



Special Educational Needs (SEN) Regulations (Northern Ireland) 2026

**Written response submitted to the Northern Ireland (NI) Assembly Education Committee
on Special Educational Needs (SEN) Regulations (Northern Ireland) 2026**

Submitted by the Controlled Schools' Support Council

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Background

- As the support body for almost half of the schools in Northern Ireland, the Controlled Schools' Support Council (CSSC) welcomes this opportunity to respond to the Northern Ireland Assembly Education Committee's consultation on Special Educational Needs (SEN) Regulations (Northern Ireland) 2026.
- The controlled sector is the largest education sector in Northern Ireland, representing 49% of all schools. CSSC supports controlled schools in Northern Ireland which include Nursery Schools, Primary Schools, Secondary Schools, Grammar Schools, Integrated Schools, Special Schools and Irish-Medium Schools. Additionally, 27% of children and young people who attend controlled schools are entitled to Free School Meals).
- 38 of 40 Special Schools in NI are controlled schools and 32,729 pupils with Special Educational Needs (SEN) are educated within controlled schools.
- CSSC recognises the critical importance of effective SEN provision and supports the ambition to ensure that children and young people with Special Educational Needs receive the right support, from the right people, at the right time, in the right place. However, CSSC is acutely aware of the significant challenges facing schools in meeting the increasingly complex needs of pupils within a context of sustained underfunding and systemic pressures.

Governor responsibilities/Learning Support Co-Ordinators

- CSSC notes that Boards of Governors will be responsible for appointing suitable Learning Support Co-Ordinators (LSCs) that has at least 3 years' full time equivalent experience of being concerned with the education of pupils with special educational needs.
- Currently, the workload pressures for LSCs are large and this will need to be continually reviewed and assessed to ensure that schools are able to implement change, led by staff who feel supported to meet the demands of the role.
- Some schools have referred to the difficulty in appointing to this role and CSSC notes that this was a concern highlighted in previous consultation responses, especially in the context of small and/or rural schools and that in many circumstances the role is one assumed by Principals due to the specific criteria being difficult to find among teaching staff.
- The status of LSCs within a special school is one which should be noted. Not all special schools have a Special Educational Needs Coordinator (SENCo), the current title still in use in the majority of schools. Even those which do have SENCos highlighted that each teacher in a special school fulfils this role and that to elevate one individual above all of the other teachers who carry out the responsibilities attached to this role would not be favoured. One school has indicated that the role has been created so that the individual, who is also a

member of the Senior Leadership Team, can carry out the important role of engaging with and co-ordinating the input of external agencies, including Health and Social Care Trusts which is crucial to the support provided by special schools for their pupils. Further clarity is needed in relation to this role within special schools.

Statutory Assessment and review

- CSSC would contend that the amended statutory timeframe for an assessment to be completed within 8 weeks of the decision to assess is an ambitious timeframe but is an acknowledgement of the need for early identification and intervention to support the needs of children with SEN. CSSC welcomes that exceptions to time limits apply in defined circumstances (e.g. exceptional circumstances affecting the relevant party, school closures, absence from Northern Ireland), with revised timeframes of up to 12 or 14 weeks in some cases. However, due to the statutory nature of these timeframes, it is imperative that adequate resource is developed and allocated to process assessments.
- It is positive that the regulations introduce clearer frameworks for mediation before appeal, as well as more structured time limits across the entire assessment and review process. This will help ensure that the process is run smoothly in the best interests of children and young people involved in the process. It is right that the process for how mediation is conducted is laid out within the regulations to ensure that it is used to come to agreements without the need for the protracted process of a formal appeal. This will help make the process quicker for children and young people and their families. Ultimately, this ensures that timely support is able to be provided by schools for the benefit of children and young people.

Children's Rights and transitions

- CSSC welcomes the carefully structured set of transitional provisions to manage the shift from the 2005 Regulations, ensuring that statements, assessments, reviews, and mediation already in progress on 1 September 2026 are treated as having been carried out under the new framework. This should provide continuity and legal certainty for families and schools.
- CSSC also welcomes the introduction of the capacity determination framework for children over compulsory school age and the strengthening of their individual rights. This represents a significant shift towards recognising children as rights-holders in their own right rather than solely through their parents and is a significant progression/advancement from the previous regulations.

Conclusions

- CSSC generally supports the vision and principles of the Special Educational Needs (SEN) Regulations (Northern Ireland) 2026 but emphasises that meaningful transformation requires sustained investment, effective multi-agency collaboration, and a commitment to addressing the historic underfunding of education.
- The demographic shift facing Northern Ireland's education system with declining overall pupil numbers but rising numbers of pupils with complex Special Educational Needs demands proactive planning and strategic investment to ensure that all schools can continue to provide the specialist support that pupils require.
- CSSC looks forward to working with the Northern Ireland Assembly Committee for Education, the Department of Education, and all stakeholders to realise the Department's aim to provide the right support, from the right people, at the right time, in the right place to improve outcomes for children and young people with Special Educational Needs.