



Northern Ireland
Assembly

Committee for Education

OFFICIAL REPORT (Hansard)

Dyslexia Services: Children's Law Centre

13 October 2021

NORTHERN IRELAND ASSEMBLY

Committee for Education

Dyslexia Services: Children's Law Centre

13 October 2021

Members present for all or part of the proceedings:

Mr Chris Lyttle (Chairperson)
Ms Nicola Brogan
Mr Robbie Butler
Mrs Diane Dodds
Mr Harry Harvey
Mr Justin McNulty
Mr Robin Newton

Witnesses:

Ms Rachel Hogan	Children's Law Centre
Mr Liam Mackle	Children's Law Centre
Ms Kate McKeown	

The Chairperson (Mr Lyttle): I give a very warm welcome to Rachel Hogan, the specialised educational needs representative from the Children's Law Centre, and Liam Mackle, the advice manager at the Children's Law Centre. Are we also expecting a parent representative, or are we proceeding with you both?

Mr Liam Mackle (Children's Law Centre): I had a call from Kate. She works as a classroom assistant, and she had intended to get onto StarLeaf from her workplace, but, after half an hour of trying, she cannot get onto it there. She phoned me to tell me that she is driving from her school to her home. Her husband is setting her up on the computer at home. She is about three minutes from her destination, so, by the time Rachel and I have spoken to the Committee, hopefully Kate will be on and ready to go.

The Chairperson (Mr Lyttle): No problem. That is dedication, Liam; that is a person who wants to be heard.

Mr Mackle: *[Inaudible owing to poor sound quality]* worth hearing.

The Chairperson (Mr Lyttle): That is brilliant. We will be glad to facilitate that as well. As you suggest, is it worth us allowing Rachel and you to make progress and then bringing Kate in as soon as possible?

Mr Mackle: Yes.

The Chairperson (Mr Lyttle): OK, I will hand over to you guys. As I said, we are really grateful to you for attending the Committee and, in Rachel's case, for attending again. We really appreciate the expertise that you guys bring to bear on so many issues affecting children and young people in Northern Ireland. We look forward to hearing from you today.

Ms Rachel Hogan (Children's Law Centre): Thank you very much, Chris, for allowing us the opportunity to speak about this extremely important issue, which we have been working on for many years in the Children's Law Centre.

First, I acknowledge the work of Dyslexia Awareness NI (DANI), which, as you mentioned, provided an evidence paper to the Education Committee. It is a community and voluntary organisation that raises awareness through parents and educators working together to raise the issues in the public eye. Those issues have been long-standing in Northern Ireland, and, despite all our best efforts to fix the system, there is still a lot of work to be done. I acknowledge Dyslexia Awareness NI's work, because its members act as volunteers in their spare time. It has achieved a lot, and I have no doubt that it will continue to do so.

I also acknowledge the work of the staff in the Education Authority (EA) literacy service, who have produced some really good results in the cases we have seen. That is why we are so keen to ensure that children can access that service. I want to provide credit where credit is due to the literacy service provided by the EA and to our schools, which provide full support for about 98% of the children in our system who have literacy difficulties. They struggle to have the capacity to deliver everything that is required, but they certainly seem to be trying their best to do so in difficult circumstances. Further development of services and additional resources are required for schools.

I also pay tribute to the children and young people who have specific learning difficulties, including dyslexia. I acknowledge all their hopes, dreams and aspirations and encourage them to continue to reach high and work hard. We know that they have to work that little bit harder at times in the classroom and that, with the right support, they can achieve their dreams just as much as anybody else. We are always filled with admiration for the work the children do to bring forward their own education.

In our casework and advice work, we see that the key issue is failure of early intervention and children having to wait lengthy periods to receive help and support. Lack of evidence-based practice is an issue with the supports that are in place. Is there consistent evidence that those supports work, and what are the outcomes for children? Are they measured?

Paragraph 2.14 of the statutory code of practice on special educational needs in Northern Ireland states:

"It is important that children's special educational needs are identified at an early stage. The earlier that action is taken, the more responsive the child is likely to be."

That is echoed in the Northern Ireland Audit Office (NIAO) report on SEN impacts, which raises the point that early intervention is not occurring in our schools. Strategies are not necessarily evidence-based, and the value for money for the public purse in terms of the inputs and outputs of the system is in question. We very much share that concern. We are looking at a service that has been overwhelmed and under-resourced for many years. In recent times, there have been efforts to provide continuing professional development (CPD) and different resources, approaches and screening techniques to try to improve early intervention; however, they are just not enough. The report by the Northern Ireland Commissioner for Children and Young People (NICCY) is entitled 'Too Little, Too late', and we agree with the assessment in that report.

There is a duty under article 13 of the Education (Northern Ireland) Order 1996 to identify children who may have special educational needs. That is a duty on the Education Authority. We have some data, although limited data is available on dyslexia services. The latest data we have is from 2019, and that is from the Department of Education. It is a breakdown of different types of special educational needs in the SEN population. According to that data, in 2019, 10,122 children were listed under the category of dyslexia, which, at that point, represented 12.8% of the SEN population. Over the years, that percentage of the population has increased by approximately one percentage point a year or thereabouts, so it is an increasing proportion.

In 2019, when specific learning difficulties might not have been identified, there were 16,659 children under the category of cognition and learning needs at stages 1 to 2 of the code of practice. That is

concerning, because it is not clear how many of those children have literacy difficulties. Dyslexia Awareness NI has told us that one in 10 people in the United Kingdom have dyslexia, and it estimates that that should equate to about 35,000 schoolchildren. There is a gap there where we can say that there is a significant unmet need or a significant proportion of the population remains unidentified.

Dyslexia Awareness NI has also told us that it believes that about 2,000 children per year receive direct literacy support from the EA's literacy support service. If approximately 35,000 children have those difficulties and 2,000 receive specialist teaching support, everybody else is receiving school-based support. That is why it is important that, in our new special educational needs and disability (SEND) framework, we ensure that the capacity of schools is fully built and we have sufficient qualified personnel in schools to meet the needs of children with dyslexia. We might need qualified teachers in every school in order to meet that high-prevalence special educational need.

One of the key issues blocking children receiving support in our system is the bureaucracy that has sprung up over the years due to a lack of budget. That has taken the form of the provisional criteria on special educational needs, which we referred to in the briefing to the Education Committee. The criteria that have been set by the Education Authority to identify who should receive direct teaching support are extremely rigid and narrow to the extent that they apply only if a child has an IQ of 90 or above and they are in the bottom 2% of the population in their attainment. They must have a large gap between their cognitive ability and their attainment to the extent that they fall in the bottom 2% in the population. If one in 10 people has dyslexia, we have a definite issue with provision.

That bottom 2% of the population in the cases we see are essentially people who are non-functional in reading, writing and spelling. "Non-functional" means they cannot function in the classroom. Typically, from P2 or P3 onwards, we see that those children are very distressed. Their peers are learning, but they are sitting in school thinking they are stupid, and they say, "I am stupid, Mummy", or "I am stupid, Daddy", when they are perfectly capable of reading, writing and learning but have been halted from doing so because of a lack of early intervention. That is not to say that no one receives support; we have seen cases of children receiving support, the baseline assessments of those children and the increase in their functionality up to the point where they are functional readers. It is really pleasing to see that, and it gives those children a springboard for moving forward.

Some 98% of children are supported at a school level. We need to scope out the unmet need, and we need data that identifies everybody from stages 1 to 5. When you ask questions about the number of children who are affected, one of the issues is that, for example, the EA will say that the number of children at stages 1 to 3 or stages 1 and 2 is school-level data and it does not hold it. There is no consistency in the collection of data that enables service planning and looking down the pipeline of what we will need. In that sense, I refer to the Children's Services Co-operation Act (Northern Ireland) 2015, which requires that children's services authorities and providers work together for the well-being of children. I ask all children's services providers and parents to provide the data and information that is needed to inform policy and processes as we move forward into a hopefully improved operation in the Education Authority and an improved SEND framework.

