



Department for the
Economy
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An Roinn
Geilleagair

Review of Post-School Education, Skills and Training Provision, and the Associated Legislative Protections, for Young People with Special Educational Needs

Summary Report – June 2025
Prepared by Department for the Economy



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POST-SCHOOL SEN PROJECT – EXECUTIVE SUMMARY

Issue

This summary report details the work and findings of the internal team, to review the existing education, skills and training provision, including the legislative protections, for young people with Special Educational Needs. The focus of this work has been primarily on young people leaving Special Schools, aged 19 years old and Specialist Provision in Mainstream Settings, aged 16 years old.

Approach

The internal review team have taken a twin-track approach to the work;

- Desk-based review of earlier research, reports and recommendations, including comparative analysis of the legislative framework in Britain and Ireland
- Extensive stakeholder engagement (over 90 engagements)

Scope

The primary focus of this report is on the cohort of students leaving Special Schools and Specialist Provision in Mainstream Schools who tend to progress to destinations such as Further Education, training programmes or Health-funded opportunities. It has not focused on those progressing to Higher Education.

Structure

Section One of this report provides some contextual information and describes the existing landscape, including the significant growth in numbers over the last twenty years. It provides an overview of the type of provisions available based on the most common destinations for school leavers (with and without Special Educational Needs), this includes both Further Education and skills pathways, as well as health-funded opportunities.

Section Two summarises the stakeholder engagement activity and the feedback received, with a summary of the headline findings reflected below.

Summary of Findings

A summary of the findings are set out below:

1. There are significant service provision challenges; insufficient resources and system capacity in the face of increasing demands:
 - a. insufficient (places / types / location / duration),
 - b. inappropriate (setting, content, expectations),
 - c. inaccessible (transport, buildings, support).

2. There are two major transition points occur at once and with many families reporting that neither is managed in an informed, timely or young person-centred way:
 - in Health: from children's disability to adults Learning disability - with no certainty as to outcome due to need for Learning Disability assessment; and
 - in Education: out of school to a destination to be determined (overseen to the 'exit point' by EA).
3. There is no overall statutory lead or contact after a young person finishes school because potential destinations and associated issues span various Departmental remits:
 - Department of Health – Day Care, Day Opportunities or self directed support (Trust)
 - Department for the Economy – Further Education or Training (Further Education college / Careers Adviser / Training Provider)
 - Department for Communities – employment (supported) and Benefits (Work Coach, supported employment service)
4. There are gaps in timely, accurate and comprehensive information on all potential options available to young people, eligibility requirements, support arrangements and progression opportunities.
5. It was highlighted that there is no regional consistency of either Health or Education offers, instead provision is often described as a 'postcode lottery'.
6. Data could be shared and used more effectively across the Department of Education, Department for the Economy, Department of Health and Department for Communities to inform forward planning of appropriate transition destinations.
7. Young people do not have a guaranteed right or entitlement to access Further Education (unlike school) and there is no requirement on Further Education to accept someone (duty is to make reasonable adjustments).
8. There are significant barriers in Health and Education for young people with complex needs e.g. personal care, medical care, social, emotional and behavioural needs which are not always fully addressed.
9. There is insufficient funding and resources or capacity across many parts of the Health and Education systems – leads to 'rationing' approach that excludes or limits provision for many.
10. There is a perception of inequity relative to other jurisdictions.
11. We have heard of frustration from parents, school Principals and other stakeholders that issues which have been examined multiple times over many years are largely unchanged and have never been effectively addressed and situation continues to worsen as Special Educational Needs numbers grow.
12. Although, legislation exists in NI in relation to transition (Health & Education), the lack of resources contributes to delays or blockages, while a lack of provision curtails effectiveness. Legislation requiring cooperation also exists, but the impact is limited as there is no real clarity on expectations or responsibilities.

Issues arise at every stage of the process below:



Section Three draws the various insights and inputs together to distil the 'key asks' going forward. These are reflected below:

Key Asks

- i. Timely information, communication and guidance for Special Educational Needs young people and their families
- ii. Clear coherent pathways that facilitate ongoing progression tailored to the individual
- iii. Timely and effective planning for transition from, into and beyond provisions
- iv. Choice of appropriately resourced, supported and accessible options (whether via Health, Education or Employment)
- v. A named individual to support and help the young person and family navigate systems
- vi. Legislative safeguards and guarantees to these rights

Section Four reflects earlier research, reports and recommendations and Section Five provides an overview of the wider strategic context, including relevant or related work underway across other relevant Departments. This section illustrates just how many Government Departments are involved in and have a remit for transition-related issues.

Section Six reflects on the legislative issues and some of the key considerations, some of which are drawn out in greater detail in Section Seven as it explores the provision and protections in other jurisdictions and the implications or lessons that we can draw from these. It reflects on the insight provided by the comparative analysis that the Department commissioned from Stranmillis University College.

Section Eight reflects briefly on the next steps for the Minister for the Economy.

INTRODUCTION

1. In June 2024, Minister Murphy advised the Assembly:

“My Department has a range of provision for young people with special educational needs that is delivered through further education colleges, universities and across our vocational training provision. There are significant gaps in provision, however, and they have been worsened by the loss of the European Social Fund. That is not acceptable. Everyone should be able to access opportunities and fulfil their potential. I have therefore asked officials to review the current provision and provide me with recommendations to improve support for young people with special educational needs. I have also asked my officials to examine legislative protections and bring back advice as soon as possible. It is my hope that practical support and legislative protections can be strengthened in this mandate. That will require collaboration across Departments.”
2. This summary report details the work and findings of the internal review team, which undertook a desk-based review of relevant reports and research relating to the education and skills journey for young people with learning disabilities and or difficulties, while in parallel undertaking extensive stakeholder visits and engagements to develop a clear understanding of the existing landscape and the various challenges.
3. It should be noted that although the terms disability, Special Educational Needs (SEN) and learning disability are often used interchangeably, they have different meanings and are applicable to different contexts. Disability, as defined under the Disability Discrimination Act 1995, is “a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities”. A mental impairment is commonly known as a learning disability and is assessed in a particular way for the purposes of access to health supports, while a SEN is a learning difficulty which calls for special educational provision to be made (at school). In addition, a young person with a disability will not always have SEN, and a person with SEN will not always have a learning disability. These issues mean that a clear disaggregation of cohorts into a post-school context is not possible.
4. The focus of this review has been primarily on young people leaving Special Schools at age 19 and Specialist Provision in Mainstream Settings (SPiMs) usually at age 16, as this is where there the greatest gaps and issues relating to subsequent provision arise, but it does not exclude young people in mainstream or other settings. It is also primarily focused on the Further Education, training and Health-funded pathways, not Higher Education.
5. Stranmillis University College was commissioned to undertake some comparative work on the legislative positions across the UK and Ireland to help inform the work. That report was received in March 2025.
6. Section One of this report provides some contextual information and describes the existing landscape and provisions in place based on the most common destinations for school leavers (with and without SEN).

7. Section Two summarises the stakeholder engagement activity and the feedback received. Section Three draws the various insights and inputs together to distil the ‘key asks’ going forward while Section Four reflects earlier research, reports and recommendations.
8. Section Five provides an overview of the wider strategic context, including relevant / related work underway across other relevant Departments.
9. Section Six reflects on the legislative issues and some of the key considerations, some of which are drawn out in greater detail in Section Seven as it explores the provision and protections in other jurisdictions and the implications or lessons that we can draw from these.
10. Section Eight sets out the next steps.

SECTION ONE

Existing Landscape

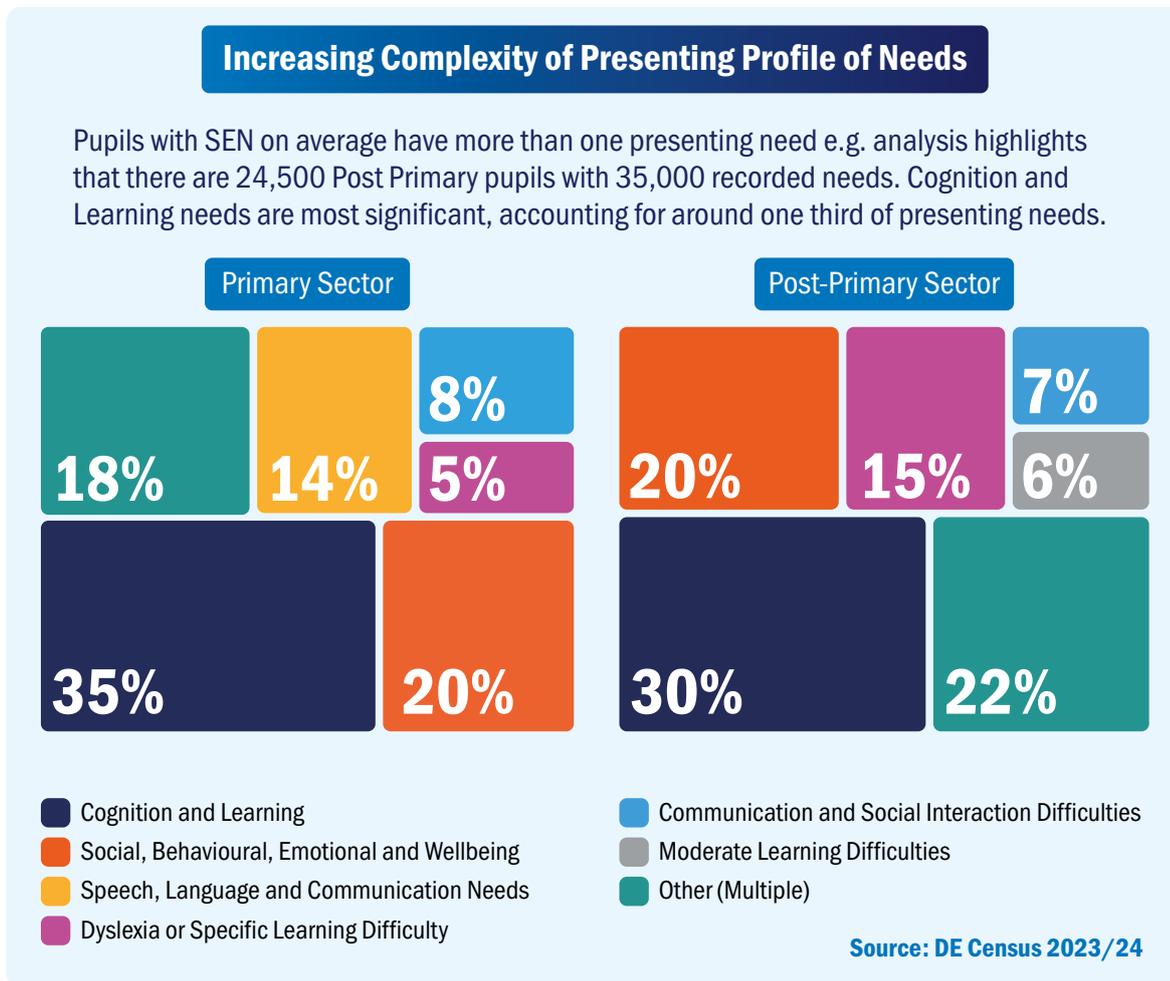
Disability in the Population

- 1.1 Disability rates here are much higher than in these islands regardless of the type of measure used, with the most common being self-reported measures of disability or self-reported receipt of social security payments which are disability-related. The 2021 Census found that 24% of the population here report being limited in their day-to-day activities either a little or a lot. This compares to 17% and 22% respectively in England and Wales.

