

Written evidence submitted by SEN Reform NI, relating to the funding and delivery of public services in Northern Ireland inquiry (FPC0034)

On behalf of SEN Reform NI, and for consideration within the Committee's inquiry into the funding of public services in Northern Ireland, I am writing to present written evidence concerning the **deepening crisis in special educational needs (SEN) provision that is affecting our children**, precipitated by recent budgetary cuts. As parents, we are deeply concerned with the lack of Executive oversight, and lack of accountability, regarding the substandard SEN education system in Northern Ireland. It's particularly distressing to witness **the Education Authority's consistent inability to fulfill the statutory requirements for children with SEN**, especially when such neglect goes unchallenged. This oversight is not only a dereliction of duty but also jeopardises the well-being and future of our most vulnerable children.

Who we are: Established in June 2023 as a direct result of the current crisis, **SEN Reform NI is a parent and carer-led advocacy group** dedicated to protecting the educational rights of children with SEN. Our mission is to champion the overhaul of the SEN system in NI, a system independently deemed as inadequate, and to actively resist further funding reductions. Presently, we voice the concerns of over 800 families with children with SEN. Our petition (www.change.org/p/sen-reform-for-northern-ireland), urging the reversal of 2023/24 SEN-related budget reductions and a comprehensive overhaul of the SEN system in NI, has garnered over 15,000 signatures to date, underlining the gravity of the public concern.

As of July 26th 2023, 149 children with SEN statements, many of whom have complex learning needs, have yet to be allocated school placements, as reported by [ITV News](#). Such a figure is unparalleled. This, combined with a rise in instances where children with SEN are reportedly placed in inappropriate educational settings which do not comply with their legally stipulated needs, underscores the pressing nature of the situation.

We provide the subsequent evidence to underscore the gravity of the current crisis and demonstrate the biased impact these budgets are inflicting on children with SEN. We believe this information addresses the following terms of reference from the funding inquiry:

- the impact of the lack of a functioning Executive on budgetary management and strategic decision-making across Northern Ireland Departments;
- the financial situation facing Northern Ireland's public services, including the police, health, education and children's social care, and the consequences of budgetary pressures on the delivery of those public services.

1. SEN crisis: context and consequences of budgetary pressures

- *Legacy issues:* The SEN system in Northern Ireland has long been approaching its tipping point, as underscored by multiple independent reviews.
- A pivotal report released by the Northern Ireland Audit Office in 2020, titled '[Impact Review of Special Educational Needs](#)' emphasised that 'there is a need for an urgent

overhaul of the SEN policies, processes and procedures” (p.3) and that ‘the current funding of SEN services is not financially sustainable’ (p.4).

- In 2020, another critical review, "[Too Little, Too Late](#)," was released by the NI Commissioner for Children and Young People (NICCY). This analysis similarly highlighted a SEN system that is exceedingly strained, grappling with the profound challenges of catering to the increasing needs and multifaceted learning challenges presented by children (p.7).
- The Public Accounts Committee’s '[Report on Impact Review of Special Educational Needs](#)' (2021) concluded that ‘there has been a culture within the EA (Education Authority) 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’ (p.6).
- Further evidence of the systemic inadequacies within the SEN framework was provided by the '[Independent Review of Special Educational Needs Services and Processes](#)' conducted by Ipsos in 2023 on behalf of the Department of Education Northern Ireland (DENI). One of the most striking revelations of this report was the prevailing sense of dissatisfaction and disillusionment among both educational professionals and parents. The report lamented the evident stasis, particularly emphasising the lack of tangible change (p.153). Moreover, it issued an urgent recommendation for DENI, suggesting the formulation of a strategic action plan to outline transformative measures for SEN, within a year (p.156).

In essence, the combined findings of the reports highlight a trio of urgent concerns:

1. The existing system's failure to adequately address the educational requirements of children with SEN.
 2. The financial unsustainability of the current provision model.
 3. The urgent requirement for reform of the SEN system in Northern Ireland to prevent total collapse.
- *The enhancement of the crisis due to 2023/24 budget cuts:* On the backdrop of this already precarious situation, budget cuts to the provision of SEN was imposed by DENI as a direct result of 2023/24 budget. The 2023 report entitled '[The consequences of the cuts to education for children and young people in Northern Ireland](#)', authored by leading UK academics, in response to the impending cuts warned of the alarming consequences. The report highlights **‘the short-term savings which are made by cutting programmes to tackle educational disadvantage are likely to be dwarfed by the costs which will be generated in the long run’** (p.7) and recommends “ending the reliance on civil servants to make policy decisions, reversing the cuts that have already been made, halting further cuts and urging those in public office to provide enhanced protection for section 75 groups’ (p.7) The report expressed grave concerns that the current special school sector in NI, already operating at its limits, will be unable to cater to an additional 853 children with severe learning difficulties expected to need special school placements come September 2023. This influx necessitates the establishment of 140 more special school classes across an existing network of 39 special schools (p.44).
 - *Current status:* In summer 2023, the SEN system evidently reached its breaking point. This is particularly evident at early years education stage with unprecedented numbers of children with SEN are without appropriate school places for the upcoming academic year.