The teachers, classroom assistants and so on who support the children in schools require regular, targeted continuous professional development, and Dyslexia Awareness NI has called for mandatory CPD because of the prevalence of the disorder. There needs to be a consistent framework and a clear pathway going from stage 1 to stage 5, with timely interventions that children can follow. That means children not sitting on stages 1 and 2 for years without moving forward but moving through the continuum of support at a reasonable speed so that they get the intervention in time.

It is notable that, on 15 June 2011, the Department of Education gave evidence to the Education Committee and said:

"Research shows us that where we provide intervention at the age of six to seven, there is an 80% success rate for children with those difficulties. If you leave that intervention until the age of 10, there is only a 20% chance of those children becoming successful."

That is a sobering thought when we look at some of our clients who need intervention. That was in 2011. In the recent past, I dealt with a young person who was in primary 3 when they were screened and identified as requiring specialist teaching support from the EA's literacy service. After a year, nothing had occurred, so the parent contacted the Children's Law Centre. I then corresponded with the Education Authority and was told that advice and strategies had been provided to school. We have found that the EA, in an effort to spread the provision, has diluted it so that many children receive advice and strategies to school. Schools then work on long lists of interventions and, effectively, reach

the end of the line over time. However, the children are blocked from receiving specialist literacy support. Some children cannot move forward without it and need it sooner. After a year and a half of waiting, the child I was representing eventually started to receive direct literacy support, and she went on to require a statement of special educational needs. Liam will look at the statutory stages — stages 4 and 5 — which deal with statementing in the code of practice.

It is important to point out that there are different groups in schools. A one-size-fits-all approach does not necessarily work and a range of interventions is required. After consulting Comhairle na Gaelscolaíochta (CNaG), we received information that children in Irish-medium education are particularly disadvantaged. That is because of the way they learn in Irish and when they learn English. We have been told that there tends to be a wait-and-see approach until the children start to learn English, which could be two years after their peers. From what the Department has told us about success rates, we know that that wait-and-see approach does not work. The other issue CNaG raised is that the screening tools are standardised in English and are, therefore, not suitable for Irish-medium educated children. It pointed out that the Government provide for two official languages in Northern Ireland schools, yet there are only English-based standardised testing and interventions. That needs to be taken into account.

We also hear representations at times from, say, the deaf, disabled and visually impaired communities that the testing did not suit them, so the testing needs to be looked at to see how it can identify all those needs as early as possible.

We have been dealing with the issue over and over again for years. We took a High Court action called JR 62 — judicial review 62 — that was successful in the High Court. That was for a nine-year-old child who was going to be on an interminable waiting list to get support — until about P6, if he was lucky. We were successful in the High Court. Mr Justice Treacy agreed that there was a legal issue, but the Education Authority appealed it, and the Court of Appeal decided that, because literacy support was a non-statutory or stage 3 support service, there was no statutory duty to provide it and resources could be taken into account. The authority was highly critical of the Department of Education, however. In that case, the Education Authority — the board, as it was then — had sought additional funding to meet the needs of all the children, and that was refused. It was therefore left with no choice but to dilute the service, close the reading service, move to advice and strategies as opposed to direct support and put a lengthy waiting list in place for statemented children from P7, P6, P5 and P4. If you were in P4, P5 or P6, you would probably not get on to that list. The aim was to help children to learn to read and write before the end of P7, which is just too late.

It is worth finishing by referring to what the Court of Appeal said. I will then pass on to Liam. In 2013, the Court of Appeal said:

"During the course of the hearing of this appeal we were struck by the absence of any contribution from the Department. This is the third judicial review to have been instituted in this particular area and each of these cases has highlighted delays and difficulties encountered by Boards in seeking to make provision for special educational needs, consistent with the Code and Strategy of the Department, when working within the restricted financial resources made available by the Department."

It pointed out that "additional funding was refused" and finished by saying:

"Education is fundamental to the fulfilment of personal, social and career potential and in any just and fair society every reasonable and practicable effort should be made to ensure that those with special educational needs are not disadvantaged thereby. In the absence of any informative contribution, this court could not presume to express a view as to how a department of the Executive should allocate funds for social/educational purposes but it must be a matter of some concern that there appears to be a lack of communication and rational debate between the Department and the Board and that is unlikely to inure to the benefit of either the Board or the public."

I will finish by saying that it is fundamental that capacity is built in order to make the new SEND framework work. The EA plan for arrangements, which will hopefully be released in the near future, is an opportunity for the EA to set out the services that it will provide for children. We want to see that being based on open consultation and discussion about what should be in that plan as well as on clear criteria, so that we can all see what children are entitled to receive.

Finally, we call for an independent review and evaluation of Education Authority non-statutory or stage 1 to stage 3 interventions, including the literacy support service. That was reviewed by the Education Authority when it came into being, but it is still not fit for purpose. It is not evidence-based, and it does not produce what every child needs. It needs to be independently scrutinised and evaluated so that we can make evidence-based decisions for the benefit of children with specific learning difficulties, dyslexia and other special educational needs. Thank you.

The Chairperson (Mr Lyttle): Thanks, Rachel. Do Liam or Kate want to say anything before we move to questions?

Mr Mackle: I have a couple of points, and then I will hand over to Kate. The issue I want to highlight is, as Rachel talked about, the refusal of the Education Authority to make provision for direct teaching for literacy support. We see that as a successful service and one that children need. There is a refusal to make that service available to children with statements.

I have been representing children in tribunals for about 20 years. It used to be that I would go to tribunals for pupils with dyslexia, arguing that they should have a statement of special educational needs. At that stage, the education and library boards argued that there was no need for a child with dyslexia to have a statement of special educational needs because a classroom assistant would do nothing to address their dyslexia and the only thing that would address their dyslexia and the gap in attainment was direct literacy teaching. We have now moved from that position to the Education Authority going to tribunals to argue that pupils with statements and classroom assistants do not need literacy support. It is absolutely bizarre.

We are familiar with the NICCY report, the internal audit report and the Audit Office report all pointing towards a service that is broken. The danger is that, when a service that is tailored to provide services for vulnerable children is broken, the services that those children are meant to be provided with are not available and those children are damaged.

In 2011, our advice service was dealing with about 327 SEN cases and issues each year, which was about 15% of our caseload. In 2019-2020 statistics that we gave to the Committee in March 2020 showed that that had risen to more than 1,500 and that about 50% of our issue caseload is special educational needs. Over those eight years, we have seen a perfect storm: increasing numbers of children with special educational needs; austerity ripping the guts out of the public service; and a process of change and transformation as the five boards moved to the Education Authority.

When I went to those tribunals 10 or 15 years ago, there were fewer than 100 per year. There are now over 400. Ninety-three per cent of appeals made by parents are successful. Kate will talk about that when she outlines her experience. However, it should not be the case that pupils with dyslexia whose parents have the wherewithal to take appeals and who get representation from the Children's Law Centre are the only pupils with dyslexia who get provision of direct literacy teaching on their statements. That should not be the case.

It should not be the case that the Education Authority has boxed itself into a situation in how it views direct literacy teaching. Article 3 of the Order states that "special educational needs" is "special educational provision". Article 16 requires the Education Authority to specify in a statement the special educational provision required by a child. However, there is an absolute refusal by the Education Authority, unless compelled, to specify direct literacy teaching as special educational provision in a statement. I hope that the Committee will query that with the Education Authority later because that is one of the most pressing issues in the system. The service needs to be properly resourced to meet the needs of children, but it should be the needs of the children driving the service, not the resources that are or are not available.

Kate has a story to tell that encompasses what Rachel and I have been saying about the difficulties. Kate had to fight to obtain any service through the school-based stages. She then had a two-year fight to get her son the provision that he needed. He needed that provision way before she contacted the Children's Law Centre, but it took all that time for her to get it. As Rachel said, the longer you leave such provision, the more difficult it is for a child to close the gap and get up to a level that they should be with their peers and where their ability level says they should be.