Education System - SEN

- 1.2 Within the school system, a Special Educational Need (SEN) is “a learning difficulty which calls for special educational provision to be made”. A learning difficulty means that a child has significantly greater difficulty in learning than the majority of children of their age, and / or has a disability which hinders his or her use of everyday educational facilities. A child with a disability will not always have a learning difficulty or SEN.
- 1.3 The SEN Code of Practice provides statutory guidance to ensure a consistent approach for identifying and providing for children and young people with SEN within the school system. It is a three stage Code of Practice with each stage focusing on the level of intensity of the special educational provision needed for each young person to improve their individual outcomes.
- 1.4 If a young person has had a statutory assessment by the Education Authority (EA) and is issued a Statement, this is known as being at Stage 3. The Statement is reviewed annually, and it ends when a young person leaves school.
- 1.5 SEN is a legal term under the Education (Northern Ireland) Order 1996 that applies in the school system. Although the term is commonly used to refer to young people with learning disabilities and or complex needs, it is not a category used for either participant, student or type of training or skills provision in the post-school education environment.
- 1.6 There are approximately 346k pupils in the school system here, more than 19% (68k) have SEN and almost 8% (27k) have a formal Statement (Stage 3) of SEN. In the last 20 years, there has been an increase of 29% in the number of young people with SEN (53k to 68k), while in the same period there has been a 134% increase in the number of young people with a formal Statement of SEN (11.5k to 27k).
- 1.7 In 2024/25, 83% of pupils with any SEN were educated in mainstream classes, 6.4% were in SPiMs and 10.6% were in Special Schools.

1.8 Within the education system, it has been recognised that there is an increasing complexity of needs and this is illustrated below.



Disability and Work

1.9 The disability employment gap is a key measure of inequality. In 2021, it was 47.6 percentage points. This shows a 4.7 percentage point reduction from the 2011 figure (52.3 percentage points).

- The employment rate for people without disabilities was 85.9% (increased from 83.7% in 2011).
- The employment rate for people with disabilities was 38.3% (increased from 31.4% in 2011).
- The disability employment gap was the difference between 85.9% and 38.3%, which is 47.6 percentage points.

1.10 The lowest disability employment rates (around 31% in 2020) are associated with depression, anxiety and learning disabilities.

1.11 Evidence shows that even if a disabled person is educated to degree level or above, their chances of being in employment are significantly lower than their non-disabled peers. Qualifications and skills have a role to play in closing the gap, but disabled people are much more likely than non-disabled people to have no qualifications, and much less likely than them to be qualified to degree level or equivalent.

Transitions

1.12 EA Transitions Service supports the schools and educational settings of young people with a Statement of SEN (Stage 3) who are 14 years of age and older. The requirements do not apply for young people with SEN who are at an earlier stage of the process (Stages 1 and 2).

1.13 Transition planning meetings take place as part of the Statement Annual Review process. They are expected to involve the agencies that will play a major role during the post-school years, including the EA, Health Social Care (HSC) Trusts and Careers Advisers, as well as the school and parents and carers.

1.14 Under Section 5 of the Disabled Persons (Northern Ireland) Act 1989, when initiating the first annual review of a Statement following the child's 14th birthday, and any subsequent re-assessment of the child's educational needs, the EA is also required to seek an opinion from a HSC Trust as to whether a child with a Statement is a disabled person and may require services from an HSC Trust when leaving school.

1.15 During this review, and the Department of Education's (DE) End to End of SEN Review, it was clear that these reviews do not always take place in a timely manner, they can be perceived as a 'tick box' exercise and if a young person does not have a Social Worker, the HSC aspects can be missed with potential to delay subsequent stages.

1.16 When each young person with a Statement of SEN leaves school or EA provision, the final transition plan is shared with outside agencies as appropriate, to ensure they are supported appropriately when they move into their chosen pathway for adulthood.

Pathways / Future Destinations

1.17 The destinations of school leavers, whether with SEN or not, usually include HE, FE, training and skills, employment, unemployment or unknown destinations.

1.18 In 2022/2023, nearly 3,500 young people with SEN (1,300 with Statements) left mainstream schools. The majority (1,500) progressed to FE, with the second highest number going into training provision, followed by HE.

1.19 The data for Special School leavers is not included within the statistics (due to the lower numbers and potential to identify individuals) so it is difficult to accurately track the number or percentage of young people going to each destination but engagement with Principals and other stakeholders suggests that FE, training and Health-funded destinations are the most common choices.

Post-School Education, Training and Skills Provision

Further Education

- 1.20 Under the Special Educational Needs and Disability (NI) Order 2005 (SEND0), HE Institutions and FE Colleges are required to make reasonable adjustments for students with learning difficulties and or disabilities, to facilitate access to provision. The Department for the Economy (DfE) assists FE Colleges to fulfil this obligation by providing funding to support students with learning difficulties and disabilities through the Additional Support Fund (ASF) – a ringfenced £4.5m per annum.
- 1.21 As indicated previously, the largest group of mainstream school leavers with SEN transition into the FE Colleges and many of them receive additional support under the ASF 02. A SEN Statement does not transfer with a young person moving to FE College from 16 years onwards (whereas it does continue for students who remain in school) and the students do not always disclose their needs or seek the necessary supports in FE.
- 1.22 ASF 02 Basic (£2.5m per annum) is to help with the cost of providing additional technical and/or personal support, for students with disabilities studying in either mainstream or discrete courses.
- 1.23 ASF 03 Discrete (£2m per annum) is used to help meet the costs involved with delivering tailored courses for those who are unable to participate in mainstream provision. This aspect of the funding helps with the cost of providing reduced class size, additional lecturer contact time, support assistants, or other services.
- 1.24 A review of the student support arrangements, including ASF, was completed for DfE and is under consideration. It is intended that an action plan to take forward recommendations, as appropriate, will be developed by the end of August 2025. The review highlights that funding for ASF has not been increased for many years (approximately 20 years for the Discrete allocation and 8 years for Basic), which does not align with the significant increase over the same timeframe in SEN support needs and costs in the school system. As highlighted earlier, in the last 20 years there has been a 29% increase in children and young people with SEN (53,035 to 68,240) and over 134% increase in pupils with a Statement of SEN (11,541 to 26,964).
- 1.25 Belfast Metropolitan College is the only FE College that recruits support assistants who can assist with personal care (this seems to have a historical basis relating to a pre-existing arrangement with the former Belfast HSCT). The other FE Colleges do not meet these needs as personal care is defined as a regulated activity and comes under the remit of the Regulation and Quality Improvement Agency. Consequently, unless an HSC Trust-funded support worker or family member can support the young person they will not have access to FE College provision. The discrete programmes have been designed primarily but not exclusively to meet the needs of the young people who were previously in Special Schools or in SPiMs.

1.26 In addition to existing FE provision, the Disability Access Route to Education and Employment (DARE) was one of three strands of provision within the Step Up Project (funded by the Northern Ireland Office New Deal money until end March 2025) which aimed to support young people and adults with a disability or SEN support requirements to enhance skills, qualifications, and work experience, creating pathways into FE and employment. One-to-one mentoring was a key element of the support provided. DARE had a target to support 1,000 individuals, with a funding allocation of £4.2m over two financial years 2023-2025. The recent Education and Training Inspectorate (ETI) evaluation was positive, and the strength and importance of the mentor role seems to be a key takeaway for any future provision intended to support those with a disability.

Higher Education

1.27 Widening participation in HE is a key priority for DfE. The aim is to ensure that all those who have the ability to benefit from HE courses have the opportunity to do so. HE should be available to all, regardless of background.

1.28 The Department provides grant support to assist eligible students with the additional HE course-related expenses that they incur as a direct result of a disability, mental health condition, or specific learning difficulty (over and above any reasonable adjustments that can be made by their institution in the first instance). This grant is known as the Disabled Student's Allowance (DSA). Entitlement is not based on household income, and eligible full-time undergraduate, part-time undergraduate, and postgraduate students can avail of up to £25k in support per academic year. The actual level of support available to individual students will vary in line with their specific needs but will generally take the form of support for one-to-one non-medical help; specialist equipment; and support towards the cost of travel to and from their place of study. Approximately 2,500 students receive DSA support annually and spend is in the region of £4m per year.

1.29 In addition, the Education Student Fees (Approved Plans) Regulations (Northern Ireland) 2005, require that all HE providers that wish to charge more than the basic HE fee for any course must provide a Widening Access and Participation Plan (WAPP) for the Department's approval. Currently, HE providers are required to spend 10% of this additional fee income on widening participation equating to approximately £10m annually. The WAPP details the activities that institutions will undertake to promote widening participation in HE through outreach work, financial support to students, retention activity and relevant research.

1.30 Support is targeted at groups which include those from areas of high deprivation, those with a disability (physical, sensory or learning), adult returners and those who have experience of the care system. Young males from low socioeconomic backgrounds are monitored. HE providers are also free to provide support to any under-represented groups they wish, over and above the target groups identified by the Department.

- 1.31 The percentage of young people with disabilities studying in HE is reasonably reflective of the disability prevalence within the wider population, though historically very few learners with a learning disability access HE. While this may be expected, there is value in opening up opportunities to study in an HE setting for those with a learning disability. For instance, Trinity College Dublin has been running a well-established study offer at the Trinity Centre for People with Intellectual Difficulties and under the PATH (Programme for Access to Higher Education), the Higher Education Authority in Ireland has provided funding of over €11m to support 11 Institutions in Ireland to implement and evaluate pilots to support course provision for students with intellectual disabilities and to inform future policy considerations.
- 1.32 Stranmillis University College, using Step Up funding, has examined and reported in April 2025¹ on the feasibility of creating an inclusive programme here, emulating the model at Trinity College. The costs (for a student cohort of 8 to 10) are estimated at £1m in the first year and a slightly reduced annual cost of £0.94m per annum thereafter. The report sets out strong arguments and rationale for the provision and positions it clearly within the Executive's Programme for Government priorities on SEN.

