

# ‘Too Little, Too Late’: Monitoring Report

4 March 2024

## 1.0 Introduction

The Northern Ireland Commissioner for Children and Young People (NICCY) was established under the Commissioner for Children and Young People (NI) Order 2003 (the Order) with a principal aim *‘to safeguard and promote the rights and best interests of children and young people in Northern Ireland (NI)’*. In exercising the functions of the Office, the Commissioner must have regard to all provisions of the United Nations Convention on the Rights of the Child (UNCRC).

In March 2020, NICCY published a ‘Rights Based Review of Special Educational Needs Provision in Mainstream Schools’ - **‘Too Little, Too late’** (TLTL).<sup>1</sup> This report was produced in accordance with the powers and functions as set out in the NICCY Order. This includes duties to keep under review the adequacy and effectiveness of law, practice and services provided for children and young people by relevant authorities, that is: to advise Government and relevant authorities; and to encourage children and young people and their parents / carers to communicate with the Commissioner.

The Review identified a range of barriers preventing children with special educational needs and disabilities (SEND) from fully experiencing their right to an effective education, including:

- Insufficient, poor quality and inadequately resourced services and support provision;
- A lack of early identification and assessment of need and delays in the statutory assessment and statementing process;

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<sup>1</sup> [niccy-too-little-too-late-report-march-2020-web-final.pdf](#)

- Poor communication, engagement with and involvement of children and young people, their parents or carers, and other key stakeholders, by relevant authorities; and
- Poor coordination and communication between education and health concerning identification, diagnosis, assessment and implementation of support.

NICCY made 40 recommendations, across 12 thematic areas, aimed at addressing identified weaknesses in the SEND system to ensure the delivery of a more responsive and effective support system.

## 2.0 Background

This is NICCY's third 'TLTL Monitoring Report' since the publication of our TLTL Review four years ago, in March 2020. Our first two monitoring reports, published in March 2022 and January 2023 respectively, while acknowledging some areas of progress, identified the overall pace of progress in transforming SEND provision as too slow. In this 2024 monitoring report, we are also highlighting concerns about the adverse impacts of budget cuts on planned transformation work, as well as on an existing SEND system that is struggling to meet the level of need within schools.

It is important to note that since our review was published in 2020, the context has evolved. Following a substantial cut to the education budget, resulting in a funding gap in excess of £300m in 2023/24, it is now widely acknowledged that the NI education system is experiencing an unprecedented funding crisis.<sup>2</sup> Related cuts to SEND work include a 50% reduction to the SEND Transformation Programme Budget, from the required £3.8m identified by EA, to £1.9m in 2023/24. Also noteworthy, is the reduction in funding to schools to support Special Educational Needs Co-ordinators (SENCOs) in fulfilling their role, from £22m in 2022/23 to £11m in 2023/24.<sup>3</sup> The decision to reduce this funding was made despite ongoing pressures faced by SENCOs in providing effective in-school support to children with SEND related to a lack of training, funding, resources and time for SENCO duties.

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<sup>2</sup> Department of Education, 'Department of Education 2022-23 Opening Resource Budget' (2023). Available at: [Notes for 2022-23 Opening Resource Budget Split Pie Chart.pdf \(education-ni.gov.uk\)](#).

<sup>3</sup> [Schools' funding for special needs teachers cut in half - BBC News](#)

The number of pupils with a SEN statement in the school population has continued to increase, while at the same time there is a perception of increasing complexity of need in mainstream schools. The capacity of special schools has been insufficient to meet demand for placements, particularly at transitional stages, leading the Education Authority to set up an increased number of specialist provision in mainstream schools (SPiMs) classes across the region. This provision includes Specialist Provision for Early Years and Foundation (SP EYF) for pupils presenting with a profile of Severe Learning Difficulties (SLD), operating in partnership with a Special School and/or EA Services.<sup>4</sup> Representation to the Office has identified a range of very concerning issues related to SPiMs, including in relation to difficulties accessing health therapies; inappropriate placements; transport issues; safeguarding concerns; sub-optimal environment/ accommodation; lack of planning for transitions; and insufficient specialist training for education staff.

