

Seeking the Views of the Child

A Resource for Schools and Services



Section 1 SEND Act (NI) 2016	EA to seek and have regard to the views of the child when making decisions about SEN
Section 1 SEND Act (NI) 2016	EA to have regard to the importance of the child participating in decisions and to ensure that the children are supported to do so

Children and Young People’s Services

SEND Implementation Team

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Foreword

This resource is written in contemplation of statutory effect of the Special Educational Needs and Disability Act (Northern Ireland) 2016, (the Act).

The Act requires that the Education Authority and schools ensure that all reasonable steps are taken to seek and listen to the views of the child or young person with special educational needs and/or disability (SEND).

In addition, the Act requires that all EA SEN Service providers, teachers and staff in schools accommodate and support the participation of children and young people in decision-making about the management of matters relating to their SEND.

Following a request from SENCOs, this resource has been prepared by the SEND Implementation team to assist schools and SEN Services to build upon their good practice in order that children and young people with SEND are actively encouraged and facilitated to contribute their thoughts, feelings and actions in a meaningful way.

Baseline and monitoring tools are included to assist those schools and services who wish to gather evidence to consider this area in more detail in order to inform their school/service action plan.

SEND Implementation Team

November 2019

List of abbreviations

BoG	Board of Governors
CCEA	Council for Curriculum and Examinations and Assessment
CoP	Code of Practice
CYPS	Children and Young People's Services
DE	Department of Education
EA	Education Authority
ETI	Education and Training Inspectorate
GTCNI	General Teaching Council of Northern Ireland
IEP	Individual Education Plan
NI	Northern Ireland
NIA	Northern Ireland Assembly
NIE	Northern Ireland Executive
SEN	Special Educational Needs
SEND	Special Educational Needs and Disability
SENCo	Special Education Needs Co-ordinator
SENDO	Special Educational Needs and Disability Order (2005)
UNCRC	United Nations Convention on the Rights of the Child
UNCRPD	United Nations Convention on the Rights of People with Disabilities

For the purpose of this document the terms 'pupil's views', 'the views of the child' and 'the view(s) of the child and young person' will be used interchangeably and will refer to all children within the education system ranging from 3 to 19 years who have special educational needs/disability. The term 'pupil voice' is also used as appropriate.

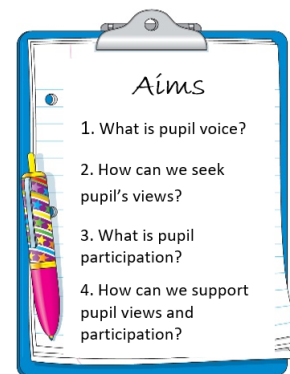
Introduction and Background Legislation

'Pupil voice' or 'the voice of the child' refers to ways of listening to their views and supporting them to make decisions.

Introduction

This resource aims to assist schools and services in developing good practice in listening to the views of pupils with SEND and supporting them to participate in making decisions which can enable them to manage their own educational experience:

- What is pupil voice?
- How can we seek pupil views?
- What is pupil participation?
- How can we support pupil views and participation?



Context

International and local legislation has stressed the importance of seeking the views of the child with SEND in the context of meeting their needs within educational settings. The benefits of seeking the views of the child are outlined in the Code of Practice on the Identification and Assessment of SEN 1998 and in SENDO 2005. This is further strengthened in the new SEND (NI) Act 2016.

The Special Educational Needs and Disability Act (Northern Ireland) 2016

The SEND Act (NI) 2016 amends the law relating to children and young people with special educational needs and/or disability by making it compulsory for the views of the pupil with SEND to be sought:

“Duty of Authority to have regard to the views of the child

5A. In exercising its functions under this Part in relation to a particular child the Authority shall –

- (a) so far as reasonably practicable, seek and have regard to the views of that child;
- (b) have regard to –
 - i. the importance of that child participating in decisions; and
 - ii. the importance of that child being provided with the information and support necessary to enable participation in those decisions.”



Background to the legislation relating to seeking the views of the child

The following legislation outlines some of the key pieces of international and local legislation that strengthened the requirement to seek the views of the child with SEND within the education system:

The United Nations Convention on the Rights of the Child (UNCRC) 1989

The UNCRC was established in 1989 and ratified by the United Kingdom in 1991.

It is an internationally recognised document which details 54 articles which outline the civil, political, economic, social and cultural rights that every child has; regardless of their ethnicity, gender, religion, language, abilities or any other status.

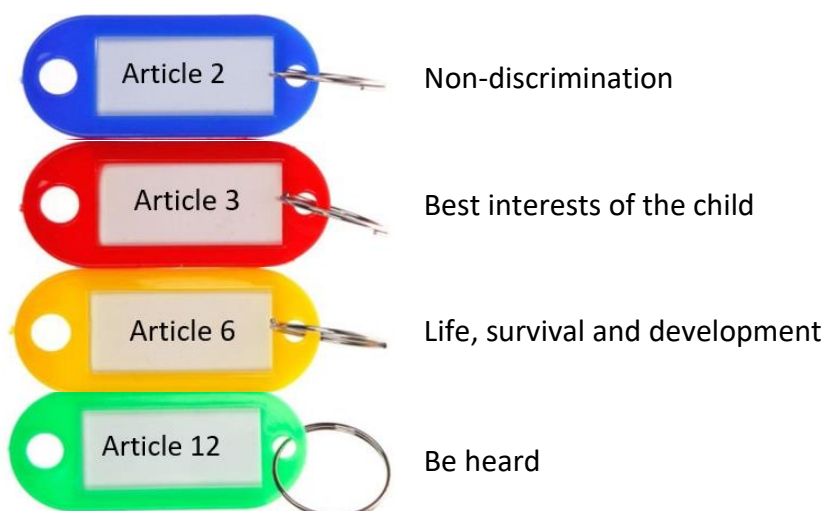


Articles 43-54 explain how adults and governments must work together to put in place the necessary measures to help secure what children are entitled to enjoy including **provision** (of resources and services), **protection** (from harm) and **participation** in all aspects which influence their life.