Vocational and Training Programmes

- 1.33 The Department's ApprenticeshipsNI programme makes support available for participants with a disability. A disability supplement of up to £2,886 is payable to allow training suppliers to provide additional support, such as specialist equipment. Disability Support Suppliers are contracted by the Department to provide specialist support tailored to individual need. All participants on ApprenticeshipsNI will go through an initial assessment period by the training provider, which will result in the development of a Personal Training Plan (PTP). For those participants with a disability, the PTP will clearly define that disability support is a requirement and will detail the disability support to be provided by the training provider and any additional specialist disability support provision.
- 1.34 Within ApprenticeshipsNI, disabilities are self-declared. At the end of October 2024, there were 11,774 participants on ApprenticeshipsNI, of whom 3.8% had declared a disability. It is recognised that the participation rate does not reflect disability prevalence in the working -age population. The Apprenticeship Inclusion Challenge Fund aims to increase apprenticeship uptake across three inclusion cohorts, including disability, with two of the six successful projects focused on disability. In addition, work is proposed in the draft Apprenticeships Action Plan to scope the potential for Supported Apprenticeships for participants with SEN or disability.

1 [Gibson, K et al, \(2025\) Pathways to Inclusion: Exploring Higher Education Opportunities for People with Intellectual Disabilities - Stranmillis University College | A College of Queen's University Belfast](#)

Skills for Life and Work

- 1.35 A non-statutory Youth Training Guarantee has been in place following the introduction of the Social Security Act in 1988. In removing income support eligibility from 16 and 17 year olds, the UK Government guaranteed a training place for under 18s who were unemployed and not in full time education. This was replicated in NI under the Social Security NI Order 1988 and although the training landscape in GB has changed since, the position in NI in relation to the Youth Training Guarantee has remained the same.
- 1.36 Skills for Life and Work (SfLW) allows the Department to fulfil its requirements under the Youth Training Guarantee, with reasonable adjustments in place for disabled young people and increased age eligibility for care-experienced young people. Participants with a disability can access the programme up to age 22, receive an additional third year on the programme to complete their training and access additional support as needed. Taxi transport is also provided for those who are unable to use public transport.
- 1.37 Participants undertake training and target qualifications in personal development and employability, along with Essentials Skills, as well as in their chosen occupational areas. A work placement is an important part of a young person's time on the programme, but for those who are not ready for that the programme allows for 'world of work activities'. These are activities a young person takes part in until they are ready for a regular, sustained work placement. These may include work sampling, short-term or ad hoc work experience, project-based learning, and other work inspiration activities (e.g. work shadowing, inputs from industry or employer representatives, and workplace visits). Where appropriate, world of work activities can also complement a work placement as the young person progresses on the programme.
- 1.38 Delivery is via a mixed market approach and includes both private training organisations and FE colleges. Around 10-15% of delivery is via FE. There were 1,754 new starts on SfLW for the 2024/25 academic year, with an occupancy rate of 3,018.
- 1.39 Typically, approximately 50% of SfLW participants have a disability. Engagement with Special Schools, Careers Service colleagues and the training providers indicates that this programme is a pathway of choice for a number of young people who have previously attended Special Schools, some of whom opt to join the programme after spending a year or two on Discrete provision at an FE College.
- 1.40 Procurement of the successor programme for SfLW will launch shortly with new provision to be in place from September 2025. Following a recent consultation, the new provision will include a change to the arrangements meaning that additional disability support will be incorporated within the new provision rather than as a standalone specialist service. A review will take place after the first year to assess any impact from this revised approach.

European Social Fund Programme

- 1.41 The European Social Fund (ESF) Programme which operated from 2014 until 2023 was a key feature of the local landscape for many years. The strategic aim of the ESF Programme was to combat poverty and enhance social inclusion by reducing economic inactivity, and to increase the skills base of those currently in work and future potential participants in the workforce.

- 1.42 The programme supported a number of strands of work under three priorities. Priority two on social inclusion focused on promoting social inclusion and combating poverty and discrimination. This priority funded projects supporting people with a disability to access employment, education and training, it also funded projects supporting participants not in employment, education or training aged 16 and over within families receiving community family support. Before the programme ended, there were 22 disability projects funded under the social inclusion strand receiving an allocation of approximately £15.6m. While the Department of Health and HSC Trusts have maintained as much of the match funding as possible since the ESF programmed ended, there has been an inevitable impact on the overall scale of provision as well as the viability of some delivery organisations.
- 1.43 The Shared Prosperity Fund (SPF) was the British Government's successor to the ESF Programme. It is administered directly by the Ministry of Housing and Local Government and is due to end in March 2026. The focus of SPF is to help economically inactive people move towards and secure sustainable employment and it does not include the earlier ESF programme social for inclusion.
- 1.44 The SPF is delivered through 18 collaborative projects, one of which is the SkillSET project - a collaboration between seven regional and national disability organisations from the community and voluntary sector, all of which have extensive experience in supporting economically inactive individuals to secure sustainable employment. Its primary focus is to deliver specialised support to individuals with disabilities and / or health conditions who face multiple barriers to employment and are farthest from the job market. The project provides specialised pre-employment training, academies, job matching, on-the-job mentoring, and the creation of sustainable employment opportunities for individuals who are disengaged from traditional learning or job-seeking approaches.

Careers Service

- 1.45 The Department is required in legislation to make arrangements for providing careers guidance and fulfils this obligation through the DfE Careers Service, which is an all-age, all-ability service that provides impartial careers information, advice and guidance. Through partnership working with post-primary schools, including Special Schools, careers services are prioritised for pupils with a disability, a medical condition and/or a Statement of SEN. For young people with a Statement, Careers Advisers attend transition plan meetings of Year 10 pupils and subsequent Annual Reviews at the invitation of the school. Careers Adviser attendance and contributions at these meetings allow young people and their parents or guardians to make informed decisions about the options available to them on the range of educational, training and employment opportunities available.

- 1.46 Building on a successful Small Business Research Initiative project that tested innovative approaches to support young autistic people, the Careers Service is working to develop and introduce additional interactive technology which can help address issues autistic people have identified when trying to access careers information and advice. It is envisaged that the solution will be incorporated into the current guidance process to support young people to articulate what their interests are and how these can be channelled into possible careers choices, learning pathways and employment. The project aims to take a phased approach, with initial implementation planned from September 2025.
- 1.47 The development of a new Careers Portal is a digital transformation project that will provide whole system support by bridging the gap between education, skills and the economy. The portal will provide inclusive and accessible, equitable access to careers information, tools and resources for people of all ages and backgrounds, including young people with SEN as well as their parents and / or guardians. It is difficult to predict the timescale for a product this complex, but the current estimate is a two-year timescale for procurement, build, testing and launch.

Social Enterprise

- 1.48 The social enterprise economy here is a well-established and diverse sector. It creates opportunities and training for people who are often marginalised in society, driving social impact in these communities. DfE recently published a three-year Social Enterprise Action Plan which identifies 14 actions across five objectives, to raise awareness of the sector, to support leadership and training, to improve access to support, to provide investment, and to overcome procurement challenges.
- 1.49 Figures released in 2019 indicate that there are almost 843 social enterprises here, generating an annual turnover of approximately £980m, with almost 25,000 people employed in our social economy. An update to this survey is currently underway.
- 1.50 Social Enterprise Champions in InvestNI, InterTrade Ireland and each Council area will provide a key contact and positive opportunity to grow the sector and better connect industry and business with social enterprise partners, as establishing their place in local supply chains will maximise their potential to offer opportunities to disabled adults (a core feature of health funded Day Opportunities).

Department of Health Funded Opportunities

- 1.51 In addition to the various education, skills and training destinations, Department of Health (DoH) funded provision is a key destination for many young people with SEN who are in Special Schools. The Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 outlines specific responsibilities for DoH concerning adults with learning disabilities. In simple terms, the Act obligates DoH to both identify adults with learning disabilities and to ensure they receive necessary support services to enhance their well-being and social inclusion.
- 1.52 HSC Trusts have a key responsibility for transition planning (within procedures designed to adhere to NICE guidelines) for those who will need access to their services. Part of the HSC Trust remit includes planning, delivering, commissioning Day Care and Day Opportunities for adults with learning disabilities aligned to their needs.

- 1.53 Young people transition from HSC Trust paediatric services to adult services at the age of 18. This is the point at which many families first discover that a SEN in the education system is different from an assessed Learning Disability in Adult Services under DoH.
- 1.54 While many young people with learning disabilities will be known to the Children's Disability Team in their local HSC Trust, and initial planning conversations take place during regular contact between the social worker and family, this is not always the case. The HSC Trust is usually engaged as part of the EA Transitions process, triggered after the 14th birthday². However, in practice and due primarily to workload demands, the HSC Trust does not always become involved immediately, especially if a young person has not previously been known to the Children's Disability Service.
- 1.55 Once an HSC Trust has been made aware of a young person, from around the age of 16 (but in practice it is often not until the final year of school), eligibility for HSC services for young people transitioning is determined by:
- assessment of a Learning Disability; followed by
 - assessment of need.
- 1.56 If a young person is assessed as having a Learning Disability this opens the possibility of support for part or all of the working week once the young person leaves school. The support available takes different forms and is informed by the assessment of need. It could be either Day Care or Day Opportunities.
- 1.57 Day Care tends to be the only option for young people who have greater support needs, including medical or personal care needs, as this level of support is usually not available in other settings. Demand far outstrips capacity in some areas and this can mean young people are placed on waiting lists or offered limited provision of three or four hours on one or two days each week rather than a full-time provision. The age range and profile of attendees (up to 65 years) also means it is considered an unsuitable and inappropriate option for many school leavers.
- 1.58 Day Opportunities differ from the more traditional buildings-based Day Care as they can encompass a much more varied package of community-based activities. This enables adults with a learning disability to meet and make friends; use local leisure and recreational facilities; and engage in FE, volunteering, supported employment, social farming and social enterprise activity.
- 1.59 There are variations in the types of provision available from each provider, while some young people may have a proportion or all of their week covered by Direct Payments to allow them to make their own arrangements. Direct payments are cash payments, made in lieu of social service provisions, to individuals who have been assessed as needing services. The aim of direct payments is to increase choice and promote independence. DoH does not collect or hold data in a way that enabled us to ascertain how many young people (19 to 25 years) are in receipt of these payments and the level of payment they receive.

2 Under S5 of the Disabled Persons (Northern Ireland) Act 1989, when initiating the first annual review following the child's 14th birthday, and any subsequent re-assessment, the EA is required to seek an opinion from a HSC Trust as to whether a child with a statement is a disabled person and may require services from a HSC Trust when leaving school.

- 1.60 Some young people with Learning Disabilities attend DfE funded training for part of the week and use DoH funded Day Opportunities provision to participate in other activities for the remainder of the week.
- 1.61 If a young person is assessed as not having a Learning Disability, then health-related support (including Day Opportunities and Direct Payments) is not an option or pathway for them. This is reported by Special School Principals, parents and providers as a significant problem for young people who have SEN and are extremely vulnerable due to their other conditions but do not come within the Adult Services Learning Disability remit.

