# BRITISH-IRISH
# INTER-PARLIAMENTARY BODY

# COMHLACHT IDIR-PHARLAIMINTEACH
# NA BREATAINE AGUS NA hÉIREANN

**REPPORT**

**from**

**COMMITTEE D (The Environmental and Social Committee)**

**on**

## ENQUIRY INTO SPECIAL NEEDS EDUCATIONAL PROVISION IN BRITAIN AND IRELAND, WITH SPECIAL REFERENCE TO AUTISM

**Doc No. 106** **February 2005**

# REPORT

## Chapter 1: Introduction

1. Special Needs is a significant and costly area of educational provision. It has been estimated that 60 children per 10,000 under the age of eight are affected by autistic spectrum disorder in England alone.[1]

2. During 2004 and early 2005 Committee D made visits to Ireland, Northern Ireland, Scotland and England to speak to professionals and officials involved in providing educational services to children with special educational needs. The Committee also visited several schools: a school for children with Special Educational Needs (SEN) in Belfast; a mainstream school which provides facilities for children with SEN in Edinburgh; and a school for children with autism in South Yorkshire. In Dublin the Committee held discussions with officials from the Department of Education and Science.

3. A Committee of the National Assembly for Wales has conducted a similar inquiry into SEN in Wales; we have relied on their detailed report[2] rather than duplicate their work. We were also provided with a report on the services available to children with Autism in Jersey. [3]

4. It became clear very quickly that the Committee would be unable to provide a detailed report on the entire range of SEN provision within our set time-frame; it was decided to narrow the remit of the inquiry to provision for children with needs on the autistic spectrum.

5. The Committee had the privilege to meet many children with SEN from the age of four to nineteen years old. During our visits to schools we met teachers of the highest calibre and we were highly impressed by their commitment, diligence and care for their students. We also had the opportunity to meet with parents and charities which represent parents, children and professionals.

## Chapter 2: Organisational differences in SEN provision across the Islands

### Northern Ireland and England

6. 'Removing Barriers to Achievement' a strategy on improving SEN provision was published by the Departments for Education and Skills, Health and Work and Pensions in 2004 partly in response to a damning report from the Office for Standards in Education (Ofsted) on SEN provision in mainstream schools. The Committee found that education and healthcare professionals were working hard to provide the best support possible for children in mainstream schools and more particularly in special schools. However it would appear that children are being let-down by the SEN system and a lack of resources (especially in Northern Ireland where Local Education Authorities (LEAs) are experiencing serious financial difficulties).

7. In Northern Ireland and England a child who appears to have moderate to severe learning difficulties will be given access to a range of specialist services if, after assessment he is deemed to require a 'statement of special needs'. The Committee heard that though a teacher may suspect that several children in one class have some learning difficulties, because of a lack of resources, cases may arise where only children with behavioural difficulties which disrupt class-time are provided with an assessment (for example we found that some primary schools were limited by the number of children they were permitted to recommend for an appointment with an educational psychologist in any one year).

8. Some parents find the process required for obtaining a statement of special needs education to be legalistic, cumbersome and the provision at the end of the process is diluted by an unspecific diagnosis which can impede treatment.

9. Many parents are not provided with information on where to go for help. This means the least able parents, financially and otherwise, are not obtaining the help that they require. It is the responsibility of the local education authority to provide adequate information for parents and schools. We were not convinced that they were doing all they could to inform and assist parents with children who may have special educational needs.

10. The Department for Education is in charge of providing the required SEN provision but diagnosis is the Department of Health's responsibility. It would appear that Department of Health practitioners are unwilling to proscribe precise clinical provision for any one child, despite the statutory requirement that this should be 'quantified, detailed and specific'[4], as they do not wish to place the Department for Education in a situation where they may be unable to provide the specific care outlined in the statement because of financial constraints. Too often the child's needs outlined in the statement will say 'ongoing' or 'review' rather than specifying the number of hours of service provision a child needs. Of course needs will change and regular reviews are essential, but the failure to specify the needs of a child fails to meet the statutory requirements and this could result in a failure to provide the care needed for a child.