Since each right is of equal importance and is interlinked with all other rights, the UNCRC should be read as a whole document. The right to relax and play (article 31) and the right to freedom of expression (article 13) are as important as the right to be safe from violence (article 19) and the right to education (article 28) (UNICEF, 1991).

The General Principles of the UNCRC (Appendix 1)

The General Principles are the four key articles in the Convention that are essential to ensuring that all children including those with disabilities realise their rights. They are the right to:



The Right to Education (Appendix 2)

Articles 28 and 29 of the UNCRC consider educational rights for children and young people. Article 28 defines children's rights to an education and Article 29 describes the aims of education.

Education is a way of helping children and young people overcome barriers to achieve their full potential.

All children and young people need to be provided with educational opportunities which address their particular physical, mental and social needs, taking into account their evolving capacity, developmental stage and individual needs.

UNCRC in the context of Education in Northern Ireland

Since the UK government agreed in 1991 to uphold the principles enshrined in the UNCRC, the Northern Ireland Assembly (NIA) has undertaken to ensure that all government and public bodies including the Department of Education (DE) and the Education Authority (EA) recognise and respond to their responsibility to listen to the views of the child and to encourage their participation in all matters which affect their lives including the management of their special educational needs/disability within the educational setting.



Strategic Plan 2017-2027 (EA, 2017)

As set out under the Interim Strategic Plan, the EA's vision is to *"inspire, support and challenge all our children and young people to be the best that they can be,"* by providing a *"high quality education for every child"*, based on the values of *"openness, respect, reflection, responsibility, excellence, equality"*, as a strategic priority in *"meeting the learning needs of our children and young people."*



The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), 2006

The UNCRPD (2006) was ratified by the UK government in 2009. Although it is not specifically designed for children it endorses the rights of disabled people as well as highlighting the obligations on Parliament and the NI Assembly to promote, protect and ensure that they have full equality to enjoy their human rights under the law. It aims to ensure that disabled people can participate fully in society by receiving the same opportunities as others.

The Legal Framework

The key legislation and guidance which informs the education of children with special educational needs and/or disability in Northern Ireland includes:

Legislation	Feature provided by the legislation
The Education Order (Northern Ireland) 1996	<ul style="list-style-type: none"> • Governs practice in regard to children and young people with learning difficulties and special educational needs (SEN).
Code of Practice, 1998	<ul style="list-style-type: none"> • Provides guidance on how the legislation regarding the identification and assessment of SEN is to be delivered in schools.
Special Educational Needs and Disability Order, 2005	<ul style="list-style-type: none"> • Increases the rights of children and young people with SEN and/or disabilities (SEND) to be educated in mainstream schools and also aimed to ensure that children with disabilities were not disadvantaged compared to their peers in school; • The anticipatory duty that requires all schools to be proactive in areas such as ensuring that the school is prepared with an adapted environment and curriculum is suitable for all children who may wish to attend, including those with SEND.
Supplement to the Code of Practice (2005)	<ul style="list-style-type: none"> • Amended and enhanced the CoP (1998) so that it reflected the changes introduced by SENDO (2005) in identifying and supporting pupils with SEND.
Children’s Services Co-operation Act (Northern Ireland) 2015	<ul style="list-style-type: none"> • Aimed to improve co-operation amongst Departments and Agencies and places a duty on Children’s Authorities, as defined by the Act, to co-operate where appropriate as they deliver services aimed at improving the well-being of children and young people.
Special Educational Needs and Disability Act (Northern Ireland) 2016	<ul style="list-style-type: none"> • Strengthens the importance of listening to the voice of the pupil and supporting them to become involved in making decisions about managing their SEND within the education system; • Requires co-operation from the health and social services authority to provide treatment and services they have identified would be of benefit to the child.