A further development is the publication of the IPSOS 'Independent Review of SEN Services and Processes' (the IPSOS Review) in March 2023, commissioned by the Department of Education.<sup>5</sup> The review's findings reinforced many of those identified by NICCY's TLTL review and called for systemic reform entailing a shift away from '*a process system driven to a child-centred approach which meets the needs of children with SEN, improving their educational outcomes while ensuring that funding is being used effectively and demonstrates Value for Money*'.<sup>6</sup> The review emphasised the need to drive forward change in a more timely manner, recommending that DE should, within a year, put a plan in place setting out actions that will be delivered to implement transformational change to SEN and the wider education system within reasonable timescales.

In recognition of the need to deliver transformational change more quickly, and in a more cost-effective way, the Department of Education responded to the IPSOS Review's recommendations by commencing an End-to-End (E2E) review of SEN in February 2023. The Department describes the E2E review as '*an overarching piece that brings together the work being taken forward under the Transformation Programme and DE's led 12 deep dives, that aims to address gaps and explore alternative delivery options to deliver transformational change in a timelier manner*'.<sup>7</sup>

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<sup>4</sup> [Specialist Provision in Mainstream Schools Operational Plan 1 - Overview \(eani.org.uk\)](https://eani.org.uk)

<sup>5</sup> [SEN Review Report For Publication 23 May 2023.pdf](#)

<sup>6</sup> *Ibid*, p156.

<sup>7</sup> SEND TP Paper 5: End-to-End Review of SEN, 08/23.

Reflecting the need for a collaborative approach, the E2E review is overseen and monitored through a joint DE/EA Board, formed through the reconstitution of the EA SEND Transformation Programme Board. It is co-chaired by DE/EA Directors and involves relevant departmental officials, EA staff and stakeholders from other education delivery partners.<sup>8</sup> NICCY's Chief Executive sits on the SEND TP Board in an advisory capacity, in line with NICCY's remit, and NICCY is also represented on the SEND TP Project Board.

### 3.0 Assessment of Progress made by Relevant Authorities in Implementing Too Little Too Late's Recommendations

NICCY welcomes the progress update received from DE and EA in November 2023, providing details of actions, either planned or already taken by relevant authorities, to address the *TLTL* recommendations. Our assessment of progress draws on the information contained therein, as well as reflections/feedback from relevant authorities (RAs) at a roundtable event held by NICCY in December 2023, and discussions with RAs at periodic meetings since our last report was published.<sup>9</sup> In addition, we draw on feedback from stakeholder meetings held throughout the year, including with education staff and Teaching Unions.

Similar to the monitoring report we published in January 2023, this report focuses on a select number of key issues and developments only. The full range of recommendations and related issues are addressed within the TLTL Monitoring Table which accompanies this narrative report.

The remainder of this report is organised within the following clustered themes:

1. Provision of Supports and Services;
2. Identification and Assessment of Need;
3. Monitoring and Evaluation;
4. Capacity Building;
5. Communication and Involvement; and
6. SEND Act Implementation.

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<sup>8</sup> SEND TP Paper 20.6 Strategy to Deliver Transformational Change

<sup>9</sup> Appendix 1 lists organisations represented at the roundtable.

### 3.1 Provision of Supports and Services

TLTL identified serious deficiencies relating to the quantity, quality, accessibility and effectiveness of supports and services at all stages of the SEN process. In response, NICCY made a range of recommendations aimed at improving school-based, early years and statutory supports and services provision, to ensure they are responsive, evidence-based, appropriately resourced and tailored towards children's needs.<sup>10</sup>

Our previous monitoring report, published in January 2023, determined that, overall, fledgling progress had been made to address our recommendations relating to the provision of supports and services. We recognised the breadth of work that, at that time, was planned or underway through SEND TP projects, but considered the pace of progress as too slow. We expressed a range of concerns in relation to continued gaps in services, including numeracy services and IME tailored services, lack of early intervention, pupil support services, transition planning and multi-disciplinary working.

