

# South Eastern Education and Library Board

## Response to the Special Educational Needs and Disability Bill Consultation Document

### 1. Introduction

- 1.1 The South Eastern Education and Library Board (the Board) welcomes the opportunity to respond to the Consultation Document on the Special Educational Needs and Disability Bill, issued jointly by the Department of Education and the Department of Employment and Learning. The Board believes that the proposals contained within the Document have extremely far-reaching consequences for all education providers within Northern Ireland, and, in particular, for mainstream schools. For this reason it is disappointed that copies of the full document were only made available on request to schools and that the Executive Summary was only issued several weeks into the consultation period.
- 1.2 The Board, in partnership with parents, Principals, teachers and other interested parties, has a long and proud record of addressing the requirements of all children and young people, including those with special educational needs and disabilities in both mainstream and special school settings. The bedrock of its service has been, and will continue to be, the centrality of the child and ensuring that his/her personal, social, emotional and academic needs are met in the most appropriate manner and the most suitable setting. In this context, therefore, the Board would urge the Department of Education and the Department of Employment and Learning to ensure that any new legislation builds on, rather than replaces, existing good practice.
- 1.3 In preparing this response the Board has consulted with, and taken account of the views of, a representative group of Principals and teachers from nursery, primary, post-primary and special schools, as well as officers from across a

range of departments (e.g. CASS, Architects, Human Resources, Libraries, Special Education and the Youth Service).

## **2. Proposals for Special Educational Needs in Schools**

Q.1. Do you see any practical difficulties with the proposals on advice services and conciliation? (Paragraphs 2.2.1 and 2.2.2)

### **2.1 Information and Advice**

- 2.1.1. The Board fully acknowledges that parents of children with SEN must have accurate and meaningful information about SEN matters, including processes for identifying and assessing their child's needs, the different approaches which might be employed to address those needs and the types of provision available within the Board and its schools. The Board also accepts that such information should be available in a readily accessible format, appropriate to the requirements of parents. The Board believes that it is important to work in partnership with organisations in the voluntary sector to ensure that parents have access to appropriate sources of additional help and advice in relation to SEN matters, but does not accept that it would be appropriate to abdicate its responsibility for providing information, advice and support for parents by contracting with a provider from the voluntary sector for such a service.
- 2.1.2 Information about SEN matters changes regularly as procedures are reviewed in light of experience or new or enhanced provision is made and those involved with informing and advising parents need to be aware of the full range of issues. No one voluntary organisation is likely to have the breadth and depth of knowledge about the range of SEN matters that are likely to be of concern to different parents and, as a result, either the voluntary organisation or the parents will need to seek information from the Board in any case. This proposal could, in fact, add an additional layer of bureaucracy into an already complex situation, lead to delays in concerns being addressed and hinder the development of effective, productive and on-going professional relationships between Board officers and parents.

2.1.3 The Board fully accepts the need to publicise more widely to parents, schools and other interested parties the fact that voluntary sector organisations can be valuable sources of additional help and support. Clarification is sought as to:

- whether the proposal would require detailed information to be made available by the Board to all parents (i.e. those whose children are at Stages 1 – 5 of the Code of Practice on the Identification and Assessment of Special Educational Needs)
- the role of schools in providing information to parents, particularly those whose children are at Stages 1 – 3 of the Code
- the extent to which pupils themselves should receive information.

It should be noted that there will be additional resource implications associated with enhanced information services.

2.1.4 It is not clear from the document whether the Board will be expected to provide information about all and every available organisation or service for pupils with Special Educational Needs. There may be occasions, hopefully rare, when the Board would have concerns about the quality or ethical status of advice or services being offered.

## **2.2 Conciliation**

2.2.1 The Board recognises that at times parents and professionals may disagree as to the most appropriate means of addressing a child's needs, but Board officers are fully committed to working in partnership with parents throughout the process of identifying, assessing and making provision for their child to ensure the best possible outcome, taking account of parents' preferences. While independent conciliation might be a useful adjunct to such an approach, it is not a substitute for it.