I have another pupil who was wrongly labelled as having moderate learning difficulties (MLD) when he was five years old. Because he is autistic, it was difficult to get a cognitive profile for him. He was labelled as MLD, and MLD pupils do not get literacy support. As Rachel identified, when the provisional criteria were brought out, you had to have an IQ of 90 to access direct literacy support. He

has never had direct literacy support. His attainments in literacy when he was in P4 were 66. He is now in second year in post-primary, and his attainments in literacy are still 66, yet the Education Authority still refuses to make direct literacy support for him. There is a complaint with the ombudsman's office that, we hope, will shed further light on it.

I will hand over to Kate and let her describe her experience.

The Chairperson (Mr Lyttle): Thanks, Liam.

I give you a warm welcome to the Education Committee today, Kate. We are glad that you are able to join us. Thanks for the effort that you have put in to make sure that you were able to connect via StarLeaf today.

Ms Kate McKeown: That is grand. Chris, I am delighted to be here, and I am grateful to Liam and to the Children's Law Centre because they help me to tell the story of Aidan. I am extremely passionate about advocating for Aidan's rights and not only for Aidan but for the rights of all the other dyslexic children throughout Northern Ireland. There is so much that I could tell you, but I am really long-winded, so I will summarise it as best I can. Unfortunately, it is very complex.

The Chairperson (Mr Lyttle): Kate, I have the unenviable task of cutting people short in the Education Committee, unfortunately. I definitely do not want to cut you short, but I will give you an idea of the context. We are about 20 minutes in, and we have probably another hour. There are eight members who will be eager to interact with all three of you. We normally allocate 10 minutes for opening statements, and we are at 20 minutes now. However — I mean this — we are keen to give you as much time as we can to tell your story. That is just to give you context.

Ms McKeown: I spent ages last night preparing it, and I have whittled it down to five pages. I will summarise that as best I can.

The Chairperson (Mr Lyttle): Fair enough.

Ms McKeown: Liam, if I make a mistake at any time, can you come in? I just want everyone to know exactly how stressful and — I will use this word — traumatic it has been for my son. Sorry, I am very emotional about this. Sorry.

The Chairperson (Mr Lyttle): You are OK, Kate. By all means take your time. Kate, what is your son's name?

Ms McKeown: My son is called Aidan. I have a little picture of him for you. I do not know what I have done with that.

The Chairperson (Mr Lyttle): You are OK.

Ms McKeown: Here it is. I do not know if you can see that, but that is Aidan on Valentine's Day with a rose between his teeth for me. I wanted to start off by saying that Aidan was a happy, funny, outgoing child, and then he went to school and found school really difficult. In P1, things were not too bad. Things were grand, but, when he had homework to do, it was an almighty crisis and he really struggled with it. We just thought, "Aidan's a wee boy; he can't be bothered to do his homework. That's dead on", so we did not put too much emphasis on it. In P2, we noticed that Aidan had great difficulty with phonetics. He was unable to retain, recognise and blend the sounds into words. I was concerned about that, and, in September or October, I went to the teacher and the principal to say that I was concerned and felt that Aidan needed more support.

Aidan was a bright child, and it made no sense to us that a bright child could not read, write or spell in P2 and was unable to remember any of the sounds. I would spend time at home going through the sounds with him, but, the next day, he could not remember any of them. I felt that we needed help with this because my husband and I are not teachers and felt that it was the job of the school to give us that support. When I spoke to the principal about it, he said that, unfortunately, the school did not have the money to provide extra support for Aidan so there was really nothing that they could do. He advised at that point that we might get some external support from a tutor who might be able to help Aidan. When I spoke to his teacher, his teacher thought that Aidan was fine and that there was nothing to worry about. However, sadly, at the end of P2, she decided that there was a concern

because she had realised that Aidan had learned only two sounds throughout the whole year. We were shocked to hear that, and we were concerned about Aidan's progress.

I will quickly move on to P3. At that point, because Aidan was not able to meet any of his targets, the teacher, who was really fab in supporting and connecting with Aidan, developed three individual education plans (IEPs) with specific targets to reach over the year. At the end of the year, I had a meeting with Aidan's teacher. Unfortunately, he was concerned about Aidan's progress. He said to me, in confidence, "Kate, I am not allowed to say this to you, but I feel that Aidan needs a statutory assessment. You need to speak to the principal about it and get it done as soon as possible". The next morning, I went straight to the principal and said that I needed a statutory assessment for Aidan. The principal was not very forthcoming. He said that the waiting list for assessment was long and that Aidan could be waiting years to get the support that he needed for a statutory assessment.

At that point, we decided to go for private dyslexia screening. The screening made us aware that Aidan was severely dyslexic and that that was what we were dealing with. It is important to mention that, by the end of P3, Aidan could not do the work that he was given, even though he had gone to school every day. He could not work independently. He was in a constant state of anxiety. He felt really sick in his tummy every day. He kept saying to me, "Mummy, my tummy's sick". He just felt really unwell. It became a struggle to get him out of the house in the mornings. He was violent towards me. He used to hit, scream and wreck his bedroom. I had great problems getting him into school. That was crisis point for us. Before the end of —. Sorry, I just find this very stressful —

The Chairperson (Mr Lyttle): Yes. Take your time. It is OK. There is no pressure.

Ms McKeown: — because I have buried it in the past. I am moving forward here.

The Chairperson (Mr Lyttle): Kate, raise only what you feel comfortable raising. There is no pressure on you.

Ms McKeown: Right. It is just that I am a mother, so —.

The Chairperson (Mr Lyttle): You are doing a great job.

Ms McKeown: OK. Thank you so much. I really appreciate that.

Where were we? With all the distress and everything that happened, we were at crisis point. We did not know what to do. Then, we were told that we should contact the Children's Law Centre because it would be able to help. I have spoken to Liam on numerous occasions since then. In September, Liam said, "Kate, you are going to wait for ever; you are not going to be able to get the support that your child needs". He knew how difficult things were for Aidan and for us as a family. He recommended that I go independently to the Education Authority to ask for statutory assessment. I was delighted that that option was available. Time was of the essence, because things were so bad for Aidan.

I sent an email to the Education Authority. They replied, "Can you give us evidence as to why you think that your son needs a statutory assessment?". There was a form with 11 questions to answer, which was really complex and difficult for me to do, but I managed to fill it out. I should let you know, Chris, that I am dyslexic too. I find the process of filling out forms and giving evidence very difficult. That is pretty complex for me as well.

I was glad that I was able to go through that process, and I hoped that it would speed things up to give Aidan the support that he so desperately needed. Liam warned me that the Education Authority would more than likely turn down my request for statutory assessment. We received a letter on 28 September 2018 stating, true to form, that the Education Authority would not do a statutory assessment for Aidan at that time. We were absolutely gutted, because things were at a crisis point for us. Liam reassured me that that was normal procedure. We decided that we would appeal the decision. I had to undergo another lengthy process. There was a load of complicated forms. At that point, I felt completely stressed out of my mind.

Then, all of a sudden, out of the blue, just before Christmas we got a letter saying that the Education Authority had decided that it would carry out a statutory assessment. We were absolutely delighted, but there was no reason given for why it had changed its mind, and we had no idea. I had put so much effort into the appeal process so, for me, that was pointless and exhausting and a waste of several

weeks. Again, Liam assured me that that was the EA's normal procedure. During that time, I was lucky to have Liam to go back and forth to support us through the process because it was so stressful.

Finally, we got the statement. Most people would think, "Hooray, that's great, you've got your statement, you're so lucky". Unfortunately, however, it was a really stressful time for us because the statement was completely vague. It did not have specific actions in place that Aidan needed to help him, so there was a lengthy process between the Education Authority and me in which I was constantly asking for amendments. I know from listening to parents who have gone through the process and from talking to Liam that the Education Authority wants to go out of its way to make things as complicated as possible and, as far as I am concerned, not to meet children's needs. I did not want there to be any misinterpretation in the statement, so that Aidan could get the help that he needed.

Eventually, after two years of assistance from Liam, we got Aidan's statement in place in P5. That involved me spending all of my summer going back and forth saying, "This needs to be in place" and "That needs to be in place for September". Aidan could not go back to school without support because he would not have been able to make it through the day, things were so bad for him. Finally, the EA agreed and got everything in place for P5. However, the next obstacle in P5 was that the two P4 classes in his school were amalgamated into one and Aidan was then in a class of 37 pupils. Not only was he in a class of 37, he was given a classroom assistant who had just come out of training and had absolutely no experience of working with dyslexic children. That was another crisis for us, but we spoke to Liam about it because we were at our wits' end.