It is our view that most, if not all, of the issues raised in our last report relating to supports and services continue to be of concern. Representation to the Office from key stakeholders, including teachers, SENCOs, and parents of children with SEN, indicate an increasingly stark picture in relation to SEND. In the context of reduced funding and increasing level of need within mainstream schools, accessing relevant SEND services and supports has become more challenging. Stakeholders have also highlighted the impact of the withdrawal of the 'Healthy, Happy Minds' programme, difficulties accessing nurture support, counselling services and education welfare support for pupils with SEND requiring emotional support.

We also note with concern the recent shift towards an increasing number of children with severe learning difficulties (SLD) being placed within specialist provisions in mainstream schools (SPiMs), in response to capacity issues for SEND placements. While we recognise there may be variability in such provision, anecdotal evidence provided by representatives to the Office indicates that some SPiMs have less access to health therapies, specialist supports and resources compared to special schools. In particular, the model of HSCT therapy input for children with complex needs being educated within SPiMs is unclear. **This situation, which indicates growing educational inequalities for/among children with SEND, is hugely**

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<sup>10</sup> Recommendations 1, 2, 3, 5, 8, 16, 17, 24, 26, 35 and 36.

**concerning and NICCY calls for robust evaluation of these to be undertaken and made available as a matter of priority.**

### ***Pupil Support Services***

In the period since our last report was published, budget cuts and related impacts on recruitment and resourcing also placed constraints on the scale and scope of work than can feasibly be delivered through the SEND Transformation Programme by September 2024. In this context, and recognising the need to prioritise earlier intervention and enhanced access to stage two services, a decision was made by DE/EA to focus the remaining resource into developing a reshaped stage 2 pupil support service delivery model involving multidisciplinary teams. This involves moving eight of the EA's separate regional SEND support services into integrated, local, phase-specific teams, but with a single referral route. Each local team will triage and plan tailored intervention across all Stage 2 (New Code of Practice) needs regardless of SEND category presenting.

In their monitoring updates, EA and DE propose that a key element of the integration of EA's SEND support services, which will allow SENCOs and school principals to make referrals to EA services directly, is the removal of the Educational Psychology Service's current 'gatekeeping' role at Stage 2. The new model will also allow intervention models applied by the local teams to be updated, focusing primarily on capacity-building within schools/preschools and the modelling of intervention strategies. We note that only in the most complex of cases will local teams intervene on a one-to-one basis with a child or young person.

EA have advised that by removing current barriers to accessing Stage 2 supports, the new model will allow earlier intervention and enhanced access to supports and services. A shift from one-to-one intervention models to small group interventions will allow a higher volume of children to be supported simultaneously, thereby reducing current waiting lists. A further proposed benefit is the delivery of tailored interventions to address co-morbidities, in contrast to the current approach which requires pupils to transition sequentially through EA's services according to their identified primary need. Schools will be granted greater flexibility and empowered to support pupils with SEND.

NICCY is encouraged by the evidence-based approach taken in developing the proposed model, including extensive engagement across a range of key stakeholders and desk-based research on models in other jurisdictions. Stakeholder

engagement identified earlier intervention and more streamlined referral routes into support services as priority areas and the model will seek to address these and other concerns. We understand that the new model is currently under development and subject to final approval, and while implementation will commence September 2024, further development and refinement of the model will be ongoing post-implementation.

Based on the information we have received, NICCY warmly welcomes the proposed approach, and in particular, the removal of the EP's current gatekeeping role, as recommended in our Review. The model's focus on an early identification and intervention approach, which we consider pivotal to children's outcomes, is also very welcome. However, we are very concerned that Health will not be part of the multi-disciplinary teams when they are established in September 2024. Additional concerns include the absence of a pilot programme to test the model's effectiveness and feasibility prior to wider roll-out which may preclude the identification of unintended consequences and/or any unforeseen operational challenges. We are also concerned that the quality and/or quantity of support provided to children under the new model could be negatively affected, particularly where this involves a shift from 1-to-1 support to small group intervention.