Employment

- 1.62 The Department for Communities (DfC) provides support for Jobseekers through a network of Jobs & Benefits offices. If someone has a disability, including a learning disability or health condition that affects the work they can do, a Work Coach can advise them. In addition, there are three work schemes for people with disabilities or health conditions.
- 1.63 The Access to Work programme helps with the practical problems caused by disability. It offers advice and help in a flexible way that can be tailored to suit the needs of an individual in a particular job or getting to and from work.
- 1.64 Workable (NI) tailors support for individuals with a disability to meet their specific needs in the workplace, including one-to-one help from a job coach to help the employee and their colleagues adapt to the needs of the job, extra training for the employer and disability awareness training for the employer and work colleagues.
- 1.65 Workable (NI) is delivered by three providers contracted by the DfC as follows:
- [Disability Action](#)
 - [Supported Employment Solution \(SES\)](#)
 - [Ulster Supported Employment Ltd \(USEL\)](#)
- 1.66 The Condition Management Programme is intended to help people to manage their health condition to allow them to progress towards, move into and stay in employment. The programme is led by healthcare professionals, such as occupational therapists, physiotherapists and mental health nurses.
- 1.67 In addition, DfC also ran a successful JobStart Scheme which ended in March 2025. It funded employers to create new job opportunities to help unemployed people aged 16-24 and 50-64 to enter or re-enter the job market. The programme provided an extended nine-month job opportunity for young people with disabilities, giving them a longer time to identify and address any barriers and maximise their experiences on the scheme. Evaluation of the project has been positive.

Changing Landscapes

1.68 The end of the ESF Programme had a wide impact on the skills and training landscape at Entry Level, as well as across a range of pre-employment, social inclusion and Day Opportunities provisions. It was the most significant change in recent times, but other programmes have also stopped (e.g. JobStart) or been reduced due to funding. Stakeholders expressed the view that there appears to be less predictability, stability and capacity with key elements of the potential provision for disabled participants and, as was seen with the end of ESF and move to SPF, the impact of managing the consequences often falls to the Community and Voluntary Sector organisations who do their best to meet the needs of service users despite reduced capacity or different funder expectations.

SECTION TWO

Stakeholder Engagement

- 2.1 A core part of the review work has been to actively seek the views of others. This has provided a broad range of perspectives and insights as to the strengths, challenges, gaps and potential ideas for solutions in relation to the relevant provisions, processes and systems.
- 2.2 By the end of March 2025, the review team had participated in nearly 90 engagements, events and meetings for this purpose. The chart below illustrates the variety of stakeholders and, wherever possible, the team had the opportunity to engage with young people directly to hear their wishes and aspirations.



Stakeholder Feedback

- 2.3 While the primary focus of the work has been on the post-school skills and training provision, the reality for the people within the system is that 'boundaries' relating to Departmental remits are simply another layer of complexity for them to navigate as the issues are often so inter-related. It is not feasible to look at the education, skills and training issues without also considering many aspects of the wider context, taking a person-centred approach to the transitions experience and next steps following education.
- 2.4 As indicated earlier, the destinations³ for SEN school leavers tend to be:
- FE college;
 - training;
 - Day Opportunities;
 - Day Care;
 - employment (including supported); and
 - unemployed / unknown.

³ HE is not one of the key destinations for SEN learners from Special Schools and SPiMs so this cohort was not a focus for the stakeholder engagement.

2.5 Issues arise at every stage of the process below:



2.6 The following sections reflect issues that have been raised with us through the review and / or that are captured in other reports and surveys. Quantifying the scale of each of the issues is challenging; some are based on individual experience, many were reflected by school Principals and other experienced professionals, while others are factually based but data is not collected in a way that would allow us to properly quantify and evidence the issues.

Information and Communications

- Incoherent information and communications on pathways.
- Complex landscape with blurred lines of accountability and ownership – post-school system spans multiple Department remits so funded and commissioned by DfE, DoH and DfC based on individual Departmental priorities.
- No single or consolidated source of information, guidance and Frequently Asked Questions.
- Landscape changes – uncertainty or inaccuracy about options.
- Parents are largely unaware that Statement ends after they leave school and no continuing support.
- Parents are unaware that involvement with Children’s Disability Services does not guarantee access to Adult Learning Disability Services, an assessment is required.

Transition Planning / Process

- Lack of aspiration, negative assumptions, limited visibility of provision and options.
- Should involve Schools, EA, HSC Trusts ,Voluntary and Community Sector providers, Careers Service, training providers. There is limited clarity on respective roles and no consequences if EA Transitions or HSC Trust don’t attend.
- Ineffective Transition Planning and Annual Reviews – some report experiencing ‘tick box’ meetings, non-attendance of key personnel, lack of knowledge on options or requirements.
- HSC Trust and Education Transitions: two major changes happen in succession (into Adult Services at 18 with limited continuity and handover to ease the Education transition at 19).
- Lack of timeliness (some reviews take place after applications process underway), there is no sense of urgency, left to final year which results in ‘cautious choices’ out of fear, health pathway rather than skills / training.
- Lack of social workers in some HSC Trusts (focus on children in care) meaning there a delay in the transitional planning or it starts late, assessment of learning disability not triggered in timely manner.
- Limited options through Entitlement Framework or Occupational Studies delivered by FE Colleges or they not available due to transport issues which in turn reduces preparation for transition.

- Relationships between schools and relevant FE and training providers not as developed as could be, need sustained engagement and relationships to encourage aspiration.

A subset of issues with the transition process relates to eligibility and exclusions

- DE supports SEN learners (wider category) whereas Health supports Adults with Learning Disability (via IQ assessment). This results in young people who have been in Special School for 16 years being excluded from Health LD Services such as Direct Payments, which are used by some students to pay for personal care thus enabling access to FE College. FE Colleges gave examples of 'toileting by appointment' or with parents or siblings attending to provide care.
- No provision via HSC Trust for young people with behavioural, social and emotional needs, but no LD, which can result in high levels of vulnerability and a need for equivalent or greater support than their LD peers to be able to access opportunities. This is a key cohort who find themselves 'stuck at home'.
- Physical disability there is limited provision and no access to social worker to secure necessary supports.
- Personal care – this is a regulated activity under RQIA so not supported by FE College learning assistants (except in Belfast Metropolitan College).
- Medical support needs, behavioural challenges, supervision or Deprivation of Liberty– all these issues present barriers to accessing existing provision, whether in education or training pathways or on Day Opportunities.

Options / Choices

- Insufficient provision – competition for places, non-disabled peers have alternatives, disabled young people often do not.
- Young people discouraged from applying to FE College, with negative attitudes reflected through an array of messaging such as 'not sure if we will have spaces', 'no decision on whether class will run here, 'can't confirm support yet', 'not convinced this is the right fit', 'your young person won't get Social Worker in time to secure support' etc'.
- Limited and or unsuitable course options - budgetary constraints mean limited course types that have not been refreshed for years (hospitality, catering or retail instead of e.g. creative media, arts and drama) – fitting young people into 'the offer' rather than enabling choice of preferred subjects or interests.
- Regional imbalance in availability of different types of provision resulting in insufficient places to meet demand & limited options especially for those with physical or sensory disability disabilities (e.g. wheelchair user in rural area with two training options - hairdressing or car mechanics).
- Frustration and fear from Special Schools at the lack of forward planning by all statutory services to anticipate and create meaningful opportunities for young people for whom they have worked hard for many years.
- Huge capacity challenges in health-funded systems mean limited day care, stimulation options for Profound or Moderate LD – maybe one or two days rather than a full week.
- No Health or training destinations for young people with LD and co-occurring conditions such as Autism who need intensive support – barrier seems to be a resource one (double funded), additional staff needed to enable one to one but no funding mechanism to cover this.
- No flexibility or discretion in decision-making to meet needs for fear of 'opening floodgates' to demands for bespoke supports.

A subset of the Options / Choices issues is in relation to qualifications:

- There is repeated concern that prerequisite qualifications for mainstream FE and for Apprenticeships are either options that SEN learners had no access to in Special School or SPiMS or are beyond their reach, yet no adjustments or accommodations are available.
- A frequently repeated concern raised was that FE College options offered low-level qualifications, which were dull and repetitive with no progression and sometimes regressive compared to prior standards achieved at school.
- Another concern was that many of the options had limited relevance or linkage to employment nor were they understood by potential employers.
- Some expressed a view that FE Colleges and training providers were more focused on these low-level regulated qualifications because these attract funding, rather than seeking non-regulated but more interesting and tailored opportunities to pursue interests and enable personal growth.

Provisions / Supports

- Assessment of needs and supports usually takes place in the first four to six weeks of a FE College placement – feedback indicates that this is too late for many young people, and we were advised by Special Schools that many of their young people drop out early (we were unable to quantify this but it was a consistent message). One FE College (North West Regional College) prioritises this work in advance of a student starting, and arrangements are confirmed in advance and in place for day one.
- Some FE Colleges reported being unable to articulate clear support arrangements for individuals due to demand-led nature of funding e.g. if one student needs sign language this uses significant proportion of budget and means less support for others.
- Changing profile of needs – smaller groups, higher levels of supervision, greater demand for personal and or medical care needs to be met.
- Only Belfast Metropolitan College has support staff who assist with personal care (as a Classroom Assistant would provide in Special School), this excludes students from access unless they can secure Direct Payment support worker or alternative support (usually family).
- Issues raised around the need for continuing professional development (CPD) for FE Colleges and training providers – changing profiles, complexity of needs, EA, HSC Trust and schools all receiving consistent and updated training.
- Feedback from many stakeholders is that for SEN learners the gap between the supported environment of a school, particularly a Special School, compared to the independent approach at FE College is too great.
- Greater and more visible support, guidance, encouragement and supervision is required from day one (for arrivals, departures, breaks, meals and in class groups) and this should only be tapered back if or when the young person is ready. The chronological age of a learner should be given less weight than the vulnerability and emotional immaturity or development stage.

Changes

- Various issues can cause a young person to leave a course or training programme before completing. In the school system, the EA is responsible for the Statement so there is a named link worker to engage for advice and guidance on options and process if, for example, a young person wants to change school.

- In the absence of a Statement for post-school provision, no such responsibility exists and there is no obvious link worker to turn to for advice or guidance.
- The early involvement of such a link worker with the young person, their family and the training provider or FE college may prevent a student from leaving the provision early or could assist with securing an alternative destination quickly as the implications for a young person trapped at home doing nothing can quickly spiral.
- This gap in support is a source of frustration for parents who are left to navigate the system on their own, if issues should arise that need to be addressed or resolved.

Progression Beyond Skills and Training

- Feedback indicates a huge gap in relation to post-training, FE College transition support and guidance; it is piecemeal, inconsistent and non-statutory. ESF providers fulfilled an important role in this space and although the UKSPF does not fund it, providers report trying to offer this support within the capacity that they have.
- Clear strengths of former ESF and current UK SPF and Social Enterprise type model is flexibility, innovation and connection to employers and young people with disabilities, especially in Special Schools, have limited work experience opportunities and are very reliant on word of mouth or personal contacts.
- In preparation for leaving school there is a transition process (irrespective of its faults) and it is meant to commence well before the end of the school journey. Their needs are no different at the end of FE College or training provision: these young learners and their carers or parents need additional support, information and guidance to help them understand the options available to them for progression and this doesn't currently exist.
- Monitoring and tracking of outcomes - perception that no one knows or cares what happens when these young people leave school or FE College etc.