We decided on the pretty dramatic option of moving Aidan from the school. We had to move him because there was no way on this earth that Aidan's needs were going to be met in a classroom of 37 children with one teacher. There were no other classroom assistants and one inexperienced assistant, and we thought that that would just not meet Aidan's needs.

At the start of September, before Aidan moved school, he had received peripatetic support from the Education Authority. That was a lady called Anne McKinless, who came in and provided one-to-one support for Aidan. That support was fantastic in helping him with his spelling and helping him to blend and to read — all the specialist support that he really needed. When I was asked to meet Anne, she said, "Kate, I know that your statement is not completely finalised, but I have been told by my boss that in no circumstances is Aidan to continue to get peripatetic support when his statement is in place". I was horrified because Aidan needed that peripatetic support. Neither the teacher nor the classroom assistant had any framing or experience; they could not give him the one-to-one support that he needed. We were stressed again and asked Liam, "What are we going to do? This child needs specialist support". Liam said that we needed to go for a tribunal hearing. I was at my wits' end about that, but it had to be done. It was another lengthy, difficult, complex process for me to complete all the forms. It was time-consuming and not user-friendly. There was an option for me: go through the dispute avoidance and resolution service (DARS). I decided to do both.

I continued with the tribunal process, but I also went down the DARS route because I wanted to get it sorted as quickly as possible. I did not want to go through the stress of a tribunal. That was the last thing that I needed. I went through DARS, which was another lengthy process to get everyone together. It was a complete waste of time. I met the head of peripatetics, the school principal, the vice principal and Aidan's teacher; everyone came together. Before the meeting, I had asked for Aidan's scores to see what difference his dyslexia had made to his learning, but I did not get them until the day of the meeting. They handed me a clipboard with all the information and his scores. I knew at that point that they had put in place the criteria for their needs, not Aidan's, and those criteria said that he did not meet the need for ongoing support. That was the biggest load of — excuse my language — crap that I had ever heard, because, although Aidan had moved forward, he had in no way closed the gap between his learning and that of his peers. He was way behind them. He is in P7 now, and he still cannot spell words of more than three letters, but that is another issue. So —.

The Chairperson (Mr Lyttle): Can I come in? I am keen to make sure that members get to interact with you on your important testimony today. Would you like to make any key closing comments before I bring in members to engage with you?

Mr Mackle: May I come in, Chris, to end Kate's journey in the provision story? In August 2020, we had a Special Educational Needs and Disability Tribunal (SENDIST) hearing at which the tribunal granted Aidan two sessions per week of direct literacy support to the end of his primary-school year and a classroom assistant. In September 2020 — she first contacted us in September 2018 — Aidan eventually got the provision that he needed. Kate has given you a flavour of that journey and the difficulties that she went through in those two years and previously.

Ms McKeown: Chris, can I provide one more paragraph? This is from Aidan, and it is really important. He wanted me to interview him last night to help me prepare this for today. He is a hoot. I said to him, "Aidan, how was school before you got a statement and your classroom assistant?". He said:

"Mum, I could do no work. I used to sit and look out the window. I used to daydream. I couldn't do anything or join in with the class, so I felt left out. I felt sad. I felt stupid. Lots of times, I felt like crying. I could not spell 'fox' or 'cat', and my books were baby books."

I want to end now on a positive note. As result of Aidan having, for the past two years, a classroom assistant, peripatetic support, his laptop and all the things that he needs, he said:

"School is better. I can do more. I can write. I can read books. It still takes a bit longer to do work, but I'm good at maths" —

thank God, he is good at maths —

"Homework is still a struggle. I can, with the help of my classroom assistant, create good stories."

This is the final thing that I will say. Last night at bedtime, Aidan said to me, "Mum, do you know what? I want to go for head boy of the school", and that involves making a speech in front of the school. I said, "Oh my God, Aidan. That is absolutely amazing". That is what the right support can do for a dyslexic child in Northern Ireland, of whom, it is estimated, there is one in five in every classroom.

Thank you so much, Chris. Thanks for everybody's patience. I could probably talk for another hour.

The Chairperson (Mr Lyttle): Thanks so much, Kate. Hearing from you today is invaluable. It is really hard, as it has been on a number of occasions, for us to hear about the extent of the struggle that parents have to go through and the assistance that they have to enlist from fantastic organisations such as the Children's Law Centre before they get anywhere near accessing the support that their child needs to achieve their unique potential. Thank you so much for your testimony today.

I will bring members in at this point to engage with the Children's Law Centre representatives and with Kate. We will each have about six minutes max for questions. I will forgo questions to give you guys as much time as possible.

Ms Brogan: Thanks, Rachel, Liam and Kate. Thank you particularly, Kate: I can tell how difficult it was to tell Aidan's story. You did a great job. It is important that you share Aidan's story so that we can see the impact that it has. It struck me, when you were telling the story, how the issue not only affected his education but affected him outside school. You talked about him having a sick feeling going into school. Nobody wants to hear that a child feels like that, so my heart really breaks for you. As you said, it has ended on a positive note, and he is moving on to bigger and better things, so I am really pleased for him.

I was at the informal meeting with Dyslexia Awareness NI, and I left with the same feeling of parents being frustrated because they have to fight to get simple resources that would have a massive impact on their children and, listening to your testimony, their family. You all have experienced a stressful number of years. It is frustrating to know that you have to fight so hard to get simple interventions and support. I will move on to my questions, but I appreciate your telling us your story, Kate.

Can you give me a sense of the assessment process when somebody thinks their child has dyslexia? Is it timely, and how is it dealt with?

Ms Hogan: Thanks, Nicola. I will take that. Educators, rather than lawyers, are best placed to answer that question, but I can tell you what we have seen through our casework. Traditionally, educational psychologists screened and assessed for dyslexia, but, as time went on, the EA realised that that was an unsustainable way of identifying children early enough because of the difficulty in getting access to psychology slots at the time. Training was then rolled out to enable people other than educational psychologists to carry out screening. That included special educational needs coordinators (SENCOs), psychology assistants and so on, and it broadened the net a little. That has helped a bit.

One of my clients, whom I spoke about earlier, benefited from that. The child was identified in P3, which, you might say, is reasonable because difficulties started to emerge in P2, and, as we typically hear, by P3, things definitely were not right. The child was screened and identified. The problem was

that, once the child was identified, nothing happened other than that the school did everything that it could within its resources. However, when I spoke to the school that referred the case to me, it sent me a list about two pages long of all the strategies and interventions that the school had in place. It was quite a dyslexia-friendly school, and it put specific strategies in place for that child and exhausted them all. The school said to me, "We do not want any more advice and strategies. We know what we are doing. We have done what we can within our specialism, and now this child needs specialist support from a qualified literacy teacher".

Schools do not have enough access to those teachers. I sometimes find that, in statementing cases, the school may hire a sub to do the literacy support rather using than the EA service, and that leads to a question about consistency in the level of qualification and specialisation that teachers have. The EA literacy service is staffed by specialist teachers, but we need to have consistent high-quality provision, and we need to have it early. I know that the EA would agree with that and that it wants to intervene early, but it simply does not have the resources or the evidence-based strategies to provide the consistent service early.

Mr Mackle: I will follow on, Nicola. If a parent can see that a child is having difficulties and is waiting for something to happen, as Kate was, but nothing is happening, eventually, one of the most common pieces of advice that we give is for parents to request statutory assessments themselves. We know that, if you wait through the school processes, time is ticking. The life of a child is short compared with our lives, and so much can happen in six months of a child's life. We advise parents to request the statutory assessments themselves. Where parents pursue that by appeal, in 100% of cases, the Education Authority will carry out the assessment. That is what gives you the clear indication of where your child is. It sets out their attainments, their ability and the framework for the provision that they will need.

Ms Brogan: Is that statutory assessment a private assessment?