11. The statementing process appears to place the system of administration and lack of resources available ahead of the needs of the child. We were not surprised to hear that many parents regarded the process as a battle to be won and that the system led to a tribunal. We were surprised to learn that there is no right to a tribunal if the request for a statement assessment has originated from a school rather than from a child's parents. The process has resulted in a situation where those who shout the loudest get to the top of the queue, often these are children from homes with an income sufficient to provide the specialist advice required to 'beat the system'.

12. The statementing process is lengthy, especially if an appeal is made. A child with SEN will lose out on the special care required until the diagnosis has been agreed and treatment has been made available. It is often the case that a child's special

needs are not acknowledged by the system until the child is preparing for the move to Secondary level education.

13. Legal Aid is not available for parents taking a decision on a SEN Statement to a tribunal; this can result in those children from more wealthy families being able to have their statements, or lack of them, queried by a tribunal unless a charity is able to get involved. Parents are entitled to independent representation but this depends on their access to charities or private consultants. The Committee felt that tribunals would benefit from the use of experts independent from the Department for Education.

14. We were highly impressed by the special schools we visited in Yorkshire and Belfast. The dedication of all the staff members - both teaching, support and medical was impressive and should be recognised.

## Wales

15. The National Assembly for Wales is responsible for educational provision in Wales. The Assembly is beginning the second stage of a three stage review into SEN in Wales.[5] The key principle of the Special Educational Needs Code of Practice for Wales is that children with special needs should have their needs met.

## Scotland

16. The Scottish Parliament passed the Education (Additional Support for Learning) (Scotland) Act in 2004.[6] The Scotland Act created an entirely new system for dealing with Special Educational Needs including Autism. The new system has removed the need for a statement of special educational needs (which had previously been known as a 'record of needs' in Scotland) with a new system based on what is called the need for additional support needs through a 'coordinated support plan'. The changes come into effect once the Scotland Act comes into force during 2005.

17. The Scotland Act aims to give more rights to parents; provide more duties on education authorities; create a new independent mediation service for parents and children; set out new arrangements for dispute resolution; create a new family-friendly form of tribunal (to consider issues relating to the coordinated support plans); and requires better planning and preparation for the transition beyond school years.

18. The new concept of additional support needs should provide support for any child who, for whatever reason, requires additional support for learning. These needs may arise from barriers to learning such as social, emotional, cognitive, linguistic, disability, family or care circumstances. Some additional support needs will be long-term whereas others will be short-term. The impact of all factors on an individual child's learning will determine the level of support required.

19. Education authorities will be required to put in place arrangements to identify additional support needs and to consider whether a child needs a coordinated support plan (CSP). It is the authorities responsibility to communicate with that child's parents or guardian; take account of advice and assessments from other agencies (for example heath and social work services); formally review each CSP every twelve months and provide mediation, dispute resolution services and a tribunal when these are requested. The CSP will be a statutory planning document for children and young people with enduring, complex or multiple barriers to learning who need a range of additional support from different services. The Education Authority will be responsible for the CSPs and ensuring coordination of support; the coordinator role can be delegated to and individual outside the education sphere if they are deemed more appropriate for the child, for example a heath or social worker. A CSP will contain:

- Reasons for the individual's additional support needs;
- Details of the educational objectives;
- The required additional support needed to achieve the objectives and who will provide that support;
- Details of the person responsible for supporting the plan;
- Contact details which parents can use to obtain support and advice; and
- The name of the child's school.

20. A code of practice is currently being drawn up which will set the minimum standards for the Scotland Act. The code will aim to promote more and better joint planning and partnership amongst relevant agencies and will provide consistency across Scotland.