This has been widely reported by media outlets including [BBC News](#), [ITV News](#), [Belfast Telegraph](#) and [Belfast Live](#) citing individual and collective cases of families across Northern Ireland whose children cannot access the special educational needs system.

- *An Illustration of the Present Crisis:* The predicament faced by 52 children, that attended the **Mencap Early Learning Centre in Belfast**, and are due to start pre-school in September 2023 is illustrative of the growing crisis. From a pool of over 120 applicants, these 52 children were pinpointed as having the most pressing need for intervention, their requirements having been noted by the Health Service as far back as 2019. By September 2022, the Education Authority (EA) was made aware, with some of these children initiating their statement processes around that time. Contrary to the EA representatives' promises delivered in a November 2022 information session at Mencap—that no child from the preceding year went without a pre-school placement—the situation as of 26th June 2023 was starkly different. **Of the 52 children associated with the centre, a staggering 47 lacked a placement.** As of 27th August 2023, we believe approximately half have since received offers, leaving the rest still waiting, despite having well exceeded the statutory 26-week limit on finalising statementing and the school term due to begin in one's week time.
- *The lived experience of affected families:* Through our SEN Reform NI Facebook support group, we have been inundated with expressions of distress from scores of parents across NI whose SEN children are without school placements as of 30th August 2023. These narratives draw a consistent and troubling picture of the trials countless families are grappling with across Northern Ireland. Recurrent themes, distressingly consistent, highlight the far-reaching impact of these challenges:

For Parents:

- **Mental Health:** The emotional toll on parents is immeasurable. The daily struggles, the constant advocacy, and the weight of uncertainty aggravate stress, anxiety, and sometimes even depression.
- **Financial Strain:** Many families are grappling with unforeseen costs – be it for private therapies, tutors, or simply the day-to-day added expenses of having a child at home full-time.
- **Career Sacrifices:** A significant number of parents have had to make the heart-wrenching decision to abandon their jobs or careers, further amplifying the financial strain and feeling of isolation.
- **Neglect of Siblings:** With the bulk of their time and energy channeled towards the SEN child, many parents express guilt and sadness over not being able to provide enough attention to their other children.

For the Child:

- **Social Isolation:** A school is more than just a place of education. It's where children build friendships, learn social cues, and forge memories. Without a placement, our children are stripped of these crucial, formative experiences.

- **Lack of Therapies:** An inappropriate school placement – or (arguably) worse, no placement – means our children are deprived of essential therapies e.g., speech and language, occupational therapy etc., tailored to their educational needs.
- **Health and Safety Concerns:** Without the proper environment and guidance, our children are at an increased risk of harm, both physically and mentally.
- **Risk of Regression:** Every day without a suitable placement or intervention jeopardises our children’s progress, with the looming risk of regression in skills and development.

To put a human face to these statistics and themes, here are two representative testimonies:

Parent	1
Child	A
Placement:	Nursery
Statement status:	Statement completed since May
SEN needs:	Severe cerebral palsy, epilepsy, severe Global developmental delay, non-verbal, non-mobile.
Impact on family	I've been a carer 24/7 for almost 4 years. A couple hours of school a day is not only what my child needs and deserves, but I also deserve to be more than a mum for a little while. I gave up a wonderful career because I had no other option, I deserve some semblance of a normal life. My child deserves to be around other children and learning. Most of all, the EA needs to answer why it has refused to place them in Buddy Bear despite us asking and there being an appropriate place for them, while simultaneously not providing placement anywhere else. It not being of their funded schools is not good enough anymore.

Parents	2 and 3
Children	B and C
Placement:	P4
Statement status:	Both children's statements were amended in June 2023 to say that their current Autism Spectrum Disorder (ASD) school units are not suitable and that special school setting would be more appropriate. They need a placement which will help with their behavioural, emotional, communicational, and educational needs.
SEN needs:	Both children diagnosed with Autism and Severe Learning Difficulty. More recently child B was diagnosed with Attention Deficit Disorder.
Impact on family	We have been contacting the EA all summer and don't get a response. We have now engaged a solicitor and two MLAs but the EA haven't provided an update to them either. We are at our wits end and have begun to have conversations about which one of us will have to leave our full-time employment to look after the children should there be no suitable school place made available for them from September. This will mean one less wage coming into a

5-person home during a cost-of-living crisis, mortgage hikes, increased food bills etc so we are dreading a negative outcome.