NICCY also seeks reassurances that, in ensuring the capacity of pupil support services to respond to an increased volume of referrals following the removal of the EP gatekeeping role, other services are not disadvantaged in any way. We are aware, for example, that the increased number of Specialist Provisions in Mainstream Schools (SPiMs) in 2023 involved the temporary redeployment of staff from a range of services to the SEN Early Years Inclusion Team (SENEYIS) and the Specialist Settings Support Team (SSST) and that 'backfill' had not been made available.

**NICCY strongly advises that rigorous monitoring and evaluation of the new model, both qualitative and quantitative, is undertaken on an ongoing basis post-implementation to identify and respond quickly to any issues or unintended consequences, and to ensure that necessary support received by individual children is not diminished in any way.**

**In addition, we consider that ongoing consultation and engagement with key stakeholders, including parents/carers and teaching staff, will be critical to building confidence and trust in the new system as it is rolled out.**

### 3.2 Identification and Assessment of Need

TLTL identified use of the time allocation model and poor co-ordination and communication between education and health, as predominant barriers to identification, assessment and implementation of support services.

Recommendations focused on a range of areas, including provision of training, funding and guidance for assessment tools, identification of unmet need, improving transparency of the SEN process and multi-disciplinary working.<sup>11</sup>

During NICCY's ongoing engagement with stakeholders, education staff have expressed concerns about unmet needs of pupils and the impact of this on their education, including their attendance at school. Particular areas of concern relate to social, behavioural, emotional and well-being needs (SBEW), and speech and language needs. There is a concern that Covid pandemic related impacts have exacerbated levels of need among pupils.

#### ***Statutory assessment and statementing***

While there have been some improvements in this area, it is disheartening that most of the issues identified in our 2023 monitoring report continue to be of relevance. We remain concerned the system is still not equipped to meet the forthcoming 22-week statutory time limit under the new SEND framework, although we recognise the impact of wider factors, including limited specialist placements and staffing deficit linked to imposed financial cuts. **For children awaiting the completion of a statement, it is imperative interim measures of support and intervention are provided.**

Further concerns about the statutory assessment process relate to decision making processes and quality of statements. Stakeholder engagement with the Office indicates that many of the issues identified in our Review in 2020 persist, including lack of quantification and specificity in Statements, which can undermine the support available to pupils with SEND. Stakeholders have also expressed frustration at a prolonged and confusing process, in some cases leading to unsatisfactory outcomes. **NICCY is aware that the statementing process will be examined by the Statementing 'deep dive' as part of the End-to-End Review of SEND and emphasise that the issues we identify must be addressed as part of this work.**

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<sup>11</sup> TLTL Recommendations 4, 6, 10, 23, 25, 28, 29, and 30.

### ***Identification of unmet need***

In our 2023 monitoring report we stressed the importance of identifying the scale and scope of unmet need in schools for the planning of service provision, resource allocation and ultimately to improve children's outcomes. We are aware that the 'Perceived Need for Educational Psychology (EP) Involvement Study', which explores mainstream schools' perceptions of unmet need, as part of the Review of the Educational Psychology Service (EPS), was completed in December 2022.<sup>12</sup> This report, which provides an important quantitative and qualitative picture of unmet need across NI, will allow more robust modelling of future service options and provide an important benchmark for comparison once the new model is rolled out and fully embedded.

### **3.3 Monitoring and Evaluation**

*TLTL* identified the need for robust data to identify causes of the variance in rates of suspension and expulsion between children with and without SEN, and to ensure that children being educated outside of school are provided with specialist SEN services. We also advised that DE undertake an urgent Review regarding potentially unlawful informal or unregulated exclusions and issue comprehensive guidance to schools and the EA.<sup>13</sup>

#### ***Suspensions, expulsions and informal exclusions***

Having reviewed the update on actions taken in this area, we reiterate our disappointment expressed in last year's report, at the limited progress made in addressing our recommendations. The Review of Suspensions and Expulsions, while drafted some time ago, has still not been published, and it is our understanding that the Review does not specifically address informal or unregulated exclusions. Furthermore, while we welcome the updated information provided in relation to the collection and processing of suspensions and expulsions data collection, it is not clear that the data collected allows for identification of the reasons for variance in rates of suspension and expulsion between children with and without SEN, as stipulated by our *TLTL* recommendation.

