



ATL Consultation Response

Every School A Good School

The Way Forward for Special Educational
Needs (SEN) and Inclusion

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Introduction: ATL supports the desire for a more inclusive society. However, it is important to be clear about what inclusion mean. We know that inclusion should involve all; it should benefit the individual and enhance the community. Inclusion, in its true sense, promotes tolerance and understanding as well as helps us appreciate difference.

Overall, ATL has serious concerns about the general direction of travel of the policy proposals contained in “The Way Forward for Special Educational Needs (SEN) and Inclusion”. In particular, the policy bias towards “accountable autonomy” risks the danger of placing unreasonable burdens on teachers and support staff in schools. Current centrally managed funding levels are seen by ATL as deficient. The delegation, and spread of thin resources to schools is likely to exacerbate matters.

The Department should be aware that there is significant unease about the proposals – and we would call for a profound consultation process including sub-regional events and a conference of key educational interests. Without a more profound engagement, ATL can only reject the proposals outright.

Finally, ATL considers the issues to be addressed as complex – and only reluctantly has adopted the formulaic “box-ticking” format within the consultation, but trust that the Department will consider all the comments in this response and not just the ticked boxes.

It is our intention to publicise this response to ATL members via the ATL website.

Summary of ATL Views

- Concern that the devolution of responsibility to schools and teachers represents a considerable additional workload, and increased bureaucracy
- Concern that devolution of responsibility to schools and teachers is not matched by appropriate resources
- Concern that the role of the Special Schools is not buttressed and is left to the vagaries of competing to become specialist centres within Learning Partnerships.
- Pre-School settings proposals are undermined by a high number of unqualified staff in many settings and lack of resources.
- Concern at the potential “gatekeeper” role of Multi Disciplinary Groups and the potential for tension/conflict between MGs and schools
- Concern that Training proposals are inadequate
- Co-ordinated Support Plans (and IEP) proposals will not be immune from litigation and will, as a consequence, be written ‘defensively’ and create significant additional workload
- Funding proposals are unclear
- Concern that Special Schools will be obliged, under the New Labour “contestability” dogma, to compete to retain their status by bidding to become Specialist Schools within Learning Partnerships. This measure of “marketisation” is unwelcome.

- Supports the continuation of the DARs mechanism
- Considers that there is an imbalance in accountability throughout the proposals
- Calls for a Consultative process and conference amongst the educational interests
- Our view is that this document does not address the Additional Educational Needs (AEN) of 'Gifted and Talented' pupils
- There is a danger that in addressing the needs of a few, the needs of the majority may in turn be neglected

Consultation Point 1 - Inclusion

(Reference: paragraphs 3.1 to 3.8)

1 Do you agree with the introduction of an inclusive framework based on the wider concept of additional educational need (AEN)?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			√	

Any other comments:

ATL supports the desire for a more inclusive society. However, inclusion, for many people, has come to be associated with a lack of support; a lack of training and a lack of resources or under-resourcing. There are fears that individuals are being disadvantaged at the expense of others; we see division and prejudice. Their development, education and learning are being compromised in the name of inclusion.

ATL believes real inclusion requires long-term planning, sufficient resources and clear vision. ATL recommends the index of inclusion promoted by the Centre for Studies on Inclusive Education (inclusion.uwe.ac.uk/csie/indexlaunch.htm)

Inclusion cannot be done with economy, nor can it be allowed to succumb to tokenism. So easily inclusion can exclude, discriminate and disadvantage. ATL sees the promotion of Learning Communities as an opportunity for the expansion of the role of Special Schools.

However, without reassurance on the Resource implications of the proposals, ATL can only but disagree with the premise of the reforms.