21. The Scotland Act also considers the needs of a young person with SEN moving into adulthood. Education authorities must provide information to those agencies which will be responsible for educating the young person upon leaving school, with the young person's agreement. This should occur at least 6 months before the young person leaves school.

22. The new CSP will not be available for those children with just one barrier to learning, for example dyslexia. Those children whose needs fall within the autistic spectrum will only be provided with a CSP if their needs extend beyond one barrier and which therefore require joined-up provision.

23. The move away from the term 'Special Educational Needs' terminology aims remove what was considered to be a pejorative term which does not always apply to children with social, emotional or behavioural needs. Children whose first language is not English, travellers and asylum seekers all have individual needs which might create barriers to learning which need acknowledgement and action to assist learning. The aim is to focus on the individual needs of each child. Her Majesty's Inspectorate of Education will be monitoring implementation of the Scotland Act.

## Ireland

24. Ireland has recently passed a bill (Education of Persons with Special Educational Needs Act 2004) which will set up a process of assessment and support for children with SEN. Officials were keen to learn from the difficulties which are apparent in the British system and hope that the system will be straightforward. The new process should allow for the provision of an individual education plan. There will also be an appeals process. Any appeal will have to be made within three months of assessment and an appeal must be time-limited to be concluded within three months to ensure that the child's needs are met as quickly as possible.

25. The National Council for Special Education was established in 2003 following a review on special educational provision in 2000 which recommended that the body responsible for processing individual applications for special support services should be separated from the Department of Education and Science. The Council has set up an expert working group which is developing a template for providing a child-centred approach to SEN. This template should be completed by January 2005 and it is hoped that a pilot project can be launched in September 2005.

26. The new legislation will relate to both health and educational provision to ensure seamless provision between sectors as the child's needs change over time. The legislation will also provide for parental involvement throughout the assessment and planning for the needs of a child. It is hoped that an inclusive approach will reduce the need for appeals. The legislation will also provide for a mediation process following an appeal.

27. It is Departmental policy that the provision of education to a child with SEN should take place in an integrated and inclusive environment with children who do not have special educational needs unless such provision is not in the child's best interests or inhibits the effective provision of education to the other children.

28. The process for the allocation of teaching resources for pupils with special needs receiving educational provision in an inclusive setting in a mainstream primary school has recently been revised. Schools will now receive a general weighted allocation as well as specific allocations for more acute categories of disability. The Department allocates Special Needs Assistants to assist children with special care needs. Allocation policy for resources for children in post primary education is currently being revised.

29. In Ireland there are 108 special schools to cater for children with more severe learning difficulties. These schools educate children from age 4 to 18 years old and have a significantly reduced pupil teacher ratio and other staffing supports. Children with special needs in mainstream schools can attend special classes dedicated to their particular disability group. The deployment of resources in schools is a matter for them but allocations may be made in response to individual applications and assessments. The Department also provides grants for equipment and assistive technology for primary schools based on the needs of individual children.

## Jersey

30. A 'resourced provision' model was established in the late 1970's in Jersey. Provision for SEN has recently been extended at the Rouge Bouillon School, in the current academic year it is due to provide specialist services for twenty children. Specialist teacher training has been provided by the University of Birmingham via distance learning. A recent report on provision and practice in Jersey also identifies the characteristics of a mainstream school that is likely to succeed with an autistic child.[7]

## Chapter 3: Points of interest

### i. Training for staff including teachers.

31. In Scotland teacher training is initially very general, but it is possible for teachers to then specialise in special educational needs. Strathclyde University offers post-graduate diplomas for speech and language therapists, teachers and social workers. Strathclyde University has also recently opened a centre for autism studies with the involvement of both the National Autism Society and the Scottish Society for Autism. The Scottish Society for Autism has an outreach centre providing support and training for staff. There are no special allowances or bonuses for teachers who complete this training.

32. In Scotland specialist qualifications are required for those teaching children with individual barriers to learning, for example blind, deaf or deaf-blind children.