2.2.2 Disputes between Board officers and parents are rare, as can be seen from the low number of appeals which are lodged by parents with the Special Educational Needs Tribunal. The Annual Report of the Special Educational Needs Tribunal (1<sup>st</sup> January - 31 December 2001) indicates that in the 4 years since its inception, a total of 10 appeals were lodged with the Tribunal in

relation to cases within the SEELB. The Tribunal President reports that, in terms of appeals generally, *“...the figures show that most appeals were ultimately resolved by the parties reaching an acceptable way forward between themselves, and I continue to be heartened at the low number of contested hearings required.”* Indeed the Code of Practice on the Identification and Assessment of Special Educational Needs makes it clear that, even if parents lodge an appeal, officers should continue to work with them to try to resolve the issues before the case comes to hearing. The Board would be concerned to ensure that the introduction of independent conciliation arrangements will not detract from the importance of ensuring an on-going relationship between Board officers and parents focused on meeting the needs of the child.

2.2.3 Clarification is sought as to whether the envisaged conciliation arrangements would apply only to disputes between the Board and parents (i.e. in relation to Stages 4 and 5 of the current Code of Practice) or whether they will apply also to disputes between schools and parents (e.g. Stages 1 – 3 of the Code of Practice). In any case the introduction of independent conciliation will have major resource implications and it is questionable whether the costs (e.g. initial training of independent conciliators, continual updating on changing procedures and provision, knowledge of the variety of special educational needs, maintaining the process etc) could be justified, given current statistics on the number of disputes, evidence of existing good practice in resolving disagreements and already limited resources.

Q.2. Do you agree that schools should have a statutory duty to notify parents that the school has concluded that their child has SEN? (Paragraph 2.2.3)

2.3 The Board fully accepts this proposal, believing that it reflects existing good practice in the majority of schools and that it furthers the promotion of partnership between the parents and the school. It is noted that the requirement would also be placed on providers of early-years education. In this context, the Board would have concerns as to whether the staff in all

early-years settings have the necessary knowledge, skills and expertise to determine the extent of a child's difficulties. There will certainly be training implications associated with this proposal.

Q.3. Do you agree that Boards should not be required to specify the name of a school in Part 4 of a statement in cases where the parents have themselves made suitable alternative arrangements for their child's education?  
(Paragraph 2.2.4 – 2.2.6)

- 2.4 The Board would seek clarification as to what might constitute "suitable alternative arrangements", who determines whether they are suitable and how this will be done, as well as what is meant by "in certain circumstances". It must be emphasised that the welfare of the child should be paramount in all decisions. It is presumed that this proposal is designed to strengthen parental choice as to the education of their child, and equally, that if parents opt for an independent school or education otherwise than at school, as opposed to suitable provision available within the Board, they will be required to meet any associated costs.

Q.4. Do you agree that parents should be allowed to appeal to the SEN Tribunal when the Board has refused an assessment request from the child's school? (Paragraph 2.2.6)

- 2.5 This proposal is accepted in that the Board cannot envisage a situation where it would reject a request for a statutory assessment from a school, providing that the school has kept detailed records of action taken at Stages 1 – 3 of the Code to try to meet the needs of the child and has provided adequate evidence that, despite their best efforts, the child's needs are such that he/she may require provision which is additional to, or otherwise different from, that normally available in a mainstream school. However, the Board would wish to ensure that parents and schools fully understand the importance of each of the Stages of the Code of Practice and that schools are not placed under pressure by parents to circumvent or "leap-frog" the initial stages.