Consultation Point 2 - Key Principles of the Proposed Policy Framework

(Reference: paragraphs 4.1 to 4.6)

2 Do you agree with the key principles on which the policy proposals are based?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			√	

Any other comments:

The Principles, in themselves, are unobjectionable – in the nature “Motherhood and Apple Pie” . However, ATL is unable to support them as they stand. Two concerns, in particular, arise:

- 1) The resourcing (of the improvements) required to make the Principles “real” – within a very tight current budgetary round, and
- 2) The devolution of many of the actions (under the general principle adopted under “Every School a Good School”) of “ accountable autonomy” will see significantly increased workload at the level of the school in an area of work fraught with difficult-to-manage expectations, often a highly litigious arena

The proposed changes have clear resource implications, in particular (p11 Policy Proposals)

- d) Early identification
- e) Collaborative working
- f) Professional Development
- h) moving from statements of SEN to Co-ordinated support plans (CSPs)
- i) expanding to include Pre School Providers within the framework

It is understood that the proposal is to delegate more of the current SEN central funding directly to schools, but the “devil” here is “in the detail”. The proposals appear to identify teachers and schools as a way to resolve the SEN demand vs. Funding supply conundrum. ATL would want to explore exactly what funding will devolve from central funds, and for what purposes; the cost of subsequent, and additional, administration and accountability, including the potential increased costs in liability through litigation, insurance or additional measures to be undertaken.

Funding for special education should be ring fenced and only used for special education. All spending should be fully accounted for by the school principal and not allowed to go to waste.

Consultation Point 3 - Early Identification and Intervention

(Reference: paragraphs 5.1 to 5.5)

3 Do you agree with the proposals relating to early identification and intervention?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			√	

Any other comments:

Again, the proposals appear aspirational. Whilst the General Teaching Council's Teacher Competences recognize that teachers will develop a knowledge and understanding of their responsibilities under the SEN Code of Practice, and will have developed an understanding of the statutory framework, our concern is that the legal accountability of teachers may increase under these proposals, without adequate support.

The House of Lords judgement in Phelps et al, 2000, as well as the more recent judgement in Carty vs. Croyden Borough Council, 2005 has given a right to financial compensation when those responsible for their education fall below an acceptable standard of care.

An increasingly litigious environment is important as a context to the Individual Education Plans (IEPs) It is not self evident how the replacement of IEPs within the current system, with Personal Learning Plans (albeit developed, at a lower level, through diagnostic testing by the Learning Co-ordinator at the school) will speed up the system. It is likely that teachers will write such plans "defensively" i.e. with half an eye on the potential for future litigation. Parents and children will retain access to Special Education Tribunals. Teachers writing IEPs may, ultimately, be called to give evidence in such tribunals. IEPs will, therefore, become the focus of potential contention and dispute. IEPs will, as a consequence, become a slow, cautious and fraught arena.

ATL does not believe that the current practice of an unacceptable waiting time of up to 2 years, in some cases, will be radically eradicated without some element of additional resource. Lower level diagnostics may have some effect, but cannot – in our view – be enough.

Consultation Point 4 - Pre-School Settings

(Reference: paragraphs 6.1 to 6.3)

4 Do you agree with the proposals relating to pre-school settings?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			√	

Any other comments:

ATL concurs with the longitudinal research, "Effective Pre School Provision in NI, 1998-2004, and concurs that there is *"too much variability"* in the system and that *"getting appropriate diagnosis and support at an early stage remains a lottery."* This finding is largely reflected in the Chief Inspector's report for 2006-08.

However, inclusion of non-statutory, voluntary and private early education settings within the framework, as a condition of funding, will not, of itself, address the “*postcode lottery*” question!

For many in the non-statutory sector, funding and income streams are uncertain and the potential availability of (no, doubt, over-stretched) Early Intervention Officers will not address the precarious and patchy nature of much of the non-statutory sector.

ATL’s clear view is that Special Needs provision is a complex and highly specialised area and requires highly trained, professional teachers – rarely to be found outside the statutory sector. This patchiness represents a severe fault-line in the proposals.

