

# **Advice to the Education Authority on the Draft Strategic Area Plan for Special Education Provision 2022-2027 and the Draft Strategic Area Plan 2022-2027 - April 2022**

## **1. Introduction**

The Northern Ireland Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people.

Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons. The Commissioner's remit includes children and young people up to 18 years, or 21 years, if the young person has a disability or experience of being in the care of social services. In carrying out her functions, the Commissioner's paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising her functions, the Commissioner has to have due regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

NICCY welcomes the opportunity to provide advice to the EA on its Draft Special Educational Strategic Area Plan and Draft Strategic Area Plan. While we recognise that the EA is consulting separately on each draft Plan, this paper is a combined response to the consultations, although the primary focus is on the draft Special Educational Strategic Area Plan.

NICCY's vision for education, which is in line with the UNCRC, is that the education received by all children in Northern Ireland is of the highest quality and develops every child's personality, talents and abilities to their fullest potential.

With regard to special education provision, the Commissioner has repeatedly called for meaningful reform to address wide ranging flaws in the SEN system and ensure better outcomes for children and young people. Currently, excessive delays in the statementing process mean that many children with SEN do not receive support they need in a timely manner, effectively denying them their right to an effective

education. Weaknesses in the system have become more prevalent in recent years, with evidence highlighting the need for systemic reform to ensure the needs of children with SEN are met in both mainstream and special school settings. ‘*Too Little, Too Late*’ (TLTL)<sup>1</sup>, NICCY’s review of SEN provision in mainstream schools, highlighted a range of endemic barriers in the system which deprive children and young people with SEN and disability of the opportunity to reach their full potential. Identified barriers included persistent delays in accessing specialist supports at all stages of the SEN process; significant inconsistencies across the region in relation to the accessibility of specialist provision in mainstream schools; and poor quantity and quality of supports and services for children with SEN. Additional evidence for systemic change includes the Public Accounts Committee Report on Impact Review of SEN<sup>2</sup>, ‘Northern Ireland Audit Office’s SEN Impact Review’<sup>3</sup>, the EA’s Improvement Plan and the DE SEN Learner Journey Project.

Given the urgent need for fundamental reform of the SEN system, NICCY commend the Education Authority’s commitment to addressing current and historic issues with the system, including through the SEND Strategic Development Programme Board and the draft Special Educational Strategic Area Plan. NICCY welcomed the opportunity to meet with EA Officials in April 2022 to discuss key issues relating to SEN area planning, and to the draft Strategic Area Plan. It was very encouraging to hear the commitment to placing children’s educational needs at the centre of area planning decision-making.

NICCY considers it vital that there is open and comprehensive consultation on the specifics of the draft Plans with a wide range of stakeholders, in line with section 75 of the Northern Ireland Act 1998 and fundamental to assessing the intended and unintended impact of proposals on children rights and best interests. The consultation process should include engagement with parents and guardians, as well as with children and young people with SEN in mainstream and special school settings who will be most impacted upon by changes to the provision of education in Northern Ireland. Meaningful consultation is particularly critical in light of parental mistrust of the system, as evidenced by the *TLTL*, and the long-standing perception that there is a lack of opportunity provided by EA, schools and services, to involve children and young people, and their parents/guardians, in the SEN process.

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<sup>1</sup> NICCY (March 2020) “*Too Little, Too Late*”, A Rights Based Review of Special Educational Needs Provision in Mainstream Schools. Available at: [www.niccy.org/senreviewreports](http://www.niccy.org/senreviewreports)

<sup>2</sup> Public Accounts Committee (2021) Report on Impact Review of Special Educational Needs. Available at: [Report on Impact Review of Special Educational Needs \(niassembly.gov.uk\)](http://Report%20on%20Impact%20Review%20of%20Special%20Educational%20Needs%20(niassembly.gov.uk))