While the issues above relate primarily to different stages of the 'learner pathway or journey', other cross-cutting issues were also raised and are reflected below:

Data Sharing

- This needs to be improved across all Departments to enable effective forward planning at service level, as well as to inform preparation to support the young person at an individual level. Currently this is gathered by different services separately, creating duplication.
- More data, informed effective planning would help increase a regional balance of provisions and eliminate the current perception of a 'postcode lottery'.
- Recognition that the Statement may not be the right document to share with post school providers (unnecessary personal and medical detail, limited relevance or value outside school setting) but there is need for some communication setting out needs and effective prior supports.
- A Transition Plan should contain relevant and useful information and it was suggested that Personal Learning Plans (PLP) should also be considered in terms of their purpose and usefulness for progression.
- Child Development Passport as referred to in the DE SEN Reform Agenda Delivery Plan. The details or intended approach are not yet available but it will be important to explore with DE whether it is a tool that could be used through transition and beyond.
- A suggestion was made to reduce the need for repeat assessments is crucial as these are wasteful of resources and are disheartening for the young person (especially relating to examinations).

Culture / Expectations

- Parents / Carers often want a post school training or skills offer that is 'like school' for young people with SEN in terms of safety, security, supervision, predictability, scale of provision and geographical spread.
- Post-School Providers (FE Colleges, training providers and Social Enterprises) recognise that young people can flourish if given the tools to be more independent e.g. travel training to access transport, social opportunities, new experiences including work, not under the same constraints as at school (uniforms, rules, routines etc.).
- Low aspiration and visibility of adults with learning difficulty in employment leads to limited pathways and opportunities.
- Perceived impact on household benefits can act as a deterrent, influencing carers to avoid taking chances / opportunities and can risk holding young people back.
- There is a perception amongst some that post-school provision is regarded as a discretionary add-on and parents should 'be grateful there is something' rather than it being recognised as core and integral part of provision to which young people are entitled to be supported to access. These tensions seem, in part, to drive the calls for legislative underpinning on the basis that the provision would not be removed or reduced if it is enshrined in legislation.

Accessibility

- Transport – significant challenge and influences decision-making and choices with parents opting for buildings-based day care because of availability of transport. Many SEN students are in EA buses or taxis for 16 years and do not have the skills, confidence or competence to safely manage public transport (where it is available), nor are they necessarily able to navigate from a drop off point to the appropriate destination. Affordability is also a huge issue, especially in rural areas where options are constrained, and wheelchair accessible vehicles are scarce.
- The duration of provision also interfaces with the transport issue - a parent may be able to provide transport to and from provision that is of a reasonable duration but a provision that only lasts for two or three hours quickly reduces the feasibility or negatively impacts the parent's employment.
- Physical Environment – a range of issues were highlighted in relation to the suitability of FE College and Training Provider buildings, highlighting needs such as space for small groups / classes, availability of changing places toilets, lifts, automated doors, and access to sensory or quiet rooms.
- Medical and personal care – need for suitable arrangements to be made to maximise independence for young people while also keeping them safe, should not default to being placed in Day Care facility.

The following sample case studies are included to help illustrate some of the challenges:

Person A has complex needs and learning disability and wants to access Day Opportunities but needs personal care and close supervision.

Personal care is a regulated activity therefore the only possible Health destination is Day Care.

Person B has complex needs and learning disability and wants to avail of Day Opportunities, can manage own personal care but needs close supervision (ideally one to one)

One-to-one care cannot be funded in Day Opportunities because it is seen as double funding (Person B can access the placement or the extra support but cannot get both).

Person C has complex needs and learning disability and wants to go to a FE College, needs personal care.

Can not access any FE College except Belfast Metropolitan College (only FE college that meets personal care needs) unless HSC Trust will fund direct payment package to allow Person C to recruit a support worker to attend in background and help with personal care, or if they have the support of a family member.

Person D has complex needs and personal care needs but has not been assessed by HSC Trust as having a Learning Disability.

No Learning Disability outcome means person D is unable to access Day Opportunities (or Day Care) despite it being preferred option. FE College or training provider options are challenging due to personal care needs as they have no access to HSC Trust funded support worker and a family carer is only way to enable access.

Person E has a physical and learning disability and wants to go to FE College or Day Opportunities but needs accessible transport.

Wheelchair accessible taxi from rural area costs £80 return trip per day – unable to afford this weekly cost therefore only option that includes transport is Day Care. If Person E has the learning capacity, then Skills for Life and Work may be an alternative option as it includes paid taxi travel if required.

SECTION THREE

The 'Asks' on One Page

- 3.1 The 'asks' from parents, young people and school leaders were not always the same across or even within the different cohorts, and the aspirations of young people and their parents or carers do not always match.
- 3.2 However, as is apparent from the stakeholder engagement, some core and consistent themes arose repeatedly which many stakeholders want to see addressed. These include:
- **Information, communication and guidance** – on all aspects of the process, options and key contacts involved.
 - **Timely and effective transitions** – with clear lines of responsibility and accountability for monitoring placement, addressing issues, support to source new placements and change if unsuccessful, as well as monitoring participation and inclusion at regional level.
 - **Choices / options / voice** – provision type, duration, location, subjects, pathways and personal interest.
 - **Support** - recognise and plan for vulnerability rather than assume age-based capability, mechanisms to meet needs for one-to-one.
 - **Continuity** – similar to school in terms of duration, supervision, predictability etc. but with consolidation and progression in further developing skills for life, independence, work-based, hands-on opportunities and visibility within community.
 - **Transport** – clarity on availability and address issues such as suitability, access and cost.
 - **Legislative guarantees** – to access provision with appropriate supports and appropriate challenge or recourse mechanism if needs not met.

SECTION FOUR

Review of Recent Reports, Recommendations and Research

- 4.1 A key strand of the project involved a desk-based review of relevant research, reports and recommendations impacting on or covering the skills, training and education provision. Apart from ETI consideration of FE provision more than 10 years ago, the Department has not commissioned reports or reviews in this area, nor has it been the subject of reports by the Northern Ireland Audit Office (NIAO) or the Public Accounts Committee (PAC).
- 4.2 Consequently, the documentation reviewed was primarily focused on the education system, and some aspects of the HSC system, as we identified any relevant post-16 to 19 matters, transition or progression type issues and or recommendations relating to young people with SEN. An exception was the previous Employment and Learning Committee Enquiry Report which is covered in more detail below.
- 4.3 In addition to the previous Committee Enquiry Report, documents reviewed have included the Bamford Review 'Equal Lives Report', a number of NAO, NIAO, PAC, Parliamentary Reports on SEN issues here, as well as in England, the Independent Review of Education, the 14-19 Framework and various DE documents developed or identified as part of the SEN End to End Review.
- 4.4 This work has been very informative and, in broad terms, has confirmed that the challenges being raised today are not wholly new issues. An Inter-Departmental Group set up in 2002 reported in 2006; the Bamford Review involved cross Departmental working and implementation over a period of approximately 10 years; the former Employment and Learning Committee recommendations had reach across many Departments. Consistent themes occur such as transition, timeliness, information and advice, accountability, provision and support.
- 4.5 It is clear from reviewing the materials that there have been positive interventions and supports introduced over the years including, for example, the EA Transitions Service, the ASF in FE, the Regional Day Opportunities Model, the ESF Programme and others, however, for various reasons, their reach and impact has been constrained or eroded over time.
- 4.6 Key observations or highlights from a number of the documents considered as part of this work are reflected below.

The Report of the Independent Review of Northern Ireland's Children's Social Care Services

- 4.7 The report recognised the concern relating to the transfer at 18 years from children's HSC Trust services to adults' services, or to no services. It was acknowledged that the concerns are as a result of services being under pressure and responding to crisis work rather than longer-term planning and preparation. The following, three suggestions were made to help ameliorate the panic and fear of abandonment described by parents:

- fund a region-wide independent transitions advice and advocacy service so that young people with a disability and their families are supported and assisted during the transitions process;
- remove the age 18 'cliff edge' with an entitlement that if alternative post-18 help and assistance is not in place current help and services will continue; and
- have flexibility with a transition period (between ages of 18 and at least 21) recognising that children's services should have a longer period of engagement with some young people whose development and transition to adulthood may take more time.

4.8 While these recommendations are related to the HSC Trust transition, they may offer a more person-centred and strategic approach to transition from childhood to adulthood across a range of services (including health, education, employment, housing and benefits).

4.9 The report also recommended the appointment of a Minister for Children and Families to give political leadership and focus to the intentions of the 2015 Children's Co-operation Act and to be a children and families champion across government and alongside the Children's Commissioner.

4.10 Following the review conducted by Professor Ray Jones in 2023, several workstreams were developed to progress the recommendations made within the review. These workstreams specifically address areas such as residential placement capacity, fostering, children with disabilities, and family support. The implementation of these recommendations is aligned with the Children with Disability Framework, which focuses on aspects like short breaks, residential provision, early help, and transitions.

Employment and Learning Committee Inquiry Report

4.11 In 2014, the former Employment and Learning Committee launched an inquiry into Post SEN Provision in Education, Employment and Training for those with Learning Disabilities. It was a comprehensive process spanning approximately 18 months and involved numerous stakeholder events, evidence sessions, study visits and written submissions.

4.12 A report with 44 recommendations was produced in March 2016 and the recommendations spanned the remit of a number of Departments. At the time of publication, the report was welcomed by Employment and Learning Minister Farry⁴, though he also stated that this did not indicate acceptance of all the recommendations. He indicated that his Department would work, with others, and within the resources available, to deliver the best services possible.

4.13 About two thirds of the recommendations fell to the Department for Employment and Learning, and some of these were progressed through, for example, the 'Further Education Means Success' strategy, the introduction of the ASF and the Department's role in the ESF Programme. Others were the responsibility of Education, Health and other departments.

4.14 Responsibility for a number of the recommendations moved as a consequence of Departmental restructuring at that time and implementation was not coordinated or reported on across Government so some aspects do not appear to have been progressed.

Independent Review of Education

4.15 The establishment and delivery of an Independent Review of Education (IRE) was a key commitment in the New Decade New Approach (NDNA) document, agreed by the main political parties here in January 2020. NDNA stated that an independent and external review would be established “with a focus on securing greater efficiency in delivery costs, raising standards, access to the curriculum for all pupils, and the prospects of moving towards a single education system.”

4.16 The panel to undertake the IRE was appointed by the DE Minister, Michelle McIlveen. It commenced in October 2021 and the final report of the panel was launched in December 2023.