Consultation point 5 - Primary and Post Primary

(Reference: paragraphs 7.1 to 7.5)

5 Do you agree with the proposals relating to primary and post primary?

Strongly agree	Agree	Don’t know	Disagree	Strongly Disagree
	√, nurture groups		√, AEP proposals	

Any other comments:

The provision of increased inter-school collaboration, and the institution of nurture groups, in a range of schools with low adult/pupil ratios, are welcome proposals indeed. They are not, however, cost free options.

In consideration the provision of AEP, the statement (p20) that, in many instances, “*the mainstream schools have abdicated their responsibility for the outcomes of these pupils*” is considered by ATL to be strong and unnecessarily gratuitous, given the absence of supporting evidence or research within the consultation document on this point.

The proposal that schools demonstrate that every effort be made to sustain the school placement would not be acceptable to ATL without assurances that an over-wrought bureaucratic process will not accompany this responsibility. The relationship with the Multi-Disciplinary Groups (MGs see consultation point 10f and 15d) is critical in this regard. Assurances on this aspect are not, at present, in place.

Further questions arise, to be addressed with regard to Primary Schools, notably:

- Resources available to addressing current workload issues, notably the non-implementation of Preparation, Planning and Assessment time;
- The acute social imbalances within schools in Northern Ireland which contributes to high concentrations of pupils with Special Educational Needs in some schools;
- Variation in class sizes within and across schools. For instance average class sizes of 20.4 in Northern Ireland compares unfavourably with 16.0 in both Scotland and the Republic of Ireland (Karen Bonner and Desmond Rea, Economic Outlook and Business Review, First Trust Vol 24.3, September 2009)

Consultation Point 6 - Training and Development

(Reference: paragraphs 8.1 to 8.5)

6 Do you agree with the proposals relating to training and development?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
				✓

Any other comments:

The proposals for Training and Development are inadequate. Providers of initial Teacher Training – all of whom are reducing in intake and resources – are merely asked to “consider” how best to prepare beginning teachers.

More teachers’ CPD is urged, together with an INSET programme, whilst Principals and Governors “may” require further support. ATL would want further detail on who delivers INSET training.

It is noteworthy that the Mandatory qualifications required to act as a Teacher of the Deaf is a Bachelor of Philosophy, with an M.Phil the requirement for teachers of the visually impaired. The proposals throughout underestimate and downplay the specialist nature of much of the teaching for those pupils with Special Educational Needs.

ATL is not opposed to the direction of travel proposed, but considers that this will represent a very significant “step change” for many schools where being capacity amongst Governors, Principals and staff may be at a much lower level of preparedness than the Department imagines. We consider that there is a significant gap between “devolving” a responsibility, and “dumping” it, and would ask the Department to flesh out its proposals in regard to Training and Development. In particular, ATL would welcome the opportunity to comment on the quality indicators to be developed.

The General Teaching Council’s 2007 Survey of Teachers makes sobering reading in this regard, noting that:

- 45% had less than 1 day training in preparation to implement their duties under the Disability Discrimination Act, with 49% receiving between 1 and 2 days training
- Some 36% disagreed or strongly disagreed that they had appropriate Continuous Professional Development to enable them to meet the SEN requirements of their pupils
- A strong majority of 63% disagreed or strongly disagreed that they had adequate time to enable them to meet the SEN needs of their pupils.
- Less than a third (32%) agreed or strongly agreed that they had appropriate specialist support to meet the SEN requirements of their pupils

Consultation Point 7 - Learning Support Coordinators

(Reference: paragraphs 9.1 to 9.4)

7 Do you agree with the proposals relating to Learning Support Coordinators?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
√				

Any other comments:

ATL strongly agrees that the Learning Support Co-Ordinator designation replaces the SENCO, that the LSC will have clear pathways to accredited professional qualifications, that the LSC is afforded sufficient non teaching time to carry out their duties effectively; and that the LSC should be part of the school SMT (or operate at SMT level covering groups of schools).