Figure 1: The Legal Framework

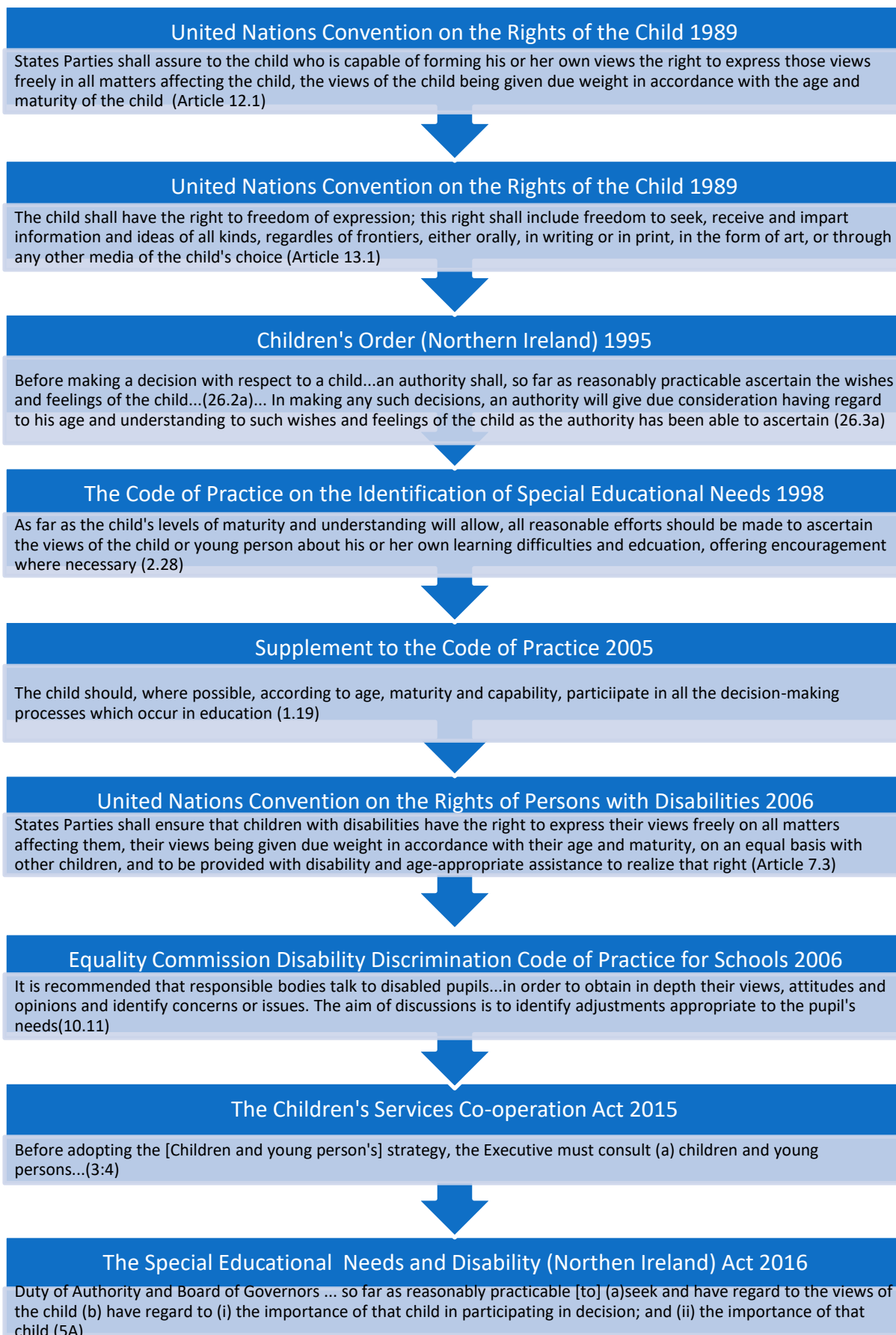


Figure 2: Extracts from key legislation and guidance relating to seeking the views of child education

Pupil Voice: definitions and descriptors

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

(UNCRC, 1989, Article 12.1)

What is the definition of pupil voice?



According to Thomson (2011), pupil voice is the right for children to:

- express opinions;
- participate in making decisions regarding their education; and
- receive support from those who can influence decisions.

What are the key principles of pupil voice?

The following key principles to encourage pupil voice are highlighted by Cheminais (2008). These principles should exist between pupils and staff across all aspects of the school's organisation so that pupils with SEND are encouraged to express their views and supported to develop confidence in their ability to make effective decisions in relation to managing their SEND, as these skills are necessary for life beyond school:

- respect;
- open and honest communication;
- tolerance of different ideas and opinions;
- acceptance of individual differences;
- awareness that pupils with SEND have the right to give their views;
- active and meaningful involvement of pupils in decision-making;
- support to enable pupils to participate;
- a variety of opportunities for pupils to engage in;
- recognition that with rights comes responsibilities;
- encouragement is given to pupils to help shape school policies and procedures;
- alternative forms of accessing pupil's voice and recording their views are available;
- feedback is given to pupils on any contributions made; and
- engagement processes with pupils are monitored, evaluated and reviewed.

Benefits in seeking pupil voice

Pupils may...	<ul style="list-style-type: none"> • feel more valued and respected • develop a sense of responsibility/ownership for their learning
Teachers can...	<ul style="list-style-type: none"> • gain insight into what pupils with SEND think and feel • tailor their lessons to suit the pupil's needs
Schools will...	<ul style="list-style-type: none"> • create a more positive and inclusive school ethos • experience better engagement between pupils and staff

Figure 3: Benefits

Challenges in seeking pupil voice

Pupils may....	<ul style="list-style-type: none">• not feel comfortable expressing their views• lack understanding of what they are being asked to do
Teachers can....	<ul style="list-style-type: none">• have an increased workload trying to balance engaging pupil voice with delivering the curriculum• feel wary about the opportunity to make decisions as they may need to balance individual and group opinions as well as dealing with challenges to their authority
Schools will....	<ul style="list-style-type: none">• experience uncertainty about the pupils capacity to make decisions• sometimes lack the resources to make the changes sought

Figure 4: Challenges

Points to consider

- It is important to acknowledge that while pupils with SEND should be facilitated to express their views, they will, like their peers learn that their individual views may not always be accepted or can be facilitated and that decisions may need to be made in the collective interest of their class, school or wider community.
- For many pupils being provided with the reasons why something can or cannot be provided can help them feel that their opinions, values and presence within school have been recognised.