Q. 5. Do you anticipate practical difficulties with the proposals in relation to the SEN Tribunal? (Paragraph 2.2.7 – 2.2.10)

- 2.6 It is current practice within the SEELB that, in the few cases where an appeal has been lodged by parents and conceded by the Board, parental wishes have been implemented. The Board would wish to ensure that the prescribed timescales for implementation are adequate to enable the required action to be taken, particularly if other agencies are involved e.g. Health and Social Services Trusts or staff need to be recruited.
- 2.7 The Board accepts the proposal in relation to informing parents of the time limits for appeals in that it gives statutory force to existing good practice already operating within the SEELB.
- 2.8 The Board accepts the recommendation regarding maintenance of statements until appeals are heard, where appeals are against ceasing a statement, but would wish to point out that particular difficulties might arise at transition stages e.g. from nursery school to primary school, or from primary to post-primary provision or from a special unit or special school into mainstream. It should also be noted that current legislation requires the Board to cease to maintain a statement where the child no longer attends a grant-aided school (e.g. when he/she has transferred at 16 years of age to a Further Education College) or at the end of the term in which the child attains his/her 19<sup>th</sup> birthday. The Board notes, with concern, that, despite the small number of appeals lodged with, and heard by the SEN Tribunal, it can take up to 2 months for a hearing to take place. The Board would urge the Tribunal to hear appeals promptly, particularly over the summer months, in the best interests of all the parties.

Q.6. Do you agree that the proposals to strengthen the right to a mainstream place strike the right balance between:

- Strengthening inclusion; and
- The interests of the other children? (Paragraph 2.2.12 – 2.2.15)

2.9 There are several issues raised in the paragraphs associated with this proposal, each of which is addressed below.

- (i) It is existing Board policy that all children with special educational needs should be educated in mainstream schools, providing that such a placement is in the best interests, both of that child, and the other children with whom he/she is to be educated and that it is an efficient use of resources. It is the Board's view that the needs of the individual child must remain paramount and that in those cases where specialist provision is required it should not be perceived as a lesser option.
- (ii) The Board notes that the aim of this proposal is to enable greater inclusion, whilst safeguarding the efficient education of all pupils. In this context it is of concern that the document refers to the "efficient", rather than "effective" education of the other children. Clear guidance will be required from the Department on a range of issues to ensure that the interests of those children who do not have special educational needs are not neglected. There may, for example, be health and safety issues associated with pupils who exhibit violent or aggressive behaviour; there will be implications for all class sizes, but particularly in practical subjects and the associated resourcing of schools; there are major implications for initial teacher training, early professional development and continuing professional development and for the training of classroom assistants to ensure that the wide range of special educational needs which could be evident in a class are fully addressed.
- (iii) The Board is concerned about the proposal to remove the requirement in subparagraph 7(2)b(iii) of the 1996 Order which obliges the Board to ensure that where a child with special needs is placed in an ordinary school, it is compatible with the "efficient use of resources". The Board has an obligation to ensure that the limited resources available to it are deployed in the most

efficient way possible and in the best interests of all the children in its area. There may be situations where the inclusion of a child with complex difficulties in a mainstream school could only be facilitated through diverting scarce resources away from other children.

- (iv) There are many children with very complex special needs requiring a multi-agency and multi-disciplinary approach, involving a range of professionals from both health and education. There is currently a certain “economy of scale”, particularly in schools for children with severe learning difficulties, where skilled and knowledgeable teaching and non-teaching staff work alongside medical staff, nurses, speech and language therapists, occupational therapists, physiotherapists, behaviour nurse therapists, etc to provide holistically for the needs of children. Their aim is to provide the children and young people with the knowledge, skills and confidence to function, to the best of their ability, alongside their non-disabled peers within society and there is much evidence to suggest that they are successful. It is widely recognised that there is a shortage of many of the allied health professionals and current demands are not being met. Evidence from Health and Social Services colleagues would suggest that if existing resources are dissipated across a range of mainstream settings, the level and intensity of support available for each child will decrease even further. It is a matter of concern that, although this proposal has major implications for Health and Social Services Boards and Trusts, there is no mention within the proposals of strengthening the legislation governing their services to assist in the promotion of greater inclusion.
- (v) The Board notes that a new section within the legislation would provide that pupils with SEN but without a statement must be educated in ordinary schools. At present many pupils with SEN at Stage 3 of the Code of Practice attend special education provision either on a full-time or part-time basis for a period of time. The Reading Unit attached to Beechlawn Special School, Hillsborough, for example, provides one year of intensive full-time support for pupils with dyslexia who are at Stage 3 of the Code of Practice (i.e. who do not have a statement). Similarly the Behaviour Unit attached to Longstone Special School, Dundonald provides intensive full-time support for primary-age