2. Lack of a functioning Executive on budgetary management:

- *Lack of Consideration:* There appears to be a complete dearth of evidence presented or even considered by the NIO before sanctioning the 2023/24 budget cuts, or DENI when deciding where cuts will be made in the educational system, which disproportionately affect services affecting our children. '[The consequences of the cuts to education for children and young people in Northern Ireland](#)' report notes that **'Senior Civil Servants have been placed in the inappropriate position of having to make significant cuts to provision with little more than ambiguous advice from the NI Office'** (pg 12.). Additionally, no explanations have been offered on how DENI envisages maintaining SEN educational standards amidst these financial constraints.
- *Marginalisation of children with special educational needs:*
The funding for SEN Coordinators in schools has been drastically reduced, going from £22m in the year 2022/23 to just £11m in 2023/24. These cuts demonstrate a clear disparity as they don't impact the placements of non-SEN students but adversely affect those with SEN. Moreover, The EA's [SEND Transformation Programme](#), crucial for implementing much-needed reforms, has been slashed by a staggering 50% for 2023/24. The reality of these budget cuts is played out by the fact that on the 1st of September 2023, while most other children step through the school gates to access their basic right to education, scores of children with SEN, along with their parents and carers, will be left behind. This act is deeply discriminatory and sends the harmful message that **"due to your disability, you hold less value than your peers, and therefore you don't deserve a placement that meets your educational needs."**
- *Concerns of children rights organisations:* In May 2023, the Children's Law Centre in NI issued a [pre-action letter to the Secretary of State](#) for Northern Ireland highlighting the lapse in upholding the principle of equality when considering the effects of the budget, especially in the case of children with disabilities. The severity of this situation has not gone unnoticed internationally, with the [UN Committee on the Rights of the Child \(UNCRC\)](#) calling for the Secretary to **"Withdraw the budget for Northern Ireland for the period 2023–2024 and fully consider the equality and human rights implications for a new budget, taking all possible steps to mitigate any adverse impact on children's rights before issuing a revised budget"** (pg.3).

3. Education Authority's failure to fulfill the statutory requirements for children with SEN:

- *Failure to fulfill statutory obligations:* The EA is currently neglecting its statutory duty of providing all children, beginning from P1, an education suited to their needs. This oversight has vast implications, from the irreversible adverse effects on children if their educational needs go unmet, to future amplified costs in addressing the more intricate challenges that could have been averted with early interventions. Furthermore, inevitable legal proceedings stemming from educational negligence will further strain public finances. **Many of our members have either undergone tribunal processes or**

are currently in the midst of them. Others have had to resort to judicial reviews just to secure access to the educational system for their children, a right they are legally entitled to.

4. Lack of Executive Oversight and Accountability:

- *Absence of Executive Oversight:* With no functioning Executive or appointed Minister for Education, there exists no oversight in upholding SEN educational standards in NI.
- *Restricted Parental Recourse:* This deficiency leaves parents of children with SEN without a political channel to seek redress or provide input into the EA's decisions concerning their children's education. Consequently, families, already under the strain of a cost-of-living crisis, frequently find themselves compelled to navigate costly, protracted private legal channels just to guarantee their child's rightful, legally protected access to suitable education.

The implications of these budget cuts are clearly not in keeping with the Minister of States's intention to bring "NI's finances onto a more sustainable footing". The eventual costs of dealing with more complex issues arising from the neglect of our children will far surpass the immediate savings from the budget cuts. Overlooking early intervention will have ripple effects, impacting not just on the cost of education down the line, but also Health and Social Care. Moreover, families will bear the brunt, with parents potentially leaving full-time jobs to compensate for the educational gap that the State is legally responsible for. This will undoubtedly have notable economic repercussions and add even more strain to the already overburdened social services. More importantly, **it is not just a matter of immediate financial considerations; it is a question of social justice, of ensuring an inclusive society, and of safeguarding the future of some of our most vulnerable citizens.**

Our questions to the Government are as follows:

1. Which officials from the NIO and DENI participated in the creation and implementation of the 2022/23/24 budget that affects children with SEN? What was the timeline of the decision-making process? Are there accessible records detailing the discussions about the implications of decisions taken for children with special needs? Can communications such as meeting minutes and internal memorandums related to these decisions be released for public scrutiny?
2. Was the budget subjected to an Equality Impact Assessment prior to its implementation? If not, what were the reasons?
3. Under Article 6 of the Education and Libraries NI Order 1986, the EA has a statutory duty to ensure adequate supply of primary and post-primary special schools for SEN students in Northern Ireland. What measures are taken to ensure that this statutory mandate is upheld, and who is accountable if the EA neglects this duty?
4. Does the Government consider that the absence of a school placement for a child with SEN in NI a direct violation of their education rights as outlined in Article 26 of the Universal Declaration of Human Rights (UDHR, 1948), Article 13 of the

International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), and Articles 28 and 29 of the Convention on the Rights of the Child (CRC, 1989)?

5. If it is accepted in a particular child's case that he/she are in an unsuitable placement, does that give rise to a breach in their statutory rights if all the provisions in Part Three of their Statement of SEN are unmet?
6. Is the Education Authority dutifully bound to provide adequate nursery placements for children with SEN statements?
7. Will the Government / NIO commit to an immediate rollback of the SEN-related budget reductions?
8. Can the Government expedite the resolution of all pending SEN cases to ensure that children and their families are not left in limbo for another year?
9. What measures are being taken to ensure the Education Authority adheres to and fulfils its statutory obligations without fail?
10. Can the NIO provide an assurance for the allocation of public funds for essential changes in special educational needs provision, specifically for the EA's SEND Transformation Programme?
11. Will the Government commit to undertake a comprehensive assessment of the funding strategy for special education in Northern Ireland to ensure the legal rights of our children are respected and upheld?

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