Seeking the views of the pupil: methods and tools

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice

(UNCRC, 1989, Article 13)

Methods for seeking pupil's views



Many pupils, particularly those with SEND, can find it difficult to articulate their views and participate in making decisions.

It is important to remember that for pupils with SEND, their views may be communicated non-verbally either through their behaviour or demeanour as well as being captured through the use of a variety of methods and materials as detailed below.

Methods

Traditionally, pupils' views were accessed by schools either in the form of school councils where pupils could suggest whole-school improvements or at class/departmental level through surveys et cetera, that enabled pupils to put forward suggestions about what their preferred choices were or what could be changed in order to enhance their learning experience.

However, gaining information from a pupil with SEND in relation to how they view their wider needs in school can be more problematic. Many can find it difficult to understand what is being asked of them and also how to express their view in order to give an accurate picture to the person tasked with listening to their thoughts, feelings and opinions. This has implications for those involved in making decisions based on the evidence provided.

Individual contributions from those with SEND are currently sought through their opinions at annual reviews, transition planning meetings or when an individual education plan is drawn up. However, the children's views also need to include information on their wider school experiences.

Some of the methods which may be useful to encourage pupils with SEND to communicate and record their views are outlined in Figure 5 below:

Methods for seeking pupil's views

Creative and arts-based methods	drawings, photographs, drama, role play, mind maps, construction of models using Lego, child-led walking tours
Assistive and augmentative communication	PECS, Makaton, iPad, Apps, switches, Apps
Electronic communication	text, email, blogging, video diaries, iPad recordings
Traditional methods	interviews, discussions, focus groups, questionnaires, surveys, circle time, school council, suggestion boxes

Figure 5: Methods for seeking pupil's views

Who is responsible for seeking the views of the pupil?

Seeking the views of the child is not something which is a stand-alone concept or activity; it should be regarded as an integral component reaching across all aspects of the curriculum.

This is acknowledged by Professional Competency Number 7 of 'Teaching: the Reflective Profession', which highlights that:

"Teachers will have developed a knowledge and understanding of a range of strategies to promote and maintain positive behaviour, including an acknowledgement of pupil voice, to establish an effective learning environment." (GTCNI 2007, p.23)



What questions should teachers/services ask to elicit the views of pupils with SEND?

[The Pupil's Views questionnaire \(Appendix 3\)](#) contains a selection of potential questions that teachers/schools/services can select from in order to seek the views of children in relation to all aspects of school regarding the management of issues arising from their SEND.

Teachers and SEN services can adapt the questionnaire by reducing or increasing the number of questions according to the pupil's age, aptitude and ability or what it is that they are seeking to find out about either at whole-school, class or individual level.

Different response formats could be introduced for the child to use such as:

- written or pictorial forms
- circle/tick box
- scale response to indicate level of enjoyment
- traffic light colour-coding system (green – like; amber – not so keen; red - dislike)
- smiley faces etc

Points to consider when seeking pupil's views

When seeking the views of the pupil it is important to consider the following points:

- It may be useful to accompany the child on a tour of the school to prompt them to identify things that may be acting as either a support to or a barrier for them.
- Some pupils with SEND may benefit from prior teaching and learning opportunities of how to make decisions in relation to a preferred activity such as choice of snack item or leisure activity.
- Where appropriate, the questionnaire should be completed independently or it could take the form of an interview schedule between the child and adult.
- It is important that the child is made aware of why they are being asked these questions, who will have access to the information and how the school/service will use this information to bring about change and whether or not it is possible to do this.
- Careful consideration should be given as to which member of staff will facilitate the activity in order to avoid the child feeling the need to please or to give the correct answer in case it had repercussions for either themselves or the staff member selected.
- Where possible, the child should not be taken from an activity or subject that they enjoy in order to complete a response.
- Sufficient time should be given to ensure that child is relaxed and not under pressure to complete the activity quickly.
- The child must also be reassured that it is okay for them not to answer any of the questions if they feel uncomfortable answering. If necessary, they should be signposted towards an appropriate adult for support if they need to discuss any matters arising from the exercise.

A checklist ([Appendix 3](#)) has been provided for this purpose which can be completed and attached to the pupil's response if thought necessary or helpful.

Pupil Participation: baselining, models and measures

All people, however young are entitled to be participants in their own lives, to influence what happens to them, to be involved in creating their own environments, to exercise choices and to have their views respected and valued

(Lansdown, 2005)

What is pupil participation



“This term has evolved and is now widely used to describe ongoing processes, which include information sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes.”

(UN Committee on the Rights of the Child (2009) General Comment No. 12)

Pupil participation extends the definition of pupil voice. As well as listening to the child’s thoughts and feelings about a particular issue, it involves providing them with the necessary advice or resources to enable them to develop their skills in order to participate in situations where decisions are required to be made.

What enables pupils to participate in schools?

The Education Training Inspectorate (ETI), the Northern Ireland Executive (NIE) and Department of Education (DE) introduced the following policies in order to encourage the participation of children and young people within education:

- Together Towards Improvement (ETI, 2003)
- Our Children and Young People – Our Pledge: A ten year strategy for children and young people in Northern Ireland 2006-2016 (NIE, 2006)
- Every School a Good School: A Policy for School Improvement (DE, 2009)

Pupils with SEND should be encouraged and provided with advice and resources to participate in a meaningful way in making decisions which may impact upon their learning. Many schools have already demonstrated their commitment to pupil participation by incorporating the principles contained within these documents into their school’s SEN policy.