pupils at Stage 3 of the Code of Practice who have emotional and behavioural difficulties. In both cases the provision has been recognised by the Education and Training Inspectorate as of good quality. Assurance is sought that the proposed legislation will allow such arrangements to continue.

- (vi) The Board notes also that the new proposals would remove the right of a school to refuse entry to a child with a statement on the grounds that the child's inclusion would be incompatible with the efficient education of other children (Paragraph 7(2)(b)(i) of the 1996 Order). This would be a progressive step, **only** if there were systems to ensure that the required policies, practices and resources are in place to enable the child to be included effectively within the school. The Board would consider it detrimental to the child with special educational needs to place him/her in a school which did not demonstrate from the outset its willingness and ability to provide as effectively for that child as for the other children in the school.
- (vii) The Board is convinced that the proposals contained in the Consultation Document to achieve greater inclusion of children with statements of special educational needs in mainstream schools will only be achieved over time and with the full support of everyone concerned, including the parents of the other children in schools. In this context there are particular difficulties in relation to children who display emotional and behavioural difficulties.
- (viii) There are major resource implications associated with the proposals for greater inclusion of children with a wide range of special educational needs in mainstream schools. The Board notes that since similar legislation was introduced in Great Britain additional resources have been made available on an on-going basis, both to facilitate necessary adaptations to buildings and to provide training and additional support in schools e.g. specialist teachers, trained learning support assistants. Substantial additional resources will also be required by Health and Social Services Trusts to enable them to adequately meet their responsibilities in relation to many of the children. Experience to date within the Boards of including children with special educational needs in mainstream schools demonstrates that effective inclusion is an expensive option.

### 3. Disability Discrimination in Education

- 3.1 The Board notes the definition of a disabled person which will be applied within the educational context. The use of different definitions for a disabled child and a child with special educational needs will cause confusion in schools. It is important that any guidance material issued as a result of this Bill clearly addresses this issue.

Q.7. Do you agree that it is necessary, where it is not obvious that a student is disabled, for a student to disclose his/her disability to the institution in order to benefit from the new duties (Paragraph 3.1.7?)

- 3.2 This proposal is accepted. It is suggested that the parents of a child with a disability should also be required to make the necessary disclosure.

Q. 8. What do you consider would be a reasonable and realistic timetable for introducing the new duties which are set out in Sections 2 and 3?

- 3.3 The ability of education providers to implement the proposals will be dependent on the availability of adequate resourcing for reasonable adjustments, training etc. It would seem that a staged approach over a period of at least 5 years might be appropriate. A pilot project in a small number of schools would be helpful to assess the range of issues that will need to be addressed and the associated costs.

Q.9. If a situation arises where a student develops a condition, or is not aware of any existing condition, and it starts to affect his attendance and/or studies:

- i is it reasonable to expect an education provider to consider whether it is a disability related cause; and
- ii should a student be able to pursue a complaint on the basis that the education provider should have considered whether it was a disability related cause? (Paragraph 3.1.7)

3.4 (i) It is reasonable to expect an education provider to consider whether problems associated with attendance and/or studies may be due to a disability-related cause. However the pupil/student and the parents, where appropriate, must be prepared to co-operate with the education provider if the matter is to be addressed.

(ii) It would be appropriate for the pupil/student to be able to pursue such a complaint where an education provider fails to consider a matter that could be expected to be within their competence. It must be noted that this proposal will have implications for training.

Q.10. Do you see any difficulties in implementing the new duties on education providers in the schools sector?