Mr Mackle: No. It is an assessment by one of the Education Authority's educational psychologists. That is the only way in which you will open up services, because the Education Authority's educational psychology service is the gatekeeper and holds the key to all the services, the statements and the stage 3 services, including direct literacy support. If you are never seen by an educational psychologist employed by the EA, you will get no service from the EA.

Ms Brogan: It is really frustrating that you almost have to know how to work the system.

The Chairperson (Mr Lyttle): You have one minute or so left, Nicola.

Ms Brogan: OK. Rachel, to go back to your point about getting the assessment and having dyslexia identified, the issue is then getting the SEN support that is needed, which is something that we have come up against for a range of special educational needs. I think particularly of autism, because we have been doing quite a bit of work on the Autism (Amendment) Bill recently. Another issue with autism diagnosis is the disparity among trusts in the North when it comes to getting a diagnosis. Is it the same with identifying dyslexia or is there more consistency across the North?

Ms Hogan: For dyslexia, you are dealing with the Education Authority, which is one regional authority. In theory, we have the capacity to have a consistent framework, but we are not there yet. The EA has a lot of work to do to get us to a position in which we have a consistent pathway from stage 1 to stage 5.

There is absolutely no excuse for not helping the children. Dyslexia is a high-prevalence and specific learning disability, and we know how to help. There is a range of evidence-based strategies that need to be put in place, because learning to read and write is fundamental to all other education opportunities. It is the same with other high-prevalence difficulties. There needs to be CPD in schools so that they can maximise their resources and then access EA resources when they need to.

Mr Mackle: Yes, and we know that nothing works better than direct literacy support teaching. That works for children, so it needs to be properly resourced and be available to children early, which is when they need it. If it is not done early, difficulties for those children throughout their school career are being stacked up.

Ms Brogan: I agree with both of you. There is a sense of frustration that the help is there. We know what is needed, but it is just a case of getting it out to the kids.

Liam and Rachel, I really appreciate your coming on to speak to us. Kate, thank you for sharing your and Aidan's story. You have my full support. I will keep raising the issues for you.

Mr Newton: *[Inaudible.]*

The Chairperson (Mr Lyttle): Robin, you may need to unmute your device.

Mr Newton: Thank you, Chair. I thank Rachel, Liam and especially Kate for being with us today. What a wonderful result after a dedicated battle — I will use that word — on behalf of Aidan. I hope that he realises his ambition and challenges for the post of head boy. It would be really lovely to hear him make that speech, presumably to the whole school. What a wonderful example that would be to other children who find themselves in the same situation and to their parents who seek support. "Well done" to Kate, and "Every success" to Aidan.

I will concentrate my remarks on two areas. Kate has placed the emphasis on the need for peripatetic support. This may not be a question that the panel is able to answer, and it may be that we need to follow up on it. At the Committee, we have talked about the importance of continuing professional development for teachers. Kate found that the peripatetic support was the key that unlocked so much for Aidan. What peripatetic support is available that is distinct from continuing professional development, of which I am a keen supporter? In the early stages, who takes the lead in that area? Does the Department of Health have any responsibilities? Finally, is there a school with a prevailing ethos that marks it out as having recognised and addressed dyslexia by providing support for that community in the school?

Ms Hogan: *[Inaudible.]*

The Chairperson (Mr Lyttle): Rachel, you may be on mute.

Ms Hogan: Sorry. I pressed the wrong button.

May I endorse Aidan for head boy, while I have the opportunity? Aidan for head boy.

Ms McKeown: Yes.

Ms Hogan: Good luck with that speech, Aidan.

The Chairperson (Mr Lyttle): He is building quite a campaign team *[Laughter.]*

Ms Hogan: Yes. He could be a politician by the end of this.

Ms McKeown: *[Inaudible.]*

The Chairperson (Mr Lyttle): He has the Education Committee and the Children's Law Centre as his campaign team. *[Laughter.]*

Ms Hogan: That is a good start to the campaign.

Access to peripatetic support is strictly limited and is governed by the provisional criteria. That is a set of criteria drafted by the Education Authority to decide who should access peripatetic teaching support. I mentioned the need for an IQ of 90 and to fall into the bottom 2% of the population with the highest attainment gap. The attainment gap is the difference between what a person can do and what a person can achieve. Essentially, those people are non-functional. We are leaving people until a stage at which they are absolutely non-functional before we intervene. Perhaps 10% of the population may have dyslexia. There is an issue with that.

There is also a legal issue with the rigid application of such criteria, because, in my view, they are not lawful. If the criteria are being applied rigidly, with no exceptionality, that is susceptible to a judicial review. We have challenged those criteria where we can, because we do not agree with them. It is

particularly evident, however, that the criteria have closed the door in the face of children with dyslexia who need support from those specialist teachers, who really know how to help them.

The Chairperson (Mr Lyttle): Rachel, I will be brief and not take up too much of Robin's time. Are the limitations resource-driven?

Ms Hogan: I would say that they are resource-driven. They have to be resource-driven. They are not needs-driven. Kate spoke eloquently, and it was very distressing. We got a real sense of the utter trauma that the family have gone through for years, and they are not finished yet. Aidan still has a lot of work to do to catch up, because he has been left for so long without that support. He will do well, though, because he has the support now. The criteria need to be critically and urgently reassessed. There needs to be a full review of the service: the access to it; the gateway in; how the outcomes are measured; and how the pupils are monitored. We need to see measurable progress. The thing about dyslexia is that progress can be easily measured by doing baseline assessments and follow-up assessments. We have seen that in sets of papers. That is the difficulty with access to peripatetic support.

Robin asked about cooperation, who should take the lead and health intervention. That intervention happens when children perhaps develop comorbid mental health difficulties because they are so overwhelmed and are going into school every day feeling sick. They may wet their bed and call themselves "Stupid". They look at their fellow pupils, who are reading and writing, enjoying their schooling and making progress. The effect on the individual child's mental health and development is absolutely devastating.

The schools are often left to take the lead. In 98% of cases, the school is left to take the lead using the resources that it has — and the parent, I should say. We have heard from Kate about how she had to take the lead herself. Parental participation is extremely important. I had the pleasure of attending the all-party group (APG) on parental participation in education yesterday. We heard from it about the importance of the parental connection with the school community so that parents and schools can work together in the best interests of the children. The EA also needs to play its part. The health service may need to play its part. Children do not come along just being dyslexic. They will have a range of profiles. They could have dyspraxia, developmental coordination difficulties, autism, ADHD or physical difficulties, and there are all sorts of combinations. It is not right to have a one-size-fits-all approach. Advice, strategies and CPD are all good bases for an inclusive school, but they are not the solution for the child who is stuck and cannot get moving on.

Finally, Robin, you asked whether there is an example of a school with a good ethos. There will be good examples of schools that do the absolute best that they can and that exhibit best practice. That best practice should be collected and shared, in order to bring all schools up to the highest standard that they can get to. I think that the new SEND framework wants to do that, and I hope that it will achieve that. We need built capacity in schools. We also need built capacity in the EA peripatetic teaching service. As others have said, that is the one area in which we can see objectively measurable progress, value for public money and value for the children, where value is added to their school experience and they can reach their aspirations and goals as they grow up.

Mr Newton: I have a follow-up question. Rachel said that there is good practice. I am sure that there is, but, in addressing the issue, is there a school that stands out in any way?

Ms Hogan: I could not identify an individual school. I come across schools with different standards. Educationalists or even the likes of the EA might be able to point you to examples of good practice. I know that you will hear from the service. It might be able to point you in the direction of an individual school. I am not able to do that, sorry.

Mr Newton: Thank you.

Mr McNulty: October is recognised worldwide as Dyslexia Awareness Month. It is a time to *[Inaudible owing to poor sound quality]* and tell stories about dyslexia successes. Richard Branson, Whoopi Goldberg, Tom Cruise, Keira Knightley, Steven Spielberg, Albert Einstein, Jennifer Aniston, Muhammad Ali and Aidan McKeown: all have dyslexia, and are all successes. We should celebrate them.

On raising awareness, my God, what a wonderful job you guys have done this morning through your delivery and your presentation. We need to give credit to Jodi Snowdon, Ally Lewis and Nicky

Humphreys who are all very active in DANI. The power of their presentation at our informal briefing was extraordinary. It is troubling —.