<sup>3</sup> NI Audit Office (2020) Impact Review of Special Educational Needs. Available at: [https://www.niauditoffice.gov.uk/sites/niao/files/media-files/242135%20NIAO%20Special%20Education%20Needs\\_Fnl%20Lw%20Rs%20%28complete%29.pdf](https://www.niauditoffice.gov.uk/sites/niao/files/media-files/242135%20NIAO%20Special%20Education%20Needs_Fnl%20Lw%20Rs%20%28complete%29.pdf)

Furthermore, Section 1 of the 2016 Act, which commenced in December 2020, places a mandatory obligation on Authorities to have regard to the views of the child. NICCY is aware that increasing attention has been given to embedding this principle in EA's practices and trust that meaningful engagement with children and young people, including due consideration of their views and concerns, will be sustained throughout the policy development and implementation process. **NICCY recommends that an open and comprehensive consultation is undertaken on the Plans, and associated actions taken to drive forward changes with a wide range of stakeholders, including children, young people, parents and carers.**

## 2. Children's Rights

This advice outlines the obligations on the EA to ensure that the draft Plans embed relevant children's rights standards provided for by the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The UNCRC is a set of binding minimum standards and obligations in respect of all aspects of children's lives which the Government has ratified and must comply with in the discharge of its functions. The Northern Ireland Government, its Departments and Agencies are obliged to comply with the obligations under the UNCRC by virtue of being a devolved administration of the UK Government, the signatory to the UNCRC.

There are a number of UNCRC articles, Committee recommendations and Committee General Comments which are relevant to the draft Plans. Articles 28 and 29 are the main articles which relate to education. Article 28 outlines the right to education, while Article 29 details the aims of education. In particular, Article 29(1) reflects the rights and inherent dignity of the child; insists on the need for education to be child-centred, child-friendly and empowering; and highlights the need for educational processes to be based upon the principles outlined in Article 29(1).

General Comment 1 on the Aims of Education<sup>4</sup> provides insight into the obligations on Government under Article 29(1) of the Convention. According to the UNCRC Committee's General Comment on Article 29 of the Convention – a statement of its meaning and objectives - education must be child-centred, child-friendly, holistic and empowering.<sup>5</sup> The goal is to strengthen the child's capacity to enjoy the full range of human rights, to promote a culture which is infused by appropriate human rights

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<sup>4</sup> United Nations Committee on the Rights of the Child, General Comment No. 1 (2001) 'The aims of education' CRC/GC/2001/1. General comments are additional guidance provided to State Parties by the Committee on the Rights of the Child, to support understanding of key articles and their practical implementation.

<sup>5</sup> *Ibid.*

values and to empower the child through developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence. In this context, 'education' goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, whether individually or collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.

Also relevant, are the four guiding principles of the UNCRC:

- children's right to non-discrimination (article 2);
- right to survival and development to the highest level (article 6);
- to their best interests being a primary consideration (article 3); and
- to their voice being heard in all matters affecting them (article 12).

General Comment 1 on the Aims of Education<sup>6</sup> highlights a number of other Convention articles relevant to the fulfilment of the aims of education as detailed under Article 29 of the Convention.<sup>7</sup> These include, but are not limited to, the rights of parents (Articles 5 and 18), freedom of expression (Article 13), freedom of thought (Article 14), the right to information (Article 17), the rights of children with disabilities (Article 23), the right to education for health (Article 24) and the linguistic and cultural rights of children belonging to minority groups (Article 30).

Additional protections are enshrined in the UN Convention on the Rights of Persons with Disabilities (UNCRPD). In particular, Article 24 requires States to ensure that people with disabilities are not excluded from the general education system on the basis of disability, that they are able to access an inclusive, quality and free primary and secondary education on an equal basis with others in the communities in which they live, and that they are provided with support to facilitate their effective education. **Children with disabilities must not be discriminated against and should be supported to participate in the mainstream education system.**

To ensure children's rights are embedded within the proposed developments, **NICCY recommends that the Plans explicitly articulate the UNCRC and UNCRPD, the protection and promotion of children's rights, and give special consideration to the outlined Articles and General Comments.**

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<sup>6</sup> *Ibid*

<sup>7</sup> *Ibid*, para 6.