3.5 There are major organisational, administrative and resourcing implications in relation to the new duties, examples of which are given below.

- (i) The Board would entirely accept the fact that disabled pupils should not be placed at a substantial disadvantage in comparison with pupils who are not disabled. Equally the Board would wish to ensure that pupils who do not have a disability are not disadvantaged. Clear guidance is required, therefore, on what might be considered “reasonable”.
- (ii) Substantial additional resources will be required to ensure that appropriate policies, practices and procedures are implemented and that systems, adaptations to premises, specialist equipment, materials, support mechanisms, training etc. is in place.
- (iii) It is noted that, in some cases, less favourable treatment may be justified, though each case would be judged on its own merits. Schools may have difficulty determining what is, or is not justifiable, since there are many variables which will have to be considered e.g. size of school, the human and financial resources available, the condition of the premises, the nature of the activity being pursued, the needs of the other children.

- (iv) It is a major task for schools to review all their policies, procedures and practices to ascertain whether they are likely to have an adverse impact in their application to disabled pupils. The needs of disabled pupils will vary greatly, depending on the severity of the disability, the age and maturity of the pupil, their cognitive ability etc. Policies and practices which may benefit an academically able child with a sensory impairment are unlikely to be appropriate for a child with severe learning difficulties, autism and challenging behaviour. While it will be possible for schools to make some adjustments in anticipation that a disabled child will enrol at the school at some time in the future, these are likely to have to be reviewed and supplemented if such an occasion arises.
- (v) There are certain steps that can be taken, for example in relation to timetabling arrangements and location of classes which would mitigate the adverse effects of some physical features of premises. It must be recognised, however, that the majority of post-primary schools were not designed with the needs of disabled pupils in mind. The Board has already installed lifts in a number of post-primary schools, but even within one level there are often short flights of stairs, many of which cannot be ramped in such a way as to comply with health and safety regulations. There will be particular difficulties within post-primary schools where rooms equipped for practical subjects e.g. science laboratories, home economics rooms, may not be on the ground floor and may not be accessible, even if lifts were to be installed.
- (vi) The Department of Education Building Handbook must be revised, as a matter of urgency, with input from occupational therapists, physiotherapists and other specialist staff, together with disabled people themselves, to ensure the incorporation of the additional requirements necessary to cater adequately for the needs of disabled children. This would include, for example, additional space requirements to accommodate large electric wheelchairs, storage for specialist equipment such as walking frames, disabled toilets which are large enough to take account of the need, on many occasions to provide changing benches, storage for hygiene products, specialist showering facilities etc, rooms where physiotherapy,

occupational therapy and speech therapy can be undertaken, specialist benching in science, technology and home economics rooms, induction loops and sound field systems in every classroom.

- (vii) The proposals in relation to Boards and CCMS developing and implementing accessibility strategies and schools developing and implementing accessibility plans have major resource implications. There will be a need for a disability audit to be undertaken of all premises by qualified personnel. It could take many years to implement the necessary adjustments to premises, given the amount of work that is likely to be required and limitations on capital funding. Appropriate and realistic funding and timescales must be established.
- (viii) The Board accepts that disabled children should be enabled, as far as is practicable, to participate in all of the activities on offer by the school. However it must be realised that teachers and other staff often engage in extra-curricular activities e.g. residential and trips abroad, in a voluntary capacity and some may decide that the potential risks are too great and decline to participate, thus disadvantaging all children. Many will have real concerns about health and safety implications. There will be implications for insurance and indemnification procedures. There may be particular concerns in relation to children who require the administration of prescribed medication. Clear guidance will be required on appropriate adult:pupil ratios. There will be resource implications, e.g. wheelchair-friendly transport, additional staff. Adequate preparation will be required in order that schools can be assured that places being visited or residential accommodation have appropriate facilities for disabled children.
- (ix) The Board notes the references to extending the remit of admissions appeals panels and exclusion appeals panels to hear cases of alleged disability discrimination. This aspect of the Bill could have serious repercussions for schools in relation to children who present with behavioural problems or engage in activities which endanger other pupils or staff. By way of an example: could the parent of a child with Attention Deficit Hyperactivity Disorder, who physically attacks another child or a

member of staff, thereby perhaps warranting expulsion, claim that the expulsion was due to “*a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to day activities*”?