Similar to last year, the update does not include sufficient detail to indicate that

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<sup>12</sup> In determining met need the report involves analysis of pupils who schools (and parents/carers) feel would benefit from EP involvement but were not prioritised for referral that year.

<sup>13</sup> Recommendations 7, 14, 15, 18, 19, 20, 21, 27, 31, 40.

Boards of Governors understand their responsibilities with regard to ensuring that schools have taken all appropriate pastoral measures before suspension, expulsion or informal exclusion has been considered. While we welcome the clarification provided by the ETI that monitoring, inspection and reporting is undertaken on the extent to which governors promote high standards of care and welfare and consistently high standards of attendance, further detail is needed to ascertain whether the specific focus of our recommendation has been addressed.

### ***Evaluation of SEN support provision in mainstream schools***

The update confirms that ETI will publish an evaluation of SEN Learning Support Centre provision in mainstream schools, including the support provided by the Education Authority, at the end of the 2024 academic year. We note the evaluation was to be completed in 2022 but its publication was delayed following an extension of its remit to include a larger proportion of newly established provisions, including those for children with severe learning difficulties and for early years. While this delay is unfortunate, we consider the inclusion of these provisions in the evaluation is crucial given the range of concerns raised with our Office about provision for children within SPIMs in mainstream schools. Robust evaluation is vital to ensuring children's quality of education is not undermined in any way.

### ***Annual review process***

TLTL recommended the Annual Review process must be evaluated to examine its effectiveness in improving outcomes for children with SEN in mainstream settings. We are encouraged that as part of the Statementing Deep dive (within the End-to-End Review of SEN), the Annual Review process is being explored to ensure that there is adequate involvement of children and their parents/carers, along with the setting of appropriate outcomes. However, as is the case for a number of other recommendations, the prolonged period of time involved in addressing this recommendation is disappointing.

Following the publication of the EA Landscape Review in June 2022, we welcome that EA Landscape Review Oversight Group has now been established, and that the End-to-End Review is part of this work.

## **3.4 Capacity Building**

TLTL made a number of recommendations focused on ensuring that all school staff are trained, guided, supported and assessed on their ability to meet the diverse

needs of pupils with SEN and disabilities in mainstream schools.<sup>14</sup>

### ***Training and development***

Based on our engagement with stakeholders, NICCY is concerned that educational staff in mainstream schools are not being sufficiently supported / trained to develop the specific knowledge and expertise required to meet the educational needs of children with SEND, including those with complex and severe learning needs who are placed within SPiMs. The need for enhanced specialist training has also been identified by recent reviews including the IPSOS Review,<sup>15</sup> ETI's Evaluation of Teacher Professional Learning in Meeting the Special Educational Needs of Learners<sup>16</sup> and the Independent Review of Education.<sup>17</sup>

Also relevant, is the implementation of DE's Statutory Guidance on the Reduction and Management of Restrictive Practices, with our recent advice reiterating the requirement for mandatory training on restrictive practices, alongside training on supportive and early intervention practices for education staff.<sup>18</sup>

Our overall assessment is that actions taken to date to build schools' capacity are insufficient. **Considerable further investment is needed in teacher professional learning related to SEN, including both initial teacher training and continued professional development. NICCY calls for DE's Statutory Guidance on the Reduction and Management of Restrictive Practices to be finalised and implemented as soon as possible.**

### ***Guidance on the identification of SEN amongst newcomer children***

With regard to the development of guidance on the identification of SEN amongst newcomer children, we welcome that Intercultural Education Service (IES) Teachers provide advice to schools on the identification of SEN in newcomers, and that guidance is also available within three toolkits for diversity.

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<sup>14</sup> Recommendations 9, 11, 12, 13.