The Chairperson (Mr Lyttle): I am sorry to cut across you, Justin. May I just check that everybody else has their device on mute? Your audio is not as clear as I would want it to be, Justin, given the contribution that you are making. We will try again with you, Justin.

Mr McNulty: Kate, your, Aidan's and your husband's story is troubling, because it is the story of climbing Mount Everest in a storm. That is not what parents should experience. I have a case [*Inaudible owing to poor sound quality*] who is in the same position as you. She is a determined mother who is trying to get what her daughter is entitled to. She has talked to me about the experience of the child being sick to her stomach going to school every day, not wanting to go to school and having a fear of going to school and of the impact that that has not just on the child but on the whole family and wider circle. It has a ripple effect. It has not been identified early enough in kids, and they are not getting the support to which they have a right.

DANI has presented figures that show that one in 10 children has dyslexia. There are 350,000 children and young people at school in the North: are we saying that 35,000 of them have dyslexia? If so, are those 35,000 children and young people getting the support that they need?

Ms Hogan: One of the issues that you have identified, Justin, is the lack of data. There is a lack of coherent data to enable us to know how many children there are and at what stage they are. There is school-level data, EA-level data, and DE data. There is information held by parents, children and young people. That is why I say that we need to employ the Children's Services Co-operation Act and think about the statutory duty in there to cooperate on collecting data when planning a service. There are statistics available, which I spoke about at the beginning of my presentation, but, when you compare those statistics with what DANI says, a gap somewhere in the data is revealed. The casework that the Children's Law Centre and others are doing also reveals that there is a gap in the data. Other people have said to me that they have tried to access data but have not been able to retrieve the relevant data.

We need a full analysis of that service. It could be used as a forerunner for reviewing other services, because, for dyslexia services, you could do a really good stringent review of the access criteria, the interventions, the evidence-based outcomes, how children get on and what happens at the end, which is what we are here to talk about. We are also here to talk about their successes and their doing well at school. We need to take apart the data and look closely at how we collect it, in order to form the evidence base for creating the policy to be rolled out to children. I do not think that we have that data; rather, we have estimations.

Mr Mackle: The reality is that even the small percentage of the 35,000 children who have been identified as being dyslexic and whose needs have been identified are not getting the services that they require, so, in answer to your question about whether those 35,000 children get the services that they require, the answer is no.

Mr McNulty: What redress —?

Ms McKeown: May I say at this point that it is really important that dyslexic children be screened in P1 or P2? Why can that not happen? It should happen automatically for all kids that they are screened so that they can be identified. Children would then know that they are not stupid, just dyslexic. As you said, Justin, it is Dyslexia Awareness Month, and many capable dyslexic people have made such a contribution to our society.

It is also important that schools lift the negativity around being dyslexic. It is OK to be dyslexic, because dyslexic people have so many talents. They just struggle to read, write, spell and have trouble with short-term memory and organising things. That needs to be incorporated into schools' thinking as well, because there is so much shame around being dyslexic. Some parents may not want their children to be screened for dyslexia, because they think, "Oh my God. My child is going to be labelled 'stupid'". Lots of parents therefore may not even be in favour of screening, so that is something else that needs to be addressed. Sorry for interrupting there.

Mr McNulty: No worries, Kate.

The Chairperson (Mr Lyttle): You have about a minute left, Justin.

Mr McNulty: I appreciate that we are short of time, but I have two quick questions. What redress is available to parents such as Kate who have identified that their child has not had the support to which they are entitled and have a right? What is your opinion on the level of dyslexia training provided to teachers at this time?

Mr Mackle: The response to your first question is that the redress is to pursue the appeals process, as Kate did. It is lengthy, and it requires a lot of energy from parents. It is traumatic, but it is the only avenue open to them. Unfortunately, at the Children's Law Centre, we are working flat out to help parents of children with special educational needs achieve the provision that their child needs, but we see only the tip of the iceberg.

Teachers, parents' groups and support groups all need to be aware of the process around getting redress and getting the provision that the child needs so that every child can access the provision that Aidan is currently getting.

Mr McNulty: May I just stop you there? When I say "redress", I mean that "too little, too late" is a major issue here. Early intervention is crucial for the children who have been too far left behind and need help and support. How do their parents seek redress on that issue?

Mr Mackle: There is potential for claiming educational negligence. Educational negligence is a novel area of law. There have been only a handful of cases in the whole of the United Kingdom in the 15 years since the first case of educational negligence was brought. In reality, there is no redress. Parents can only fight to get the provision in place that their child needs, but nobody will compensate them for the damage done or the loss that the family have incurred and the stress and trauma that they have had to go through to get to the place where they need to be. There is no redress, unfortunately, Justin. Parents can go to the ombudsman if they suspect that there has been maladministration in how your child's needs have been dealt with. There are numerous such cases with the Northern Ireland Public Services Ombudsman (NIPSO) at the minute, but, apart from that, there is nothing.

Ms Hogan: My view is that the only way in which to fix it is through the sort of scrutiny that we are doing now and through EA operational improvement and proper resourcing. We have tried to take it through the courts. We got it all the way up to the Court of Appeal, but even the court felt powerless to act and looked at the Department for the solution. I, too, look to the Department for the solution, under the Education Authority. It needs to involve all relevant stakeholders in really looking deeply at how we fix it. The new SEND framework needs to be part of the solution.

The Chairperson (Mr Lyttle): Justin, may I carry over your question on training teachers to another member?

Mr McNulty: Of course.

The Chairperson (Mr Lyttle): Thanks very much.

Robbie Butler may want to ask about the extent to which dyslexia awareness is included in teacher training.

Mr Butler: Chris, that would really eat into my six minutes if I were to do that. I will be brief. If someone wants to respond briefly to that one, please do, because the Chair will limit my time.

Kate, thanks very much for that. I am not going to double down on it, but Justin made me smile with his tribute to Aidan, as did you through your delivery, which only a mum can do. Well done. Absolutely fabulous.

You are already known to me, so I will get straight into my questions. Rachel, do you want to come back in on the question that the Chair asked? I will ask you a couple of questions, if you can take note of them. When the education and library boards assumed the guise of the Education Authority in that efficiency move, what changed for dyslexic children? Did their situation improve? Will you tell us a little about that?

I am also interested in the early diagnosis piece. Kate gave an indication of how that was not the case. I want to push it a bit further and ask whether we are tackling dyslexia early enough. Is there anything

that can be done in early years to look at the issue and identify it even earlier? We know that the earliest identification and intervention will give us the best results.

Kate indicated to us the change to Aidan that the help made. Will someone explain what that change will mean, even in the longer term? Some of the stuff that we have seen shows that not getting the appropriate intervention and support affects life outcomes in the long term. Will someone explain to me what it means when a child gets that support? What changes?

Ms Hogan: I will start with teacher training. We are not educationalists — we are lawyers — so we are not all over the facts of teacher training. Educationalists will be able to give you views on their training. Dyslexia Awareness Northern Ireland has raised the issue of training and has called for mandatory training, because of the high prevalence of that difficulty. If 98% of the dyslexic population rely on teachers and school staff to identify their dyslexia or at least to spot that there is an issue and refer a child to someone who can identify it, they need to know what to look for. There is merit in the argument that there ought to be mandatory training or, at the very least, regular training for all staff who work directly with children who may or may not have literacy difficulties at some point in their education.

You mentioned the change from five boards to the Education Authority. A review of provision was carried out. I think that the Education Authority came to see us in 2018 to explain the changes. It also met members of the education subgroup of the Children with Disabilities Strategic Alliance (CDSA). It was framed as being a consultation with us, but it was more of an explanation of what was being done. The only real change that I could see was that it wanted to make the approach a regional one. It wanted to ingrain the idea of advice and strategies as an intervention. That is not an intervention but an inclusion issue. All schools should have access to advice and strategies for all children who need them. To me, intervention is direct intervention for those who require it.