ATL promotes the concept of teacher professionalism and, as such, would request that - in the development of accredited qualifications - the role of the GTC as a professional regulatory body, is respected.

Consultation Point 8 – Co-ordinated Support Plans

(Reference: paragraphs 10.1 to 10.6)

8 Do you agree with the proposals relating to Coordinated Support Plans (CSP)?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			√	

Any other comments:

Movement from the current over-reliance on the statutory process may be welcome, with assurances of resource and support. Without such assurance, however, ATL can see the bureaucracy shifting towards them. As stated in Consultation point 3, an increasingly litigious environment will require teachers to write CSPs “defensively”, with resources and/or tribunals in mind.

ATL supports the use of Personal Learning Plans (for pupils requiring in-school interventions) but are concerned about Co-ordinated Support Plans, replacing the statutory assessment process, (for those who face complex or multiple barriers to learning). One advantage of the Statementing process, however flawed, was that it carried with it a quantum of resources/support. This is not the case with the CSPs, and the paucity of training and support available will leave few teachers truly in a position to confidently write plans for those who face complex or multiple barriers to learning. Simply regrading the post will not resolve the issue.

Consultation Point 9 - Transition Points

(Reference: paragraphs 11.1 to 11.7)

9 Do you agree with the proposals relating to transition points?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments:

ATL agrees that the Transition Support Services are available to all pupils with SEN, not restricted to those pupils who have a statement (or, under the proposed changes, those with CSPs).
Again, it would be naïve not to recognize that adequate Transition Support Services will not be cost neutral.

Consultation Point 10 - Developing Effective Partnerships

(Reference: paragraphs 12.1 to 12.30)

10 Do you agree with the proposals relating to the development of effective partnerships:

(a) Within school and pre-school settings? (paragraphs 12.3 to 12.5)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments:

ATL agrees that the school SMT and Board of Governors should incorporate any targeted area of external support within the School Development Plan

10 Do you agree with the proposals relating to the development of effective partnerships:

(b) Across educational settings & learning communities? (paragraphs 12.6 to 12.7)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
√				

Any other comments:

ATL strongly agrees that the “per unit” basis of the school funding formula encourages inter school rivalry/competition and militates against collaboration. Funding, **where the school funding formula is based on pupil numbers**, drives behaviour, and therefore collaboration needs to be incentivised.

10 Do you agree with the proposals relating to the development of effective partnerships:

(c) Between mainstream and special schools? (paragraph 12.8)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
		√ have concerns		√ may strongly disagree

Any other comments:

ATL believes that the role and remit of Special Schools should be enhanced within Learning communities, as “centres of excellence” – providing a small class setting to support pupils, to raise self esteem and provides avenues, where appropriate, back into mainstream settings.

However, the proposal that schools could achieve recognition as “centres of expertise” raises concerns for ATL, if misinterpreted as a means of widening the, so-called, “choice” agenda.

ATL has opposed the concept of “Specialist Schools” on the basis that this introduces the “choice” or “*marketisation*” element which been at the heart of the damaging New Labour ideology of “contestability”.

Contestability is the ideology which contends that public services are most efficient when their delivery is “contested” **by two** or more rival tendering or bidding organisations/consortia. In most cases the assumption is weighted in favour of private sector delivery.

In this context (and even if the bidding process is curtailed to existing public sector educational establishments), “contestability” would see a bidding war to achieve “Centre of Excellence” status, with valuable teaching time lost whilst staff prepared detailed and exhaustive tender bids or funding applications.

10 Do you agree with the proposals relating to the development of effective partnerships:

(d) Between Education and Health and Social Care (e.g. Education and Skills Authority and proposed Regional Health Boards)? (paragraphs 12.9 to 12.17)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments:

In general, ATL agrees with the proposal, and welcomes collaboration between educational and health professionals, but would like additional detail on the “*team around the child*” approach as this may be more time-intensive than the current arrangements.