33. In Ireland undergraduate students have access to teacher training for children with difficulties in maths and reading. During this training between 20 and 30 hours are devoted to SEN. Some colleges offer a module on SEN. At postgraduate level there is a course available for teachers already working with children who have SEN, at present 175 teachers are being trained in this way. The training is provided either in day release or week-end courses.

34. A one year post-graduate diploma course in Special Educational Needs at St Patrick's College in Dublin has been facilitated by the Special Educational Needs Department of Birmingham University. It is also hoped that a course on autism will be developed.

### ii. Funding SEN provision

35. In Scotland funding has been provided by the Scottish Executive Education Department with the aim of encouraging the inclusion of children with SEN within mainstream schools (£20m 2003/4; £25m 2004/5). Funding has been provided for supporting SEN staff training (£8.4m pa from 2002). Local authorities have been awarded £17m in total for accessibility improvements for disabled students. A voluntary fund of £4.6m has been provided for national and voluntary organisations across the SEN spectrum.

36. Funding has been provided for the preparations to implement the Scottish Additional Support for Learning Act (£12m 2004/5; £14m 2005/6). Heath Boards

have already submitted proposals for the spending of funds allocated in preparation for the Scotland Act. The Scottish Executive Health Department has allocated £3m for autism services from 2004-07. This funding is already supporting:

- a case study to consider the development and assessment of interventions for those with autism considering family and developmental history;
- the development of a national information resource for the families of those diagnosed with autism;
- the development of a Scottish Vocational Qualification for social care staff;
- the provision of information and materials for GPs and primary care staff;
- a project to improve transition from children's to adult services.
- All spending on inclusion requires the submission of proposals for how funding will be spent before it is provided. Legal Aid will not be available for parents who are taking their child's CSP to tribunal.

37. In Ireland the new legislation will make provision for the prioritisation of resources for Special Educational Needs (SEN).

### iii. Early intervention

38. Throughout our studies across the Islands it was clear that early intervention is paramount in assisting a child with special educational needs. Diagnosis can only begin once a child has begun to communicate, but it is possible to identify key symptoms before a child reaches school age. Although early diagnosis for dyslexia has been shown to produce some false positive results this should not prevent professionals who deal with children during their early years from looking out for the earliest signs of some form of special need. This raises several questions:

- Who is responsible for identifying possible special needs in any child, is this the responsibility of the child's local GP, nursery school staff or other educational or medical professionals?
- Who is responsible for a diagnosis and how often should a child be re-assessed?
- What should occur after diagnosis? Pre-school who should provide assistance?
- Is it possible for every child with SEN to be identified and provided with assistance before they reach age 5?
- How should such intervention be financed?

### iv. Parental choice and inclusion

39. In Scotland most children are educated in mainstream schools or in special units based on mainstream sites. There are two specialist independent schools in Scotland; one provides 52 week provision and the other focuses on outreach and teacher/ school staff training.

40. The policy of inclusivity has reduced the need for special schools in the UK. Public consultation persuaded the community and parents of the benefits to all children. In Ireland parents have preferred to send their children to mainstream schools. Children with moderate learning difficulties are often attending schools for children with minor learning difficulties; this has resulted in the closure of schools for children with moderate problems.

41. In Ireland parental choice is key. This has led to inclusion and the related problems outlined above. The Department for Education will always support the parents' wishes. At present this extends to cover free transport to the school of choice. A school has a duty to enrol every child, of course a school could appeal on the basis that they cannot provide for the child's needs but the statement of need determined during the process of diagnosis (outlined above) should allow sufficient warning time to permit any school to make the required changes to facilities.

### v. Gender balance

42. In Ireland, we found the same gender balance as elsewhere - boys are much more likely to have a learning difficulty. As a result of this in Ireland there is a significant bias towards provision in boys and mixed schools and against girl's schools. It is believed that even this weighting is insufficient; girl's schools simply do not require the level of funding or service currently provided by the Department for Education.