4.17 The Report set out a vision for the future of education in Northern Ireland, accompanied by 25 key recommendations, two of which are most relevant to this work:

- to transform SEN support to cater equitably for the needs of all learners; and
- to raise the age of participation in education to 18 within two years.

4.18 Of particular interest in the report was some of the commentary around the foundations of current approaches to special needs throughout the UK (laid down by the Warnock report, 1978) that are now outdated. The report assumed that around 2% of children might require a Statement. They would be a subset of a somewhat larger group whose special needs warranted some kind of additional support which might be temporary. In reality, 20% of children here are recorded as having special needs and nearly 8% have Statements; this impacts on the capacity of the various systems to sustain individualised and bespoke arrangements for each person.

4.19 Given the dramatically changing context, the IRE reflected on the need to consider a new approach and identified several principles to guide the process of change. While these principles relate to the school education systems, they are worthy of consideration in the context of any possible changes in relation to post-school education provision.

- Legislation should not be excessively prescriptive, nor should it provide perverse incentives.
- Processes for assessing needs should be manageable and capable of being completed in realistic timescales.
- Support should be provided speedily and, in the great majority of cases, without the need for a Statement.
- Where possible, interventions for special needs should be aimed at enabling children and young people to learn effectively without ongoing additional support.
- Practice should be regularly reviewed with the intention of establishing norms for the requirement of different levels of support. These revised norms should subsequently inform refreshed assessment processes.

- Existing methods of supporting children and young people with special needs should be evaluated with a view to disseminating good practice and reducing the current overreliance on classroom assistants.
- Decisions regarding special needs should be informed by the need for equitable distribution of resources across the entire system.
- Children and young people should be included in decisions about their support and what will help them progress.

National Audit Office - Support for Children and Young People with Special Educational Needs (Oct 2024)

4.20 The report assesses how well the current system is delivering for children and young people (from birth to 25 years) in England identified as having SEN. It reflects on the growth in numbers with SEN, particularly those with Education, Health and Care Plans (EHCPs) specifying a need for support in more expensive settings. Since 2015, the demand for EHCPs has grown by 140% and the cost of the system has also increased. The Department for Education in England has increased high needs funding by 58% over to 10 years to £10.7 billion. However, the National Audit Office found that the system is still not delivering better outcomes for children and young people or preventing local authorities from facing significant financial risks.

4.21 The current system in England is not achieving value for money and is unsustainable. A more recent, January 2025, Public Accounts Committee report highlights that nearly half of local authorities in England are facing financial distress due to escalating SEN-related costs. It also references that the Department for Education accepts the need for major change, but lacks a clear, costed plan to push forward reforms and measure progress.

Bamford Review of Mental Health and Learning Disability / Equal Lives Report

4.22 In October 2002 the Department of Health, Social Services and Public Safety initiated a major, wide-ranging and independent review of the law, policy and provision affecting people with mental health needs or a learning disability in Northern Ireland, the Bamford Review.

4.23 The Bamford Review emphasised the critical importance of facilitating smooth transitions for children with SEN as they move into adult services. Recognising that inconsistent transition processes can adversely affect young people's well-being, the Review advocated for the development of a regional transition policy. This policy would delineate clear roles and responsibilities, ensuring that adult services assess and address the specific needs of these individuals. Additionally, the Review highlighted the necessity for effective collaboration across various services to prevent crisis-driven transitions and to promote timely access to essential support.

4.24 The Northern Ireland Executive's response to the report led to the publication of two Action Plans (2009-2011 and 2012-2015) which contained agreed actions and timescales for Northern Ireland Government Departments.

Inter-Departmental Group Action Plan

4.25 A Department of Education / Department for Employment and Learning / Department of Health, Social Services and Public Safety inter-Departmental group set up by Ministers in 2002 to consider the transition arrangements to adult life for young people with SEN reported in early 2006 and agreed over 20 actions. These resulted in progress such as restructuring careers services, the appointment of ten Education Transition Co-ordinators; funding for life skills training and to improve self-help and independent living through a range of school-based programmes, and the allocation of additional funding in FE Colleges to support young people with disabilities. Funding was also secured for the improvement of Day Care placements for young people moving from children’s services into adult services.

Framework to Transform 14-19

4.26 ‘Developing A More Strategic Approach to 14-19 Education and Training: A Framework to Transform 14-19 Education and Training Provision’ was jointly published by DfE and DE in June 2022. The agreed vision commits to educating all of our young people to develop their knowledge and skills, enabling them to fulfil their potential and contribute to society, the economy and the environment. The framework and vision were developed in collaboration with stakeholders including young people, parents, schools, FE and HE, training organisations and employers.

4.27 Three thematic work groups have been identified and created and post-16 provision and pathways for SEN learners are included as key areas for action. In addition, the Ministers of both DfE and DE have agreed to a newly proposed structure to improve efficiency and collaborative working between the Departments.

SEN End to End Review Reports / Strategic Reform Agenda and Delivery Plan

4.28 In 2023, DE commenced an End to End Review of SEN. It took account of numerous earlier reports, many of them critical, from NIAO, PAC, and the Northern Ireland Commissioner for Children and Young People, as well as one commissioned by DE itself. There were over 200 recommendations across the earlier reports.

4.29 The End to End review of SEN comprised a number of workstreams, one of which focused on transitions for young people leaving education and moving into adulthood. A Transitions Working Group was established, jointly led by DE and DoH and included representation from DfE with a focus on improving transition arrangements for SEN young people.

4.30 The Review concluded with the publication of a SEN Reform Agenda and a five-year Delivery Plan. It will be delivered through a series of actions summarised under the themes Right Support, from the Right People, at the Right Time and in the Right Place led by DE, in collaboration with a range of delivery partners including DfE.



4.31 The outworkings of the transitions workstream features as a Transitional Support Programme in the new SEN Reform Agenda and includes:

- implementing a transitional support programme at various stages of each child/ young person's educational journey;
- introducing agreed data sharing arrangements between Education, Health and Economy;
- introducing child development 'passport' to include progress on milestones, interventions and learning profile, reasonable adjustments and equipment / support needs; and
- working with Health, Economy and Communities to develop appropriate pathways into adulthood for school leavers with SEN.

SECTION FIVE

Areas of Strategic Interest / Interface Across Departments

5.1 This section provides an overview of the wider strategic context, including the priority work across the other relevant Departments which is relevant in this space.

The Executive Office

- Programme for Government - reflects Better Support for Children and Young People with SEN as a key priority
- Transformation Fund – 2nd Call

Department of Education

- Publication of Special Educational Needs (SEN) Reform Agenda and five-year Delivery Plan (February 2025).
 - It followed an End to End review, informed by numerous previous reports and over 200 recommendations. The Reform Agenda is focused on ensuring that children and young people with SEN receive the right support, from the right people, at the right time and in the right place.
 - A number of action areas interface with the DfE remit including ‘clear pathways of opportunity for further training, education or employment’.
 - DE has estimated the overall cost of implementation of the Delivery Plan at an additional £570m over the next five years. They have secured a Transformation Fund allocation of £27.5m and have prioritised actions to be delivered or initiated using this allocation. Pathways and transitions are not part of the funded activities so the expectation is that any changes will need to proceed at low or no cost unless other resources are secured.
- The Education Minister’s intention to introduce legislation to make it mandatory to remain in education or training until 18 years is particularly relevant to this work. At present, the majority of young people with SEN who are educated in SPiMs leave school at 16 (end of year 12) as provision does not continue to years 13 and 14.

Department for Communities

- Overarching remit for Social Inclusion and Disability policy - the Disability Strategy and other inclusion strategies, including the anti-poverty remit are expected to go to the Executive soon.
- The Draft Disability and Work Strategy which is part of the overarching Draft Disability Strategy is expected to issue for consultation shortly. It includes proposed commitments and actions in relation to targets for reducing the disability employment gap, dispelling myths, engaging and supporting employers to employ disabled workers, support from Work Coaches, the disability support programmes for those in or seeking work, as well as reflecting the range of skills and careers supports.
- Housing and supporting independent living.
- Benefits entitlement including Work Coaches, Disability Support, Supported Employment Programmes.

Department of Health

- DoH is currently developing a Learning Disability (LD) Service Model which encompasses the wide range of services and supports and systems that are relevant to people with LD.
- Under the Children with Disability Framework, transition is of particular importance and DoH has developed a draft Regional Transition Protocol for Children and Young People with a LD and Co-occurring Autism, which they intend to pilot in 2025/26.
- Underpinning the LD work is a new data collection approach being rolled out from April 2025 to improve the consistency of the available information from the HSC Trusts for anticipating and forward planning provision to meet the needs of young people moving into adult services.
- Allied Health Professionals assessment remit and ongoing role supporting children and young people throughout their school-based educational journey.

Department for Infrastructure

- Public transport / travel training / taxi accessibility & cost – these issues have been highlighted with DfI but not explored in any detail (earlier work was also undertaken by the former Department for Regional Development).

Department for the Economy

- Skills and Education – HE, FE, vocational provision, Careers Service, skills
- 14-19 Education and Training Framework
- Youth Guarantee
- Good Jobs Employment Rights Bill – Carers, Disability
- Social Enterprise Policy

Other issues that have been highlighted but not examined in any detail include:

Department of Finance

- Social Value
- Procurement
- Financial Guidance for Departments under CSCA 2015
- Digital Economy Act 2017

Department of Agriculture, Environment and Rural Affairs

- Rural development / social farming
- Rural proofing

Department of Justice

- Courts and competence issues
- SEN provision for those in criminal justice system

SECTION SIX

Legislative and Other Considerations

- 6.1 In addition to reviewing existing education, skills and training provision, consideration has also been given to key legislative issues.

UN Convention on the Rights of Persons with Disabilities (UNCRPD)

- 6.2 The UN Convention on the Rights of Persons with Disabilities (UNCRPD) was ratified by the UK in July 2009 and is designed to secure the rights and dignity of all persons with disabilities, with a strong emphasis on inclusion, accessibility, and non-discrimination.
- 6.3 For young people with disabilities transitioning from school to employment or further training, the UNCRPD offers a framework to ensure equal opportunities in education and the employment market. The Convention obliges States to remove barriers (whether physical, systemic or attitudinal) that hinder access to quality education, vocational programmes and employment opportunities.
- 6.4 In particular, Article 24 of the UNCRPD considers the education of persons with disabilities and notes their entitlement to education “at all levels and lifelong learning”:

States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity.

The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential.

Enabling persons with disabilities to participate effectively in a free society.

- 6.5 Beyond compulsory education, paragraph 5 of Article 24 makes it clear that persons with disabilities should have equal access to post-compulsory education without discrimination and with reasonable adjustments made to facilitate their full participation:

States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

The Northern Ireland Act 1998

6.6 Section 75 of the Northern Ireland Act 1998 requires public bodies to have due regard to promote equality between people on a range of grounds including between persons with a disability and persons without. All public bodies therefore have a statutory duty to have due regard for people with disabilities and specifically must take this into consideration when creating or amending a policy.