<sup>15</sup> [ipsos report \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/ipsos-report)

<sup>16</sup> [An evaluation of teacher professional learning in meeting the special educational needs of learners \(etini.gov.uk\)](https://www.eti.gov.uk/an-evaluation-of-teacher-professional-learning-in-meeting-the-special-educational-needs-of-learners)

<sup>17</sup> [Investing in a Better Future - Volume 2.pdf \(independentreviewofeducation.org.uk\)](https://www.independentreviewofeducation.org.uk/investing-in-a-better-future-volume-2.pdf)

<sup>18</sup> [Advice to the Department of Education on the Draft Statutory Guidance on the Reduction and Management of Restrictive Practices in Educational Settings - Niccy](#)

### ***Fostering an inclusive culture***

NICCY expressed disappointment in our last monitoring report at the lack of clear evidence of actions taken to ensure school leaders, including Boards of Governors and Principals, are supported to foster an inclusive culture and ethos founded on equality.<sup>19</sup> From the feedback provided by DE and EA in this monitoring process, we do not consider that substantial progress has been made in this area since then. However, we are encouraged that a range of resources are currently being developed by the specialist support in mainstream settings team and that further work will be undertaken by DE as part of its 'Towards Inclusion' agenda.

Notwithstanding the current barriers to school inspections by ETI, we are encouraged that a new model of inspection has been developed through a process of co-design with stakeholders. The ETI advise that the model focuses on '*equity and inclusion*' as a key element of provision and that all inspections, when not impacted by the industrial action of teaching unions, will include an inspection of the willingness and ability of the school/organisation to establish the conditions required to foster an inclusive culture.

### **3.5 Communication, Engagement and Involvement**

TLTL identified the need for improved communication by the Education Authority with parents and carers, and recommended that the EA review its policies in this respect.<sup>20</sup> Since TLTL's publication, other sources, including the DE's Landscape Review of the Education Authority and the IPSOS Review, have identified EA's communication and engagement with different stakeholders as an area in need of improvement.<sup>21</sup>

We welcome actions that have been taken by EA to improve communication with parents, carers, and other stakeholders, however feedback received through NICCY's legal and advice team, and meetings with stakeholders, highlight recurring issues with ineffective communications experienced by parents and school staff in their navigation of the SEND system. Key issues relate to difficulties accessing relevant EA staff; quality of communication; lack of response to emails/phone calls, and related to this, frustration at time spent following up correspondence.

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<sup>19</sup> TLTL recommendation 13.

<sup>20</sup> Recommendations 22, 32, 33, 34

<sup>21</sup> [DE. Education Authority Landscape Review June 2022.pdf \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/DE-Education-Authority-Landscape-Review-June-2022.pdf)

While we recognise that there are undoubtedly significant pressures within some EA services due to staffing and financial constraints, the persistence of communication challenges despite the positive actions detailed in monitoring processes is disappointing. **It is our view that further action must be urgently taken by EA to improve communication with parents, carers and other stakeholders in relation to the SEN process, including access to services.**

Despite this we are encouraged by range of positive actions that have been taken in this area since the publication of our last monitoring report. These include:

- Engagement with children and young people with support from EA's youth service, with further engagement planned; and additionally, completion of pupil voice toolkits for schools by the EA Youth Service, which we understand are currently being piloted within school settings: NICCY welcomes these measures and emphasises that children's views should be given due weight. It is also crucial that children with disabilities are provided with relevant and age-appropriate assistance as required to facilitate the expression of their views.<sup>22</sup>
- The completion of a baseline survey with stakeholders on their views of the SEND system, which we understand has yet to be finalised: We welcome plans to issue a follow-up survey in June 2025, a full academic year after the new operational model is live and consider the baseline a valuable source of data for measuring progress over time.
- Parent and carer engagement sessions, held by the SEND Transformation team in November/December 2022, and March and April 2023: We note that, at the time of submitting the monitoring update, further engagement was scheduled to present the new proposed integrated model for support to stakeholders, including that with children and young people. NICCY considers it critical that building stakeholder's confidence and trust in the new model is integral to its success and warmly welcomes this planned engagement.
- Publication of the EA's SEND Annual Plan of Arrangements detailing support and services offered by the EA in an online format: We welcome this resource which also includes some information on criteria and timeline for accessing services.

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<sup>22</sup> [Article 7 - Children with disabilities | Division for Inclusive Social Development \(DISD\) \(un.org\)](#)

Notwithstanding these developments, we note with disappointment that progress in this area has to some degree been hindered by budget constraints. Work affected includes engagement with practitioners and with parents/carers that was planned to take place at the end of 2022/23, as well as engagement planned for 2023/24 which has also been reduced.