### vi. Research

43. There is a severe lack of research projects on autism and SEN across the Islands. Most professionals are forced to look to the US for innovative ideas and frontline research. For too long research was focussed on examining whether there was a link between the Measles Mumps and Rubella vaccination and autism, now conclusively disproven. More research is required on how to best educate children with special educational needs. There are several projects which are being carried out by independent schools and research facilities into how best to teach children with SEN. This includes the sometimes controversial Assisted Behaviour Analysis. Much more research will be required before it can be proved that intensive one-on-one tutoring is the best method of teaching children with severe to moderate learning difficulties.

44. A new facility, the Middletown Centre for Autism, was launched for the island of Ireland in September 2004. It is hoped that this school and research facility will provide some of the answers which are not yet clear. The facility, to be based in Middletown, Co Armagh will not be operational for several years. Nonetheless, its existence is a step towards undertaking the vital research which has yet to be developed this side of the Atlantic.

### vii. Transition from education to adult service provision

45. The services which are made available to children and young people are entirely separate from those services which are offered to young adults. The cut-off point where a young person is considered to be a young adult and therefore no longer the responsibility of the respective education authority are not consistent, for some this occurs at 16, others at 18 or 19. There are a wide range of services available for young adults but they are not always working together and they do not necessarily work with the individual's school prior to their transition to adult services. A multi-agency transition team is required to ensure that the needs of each individual are met before, during and after this, often difficult time of transition.

## Chapter 4: Areas of concern

### Statementing process

46. The Committee identified substantial shortcomings in the statementing process which exists in England and Northern Ireland. Children are having their treatment delayed for many months, sometimes years, because of the failure to agree the provision which that particular child needs. The process of statementing and the protection of scarce resources are prioritised above the needs of the child. This system needs urgent revision. The British Government could learn much from the Government in Ireland and the Scottish Parliament.

47. The care of one child with severe learning difficulties can cost more than the most expensive forms of private education, especially if that care is residential. It is time that the Governments put children's needs first and agreed to provide whatever provision a child requires for his or her education. The cost of one child's education cannot be quantified, especially as children with SEN require the most careful and intensive provision.

48. More professionals, especially trained teachers, educational psychologists and speech and language therapists need to be trained. The Governments must act to ensure that there are the necessary encouragements to ensure that schools are adequately staffed. This may come down to additional salary provision; we are of the opinion that staff, particularly at special schools who routinely are attacked, often punched and bitten deserve to be appropriately remunerated for their most difficult working environment.

49. The failure to provide access to legal aid so that a child can be represented by a solicitor at tribunal means that a tribunal does not begin on an equal footing; the LEA brings all the expertise of their staff and can bring legal representatives to tribunal, only the wealthiest parents, or those cases which are sponsored by a charity can hope for equal representation.

## Chapter 5: Recommendations

50. Following our cursory survey on SEN provision across the Islands we are of the opinion that whatever the system for assessing the needs of a child:

a. Information needs to be provided as early as possible (perhaps pre-school) so that schools have the time to put in place the provision needed by the child. This would also require earlier identification and assessment of the child.

b. Mainstream schools should have early warning that a child with learning difficulties plans to attend their school so that they can provide a quality environment and teaching from the first day that a child with special needs arrives at the school.

c. Teacher training colleges should develop courses which train specifically in educating children with Special Educational Needs.

d. Training should be made available to teachers within the non-State sector as well as State School teachers because often those staff who receive their initial experience and training in the non-State sector move to work in the State sector later in their careers.

e. Services such as Speech and Language therapy should be available in schools.

f. SEN funding to mainstream schools should be ring-fenced and head teachers made accountable for how they spend their SEN funding.

g. Each child with learning difficulties should have an identified key worker whose job it is to assist the parents and child through the assessment process.

h. Tribunals should be discouraged - conciliation services would be better and less time consuming. Where Tribunals are necessary they would benefit from the use of independent experts.