The Disability Discrimination Act 1995 (DDA)

6.7 The baseline equality legislation relating specifically to disability is the Disability Discrimination Act 1995 (DDA), which prohibits discrimination in employment, access to goods and services and in property and land transactions. The DDA also covers discrimination and harassment on a “work placement”⁵

6.8 Under the DDA, discrimination by public authorities in carrying out their public functions is unlawful, and a public authority is required to have due regard, in carrying out its functions, to the need to promote positive attitudes towards disabled people, and the need to encourage participation by disabled people in public life.

6.9 For the purposes of the DDA a person has a disability if [they have] 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.⁶

6.10 The Equality Commission for Northern Ireland then has responsibility for enforcing the DDA, as amended, in Northern Ireland. It also has a legal duty to work towards the elimination of discrimination against disabled people, to promote the equalisation of opportunities for disabled people, and to keep under review the working of the DDA.⁷ The Commission also produces guidance on the outworkings of both the DDA and SENDO 2005.

Statement of SEN

6.11 The SEN Code of Practice (1998) is statutory guidance based on the [Education Order \(Northern Ireland\) 1996](#), as amended and [The Education \(SEN\) Regulations 2005](#).

6.12 Educational settings and schools use the guidance in the SEN Code of Practice to deliver a clear and consistent approach for identifying and providing for children and young people with SEN.

6.13 A three stage Code of Practice focuses on the level of intensity of the special educational provision needed for each child or young person to improve their individual outcomes.

6.14 Stage one is special educational provision delivered by the school. Stage two is school delivered plus external provision from e.g. HSC Trust or EA and the young person will have a Personal Learning Plan (PLP). If this is not enabling the young person to make sufficient progress, they may be referred for a Statutory Assessment of their educational needs. If a Statement is issued, they will then be at stage three.

⁵ “work placement” means practical work experience undertaken for a limited period for the purposes of a person’s vocational training; Section 14C(4) of the Disability Discrimination Act 1995 c.50.

⁶ Section 1(1) of the Disability Discrimination Act 1995 c.50.

⁷ [Disability Discrimination Act 1995](#)

- 6.15 The Code of Practice and SEN Statements are developed for the school system and reflect the supports needed to support the young person in accessing the school-based curriculum, as well as naming the preferred school placement, and outlining any non-educational needs for which there should be provision. Various annexes include parental advice as well as advice from educational, medical, psychological, social services and any other contributors.
- 6.16 The legislation sets out requirements for review of the Statement annually and this also covers the Transitions processes.
- 6.17 Under section 5 of the Disabled Persons (Northern Ireland) Act 1989, when initiating the first annual review of a statement following the child's 14th birthday, and any subsequent re-assessment of the child's educational needs, the EA is required to seek an opinion from a HSC Trust as to whether a child with a statement is a disabled person and may require services from a HSC Trust when leaving school.
- 6.18 Statements are ceased when a young person leaves school.

Extending a Statement

- 6.19 One suggested approach to the perceived lack of protection for SEN school leavers in FE is to amend legislation to extend the Statement to apply in other, subsequent educational settings such as FE Colleges. In compulsory education, the Statement specifies the placement in a particular type of school setting (special, SPiMS, or mainstream), names the actual school and it specifies relevant supports and provisions which are required to be met⁸. It also includes a mechanism for review. It is understandable therefore why there is support for this⁹ to be extended.
- 6.20 However, the Statement is the final stage of a three-stage process that has been designed for a school system. It does not stand alone. It is administered by the EA, which has a statutory function within the compulsory education system and a role in relation to the supports specified, as well as the additional funding / resources attaching to the young person. Non-education supports specified in a Statement are also provided for in schools, facilitated through agreements between Health and Education.
- 6.21 The SEN process and Statement has not been designed with FE or other education or training settings in mind although the Code does make clear that with the young person's agreement the relevant information should be passed on to the college or other provision to be attended, and in this case relevant information would include the statement and the report of the most recent annual review, including the transition plan¹⁰.

Transitions Process

- 6.22 The requirements relating to the transitions process and which parties should be involved are also set out in legislation. As indicated previously, this includes the EA seeking an opinion from an HSC Trust as to whether a child is a disabled person and may need their services when leaving school.

8 [Northern Ireland Education Order School Specifications](#)

9 [The Education \(Northern Ireland\) Order 1996 Review Statement](#)

10 Paras 6.45-6.48 of the Special Educational Needs – Code of practice, [Code of practice on the identification and assessment of special educational needs | Department of Education](#)

- 6.23 The EA role in transitions ends as soon as the Statement ceases. This immediate end to the role, with no successor arrangement, has been flagged as a challenge if a placement breaks down or it becomes apparent that the wrong choice has been made. If a young person has had their Statement ceased at 16 years because they indicated an intention not to return to school but changes their mind, it is too late for them to re-enter the SPiMS or Special School system.
- 6.24 Although the EA role ends when the young person's statement has ceased, many stakeholders have raised the need for a Transitions Coordinator or Link Worker to be available and involved to monitor the success of provision and to assist with or guide transition planning beyond the FE College or training programme.

Department of Health Regional Protocol

- 6.25 DoH has developed a draft Regional Transition Protocol for Children and young people (Protocol) with a LD and young people with a LD and co-occurring Autism, which is due to be piloted this year before full implementation. It sets out all the standards and processes relating to the transition period for children moving into adult services including, for example, the role of a transition link worker in each HSC Trust, the expectation of use of a regionally agreed service user database designed to register all key data to inform the planning element of the transition process, and maintenance of an up-to-date regional database of services offered in each HSC Trust. Another key aspect is the creation of a Regional Forum / Oversight Panel, to be established to foster communication across the HSC Trusts, with an emphasis on improving practice.
- 6.26 This Protocol, once rolled out in full, will address many of the criticisms that have been levelled at the current system in relation to disjointed and inconsistent communications, lack of clarity on roles and responsibilities, and a feeling of being abandoned at this crucial stage.

Other Legislative Issues 16-18 Legislation

- 6.27 DE is bringing forward draft legislation to give effect to the Education Minister's commitment to make it mandatory for young people to remain in some form of education or training until 18 years.

The Digital Economy Act

- 6.28 Another area where legislation is relevant, and further action may be required is data. We need to support more effective data sharing as well as the use of linked datasets to inform the evidence base for ongoing policy development. Section 35 of the Digital Economy Act 2017 provides a potential legislative route to share data for the purposes of improving public service delivery, which must be specified and detailed in regulations, but a Legislative Consent Motion is required to commence these powers locally and it would appear this would need to be done through Department of Finance. Section 44(1) (b) also makes clear that regulations under Section 35 (the relevant section) are to be made by the Department of Finance in Northern Ireland.



6.29 In addition, the creation of Longitudinal Education Outcomes for NI (LEO NI), a linked dataset comprising school and post-school education data linked to earnings and benefits information, will provide vital input to the evidence base required to develop post-school SEN policy in NI. Progress is being made on the development of the dataset, but this work needs completed as quickly as possible to begin developing a more coherent picture of education and labour market pathways and outcomes for those with SEN status. It will be a valuable research asset, but under the current provisions the data will not be able to be used for operational purposes and to improve service delivery, so the legal routes to do this should also be explored.

SECTION SEVEN

Comparisons and Lessons

- 7.1 A challenging question that has been raised in previous reports, as well as by the parent-led campaign Caleb's Cause NI, is whether the reach and duration of the type of arrangements in the school system should be made available to cover young people to the age of 25 years or beyond, but widened to encompass aspects that relate to other (non-educational) key life transitions around this time.
- 7.2 One element of the challenge comes from the complexity of the structural differences that exist at central and local Government level here compared to England and Wales.
- 7.3 Other issues arise from the scale of financial and resourcing pressure associated with the more expansive protections in England. The mismatch between overall capacity within the system and the ability to meet individual demands often leads to legal challenges.
- 7.4 To inform this work, Stranmillis University College was commissioned to undertake a comparative analysis of the legislative frameworks for post-school education and skills provision for young people with SEN and disabilities here and across England, Scotland, Wales, and the Republic of Ireland. The research focuses on legislation, the nature and scope of available supports, eligibility criteria, accountability mechanisms, and termination criteria, with particular attention to post-19 provision.
- 7.5 The following sections draw on the comparative analysis and our own work in this area to summarise some of the key aspects and issues relating to each jurisdiction.

Northern Ireland

- 7.6 The Education (Northern Ireland) Order 1996, and subsequent amendments, is the key piece of legislation underpinning the provision and support of learners with SEN within the compulsory education system. It sets out the duty on the EA to make and maintain the Statement of SEN which should include details of the EA's assessment of the child's SEN, and "the special educational provision to be made for the purpose of meeting those needs".
- 7.7 An accompanying Code of Practice sets out the processes and procedures that apply, including in relation to assessment, Statement, review and transition, including the involvement of the child, parents, HSC Trust and Careers Service.
- 7.8 The Special Educational Needs and Disability Act (Northern Ireland) 2016 received Royal Assent in March 2016, but only some aspects have been introduced, including in relation to assessment time limits. Much of the Act has not yet been commenced, including powers relating to transition, setting out a statutory duty for co-operation between the EA and HSC Trusts to jointly prepare a transition plan, as well as powers to establish a joint inspection team appointed by DE and RQIA to review and report on how the relevant bodies have co-operated with each other.

- 7.9 Beyond compulsory school age, the Employment and Training Act (Northern Ireland) 1950 establishes the duty of DfE to make suitable arrangements in assisting people “to select, train for, obtain and retain employment suitable for their ages and capacities”, that the arrangements may “include arrangements for encouraging increases in the opportunities for employment and training that are available to women and girls or to disabled persons”. It also states that the Department “may provide such training courses for persons, whether employed or not, who are above the upper limit of compulsory school age as it thinks necessary or expedient for any of the purposes mentioned”.
- 7.10 The Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDO 2005) amended previous legislation, notably the Education (Northern Ireland) Order 1996, and led to a supplement to the earlier Code of Practice as well, regarding SEN and disabilities.
- 7.11 It placed new duties on FE and HE institutions:
- not to treat students with disabilities less favourably, without justification, for reason which relates to their disability; and
 - to make reasonable adjustments to ensure that people who have disabilities are not put at a substantial disadvantage compared to people who do not have a disability in accessing further and higher education.
- 7.12 The ASF assists the FE Colleges in meeting these responsibilities. Students with LD can access Discrete provision if that is most appropriate for their needs. Although the Statement does not have any legal standing beyond school, if the student is content that it is shared with the FE College, it can be used to help inform the supports needed to assist the students.