ATL has no strong view on whether ESA agreements with RHSCB and the HSC are voluntary or require a statutory basis.

10 Do you agree with the proposals relating to the development of effective partnerships:

(e) Between the Department of Education (DE) and the Department of Employment and Learning (DEL)? (paragraph 12.18)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments:

No further comments

10 Do you agree with the proposals relating to the development of effective partnerships:

(f) Through the establishment of Multi-disciplinary Groups? (paragraphs 12.19 to 12.25)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
				√

Any other comments:

ATL **could** support the concept of Multi Disciplinary Groups (MGs) but **could not** support the MG concept without clarification on their role and remit. It is imperative that the Department make clear the relationship between the MG and schools.

One (perhaps cynical) view would be that, in a resource stretched environment, the MGs would act as “Gatekeepers” and operate to oblige schools to teach pupils who face multiple barriers to learning and whose needs are more complex than the school can cope with.

10 Do you agree with the proposals relating to the development of effective partnerships:

(g) With parents and carers? (paragraphs 12.26 to 12.28)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments:

ATL particularly agrees with the availability and promotion of a Dispute Avoidance and Resolutions Service (DARS).

10 Do you agree with the proposals relating to the development of effective partnerships:

(h) With children and young people? (paragraph 12.29)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments:

ATL supports the UN Convention on the rights of the child and it is appropriate that policy development take cognisance of this.

10 Do you agree with the proposals relating to the development of effective partnerships:

(i) With voluntary organisations? (paragraph 12.30)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments:

As the voluntary sector provision is disparate and patchy, it is recommend that schools should seek advice from N.I.C.V.A. (Northern Ireland Council for Voluntary Action) on what provision is available within their catchment areas.

Consultation Point 11 - Outworking of the Proposed Model

(Reference: paragraphs 13.1 to 13.9)

- 11 Do you agree with the replacement of the sequential stages of 1-5 of the current CoP by the proposed 3 strand model (Within School, Within School plus External Support, Co-ordinated Support Plans)?**

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√, on 3 stage process	√, on outworkings		

Any other comments:

ATL has no objections, in principle, to the replacement of the 5 stage model within the current Code of Practice, with a new, 3 stage model. The relationship between the school and the MG will be vital. However, the impact on teachers and schools could be profound, particularly in schools with large concentrations of pupils with Special Educational Needs.

We should warn that, if the MG interprets its role as resisting measures which might require resource, then the School/MG relationship may quickly become fraught with difficulty. The “proof of the pudding is in the eating” with regard to the overall out-workings.

Consultation Point 12 - Resolution and Appeal Mechanisms

(Reference: paragraph 14.1)

- 12 Do you agree that the current informal appeal, dispute avoidance and resolution and formal appeal arrangements (SENDIST) for children with SEN should remain unchanged?**

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments:

ATL notes the endorsement of the DARs service within the 2008 ETI "Survey on Dispute Avoidance and Resolution Service", and supports the increased use of the DARS route where possible, and encourages relevant staff to ensure that this option is more widely understood and known about.

Consultation point 13 - Funding

(Reference: paragraphs 15.1 to 15.5)

13 Do you agree with the proposals relating to funding?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			√	

Any other comments:

As ATL understands, the proposal is that a further proposal to change the LMS Funding Formula will be brought forward. ATL, generally, does not support current LMS funding mechanisms. As such, we do not support tinkering with a failed mechanism. The same applies to reconsideration of resourcing special schools, or mechanisms for funding outreach service by Special Schools.

The crux is that Special Needs funding is demand-driven, matched with limited funding capacity available. Our overall concern is that devolving more to mainstream schools under "maximised autonomy" is a means of tackling a funding shortfall.