The only change that I saw coming out of that rationalisation by the Education Authority was the removal of a group of children in, I think, the northern area with moderate learning difficulties who were receiving peripatetic support. We have to remember that children with an IQ of below 90 can in some cases also make significant progress if they have peripatetic literacy support. What about a child with an IQ of 89, 88, 87, 86 and so on? If the difficulty is truly more a moderate learning difficulty or something else — maybe autism — peripatetic teaching sometimes does not result in progress, and then you know that the problem is something else. It is a way of finding out what the child needs in the long term.

The CDSA was not overly content with the new framework at the time. We were a bit sceptical about it; we thought that there were gaps in the data and so on, as we do now. Our continuous experience of those cases coming back through our phone line and email tell me that, whatever the EA has done to regionalise, it needs to do more, and it needs more resourcing to do that.

You ask how early you can intervene, and the answer to that question is this: as early as possible. We need to ask when or how early a diagnosis can be made. That question would have to be asked of someone such as an educational psychologist, who has the expertise to answer. Typically, in the cases that we see — Kate reflected this perfectly — it will be in primary 2. That is when children go out of the foundation stage and into the more active stage in P3 and P4, with reading, writing, numbers and phonics. As children go up a step and up another, you start to see them fall behind. Your point is: why should they fall behind? How early can they be screened? How early can it be? How early will there be intervention at school level and EA level? Children should get what they need when they need it, but we need to identify those children in order to do that.

You also asked what difference has been made to Aidan. I will leave that with Kate, because only she knows the answer. What difference has the support made to Aidan, and what difference will it make as he moves forward?

Ms McKeown: From the age of seven, Aidan felt that he was stupid. Now that I have been chatting to him about it, he feels that he is good at doing certain things and that he is capable of achieving because he has the right help. He also feels less isolated. He felt isolated because he could not do the basics that all his peers could do. He felt a lot of shame — great shame. Even when his friends came to call for him at home, he had to hide his reading books, because he was afraid that someone would see his reading. Now, with that support in place, he is trying. His challenge is to read his first-ever chapter book. Jamie Oliver has done it, and he is 38, so Aidan McKeown is determined to do it in P7. That is his goal, and that is amazing. We thought that that would never happen. Also, when he is out

and about, he tries to read signs. He now, unfortunately, can read my text messages, which he could never do before, so you really cannot keep anything from him.

Aidan feels so much better about himself — more capable. He wants to be a writer. He is absolutely amazingly creative. He is so fortunate to have his classroom assistant. He dictates all his stories, and he is so happy that he can achieve. Giving the right support to him has been absolutely life-changing, not only for him but for his dad and me.

Mr Mackle: The flip side of that, Robbie, is about the children who do not get support.

Mr Butler: *[Inaudible owing to poor sound quality.]*

The Chairperson (Mr Lyttle): Liam, sorry, let me bring Robbie in there. He is almost out of time, but he may want to ask one final question or make a last comment.

Mr Butler: I was going to ask something else, but I am happy enough if Liam picks up on this one. There are children who possibly do not get that support: the undiagnosed and misdiagnosed. What is the prognosis for them? What happens to those kids, and what is the likely outcome for them?

Mr Mackle: Absolutely. Kate touched on some of the frustrations that Aidan had at a young age. You can imagine that, as you progress through education. If you get to P6 and P7 and you are a clever child but cannot follow the class, the reading materials and everything that your peers are doing, that will come out in frustration. You will sit in the classroom, and your frustration will come out in behaviour episodes and things like that. As you move on to post-primary, it will become a frustration with the actual education experience. More and more pupils then become disengaged from education. Surveys have been done on children in the Juvenile Justice Centre (JJC) and people in prison. The number of adults and older children in those institutions who have undiagnosed dyslexia tells its own story. You know what I mean: failure to make that early intervention and provision has massive repercussions not only for those children but for society in general.

Ms McKeown: Luckily for Aidan, he has a mother who is a complete fighter. I will never give up fighting for his needs. What about all the children whose parents, for whatever reason, are just not able to do that? It is absolutely tragic that those poor children should just be left. I am a teaching assistant. I see it every day at school, and it breaks my heart. There is no reason for it. Everything is there to meet those kids' needs. It just needs to be put in place. That is all that needs to happen.

The Chairperson (Mr Lyttle): OK, Robbie?

Mr Butler: Thank you, guys.

Mrs Dodds: Thank you, everyone. Kate, thank you for your story in particular. A word of caution for Aidan: having a bunch of politicians fighting his corner in any election might not help his street cred *[Inaudible owing to poor sound quality.] [Laughter.]* Just a word of caution there.

Kate, you told us a story. One of the biggest elements of my caseload is with the EA. Parents of children with special educational needs are absolutely distraught about how to get through the system. Somehow or other, when you have a child who needs a little extra help, you think that everybody will come jumping from every corner and say, "I am here to help you" and "Everything will be grand". Nothing could be further from the truth. That is a terrible indictment on our society and the way in which we treat children and young people with special educational needs. Really and truly, in many ways, Aidan is a lucky little boy. He has parents who can fight for him, and, as you said, there are many other children whose parents cannot.

I am really interested in a couple of things, Rachel. The first is the gap between those who are defined as being able to get help and those who are somewhere in that huge group in the middle. You said that at least 10% of the school population may have dyslexia but help is not readily available to them. I presume that you are looking at some kind of a formula so that we can get more evidence about those people and how we can help them. Will you maybe expand on that?

I wrote this down: you talked about the "rigid and narrow" definition of those who need help. Is that dictated by funds or by a lack of knowledge or data?

Rachel, you, Liam and, indeed, Kate talked about early intervention. In Aidan's case, you noted that it was P2 before he really started to get some level of intervention that responded to his need. How can we do that better? That is key to how we do that.

You talked about the need to "scope out the unmet need" and that there is "no consistency" in the data. I suspect that that is the case not just for children with dyslexia but for those with a wide range of conditions.

If there were three things that you could ask the Education Committee to do, what would they be?

Ms Hogan: Thanks, Diane. The first thing that we need to do is to review the stage 3 services to see whether they operate efficiently and whether we get value for public money. The Northern Ireland Audit Office raised concerns about that, and an independent eye needs to be cast over that service and other stage 3 services. The reason for that is that they are non-statutory services. It is difficult to access them through legal methods, which is why we often have to go to statutory assessment or judicial review.

You should not have to battle. As you said, when you have a child with special needs, you expect help to arrive, but, as we all know well, help is not arriving. The evidence is out there. Who has it? Parents have it. Schools have lots of evidence and are crying out for help. The EA holds evidence. The Department will have some evidence, and the health service may have some evidence. That is why I say that there needs to be a coherent way of collecting the data at some level so that we can measure what is happening in that service. Who has dyslexia? What interventions are they getting? If they are at stage 1 or stage 2 of the code of practice, how long have they been there? Personal learning plans (PLPs) will be coming in through the new SEND framework. We currently have individual education plans. A school may put a child on an IEP quite early on. It could be in primary 1. The school may notice that something is not working, and it will put strategies in place. It may then go to stage 2, and there may be a wider inquiry and other strategies put in place.

We consistently see that schools are nearly at the point where they know that there is no point in asking, because the help is not coming to them either. They also need the help. It is about identifying who needs help, what help they need, at what level they need it and for how long they need it. It is about putting time limits on the help, measuring the success and using the IEP. We have the structure there to do that.

I think that there is a reluctance to gather coherent data because it would show up a level of need that we do not have the resources to fund. We have to allocate the funding in a fair way — for example, by looking at the section 75 groupings that are protected by law and targeting the funding to those who are most vulnerable and most in need of it. We need to have evidence-based policy that is based on full consultation with all relevant stakeholders. An outside independent inquiry into how the system operates would provide that. That would allow for data collection from education professionals, health professionals, parents, children and young people with experience of it.

We have a parent speaking today from her heart and soul and from her experience. Her child would also have things to say, and he has spoken through his mother today, but children can speak for themselves. They are perfectly capable of speaking for themselves and saying what their experiences have been: "What impact did the help have on you? Did it work? How long did it go on for? What do you need?". We need to do that consultation, the evidence-gathering exercise and the proper scrutiny. We are focusing on dyslexia today, because it is Dyslexia Awareness Week, but there are similar services. The dyslexia services would particularly bear up to scrutiny, because we could objectively measure progress. How are we doing that? That is a long-winded answer to a difficult question. The people in charge of the system need to look at that question and the answers to it.