England

- 7.13 In England, the Education Act 1996 provided a statutory framework for supporting children with SEN by establishing clear definitions and responsibilities. The Education (Northern Ireland) Order 1996 was similar in many of the key elements, but a significant difference is a duty on Local Authorities (LA) in England to secure appropriate provision for all young people¹¹.
- 7.14 This duty extends to securing enough suitable education and training to meet the reasonable needs of 16-19 year olds and those who are 19 and over and have an Education, Health and Care Plan (EHCP).
- 7.15 In 2014, the framework for supporting individuals with Special Educational Needs and Disabilities (SEND) was extended beyond compulsory schooling, encompassing provisions up to the age of 25. The Children and Families Act 2014, and associated regulations, provides the statutory basis for the system for identifying children and young people (age 0-25). This approach aims to facilitate a seamless transition into adulthood, emphasising education, training, and preparation for independent living.

11 S15ZA of the Education Act 1996, as inserted by the Apprenticeships, Skills, Children and Learning Act 2009 [Education Act 1996](#)

- 7.16 EHCPs are legal documents designed to support learners who have significant and complex SEND. The primary focus of an ECHP is to identify and address the individual's educational needs and also outline the necessary, health, and social care support to facilitate their educational development.
- 7.17 While many complete their formal education by 19, some may require extended support. The Department for Education in England provides guidance on managing EHCPs for individuals aged 19 to 25, emphasising that continuation is based on individual needs rather than an automatic entitlement. LAs assess whether further education or training will help the young person achieve their outcomes and facilitate a successful transition into adulthood.
- 7.18 Natspec, the membership association for organisations that offer specialist FE and training for students with learning difficulties and/or disabilities aged 16 to 25, has reported that almost all young people who remain on a course beyond the age of 19 complete their further education by the age of 23, with many finishing aged 20 or 21.
- 7.19 LAs are expected to work with young individuals and their families to plan for post-16 and post-19 pathways. This planning includes setting ambitious outcomes related to employment, independent living, community participation, and health. Despite the structured framework, the SEND system faces challenges. A significant increase in the number of EHCPs has placed financial pressures on local councils, leading to concerns about the sustainability and quality of support provided. Reports have highlighted that the current system is underfunded and financially unsustainable, with some councils facing substantial deficits.
- 7.20 In certain cases, Specialist FE Colleges may be appropriate to meet the specific needs of the individual, ensuring tailored support and resources. Funding for post-19 SEN and disability provisions is a collaborative effort involving LAs and educational institutions. The Education and Skills Funding Agency (ESFA) allocates resources to support high-needs students, with LAs providing top-up funding as necessary. The average spend per learner in specialist FE Colleges is £47k per annum per learner (but this can vary significantly depending on needs, whether residential and other factors – examples have been provided at £110k per annum and more). The financial sustainability of these provisions has been a concern, with reports indicating significant strains on local council budgets due to rising demands and costs associated with SEN and Disability services.
- 7.21 We are aware from our engagement with counterparts in England, and from reviewing various relevant reports, that the current system is seen as financially unsustainable and in need of reform. The current system provides for a high level of bespoke and individualised arrangements. There is a view that these once-ambitious reforms are simply unworkable in the context of the continuing growth in numbers and demand. This is further underlined by the NAO findings last year that despite the supports offered through the EHC system, outcomes for young people with SEN have not improved.

Wales

7.22 Since 2014, Wales has seen significant legislation and policy development including the Social Services and Wellbeing Act 2014, to ensure that people with disabilities continue to receive appropriate support as they transition into adulthood, post-19.

7.23 The Additional Learning Needs and Education Tribunal (Wales) Act 2018, which was introduced in September 2021, replaced the previous SEN framework with a more comprehensive approach that includes all ages, from 0 to 25. The Act replaced the terms 'SEN' and 'LDD' with the new term Additional Learning Needs (ALN) and introduces statutory Individual Development Plans (IDPs) for all children and young people with ALN.

7.24 Its key provision included the following:

- Individual Development Plans (IDPs): IDPs are a legal document designed to support individuals from birth to 25 years of age and outline what Additional Learning Provision a child or young person should have to support their learning. It is the duty of the school or FE to prepare and maintain the IDPs.
- Transition Planning: The Act places a focus on preparing young people for adulthood, including employment, further education, and independent living, which extends the duty of support beyond the age of 16 and up to 25.
- The role of local authorities: LAs must ensure that young people with ALN have access to support and services throughout their education, and they must develop transition plans that focus on life beyond school, including post-19 education and employment opportunities.

7.25 The Act creates a single system for supporting children and young people aged between 0 to 25 years. However, there is no entitlement to continuous education or training from when a person ceases to be of compulsory school age (16 years) up to the age of 25. The Code states that the starting point is that a young person is entitled to up to two years of further education or training. Beyond that, a local authority may determine that a young person has reasonable needs for education or training in particular circumstances.

7.26 In Wales, as in England, there have been numerous challenges including funding constraints, inconsistent regional delivery, the lack of a specialised workforce, and difficulties in ensuring smooth transitions.

Scotland

7.27 In Scotland, there is a statutory requirement to put a Coordinated Support Plan (CSP) in place for children and young people with complex and multiple needs. However, like the Statement of SEN here, the CSP ends when the young person leaves school. There is no statutory provision or requirements beyond school age.

7.28 In the previous mandate, a Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill was proposed, as a Member’s Bill not a Government Bill, which aimed to strengthen legislative protections for young people with SEN and disabilities beyond compulsory education. The draft legislation proposed a statutory Transitions Plan for every disabled young person, ensuring continued support into further education, training, or employment until at least age 26. It sought to create a National Transitions Strategy to standardise and improve transition services across Scotland and it would have also placed legal duties on local authorities and public bodies to provide coordinated support, ensuring young people did not experience a “cliff edge” in services after leaving school. It did not proceed beyond the first stage but there are non-statutory developments linked to this work that are of interest in relation to the broader whole of Government approach to Transitions into Adulthood and may be worth exploring further.

Ireland

7.29 In the Republic of Ireland, the Education for Persons with Special Educational Needs (EPSEN) Act 2004 provides the main legislative framework for statutory support for young people with SEN during compulsory schooling. This includes provision for inclusive environments, the rights to assessment and Individual Education Plans (IEPs) and to the necessary support for development. However, it only provides for those under 18 years and although there is provision for planning for future needs as part of the review of the education plan, there is no legal requirement to create transition plans for leavers. The research completed by Stranmillis University College indicates that although FE and training programmes may offer continued learning opportunities there is no automatic entitlement, and many young people return to adult day services rather than employment. The research also notes that there is no national transition framework and while some institutions offer structured employment pathways these are pilot projects rather than systemic solutions.

Observations

- 7.30 The analysis, informed by the comparative study, has shown that, on paper at least, statutory protections in England and Wales appear to be much more extensive than in the other jurisdictions as a result of The Children and Families Act 2014 and the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (ALNET Act) respectively.
- 7.31 In the context of ever-growing numbers of young people with SEN, provision has been highlighted as often inconsistent and inadequately funded (HCEC, 2019) while financially unsustainable and not producing any tangible improvement in outcomes for young people with SEND (NAO, 2024). There is a significant disparity between the intention of the legislation and the everyday reality.

7.32 The Stranmillis research team has suggested that their comparative analysis of legislative protections highlights the urgent need to extend statutory support for individuals with SEN and disabilities beyond the current limit of 19. They recommend the Department considers drafting bespoke legislation which would mirror some of the protections offered in the proposed Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill, while contemporaneously learning from recent reviews of the implementation of the Children and Families Act 2014 and the Additional Learning Needs and Education Tribunal (Wales) Act 2018 in England and Wales respectively, where there have evidently been many challenges in terms of implementation.

7.33 However, they do acknowledge that passing post-19 SEN and disability legislation alone is not a guarantee of improved experiences and outcomes for all learners, and that the implementation of any new legislation must be accompanied by adequate funding, resources and guidance, supported by robust accountability measures to ensure fidelity and consistency of implementation.

Executive Guidance on Legislation

7.34 It is explicit in NI Executive's guidance on the making of legislation that not all policies require legislation for them to be implemented.

“Departments should be convinced that legislation is the best or only way of meeting the desired policy objective, and in coming to this conclusion have carried out a rigorous assessment of alternative methods of achieving the same end. This should include an assessment of the provisions and of powers which are already available in the area, for example, to make subordinate legislation.”¹²

SECTION EIGHT

Next Steps

- 8.1 The review findings summarised in this report have informed advice which was provided to the Minister for the Economy on potential actions that could be taken, subject to the availability of significant resources, to improve the education, skills and training system and provision that sits within DfE's remit.
- 8.2 These findings have also informed further options, beyond the DfE remit, that subject to the views of other Ministers and the wider Executive, have the potential to lead to greater improvement but which would require significant investment.
- 8.3 Minister Archibald set out the details of her intended direction in her statement to the Assembly on 16th June 2025. She also reflected on some of the wider issues that she intended to bring to the Executive for consideration.

GLOSSARY

ALN	Additional Learning Needs
ALNET	Additional Learning Needs & Education Tribunal (Wales) Act
AQW/O	Assembly Question Written / Oral
ARC	Association for Real Change
ASD	Autism Spectrum Disorder
ASF	Additional Support Fund
CSP	Coordinated Support Plan
CVS	Community Voluntary Sector
DAERA	Department of Agriculture, Environment and Rural Affairs
DARE	Disability Access Route to Education and Employment
DDA	Disability Discrimination Act 1995
DE	Department of Education
DEL	Department for Employment and Learning
DfE	Department for the Economy
DfE (England)	Department of Education England
DfC	Department for Communities
Dfi	Department of Infrastructure
DoH	Department of Health
DoJ	Department of Justice
EA	Education Authority
EPSEN	Education for Persons with Special Educational Needs Act 2004
ESF	The European Social Fund Programme
FEC	Further Education College
HCEC	House of Commons Education Committee
HEI	Higher Education Institutions
HSCT	Health and Social Care Trust
IDP	Individual Development Plan
LD	Learning Difficulty / Disability
MLD	Moderate Learning Disability
NAO	National Audit Office
NATSPEC	Association of National Specialist Colleges UK
NIA	NI Assembly
NIAO	NI Audit Office
NICCY	NI Commissioner for Children and Young People
NIO	NI Office
NIUSE	NI Union of Supported Employers
PAC	Public Accounts Committee
PATH	Programme for Access to Higher Education



PHA	Public Health Agency
PGCE	Postgraduate Certificate in Education
PGCHFE	Postgraduate Certificate in Higher and Further Education
PMLD	Profound and Multiple Learning Disability
SEDI	Skills Equality Diversity and Inclusion Subcommittee
SEN	Special Educational Needs
SEND0	Special Educational Needs and Disability (NI) Order 2005
SFLW	Skills for Life and Work Programme
SLD	Severe Learning Disability
SPIMS	Specialist Provision in Mainstream Schools
SPPG	Strategic Planning and Performance Group
Stage 3	Statement of SEN sometimes called Stage 3 as issued at stage 3 of SEN Code Assessment process
TCPID	Trinity Centre for People with Intellectual Difficulties
TEO	The Executive Office
UKSPF	UK Shared Prosperity Fund
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
WAPP	Widening Access and Participation Plans