Consultation Point 14 - Monitoring, Review, Evaluation & Accountability

(Reference: paragraphs 16.1 to 16.5)

14 Do you agree with the proposals relating to monitoring, review, evaluation & accountability?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			√	

Any other comments:

Whilst it is clear, and unobjectionable, that Governors will be responsible and accountable to the ESA for the quality and provision and for the effective use of allocated funding, it is not clear how monitoring and accountability will work in other parts of the system. For example, how will the MGs be monitored or made accountable? Or the ESA? Or the Learning Partnerships? Without more clarity, all round, ATL could not support the current proposals for Monitoring, Evaluation and Accountability. There appears to be a significant imbalance in accountabilities throughout the proposal document..

Consultation Point 15 – Roles and Responsibilities

(Reference: paragraphs 17.1 to 17.19)

15 Do you agree with the proposals relating to the roles and responsibilities for:

(a) The Department of Education (DE)? (paragraphs 17.1 to 17.2)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√ , but....			

Any other comments:

The role and responsibilities of the Minister (and, indeed, the Assembly Education Committee) should also be set out.

15 Do you agree with the proposals relating to the roles and responsibilities for:

(b) The proposed Education and Skills Authority (ESA)? (paragraph 17.3)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments: No other comments

15 Do you agree with the proposals relating to the roles and responsibilities for:

(c) The Department of Health, Social Services and Public Safety (DHSSPS)? (paragraphs 17.4 to 17.6)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree

	√			
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Any other comments: None

15 Do you agree with the proposals relating to the roles and responsibilities for:

(d) Multi-disciplinary Groups (MGs)? (paragraphs 17.7 to 17.8)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
			√	

Any other comments: We see, within the school/MG relationship, the potential for significant conflict and disagreement, particularly if the MGs act as gatekeepers to support resources.

15 Do you agree with the proposals relating to the roles and responsibilities for:

(e) Mainstream schools and other educational establishments?
(paragraphs 17.9 to 17.16)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√		√	

Any other comments:

The proposals place maximum responsibilities on schools and teachers, whilst potentially downplaying and downgrading the role of Special Schools. There are insufficient guarantees within the proposals to lend confidence to teachers.

In addition to widespread concerns from our teacher membership, ATL would call on the Department of Education to convene a one or two day conference of interested parties to thoroughly air the issues. Pressing ahead without wider consultation would, in the view of ATL, be foolish.

15 Do you agree with the proposals relating to the roles and responsibilities for:

(f) The Education and Training Inspectorate (ETI)? (paragraphs 17.17 to 17.18)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments:

The ETI should pay particular attention to the relationship between schools and MGs.

15 Do you agree with the proposals relating to the roles and responsibilities for:

(g) Children's Services Directors? (paragraph 17.19)

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments:

No further comments

Consultation Point 16 - Proposed Phased Introduction of the Policy

(Reference: paragraphs 18.1 to 18.7)

16 Do you agree with the proposed phased introduction of the policy?

Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
	√			

Any other comments:

With uncertainty over how quickly ESA will 'bed in' ATL considers that a 3 year phased introduction is ambitious. ATL notes that the Review was initiated in April 2006 and will aim to commence in 2010/11 at a time of unprecedented educational change. **We are concerned that the INSET training provision**

is unlikely to be in place and insufficient. There is merit in relaxing the timescale, particularly to facilitate a deeper and more open consultation.

Additional Comments

If you have any additional comments you wish to make about the proposals please use the box below.

We recommend, for your attention, two further ATL documents:

- 1) ATL Policy Statement on Inclusion, 2005 (attached)
- 2) ATL Publication, "Achievement for All: working with children with Special Educational Needs in mainstream schools and colleges" ISBN 1-902-4-6-6-18-7 2006, available from <http://www.atl.org.uk/publications-and-resources/education-publications/special-education-needs.asp>

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Does your response represent the collective view of your organisation (if appropriate)?

Yes

No

Your position within that organisation (if appropriate): Director, Northern Ireland

Responses can be sent by email or post

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