### 3. Northern Ireland Policy Context and Children's Rights

The **Children's Services Co-operation Act (Northern Ireland) 2015 (CSCA)** places a statutory duty to co-operate on Government Departments and its agencies in the provision of children's services in order to promote children's well-being. The CSCA makes a commitment to children's rights in line with the relevant provisions of the UNCRC in the delivery of children's services to improve the well-being of children and young people in Northern Ireland, this obligation is particularly important within the context of the proposed Plans and outcomes in the NI Executive's Children and Young People Strategy (CYPS).

EA's proposals for Special Education Strategic Area Planning must be viewed as an implementation mechanism of the CYPS. It also relates to the wider context of the **Special Educational Needs and Disability Act (Northern Ireland) 2016, revised Regulations and new Code of Practice**. The new legislation contains critical clauses which, when fully commenced, will have significant implications for the Plan.

Once **Article 4 of the SEND Act** is commenced, we expect that it will lead to much needed improvement in co-operation between education, health and social care authorities in identification, assessment and making provision for children with SEND. Co-operation between health and education authorities is critical in meeting the needs of children and young people with SEN and disabilities and must be at the heart of the EA's proposals.

The **new SEND Code of Practice (the Code)** sets out guidance aimed at improving inclusion within education for those children with special educational needs (SEN) and/or those with a disability. The Code of Practice also sets out obligations on the EA to produce an accessibility strategy which:

- increases the extent to which children with a disability can participate in the schools' curriculum (controlled schools);
- improves the physical environment of schools for increasing the extent children with a disability can take advantage of education and associated services provided or offered by schools; and
- improves the delivery of information to children with a disability.

While NICCY has some concerns about the content and language of this particular section of the draft Code as per NICCY's submissions to the Department of Education<sup>8</sup>, **it is essential that EA's proposals for specialist provision in mainstream schools deliver on the obligations of the new SEN Framework**. In the meantime it is vital that appropriate access to services and required supports are

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<sup>8</sup> NICCY advice to the Department of Education on its [SEN Regulations and Code of Practice \(niccy.org\)](http://niccy.org)

in place to meet the needs of children with SEN.

**Section 1 of the SEND Act**, commenced on 18 December 2020, introduced new duties on the EA, so far as is reasonably practical, to seek and have regard to the views of the child, and places a requirement on schools and the EA to support children and young people as active participants in making decisions about managing their special educational needs. It reinforces the obligation on the EA to directly engage the views of children, young people, and their parents on the draft Special Education Strategic Area Plan.

Additionally, the requirement on EA to have regard to the participation of the child in decisions affecting them, and to be required to provide the information and support necessary to enable the child's participation in those decisions, is critical in ensuring fulfilment of **UNCRC Article 12** and should be regarded as a central tenet of the EA consultation processes going forward.

NICCY welcomes acknowledgement of the importance of effective engagement with children and young people within the draft Plans, which include reference to plans to work collaboratively with the EA's Youth Service, and/or other youth organisations, to ensure continued engagement with children and young people for Area Planning activity. However, it is not evident from the draft Plans that children, young people and their parents are represented on Area Planning groups. NICCY requests clarification of this and reiterates the importance of children and young people being meaningfully involved and engaged in all decisions which impact on their lives. Furthermore, **NICCY recommends that the draft Special Education Strategic Area Plan is amended to include specific reference to the involvement of children and young people as part of the annual engagement processes detailed on p.20.**