Responding and providing feedback

When seeking input from the pupil with SEND, due weight and consideration must be given to their views taking into account the age and maturity of the child. It is important that they receive feedback regarding the outcome of any decisions made and be provided with an explanation if their views cannot be adopted on a particular occasion.

Baselining your school/service or the skills of individual pupils with SEND

Models of participation

A model of participation is useful to show pupils, schools and services where they are in terms of their involvement in making decisions, and can highlight areas in which more support/action is needed in order to develop the skills of participation. Sometimes, despite a desire to fully incorporate the principles of supporting pupil participation a school may struggle to make the time and resources available which are required for this work.

However, the pathway to participation is flexible since not every pupil, teacher or whole school community may want or be able to achieve full-participation in all aspects of their school environment. For example, although it does happen in some schools, pupils are often less likely to be involved in making decisions at a higher level such as budget allocation.

The DE (2014) circular makes reference to the fact that there is no single model which best reflects how participation can be achieved by a school. However, the following three models may be useful to act as a baseline to determine where the school or individual pupil is in terms of participation and to complete an action plan of further steps required to demonstrate compliance with the SEND (NI) Act (2016):

- Hart's (1992) Ladder of Participation - particularly suitable for individual pupils.
- Shier's (2001) Pathways to Pupil Participation - useful for whole school/service opportunities.
- Lundy's (2007) Model of Participation - useful for monitoring whole school/service pupil involvement in decision making.

School/service baseline and Action Plan

1. DE Circular (2014), states that in many cases, schools, often without realising it are involving pupils on a daily basis in making decisions at all levels within school.
2. It may be useful to start measuring where the school/service is in supporting pupil voice by using one of the measures in **Appendices 4, 5 and 6**.
3. Undertake a pupil/ class/ department/school/service audit to highlight areas in which pupils currently engage using the resources in **Appendices 4, 5 and 6**.
4. Identify areas which may provide opportunities for pupils to contribute their thoughts to enable decision-making.
5. The school does not need to involve pupils in every decision made by the school in order to hear and honour the commitment to "seek and have regard for the views of the child." (SEND Act, NI 2016.)
6. Record what is working well and develop action plans for areas for improvement.

1. Hart's Ladder of Participation (Appendix 4)

Hart's (1992) '*Ladder of Participation*' utilised Arnstein's (1969) concept of a ladder as a way to model the different levels of how pupil's participation can be achieved along a hierarchy within an educational setting. The higher the rung of the ladder, the more the pupil becomes actively involved and engaged in meaningful participation.

This model also recognises that individual differences exist so that although a class may be taking part in activities which reflect participation at rung six of the ladder; a particular pupil in the class with SEND may only be at rung three and therefore potentially needs to be provided with more support or exposed to further opportunities to allow them to develop their personal capacity to make decisions to manage their SEND, shape their education and plan for their future.

Rung	Type of Participation	Level of Participation	Characteristics of pupil participation within education
8	Shared decision-making	Full Participation	Pupils and adults jointly share the power and equally make decisions while acknowledging the skills and expertise of the other partner.
7	Pupil-initiated	Full Participation	Pupils decide on the activity or topic to be discussed. They make all of the decisions relating to the project. Adults are available if required.
6	Adult-initiated & directed	Full Participation	Pupils are involved in the planning and carrying out the activity which was initiated by the adult. Pupils' views are taken into consideration.
5	Assigned & consulted	Partial Participation	Pupils are informed, heard and consulted about how to conduct the activity. They will be given support by adults to convey their views.
4	Assigned & informed	Partial Participation	Pupils are told about how and why they have been asked to become involved in the tasks. Pupils' views are respected by adults.
3	Tokenism	Non Participation	Pupils can give their views but participation is a tokenistic gesture since the choice of topics and ways of communicating these are limited.
2	Decoration	Non Participation	Pupils are used decoratively to support the adult-chosen topic through for example singing, dancing or wearing logos. There is no explanation of the issues.
1	Manipulation	Non Participation	Pupils do what adults direct them to do without any understanding of the issues involved. Pupils are not told if their ideas are used.

(Figure 6: Hart's Ladder of Participation, adapted from Arnstein, 1969 and Hart, 1992)

A template based on Hart's Ladder of participation is provided in [Appendix 4](#).

2. Shier's (2001) Pathways to Participation (Appendix 5)

Shier's (2001) 'Pathways to Participation', model is based on five levels which reflect an increase in the level of participation by children. At each level, there are three stages of commitment towards participation: *openings*, *opportunities* and *obligations*.

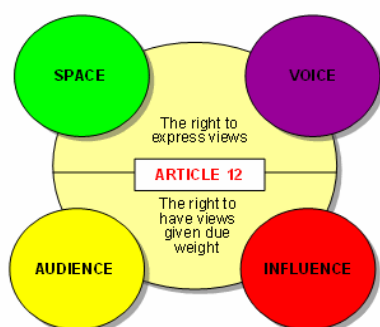
[Appendix 5](#) provides a template containing a question for each stage of each level. This could be used by the school or service to carry out an audit to determine where they are currently and identify ways that they could work towards promoting participation.

Level	Pupils are...	Stages of commitment		
		Openings	Opportunities	Obligations
1	Listened to	Is your school/service ready to operate at this level? <i>They may not as yet have the opportunity to make it happen</i>	Does your school/service have the resources (including staff and time), skills, knowledge or procedures in place to operate at this level?	Is your school/service aware that they have agreed for staff to work in a particular way?
2	Supported in expressing their views			
3	Experiencing having their views taken into account *			
4	Involved in decision-making processes			
5	Sharing power and responsibility with adults			

(*This is the mandatory level to meet the requirement of the UNCRC, 1989).