Q.11 Do you agree that the new rights of redress for pupils should mirror the proceedings of the existing SEN Tribunal with its emphasis on remedy through educational means? (Paragraphs 3.2.17 – 3.3.21)

- 3.6 The Board considers it appropriate for the remit of the Special Educational Needs Tribunal to be extended to hear cases in relation to alleged disability discrimination in education and that the emphasis should be on remedy through educational means. The Board would suggest that the Tribunal must take into account the reasonableness of any costs associated with adjustments to practices, policies, procedures and premises.

Q.12. Do you agree the new duties apply to publicly funded higher and further educational institutions and Part to the private and voluntary sectors? (Paragraph 3.3.2)

- 3.7 Young people should be entitled to the same level of support at further and higher education institutions as they might expect to receive at school. It may be more difficult for the voluntary sector to acquire the funding necessary to meet the additional requirements.

Q.13. Should education providers be covered by the new duties in relation only to their own provision? Or should this be extended to provision supplied by contractors on their behalf? (Paragraph 3.3.5)

- 3.8 A significant number of young people enrolled in schools now participate on link courses with Further Education Colleges as part of the flexibility allowed to schools in relation to the Key Stage 4 Curriculum. It would be wrong if the same obligations were not placed on those institutions in relation to meeting the needs of disabled young people.

Q.14. Should education and services provided by an institution primarily for students fall within the new duties and other services remain in Part III? Is such a division workable? (Paragraph 3.3.6)

- 3.9 All services available to students, including careers and welfare advice, sporting and leisure activities etc should be subject to the new duties, since educational institutions should cater for the holistic needs of young people. Any other arrangement would be unworkable.

Q. 15. Are there other types of reasonable adjustments that providers should have to consider (Paragraph 3.3.13) (e.g. should assessment of students' needs be a requirement?)

- 3.10 Unless providers assess a student's needs, they will be unable to establish what adjustments, if any, will be required. The examples of adjustments provided appear to be comprehensive.

Q.16. Although the list at paragraph 3.3.15 ("assessing what is a reasonable adjustment") is not complete, are there other factors that should be taken into consideration?

- 3.11 The list provided is comprehensive.

Q.17. Are there other factors that should be considered in justifying less favourable treatment? (Paragraph 3.3.19)

- 3.12 With increasing numbers of vulnerable young people there will be a need to consider health and safety issues. Risk assessment will be necessary, particularly in relation to field trips, work placements etc. Consideration will have to be given to the protection of vulnerable adults from potential sexual abuse or exploitation.

Q.18 Should the remedies and court used for these discrimination cases be the same as for Part III and other discrimination cases in education?  
(Paragraph 3.3.21)

- 3.13 The Special Educational Needs and Disability Tribunal would not be an appropriate body to hear cases of alleged discrimination involving adults. It would appear to be more appropriate that such cases are handled in the same way as cases of alleged sex or racial discrimination. It would be important, however, that the emphasis should be on securing the appropriate educational remedy.

Q.19 What conciliation arrangements would be appropriate? (Paragraph 3.3.20)

- 3.14 Conciliation arrangements should be linked to the Institution's Complaints Procedure.

#### **4. Youth Provision**

Q.20 Should similar duties to those which are to be placed on providers of further and higher education be placed on providers of youth services?

- 4.1 The Board would accept that every opportunity should be made available for young people with a disability to participate in youth activities. Work is already being undertaken within Boards, in partnership with voluntary sector organisations, to ascertain how services might be developed to promote inclusion. The SEELB, for example, is engaged in a pilot project with PHAB in relation to the needs of young people with a physical disability or mobility impairment. The issues already identified in this response in relation to schools will apply equally to the youth service, e.g. training of staff, adaptations of premises. Adequate resourcing will be required to ensure that policies, practices, procedures and premises can be adjusted appropriately.