#### **4. Child's Rights Impact Assessment (CRIA) and Equality Impact Assessment (EQIA)**

To ensure that the Plans are truly child's rights compliant, we strongly recommend that the EA engages in a Child's Rights Impact Assessment (CRIA) as previously shared with EA. The CRIA Framework examines the potential impacts on children and young people of laws, policies, budget decisions, programmes and services as they are being developed and, if necessary, suggests ways to avoid or mitigate any negative impacts.<sup>9</sup> It focuses on how children's rights may be affected by the decisions and actions of governments, institutions and others in the areas of law,

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<sup>9</sup> [Child Rights Impact Assessment \(CRIA\) \(niccy.org\)](https://www.niccy.org)

policy and practice. Impacts are measured against the rights set out in the UNCRC, its Optional Protocols, and other international human rights treaties. By conducting a CRIA, the EA will be able to assess the extent to which the Plans deliver on EA's child's rights obligations.

Given the significance of the Plans to the delivery of education in Northern Ireland, the Commissioner is extremely disappointed by EA's decision not to conduct an equality impact assessment which would enable identification of potential adverse impacts and opportunities to better promote equality of opportunity. **NICCY recommends that a comprehensive child rights impact assessment, is carried out as a priority, if not already conducted, to ensure the implementation of a robust and effective system with rights at the centre.**

## 5. Special Educational Needs Provision in Northern Ireland

The Draft Special Educational Strategic Area Plan has been informed by two overarching Special Education Area Planning Frameworks which act as the drivers for strategic planning of Specialist Provision in Mainstream Schools and in Special Schools.<sup>10</sup> The Special Education Strategic Area Plan will be the roadmap for special education area planning, in accordance with the EA's responsibility to ensure sufficient education provision for children and young people with a Statement of Special Educational Needs.

NICCY recognises that the **Draft Special Educational Strategic Area Plan** has been developed amidst rising numbers of pupils with SEN and suspected SEN alongside increased complexity of need. According to 2020/21 data<sup>11</sup>, 67,824 pupils enrolled in schools in Northern Ireland had some form of SEN, equivalent to almost 20% of the entire school population. Of those, 20,505 pupils had a Statement of SEN, the majority of whom (90%) attended mainstream school. It is important to note that the scale of unmet need is unknown and the statementing figure could be higher. Department of Education data projections depict a picture of continued increasing demand for special school and specialist provision in mainstream school, with limited and disparate provision to meet that need in both mainstream and special school settings.

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<sup>10</sup> The Special Schools Area Planning Framework and the Framework for Specialist Provision in Mainstream Schools (<https://www.eani.org.uk/school-management/area-planning/sen-frameworks-and-draft-special-education-strategic-area-plan-2022>).

<sup>11</sup> <https://www.education-ni.gov.uk/sites/default/files/publications/education/Special%20Education%20Needs%202021.pdf>

Alongside rising numbers, there has been a trend towards increasing complexity of pupil need in the profile of pupils requiring a special school or specialist placement. As reflected in the draft Plan, this has a direct impact on the size of classes due to the need for reduced pupil: adult ratios in many circumstances. Many children also require medical and therapeutic input from Allied Health Professionals in Health and Social Care Trusts and from across other support services within the EA.

While there are currently 39 dedicated special schools in Northern Ireland, the draft Plan recognises that there is significant variation in the type of provision offered across the special schools estate, with some offering a greater range of provision than others. Similarly, there are currently geographical, sectoral and linguistic sector inconsistencies in Specialist Provision in Mainstream Schools. Of the 11,000 statemented pupils in mainstream education, only 1,900 attend specialist classes within mainstream schools. **NICCY has previously raised concern regarding the inconsistency and lack of available specialist provision in mainstream schools and advises that EA audits the needs of all children with a statement and ensures that they are receiving the specialist provision that they require.** In the absence of such provision, children and young people's needs may not be being met in an appropriate or timely manner, with negative impacts on their learning, development, outcomes and wellbeing.