3. Lundy's (2007) Model of Participation (Appendix 6)

Conceptualising Article 12 of the CRC



Lundy's model (2007) is an internationally recognised way of identifying the four key features (and the order in which they must be present), which contribute to a child's or young person's right to participation as underpinned by Article 12 of the UNCRC (1989).

These features, namely *space*, *voice*, *audience* and *influence* are outlined below:

- a) **SPACE:** Children require safe, inclusive spaces to form and express their view
- b) **VOICE:** Children need to be facilitated to express their view
- c) **AUDIENCE:** The views of the child must be listened to
- d) **INFLUENCE:** The child's opinion must be acted upon, as appropriate

A template based on Lundy's Model of Participation can be found in [Appendix 6](#).

Supporting Pupil Views and Participation in School

All people, however young are entitled to be participants in their own lives, to influence what happens to them, to be involved in creating their own environments, to exercise choices and to have their views respected and valued

(Lansdown, 2005)

How can pupil's views be sought and their participation supported in school?

The Northern Ireland Curriculum aims to give all children and young people, including those with SEND the opportunity to “*achieve their potential and to make informed and responsible decisions throughout their lives*” (CCEA, 2007).

As a result of accessing the Northern Ireland curriculum, it is anticipated that the following attitudes and dispositions as detailed in Figure 7 below, will be promoted in children and young people:

Concern for Others	Commitment	Community Spirit	Curiosity
Determination	Flexibility	Integrity	Moral Courage
Openness to New Ideas	Optimism	Personal Responsibility	Pragmatism
Resourcefulness	Respect	Self-Belief	Tolerance

Figure 7: Attitudes and Dispositions

Since a pupil's capacity to participate in making decisions is an evolving process (Lansdown, 2004), the children need to be given support, increasing levels of responsibility and opportunities to express their views.

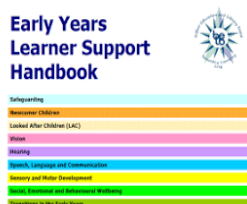
A respectful school ethos in which all staff are committed to working in partnership with the pupil to seek their views and to develop their ability to participate in making independent decisions, is key to commencing this process.

Schools can achieve this by recognising that pupils with SEND have a unique contribution to make and efforts should be made to provide them with the necessary resources, training and opportunities so that they can develop the skills to confidently express their views in managing their SEND.

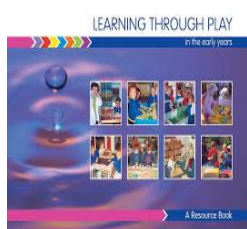
Pupils with SEND also have a responsibility to engage in this process to shape their own learning and personal well-being so that they can reduce their reliance upon others.

Resources to seek pupil's views and support their participation in making decision

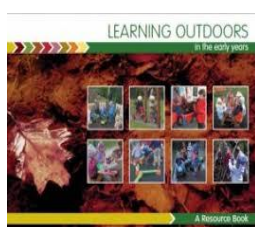
The following publications outline activities that can be used to seek the pupil's views and to encourage their participation in making decisions within daily teaching and learning tasks:



The Early Years Learner Support Handbook



[Learning Through Play in the Early Years \(PDF, 5.15 MB\)](#)



[Learning Outdoors in the Early Years \(PDF, 3.05 MB\)](#)



[Active Learning and Teaching Methods for Key Stages 1&2 \(PDF, 433.29 KB\)](#)



[Active Learning and Teaching Methods for Key Stage 3 \(PDF, 424.85 KB\)](#)



[Guidance on Teaching, Learning and Assessment at Key Stage 4 \(PDF, 1.52 MB\)](#)



[Thinking Skills and Personal Capabilities – Special Educational Needs \(PDF, 3.28 MB\)](#)

Using the strategies detailed in these publications can help to promote the following skills as set out under the Northern Curriculum (CCEA, 2007):

- thinking
- working with others
- decision making
- being creative
- problem solving
- managing information
- self-management

[Appendix 7](#) provides a summary of activities to seek the views of the pupil and develop their participation in making decisions.

A possible pathway of progression through the key stages showing how a pupil's ability to express their views and to participate in making decisions can be developed.