51. We identified the following good practice and we are keen that all those officials who are responsible for SEN provision take this into account:

- Special schools should provide training for teachers and parents in-house;
- Special schools should encourage parents to get together (school bus services mean that there is no natural 'school gate' around which parents can meet to share experiences and provide a support network).
- Children from mainstream schools should be encouraged to get involved in special needs education and to spend time with children who have learning difficulties, for example children who are involved in the Duke of Edinburgh's Award or the President's Award in Ireland.
- Education Boards should provide funding for the training of Speech and Language Therapists to bolster the number of therapists trained each year. More needs to be done to encourage individuals to develop a career in providing services to children with SEN, for example encouraging Speech and

Language Therapists, Educational Psychologists, teachers and classroom assistants to train specifically to work with children who have SEN.

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1 Medical Research Council comprehensive review of autism research: December 2001

2 http://www.wales.gov.uk/keypubassemedlifelearn/content/sen-e.htm

3 Children with Severe Communication Disorders, Provision and Practice in Jersey (John Birtwhistle: Report on Autism)

4 Part 3 of the Statement

5 http://www.wales.gov.uk/keypubassemedlifelearn/content/sen-e.htm

6 From here on referred to as the 'Scotland Act'

7 Children with Severe Communication Disorders, Provision and Practice in Jersey (John Birtwhistle: Report on Autism)

## MINUTES OF PROCEEDINGS RELATING TO THE REPORT

Members visiting Belfast on 14 September 2004:
Kevin McNamara MP (Chair)
Senator Mary O'Rourke (Co-Chair)
Jeff Ennis MP
Jim Glennon TD
Dr Dai Lloyd AM
Iain Smith MSP

Members visiting Dublin on 15 September 2004:
Senator Mary O'Rourke (Co-Chair)
Jeff Ennis MP
Jim Glennon TD
Dr Dai Lloyd AM
Senator Joe McHugh
Iain Smith MSP.

Members attending Committee meeting at Chepstow Plenary on 18 October 2004:
Kevin McNamara MP (Chair)
Johnny Brady TD
Jeff Ennis MP
Donald Gelling MLC

Jim Glennon TD
Dr Dai Lloyd AM
Arthur Morgan TD
Joe Sherlock TD

Members visiting Edinburgh on 15 November 2004:
Kevin McNamara MP (Chair)
Senator Mary O'Rourke (Co-Chair)
Jeff Ennis MP
Dr Dai Lloyd AM
Joe Sherlock TD
Iain Smith MSP.

Members visiting Barnsley on 10 January 2005:
Kevin McNamara MP (Chair)
Senator Mary O'Rourke (Co-Chair)
Jeff Ennis MP
Chris Ruane MP
Joe Sherlock TD
Iain Smith MSP

Meeting in Westminster, London on 21 February 2005:
Mr Kevin McNamara MP(Chair)
Mr Jeff Ennis MP
Senator Geraldine Feeney
Mr Jim GlennonTD
Senator Michael McCarthy
Mr Iain Smith MSP
The Committee deliberated.

Draft report on Special Educational Needs with special reference to autism was brought up and read.

Ordered, That the Report be read a second time, paragraph by paragraph

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|---|---|
| Paragraph 1 | agreed |
| Paragraph 2 | amended and agreed |
| Paragraphs 3 - 29 | agreed |
| Paragraph 30 | inserted and agreed |
| Paragraphs 31 - 33 | agreed |
| Paragraph 34 | amended and agreed |

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| Paragraphs 35 | inserted and agreed |
| Paragraph 36 | agreed |
| Paragraph 37 | amended and agreed |
| Paragraphs 38 - 44 | agreed |
| Paragraph 45 | inserted and agreed |
| Paragraphs 46 - 48 | agreed |
| Paragraph 49 | inserted and agreed |
| Paragraph 50 | amended and agreed |
| Paragraph 51 | agreed |

Ordered, That the Report be made to the Body.