## 6. General Comments: draft Special Educational Strategic Area Plan

NICCY welcomes the draft Plan's overall aim 'to ensure pupils have access to a placement that best meets the needs of children and young people with a Statement of Special Educational Needs', and vision, that *'all pupils in Special Schools and Specialist Provision in Mainstream Schools have the opportunity to achieve their full potential; by having the best educational experiences, equality of opportunity and pathways that meets their needs'*.

The draft Plan's mission articulates how the needs of children and young people with a Statement of Special Educational Need will be met, by providing:

- availability at their nearest suitable special school/nearest suitable mainstream school with specialist provision;
- pupils with equitable access to excellent provision and meets the individual needs of the child or young person;
- pathways of provision for all ages and stages of development;
- special school provision in a single 3-19 school or through collaborative 3-19 provision;
- for changing educational, physical and medical needs;

- for inclusivity, providing opportunities for education alongside mainstream peers.

NICCY welcomes the focus on ensuring availability for children with SEN at their 'nearest suitable' special school or mainstream school with specialist provision. Currently, too many children are required to travel an unreasonable distance each day to attend a school that meets their needs, often to the detriment of their physical and mental wellbeing. **Planning must ensure that travel to the 'nearest suitable' school, which fully meets a child's needs and best interests, does not involve unreasonably long distances.** Moreover, specific detail is needed regarding how the 'suitability' of a special school or a mainstream school with specialist provision will be determined, and subsequently measured, by EA, as part of the monitoring and evaluation process.

NICCY welcomes EA's proposal to provide 'equitable access to excellent provision and meets the individual needs of the child or young person'. This is imperative given the wider context of increased demand for special school and specialist provision, the limited and disparate provision to meet that need in both mainstream and special school settings and the current inequity of specialist provision across urban and rural settings. In NICCY's experience, this has resulted in significant gaps in provision, delays in children and young people being allocated a place, and inappropriate and unsuitable placements, which as indicated above, require significant daily travel by pupils in some cases. In recognition of delays, **NICCY recommends that 'equitable access' is expanded to 'equitable and timely access to appropriate provision which meets the individual needs of the child or young person'.** Additionally, NICCY recommends that **the EA must provide regular, transparent information on how gaps in provision will be managed, and children and young people's needs met, while the Plan is being developed and implemented going forward.**

Furthermore, **NICCY advises that provision and services must be designed and delivered in such a way as to meet both individual needs and the needs of specific groups, including children being educated in the medium of Irish and Newcomer pupils.** As highlighted in NICCY's 'Too Little Too Late' review, Newcomer children can face additional barriers with SEN identification, therefore prolonging delays in assessment and provision of relevant support, with negative impacts on educational progression.

Additionally, **greater detail is needed regarding specific actions that will be taken forward under operational plans to achieve equity of access to SEN provision.** For instance, EA must clearly explain how it will invest regionally to

ensure equity of access to services, including the provision of clear timelines and budget requirements, to address the current lack of provision in some geographical areas.

In order to fully meet the needs of all children with SEN, in both special schools and specialist units in mainstream schools to ensure their right to an effective education, NICCY strongly agrees that pathways of provision for all ages and stages must be provided. Currently a significant proportion of special schools in regions across Northern Ireland do not offer pre-school provision despite wide recognition of the importance of the earliest possible identification and intervention in the education of children with complex special educational needs. To ensure that 'every child receives the best start in life' (Draft PfG Outcome 12), children who require access to specialist supports and services should be able to do so at the earliest opportunity, including those who are yet to receive a Statement of Educational Need

The draft plan specifies special school provision in a '3-19 school' or through 'collaborative 3-19 provision'. Greater detail of how such collaborative provision would operate in practice is needed, with particular attention to what this will mean for pupils. For instance, it must be made clear whether collaborative provision will be provided on a single campus or involve multiple campuses. Moreover, while NICCY welcomes that the intent behind development of the 3-19 model is to reduce potentially disruptive transitions for children with SEN, it will be important to develop resilience to change and prepare them for transition to adult life and services. Robust planning to facilitate and prepare children for transitions within and from special schools is therefore essential. **NICCY recommends that the draft Plan should identify clear pathways for a seamless transition for children leaving their school (and children services) into adult services, ensuring the best interests of the child is upheld.**