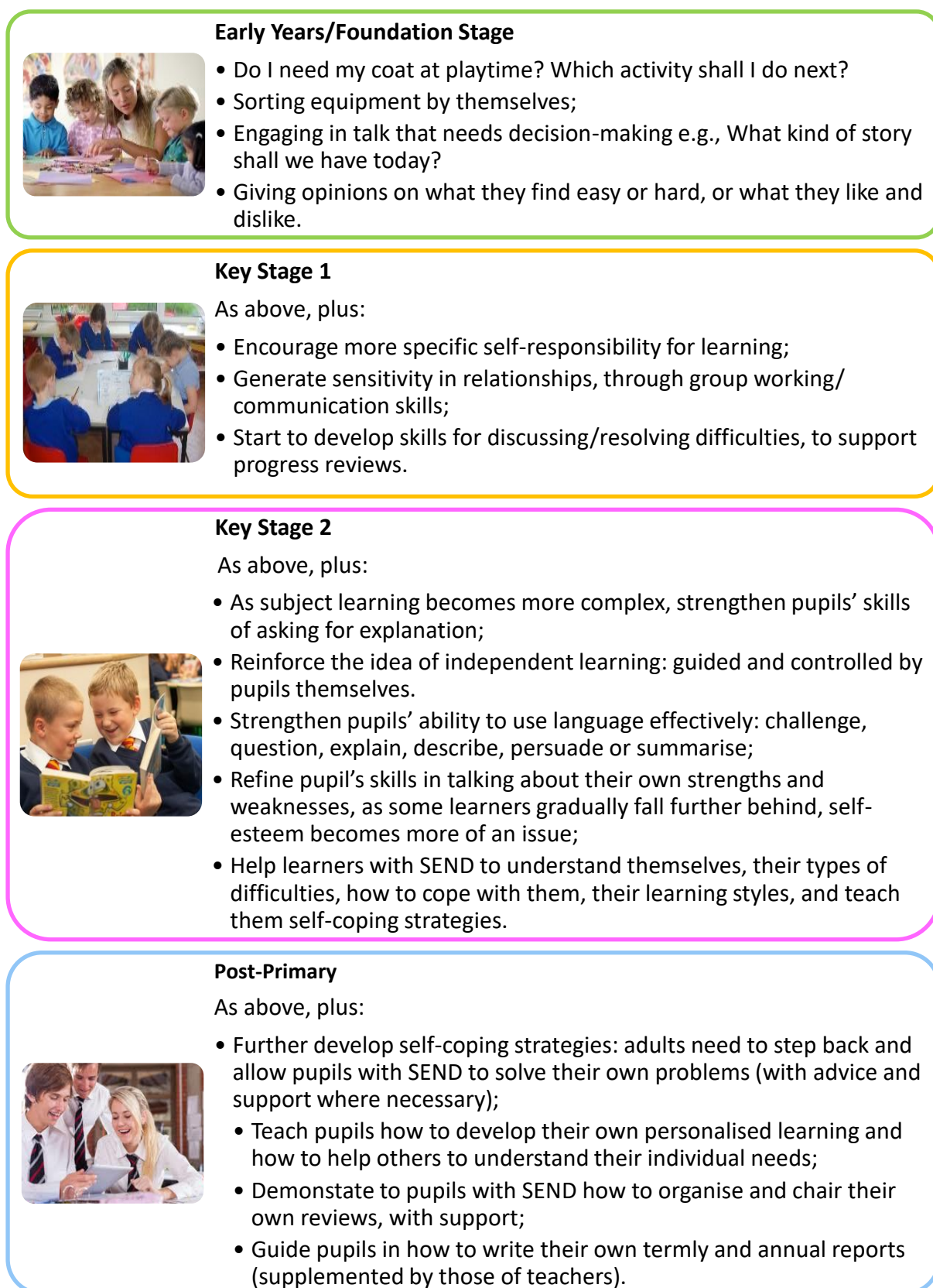


Figure 8: Pathway of Progression through the Key Stages. (Adapted from Edwards, 2016)

Engaging pupils on the SEN Register in matters relating to their SEND

The Code of Practice (CoP 1998, 2.28) acknowledges that it may be difficult for some pupils to participate in discussions about how their particular SEND impacts upon their education and to suggest how best to support them.

It highlights that becoming involved in the process of decision-making can help the pupil to become more informed, confident and responsible in making choices that are relevant to their lives.

The CoP (1998, 2.29) suggests that where possible, pupils should at least have the opportunity to participate in the following ways:

- identifying their strengths and difficulties;
- creating their individual education plan (IEP);
- setting goals for learning;
- monitoring and reviewing targets; and
- contributing to their IEP/transition plan or annual review.

Building the skills of pupils with SEND to articulate their views and supporting them to access the appropriate information in order to make a decision needs to begin as early as possible. This will help prepare the pupil with SEND so that they will be able to manage their provision and make decisions once they reach the age of sixteen years (should they so wish and where they have the capability to do so), when, under the SEND (NI) Act (2016), the rights previously held by parents transfer to the pupil.

Supporting pupils with SEND to contribute their views

The following points suggest ways in which a pupil with SEND, where appropriate, can be supported in contributing to their IEP/ Transition Plan /Annual Review:

- Provide as much support, information and advice to the pupil beforehand: explaining where the meeting is, what they have to do and what questions they may be asked.
- Use a range of methods to provide or record information. Language should be kept simple. Be careful not to edit/filter a child's response.
- Ensure that sufficient time has been allocated for the meeting so that the child does not feel rushed or pressurised to give their views.
- Where possible, if desired by the child allow them to be accompanied by a supportive individual of their choice. Respect their wish to discuss things separately from those attending the meeting or to record their views in advance.

Further points to consider

The following points in relation to supporting pupils with SEND contributing to their IEP/ Transition Plans or Annual Review should also be considered, where appropriate:

- It is important to involve parents and pupils in all aspects of the IEP/Annual Review/Transition Planning Process. Parents may need advice about how to support their child in order to set and meet targets.
- Pupils should be involved in setting and monitoring their IEP targets. They should be given the opportunity to identify and agree appropriate success criteria. These should be recorded in an accessible, child-friendly format. Where possible, pupils should be provided with a copy of their targets.
- All reasonable attempts must be made to seek the views of the child and to record their information in their preferred manner. When this has not been possible, this should be documented by the person chairing the meeting.
- Consideration should be given to the fact that some issues relating to the pupil's medical condition or their home situation may be very sensitive.
- The pupil and parent should be made aware that they do not have to participate in the meetings or answer any of the questions if they choose not to do so. Their decision to decline the opportunity to participate should be recorded by the person chairing the meeting.
- All parties attending the meeting can obtain a copy of the report and should have the recommendations explained to them.
- Both the pupil and parent should be signposted towards support if they need to discuss something further as a result of issues arising either before, during or after the meeting.