Q.21. Should the duties of statutory and voluntary youth service providers be the same, or how should they differ?

- 4.2 In attempting to make reasonable adjustment to youth work programmes it must be appreciated that youth provision is offered and delivered by a wide cross-section of organisations (both statutory and voluntary) ranging from purpose build full-time provision to small voluntary organisations, often operating a limited programme from a church or community hall (and at times without any premises). In the application of a Disability Bill or in considering expectations of youth providers, the status and ability of individual organisations to respond must be viewed from a realistic position. The Board would regard the principles outlined in Section 3 (3.37) as directly applicable to all full-time statutory provision including Outdoor Education/Field Study Centres and would recommend that full-time Voluntary Centres should consider working within these principles.

## **5 Equality Commission Consortium Recommendations (Annex 1)**

1. That the reconstituted Special Educational Needs and Disability Tribunal have its powers extended to include consideration of all pertinent matters relating to the identification of and meeting of a child's educational and related needs.

- 5.1 The Board would not accept this recommendation. The scope of what appears to be envisaged is so wide that it would be unworkable and would divert a major proportion of time and resources away from meeting children's needs to addressing questions or defending practice. Since a child's related needs could be the responsibility of other agencies apart from education, the Tribunal would need to have enforceable power in relation to other organisations e.g. health and social services, probation services.

2. That the statements of special educational needs should be more specific in terms of the needs of the child and the methods of meeting those needs.

5.2 The Board would accept that it is a reasonable requirement that statements of special educational need should be more specific in terms of the needs of the child. However it does not accept that the Tribunal should have the power to specify the methods of meeting those needs. Teachers are professionals and must have the flexibility to try different approaches relevant to a particular child at any given time.

3. That a young person's statement should be held in force if he or she transfers to Further Education upon leaving school.

5.3 The Board believes that the Further Education sector should have in place a system for identifying, recording and reviewing a young person's needs and ensuring that they are met in a manner appropriate to young adults. This should include access to Educational Psychology support and trained personnel. Education and Library Boards have no responsibility for Further Education and do not have the resources to be involved in such processes.

4. That policies and procedures on the identification of special educational needs be harmonised across the five Board areas.

5.4 Policies and procedures across the five Boards are being harmonised, as far as is possible, given very different geographical situations, under the auspices of the Regional Strategy Group on Special Educational Needs.

5. That the Special Educational Needs and Disability Tribunal should have powers to examine and direct how policies and procedures on the identification of special educational needs operate across Northern Ireland.

5.5 It is the Board's view that the Tribunal should continue to work at the level of individual cases. The Department of Education has responsibility for determining policy and procedures for special educational needs across

Northern Ireland and should not abdicate this responsibility to another body. It may be appropriate for the Department to examine the outcomes of decisions made by the Tribunal to determine whether or not there are trends which would suggest that policies and procedures need to be revised.

6. That the Departments should have powers to set in Regulations deadlines for compliance regarding physical access to buildings, classes and facilities.

5.6 The Board would accept this proposal, providing that the Department also makes available the necessary additional resources to ensure that the Regulations can be implemented.

7. That examination boards and accrediting bodies be explicitly covered by the legislation.

5.7 The Board would accept this proposal.

8. That the Department of Education should have a duty to plan strategically for the access and resource requirements of all publicly funded schools.

5.8 The Board would support this proposal.

9. That there should be a statutory duty placed upon relevant governing bodies in the sector to ensure that the assistance required to meet a disabled student's needs, is fully assessed and addressed, as part of the requirement for reasonable adjustment.

5.9 The Board agrees that governing bodies should be required to fully assess the needs of a disabled student. The extent to which those needs can be addressed will depend on a range of factors, including the severity of the student's disability, the course being undertaken and funding available for adjustments.