Children with SEN have a range of needs and a complexity of service requirements to ensure that they develop to their maximum potential. It is vital to the achievement of this that there is a sufficient degree of flexibility with regard to services made available within schools in order to effectively meet children's evolving needs. As such, NICCY welcomes recognition of the need 'to provide for changing educational, physical and medical needs' within the Plan's mission. However, as highlighted in NICCY's 'Too Little Too Late' Review, we also draw attention to the importance of supporting children's social and emotional development, through access to appropriate services and supports which are tailored towards children's individual needs. **NICCY therefore recommends that the focus of children's needs is expanded to include provision for changing 'educational, physical, medical, social and emotional needs'**. Furthermore, there should be full transparency on

what this will mean in practical terms and what resource will be provided to schools to ensure that this is achieved.

NICCY welcome the EA's vision to ensure an inclusive education for pupils with SEN, with a focus on increasing inclusion and integration with peers in specialist provision in mainstream settings. The Plan recognises the need to 'develop solutions' to ensure inclusion but does not detail what these solutions might entail. It is crucial that appropriate action is taken to ensure high quality, inclusive education for all children with SEND is realised. Children with SEN, particularly those educated in mainstream settings, are at an increased risk of becoming socially isolated within their specialist units and by virtue of being separated, are also vulnerable to bullying. It is critical in this context is to highlight the relevance of the 'Addressing Bullying in Schools (Northern Ireland) Act 2016', introduced on 1 September 2021, and we are disappointed that this legislation is not referenced in the draft Plan. **NICCY recommends that the EA explicitly references the Addressing Bullying in Schools (Northern Ireland) Act 2016 and its implementation in the context of effective inclusion in the Plan.**

## **7. General comments: draft Strategic Area Plan**

The EA's draft Strategic Area Plan for Northern Ireland has been developed in accordance with the Department of Education's 'Schools for the Future: A Policy for Sustainable Schools' (Sustainable Schools Policy), which can influence decision-making on school closure. The Plan addresses Ministerial priorities for area planning, namely:

- Primary pupils being taught in composite classes of more than two year groups;
- Post-primary schools that are failing to provide a broad and balanced curriculum for pupils in years 8-12;
- Sixth forms with fewer than 100 pupils that cannot offer a full range of courses.

The draft Plan sets out broad proposals for how the number and profile of schools in Northern Ireland could change over that five-year period. With regard to enrolment figures, the Plan outlines that 228 of 701 primary schools (193 rural and 35 urban) fall below the minimum enrolment figures required under the Sustainable Schools Policy to render them sustainable, while 96 of 193 post primary schools (28 rural and 68 urban) are below minimum thresholds. Overall, the majority of schools falling below the minimum number recommended by DE are located in rural areas of Northern Ireland.

NICCY broadly welcomes the priorities for area planning, detailed above. The Commissioner considers it imperative that composite classes within primary schools are addressed as a matter priority and that actions are taken forward through the Plan to ensure that a full and balanced curriculum is provided to all pupils, irrespective of school size. **Regardless of school size, the Commissioner advises that all schools, including smaller schools, must be adequately resourced to ensure that pupils are able to access a full and balanced curriculum and face no disadvantage in the educational resources available to them.**

NICCY welcomes that decision making about school closures will consider a range of factors, including both minimum thresholds and the needs of the local area. We draw attention to the importance of adopting a flexible approach and long-term perspective when making decisions about school closures, particularly in the case of smaller schools within growing sectors. In particular, **NICCY strongly recommends that the Sustainable Schools Policy should be disappplied in the case of the Irish Medium Sector and the Integrated Education Sector as small, growing sectors when making decisions about the closure of schools which fall below minimum pupil enrolment thresholds.**