The rigid definition is absolutely governed by the lack of resources. It is a resource-driven definition. It has to be, because we can see the impact of it on children. When there was an equality impact assessment (EQIA) on that provision, we objected to it strongly and said that we thought that it would have unequal impacts on our society, and, lo and behold, it has. To me, those provisional criteria were put in place pending the EA being operational, the new SEND framework and so on. The criteria need to be looked at closely by people who understand dyslexia. The likes of Dyslexia Awareness NI — there are educationalists and parents in that group — are a source of lots of information and evidence. They have thought about it carefully.

In answer to the question about early intervention, you cannot intervene too early. You cannot intervene too early, but you can intervene only when you know what you are looking for. It is like

looking for a needle in a haystack. It is the same with disability discrimination: sometimes you have to be looking for it in order to find it. The teachers who are left with custody of 37 children, as we heard today, need to have the tools and support available to them to home in on individuals. They test children to see what their IQ scores are, and they can identify trends in classrooms, but, at the individual level, it needs to be looked at, and individual support needs to be put in place as early as possible. As Diane said, it is not just an issue about dyslexia; it applies across the SEND system. Every MLA in the room knows that, because they all have lots of constituents coming for help in relation to SEN. That tells us that we need to take a close look at early interventions.

If we improve the system and make early interventions happen at stages 1 to 3 of the code of practice, we will solve a world of problems at stages 4 and 5. We will not need as many statutory assessments, statements or child and adolescent mental health services (CAMHS) appointments. We will not have as many people going into the criminal justice system, running the streets and trying to belong somewhere because they did not do well in school and were not happy, so they looked somewhere else.

Mrs Dodds: Rachel, do you find that some people skip the non-statutory bit and go straight to the statutory bit, because it is the only way to find help and where, legally, the EA has to provide help?

Ms Hogan: Yes. We use statutory assessment as a legal enforcement tool. We went to the courts about stage 3, and the Court of Appeal could not help us. That says something about our system, when our Court of Appeal could not help the children at stages 1, 2 and 3, and we are left to rely on that non-statutory, non-enforceable provision. That leaves us in the position where, if we are trying to legally support a family, we have to go before a tribunal. The tribunal is an expert panel with experienced members.

Mrs Dodds: I have done them.

Ms Hogan: Yes. We have all been there: parents, MLAs, lawyers and advocates alike. Those panels are experts. They have seen this dyslexia-type case coming before them for many years. That is why they look at the evidence and make an evidence-based decision. Liam will correct me if I am wrong, but we are yet to lose a dyslexia case. That is not because SENDIST is giving these judgements out like sweeties; it is because it looks at the evidence and makes an evidence-based decision, and it looks at the law and the legal threshold tests and makes a legal-based decision. That is in the best interests of the children.

The answer to the problems is independent scrutiny of those services and proper evidence on which to base the policies that is based on full consultation. It is exactly as Kate said: children need to get intervention at the time that they need it. The money that we currently have should be poured into early intervention. We cannot leave children in this situation. That is absolutely a breach of their human rights. It is negligence. You can take educational negligence cases, but it is too late then. Negligence proves only that the damage has been done and there are no GCSEs to be had. We need to act early, and it is incumbent on all of us to do all that we can to make that happen.

Mrs Dodds: May I ask one very quick question?

The Chairperson (Mr Lyttle): This is your final question, Diane. Thanks.

Mrs Dodds: Many years ago, as a teacher, I taught literacy to children in small groups. That was probably one of the most rewarding things that I did. I was a teacher in a secondary school in Lisburn, so it was late in the children's lives for that teaching. Could continuing professional development, greater awareness among teachers at an early stage and the ability and funding to give some release to those teachers help us to avoid the statutory assessments and to intervene earlier?

Mr Mackle: Absolutely. That is key to it. If those schools were properly resourced and had properly trained teachers who are able to intervene at those early stages of P1 and P2, of course there would be fewer children going forward to statutory assessments, and there would be less need for parents to take control and request those assessments. It is frustration that leads parents down that road. You know, Diane, that parents go to you or come to us because they are frustrated. They talk to teachers, and the teachers are frustrated, because we essentially have a very scarce resource with increasing demands. The Education Authority is in control of that resource, so the only thing that determines its decisions is resource.

Tribunals can make different decisions because they have no regard for resources. They are solely focused on the needs being presented to them. That is why 93% of cases are won. In any area of law other than children's education, if 93% of decisions made by a statutory body were found to be wrong on appeal, there would be massive public outcry. I am not sure that that is the case for SEN, but it should be. Any system in which 93% of decisions are flawed should come under serious scrutiny. Serious questions should be asked about those decisions.

Mrs Dodds: Thank you, Liam.

The Chairperson (Mr Lyttle): Liam, can I double-check whether the 93% appeals success is particular to dyslexia-related cases?

Mr Mackle: No. That is for special educational needs and disability tribunals since 2013.

The Chairperson (Mr Lyttle): OK. Thank you. I bring in Harry Harvey MLA to finish.

Mr Harvey: If I were to describe today's meeting, it would certainly be with the word "heartfelt"; indeed, it has touched a chord with us all. I have to say, if it were not for your early intervention, Kate, it would have been much more difficult for Aidan. All that you have done has made a huge difference. Like others, I worry how many other children could be missed if people are not as observant as you. We are all so grateful for that. I have to say to Liam that we are all so grateful and thankful for the Liams of this world. From all you said, Liam, we know that it is not just a job, and we are appreciative of all that.

Liam, do you think that the recent recommendations from the Public Accounts Committee (PAC) are useful?

Mr Mackle: Absolutely. The Audit Office report, the internal audit report and, of course, the commissioner's report are all useful, and they all paint the same picture, Harry, of a service and a system that is very much broken. On dyslexia, Rachel mentioned the need for a complete review of all those services. That is the number-one recommendation in the commissioner's report, 'Too Little, Too Late'. Sara Long, since she came into office at the Education Authority, has initiated some reviews around the Education Authority and taken on board the recommendations of the Audit Office and the commissioner. She is new in post and has a blank canvas, so, hopefully, she can bring in some of the changes that affect and make a real difference to children. We talked this morning about some of those changes, and the big one for me is a complete review of those specialist services across the board.

Ms McKeown: Liam, I completely agree with what you say. My issue is that it needs to be done really quickly — quickly, quickly. The poor kids have suffered so much. I hear everyone saying that we need a review, but how quickly can it be done? The kids need help now. They needed it yesterday, they needed it years ago, so how quickly can we get the needs of the kids sorted?

Mr Mackle: The Committee can exert its influence. It has a massive influence on all these things. Everybody seems to be agreed on the kind of changes and processes that we want to see, so, hopefully, you on the Committee can drive that process forward.

Mr Harvey: Many thanks, Liam and Rachel.

Ms Hogan: I have one final comment, and I know that we are under pressure for time. When reviews take place, we do not want to see them coming to us as a done deal with it being decided what will be done. That is an ill-informed approach. We want a co-design approach where everyone who is a stakeholder is involved and feeding into it and we can see what is happening and what decisions are being made as opposed to, "Here is our policy". There needs to be openness and transparency.

In the interests of fairness, I will add that the Education Authority has met me to discuss its fail rate in SENDIST appeals, and it should start to look at the reasons for that. That is a positive thing. The EA is looking into that, and, hopefully, the decision-making will improve as a result. That remains to be seen, but, to be fair, the improvement process is ongoing, and I will watch that with interest.

The Chairperson (Mr Lyttle): Rachel, Liam and Kate, thanks so much for your evidence today. Hopefully, it will be really helpful in informing our next session with the Education Authority. Hopefully,

you will get a chance to view the evidence that the EA gives and the answers that we will be able to secure on the key actions that need to be taken to improve support services for pupils like Aidan with dyslexia in our schools.

Mr Mackle: Thank you, Chris.

Ms Hogan: Thank you all very much.

Ms McKeown: Thanks so much.