature when the issue of the effectiveness and workload associated with IEPs and Annual Reviews remains unresolved. The process related to IEPs is viewed by many teachers as a paper exercise. Time and resources are required to ensure that the IEP can be drafted collaboratively, implemented effectively and reviewed meaningfully. This bill does not ensure that the appropriate time and resources are provided. A legislative based PLP will in our view compound this problem. This case for PLPs in our view has not been made. Best practice indicates that any such changes are based upon pedagogical development rather than administrative expediency. The message to teachers is again unbalanced as this bill contains no safeguards to assist the teacher with access to CPD or specialist support.

The role of the Learning Support Coordinator is central if the policy is to be translated into a practice at classroom level. This role requires the ability to make decisions about resources and staff and cannot be undertaken outside of the Senior Management Team. Placement in Senior Management Team will help to secure a career path and status for the post. INTO welcomes the recognition that LSC should be appropriately qualified and have access to CPD. We do not agree that the qualifications should be prescribed as this may discourage wider academic study.

The recommendations with regard to Special Schools are inappropriate. All teachers in Special Schools are involved in managing complex needs on a daily basis. Each team develops their own areas of expertise. An individual teacher coordinating provision would not be a priority of need within Special School settings. It would be unmanageable due to the levels and diverse range of complexities.

INTO recommends:

- Personal Learning Plans are not included in legislation at this stage;
- Requirement on BoG to take reasonable steps to ensure teachers have access to appropriate levels of support and Continuous Professional Development;
- The Learning Support coordinator has access to designated training and time to complete duties in line with the Workload Agreement;
- The learning Support Coordinator is a member of the Senior Management Team;
- The learning Support Coordinator should have SEN qualifications;
- Learning Support Coordinators are appointed in Special Schools at the discretion of the BoGs.

Duty to request help from Health and Social Care bodies

INTO notes that the duty is changed from 'may request' to 'shall request' with regard to accessing support and resources from the health and social care board. This key part of the bill undermines the attempt to put the child at the centre of provision. Children need access to holistic support. Access to academic progress is often intrinsically linked to services provided by HSCT eg Speech and Language Occupational Therapy, Sensory Support.

INTO recommends:

- That an accountability mechanism be required to demonstrate levels of support available between EA and HSCT and the correlation between support requested and support provided;
- Requirement to develop multi-disciplinary teams;
- Processes/systems of referral to multi-disciplinary teams clarified in regulation.

Clause 5

INTO notes the reduction in the timescale for making a Statement from 29 to 22 days. We recognise that this is designed to speed up the process for the pupils, our concerns are two-fold. The shortened timeframe may make it difficult for parents who wish to access expert advice and support. The timeframes may also cause difficulties for schools who with tightening budgets will struggle to provide cover for staff required for meetings. The flexibility to progress to the next stage with the consent of the parents during consultation phase is positive. This flexibility should not deny the school appropriate time frames to develop their own responses.

INTO recommends:

- Flexibility to allow parents to extend the timescale in complex circumstances;
- The time frame to be specified as 22 working days.

Mediation in connection with appeals

Clause 8

Clarification is required as to who pays for the proposed mediation service and if there are any limitations to access.

The use of the term Mediation Advisor is confusing as it implies a dual role. Mediation is vulnerable to trust issues and the role of advisor should be separated from the role of

mediator. The denial of a right of appeal with regard to the 'type' of school could deny the parents the right to specify that a special school setting is the most appropriate placement for their child.

INTO recommends:

- The mediation advisor should be renamed as Appeals Advisor;
- The mediator should be required to have a strong grounding in education;
- Requirement to undertake regular review of the appeals mechanisms with all educational stakeholders.

Rights of the child over compulsory school age in relation to special educational provision

Clause 9 and 10

INTO welcomes the recognition of the anomaly that exists for this group of pupils as they transition into adulthood. It is unclear if these protections will extend to pupils with special needs in mainstream schools. We feel to ensure that these rights are protected by regulations that include the directive 'shall' rather than 'may'. The harmonisation of school leaving age and the school year for pupils in special schools who reach their 19th birthday is a sensible adjustment. The bill should extend these protections to pupils with SEN accessing education in mainstream. Currently many children fail to access education post 16 due to academic entrance criteria to post 16 courses in mainstream schools.

INTO recommends:

- Pupils post 16 have the same entitlements and protections in mainstream and Special Schools.

Appeals and claims by children – Pilot scheme

Clause 11 and 12

It is unclear why the details of a pilot scheme is included in a Bill. It also appears inappropriate that the pupils at post 16 phase are excluded from the scheme.

INTO recommends:

- The pilot scheme is removed from the Bill.

A decade has passed since the Review of SEN and Inclusion was initiated. A child who entered Statutory Education at the start of this process is now entering the final stages of Statutory Education. As a result of this Bill a child experiencing SEN will have a voice, however this Bill will not improve the experience that they have travelling through the

System. INTO would strongly urge the Education Committee to put forward amendments that will give this Bill the strength to make a real difference in schools. Our pupils deserve more than the voice this Bill provides. INTO would be willing to meet with the Committee to discuss our recommendations further.