NICCY has serious concerns that closure of smaller schools may potentially have a detrimental impact on the education of some children and young people, including those living in rural areas of Northern Ireland. Rural schools are essential to local communities, bringing important benefits for pupils and parents. We draw attention to the Rural Needs Act (Northern Ireland) 2016 which places a duty on public bodies to have due regard to rural needs when developing policies and strategies, and designing and delivering public services. Therefore, we reiterate the need for decisions about children's lives, including their education, to be made with their best interests as paramount. **NICCY urges the EA to highlight this concern with the Department of Education in progressing its Area Plan for education and request that amendments be made to the policy in a manner which will protect against the closure of schools which would have been sustainable had they been adequately funded.**

## **8. Concluding Comments**

The Commissioner welcomes the opportunity to provide advice to the EA on the Draft Special Education Strategic Area Plan and the Draft Strategic Area Plan. NICCY also welcomes the ongoing meetings, with EA officials to address issues and

queries related to the draft Plans. NICCY considers it critical that area planning activity taken forward through the Plans is rigorously and regularly, monitored and evaluated. It is essential that robust and transparent processes are developed and implemented from the outset, to assess impact on pupils, outcomes and overall services for children and young people. The Commissioner calls on the EA to take into account the recommendations made in this submission, which she provides in line with her statutory duty to advise under Article 7(4) of 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003)' and would be happy to discuss any element in further detail.

A summary of the recommendations are listed below for your convenience:

1. NICCY recommends that an open and comprehensive consultation is undertaken on the Plans, and associated actions taken to drive forward changes with a wide range of stakeholders, including children, young people, parents and carers.
2. NICCY recommends that the Plans explicitly articulate the UNCRC and UNCRPD, the protection and promotion of children's rights, and give special consideration to the outlined Articles and General Comments.
3. NICCY recommends that the draft Special Education Strategic Area Plan is amended to include specific reference to the involvement of children and young people as part of the annual engagement processes.
4. NICCY recommends that a comprehensive child rights impact assessment, is carried out as a priority, if not already conducted, to ensure the implementation of a robust and effective system with rights at the centre.
5. NICCY recommends that planning decisions must ensure that travel to the 'nearest suitable' school, fully meets a child's needs and best interests and does not involve unreasonably long journey times.
6. NICCY advises that EA audits the needs of all children with a statement and ensures that they are receiving the specialist provision that they require.
7. NICCY recommends that 'equitable access' is expanded to 'equitable and timely access to appropriate provision which meets the individual needs of the child or young person'.

8. NICCY recommends that the EA must provide regular, transparent information on how gaps in provision will be managed, and children and young people's needs met, while the Plan is being developed and implemented going forward.
9. NICCY advises that provision and services must be designed and delivered in such a way as to meet both individual needs and the needs of specific groups, including children being educated in the medium of Irish and Newcomer pupils.
10. NICCY recommends that the draft Plan should identify clear pathways for a seamless transition for children leaving their school (and children services) into adult services, ensuring the best interests of the child is upheld.
11. NICCY recommends that the focus of children's needs is expanded to include provision for changing 'educational, physical, medical, social and emotional needs'.
12. NICCY recommends that the EA explicitly references the Addressing Bullying in Schools (Northern Ireland) Act 2016 and its implementation in the context of effective inclusion in the Plan.
13. The Commissioner advises that all schools, including smaller schools, must be adequately resourced to ensure that pupils are able to access a full and balanced curriculum and face no disadvantage in the educational resources available to them.
14. NICCY strongly recommends that the Sustainable Schools Policy should be disapplied in the case of the Irish Medium Sector and the Integrated Education Sector as small, growing sectors when making decisions about the closure of schools which fall below minimum pupil enrolment thresholds.
15. NICCY urges the EA to highlight this concern with the Department of Education in progressing its Area Plan for education and request that amendments be made to the policy in a manner which will protect against the closure of schools which would have been sustainable had they been adequately funded.