Overall, while we welcome the range of actions taken to improve communication and engagement with key stakeholders, evidence indicates that these actions are not translating into a significantly enhanced level of satisfaction among those engaging with the SEND system.<sup>23</sup>

### 3.6 SEND Act Implementation

In our 2023 Monitoring Report we highlighted our disappointment at the slow pace of progress in implementing the SEN Framework. This has exacerbated pressures on the SEN system and delayed the full implementation of NICCY's TLTL recommendations. Since then, further progress in this area has been minimal due to the continued absence of an Executive and Assembly which has precluded the passing of the Regulations and issue of the new Code of Practice. Consequently, many of the concerns raised in our 2023 Monitoring Report, including those in relation to mediation, appointment of an alternative person, and determination of capacity continue to be of relevance.

The Children's Services Co-operation Act (Northern Ireland) 2015 (CSCA) places a duty on relevant authorities to co-operate in the planning, commissioning and delivery of children's services. The new SEN regulations and code of practice will require enhanced co-operation between health and education in respect of children with SEN, which will be critical for access to services and the timely completion of assessments. Adequate sharing of data between health and education will be integral to this process and we welcome ongoing work in preparation for the full rollout of the AnyComms system, as well on the development of the Joint plan. **We call for implementation of the SEND framework, including the Regulations and Code of Practice, to be commenced as a priority.**

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<sup>23</sup> [DE. Education Authority Landscape Review June 2022.pdf \(education-ni.gov.uk\)](#); [SEND Baseline Survey](#); and [SEN Review Report For Publication 23 May 2023.pdf](#)

## 4.0 Conclusion

Our 'Too Little, Too Late' Review, when published in 2020, detailed a SEND system under pressure that was unable to respond effectively to the scale and complexity of need within mainstream schools. More recently, pressures within the system have undoubtedly been exacerbated by the crisis in education funding and related reductions to both the SEND transformation budget and wider SEND funding. The reduction of the SEND Transformation Programme (TP) budget, in particular, has undermined the scope, scale and pace of work that will be undertaken through the SEND TP to progress delivery of our TLTL recommendations and wider transformation of the SEND system. This is hugely disappointing in a context where the need for systemic improvements has never been more urgent, as schools respond to both rising numbers of pupils with SEND at Stage 3 (statemented) and increasingly complex needs among pupils with SEND in mainstream schools.

NICCY's overall assessment, following our analysis of the updated information provided by DE, EA and other relevant authorities, is that progress in addressing our recommendations as part of wider transformation work remains too slow. While we recognise the significant resource constraints, and are encouraged by the commitment to transformation among relevant authorities involved in this challenging context, it is disappointing that we are yet to see evidence of actions translating into direct improvements for children and young people with SEND.

We do, however, welcome the work that has been undertaken or has been commenced since our last report to inform and prepare for transformational change, including data gathering, desk-based research, stakeholder engagement and a range of Reviews. A notable area of progress relates to the work that has been advanced in preparation for the implementation of multi-disciplinary local integrated teams (LITs), from September 2024, and the evidence-based approach that has been taken in developing this new model.

Going forward it is imperative that the requisite funding and resources are made available to enable an accelerated pace of change in transforming the SEND system, and to ensure that children with SEND can reach their full potential through the realisation of their right to an effective and appropriate education. As the transformation programme and related structures continue to evolve, clear, measurable and timebound targets are necessary to allow for monitoring and evaluation of progress, including positive impacts in terms of responding to children's

needs. **NICCY will continue to monitor progress, including addressing issues in line with our legislative remit.**

**Too Little Too Late' (TLTL) SEN Review Roundtable:  
Monitoring Implementation of Recommendations  
7 December 2023**

Representatives from the following organisations were in attendance:

- Department of Education;
- Department of Health;
- Education Authority;
- Education and Training Inspectorate;
- Health and Social Care Board;
- Public Health Agency;
- Regulation and Quality Improvement Authority; and
- DoH's Strategic Planning and Performance Group.