The strategies outlined in [Appendix 7](#) may be useful to help schools and EA SEN Services to develop the skills of pupils in expressing their views and participating in making decisions.

[Appendix 8](#) is an audit tool to help schools and EA SEN Support Services determine where they are in relation to seeking pupil's views and supporting their participation in the management of their SEND.

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WEBSITES

[Children's Law Centre for Northern Ireland](#)

[Department of Education](#)

[Education Authority](#)

[Northern Ireland Commissioner for Children and Young People \(NICCY\)](#)

[PlayBoard](#)

[Save the Children](#)

[The National Children's Bureau](#)

[UNICEF](#)

APPENDICES

Appendix 1: The General Principles of the UNCRC

Article 2: Non-discrimination

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3: Best interests of the child

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 6: Life, survival and development

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 12: Be heard

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Appendix 2: The Right to Education

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Make educational and vocational information and guidance available and accessible to all children; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or Article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Appendix 3: Pupil's Views Questionnaire

My views about school/service			
Pupil's Name:		Date of Birth:	
Year Group:		Date of meeting:	
Staff Member:		Designation:	
		Please tick (✓)	
		Yes	No
Does the pupil give consent to their views being sought?			
Was the pupil made aware that they did not have to give their views?			
Was the pupil given a choice of how their views were to be sought?			
<i>(Please indicate the method used to seek information e.g. questionnaire)</i>			
Was the pupil provided with options of how to record their views?			
<i>(Please indicate the method used to record views e.g. written response)</i>			
<p>It is really important that [name of school/service] is a really good place for you to be/service to use.</p> <p>So, today we want to find about things that are going well for you in school/using this service as well as things that are not going so well for you.</p> <p>There are no right or wrong answers; we just want to find out what you honestly think and what we could do to make things easier for you.</p> <p>What you tell us will be confidential and it is okay for you to skip any questions that you don't want to answer.</p> <p style="text-align: center;">Thank you for answering the following questions</p> <p><i>N.B. The following sample questions can be selected from, added to or amended in order to create a questionnaire to seek the views of the pupil about aspects of their school life/ use of a service. It does not have to be used in its entirety.</i></p>			





My views about school/service			
Question		Pupil's Response	
1	What do you like doing at / what is your favourite thing about school/using this service?		
2	What do you find difficult/a bit tricky in school/ with this service? Can you think of anything that would help you with this?		
3	Can you think of something that used to be really hard but is now much easier? What made it easier for you?		
4	Do you have any worries or problems about school/using this service?		
5	Is there anything about: <ol style="list-style-type: none"> 1. the rooms 2. playground 3. toilets 4. where things are kept e.g. books, pencils, coats etc 5. lesson times 6. break/lunch/assembly which make it difficult for you? <i>What might make it easier for you?</i>		
6	Is there anything about: <ul style="list-style-type: none"> • moving from class to class • toilet breaks • attending therapy/support sessions • coming to school/going home which makes it more difficult for you? <i>What might make it easier for you?</i>		
7	Is there anything about how people speak to you that makes it difficult for you?		
8	Is there anything that you like/don't like about special events e.g. school trips, concerts, assemblies or charity days? <i>How could these events be made easier for you?</i>		
9	What do you like doing outside school (e.g. clubs, hobbies, sports)?		
10	How did you feel about answering these questions?		
11	Would you like to talk to someone about anything we've talked about?		
12	Can you think of any other questions that we could ask to find out about things you like doing and things you don't like?		
Pupil's signature		Staff signature	
Action to be taken (e.g. buddy system)		To be actioned by (e.g. class teacher)	

Appendix 4: Hart's (1992) Ladder of Participation

IDENTIFYING THE LEVEL OF PUPIL/SCHOOL PARTICIPATION			
Aspects in which participation takes place in school	What is the current level of pupil/ school participation?	What level of participation do I want the pupil/school to be working at?	How will this be achieved?
Educational content			
Teaching methods			
Physical aspects of the school			
Accessing school Resources			
Special Events			
Working with school personnel			
Engaging with other pupils			
Engaging with wider community			
Emotional well-being			
Other (please specify)			
Key: <ol style="list-style-type: none"> 1. Manipulation 2. Decoration 3. Tokenism 4. Assigned and Informed 5. Assigned and Consulted 6. Adult-initiated and directed 7. Pupil-initiated 8. Shared decision-making 			
Date carried out:		Staff member:	
Date to be reviewed:		Staff member:	

Appendix 5: Shier's (2001) Pathways to Participation

- Openings – is your school/service ready to...?
- Opportunities – does your school/service have procedures in place to...?
- Obligations – is your school/service aware that it is a policy requirement to...?

Level	Pathway	Yes/No	Evidence
START			
1. Pupils are listened to	a) Is your school/service ready to listen to the pupil?		
	b) Does your school/ service have procedures in place to allow your way of working to listen to the pupil?		
	c) Is your school/ service aware that it is a policy requirement that pupils must be listened to?		
			
2. Pupils are supported in expressing their views	a) Is your school/service ready to support pupils in expressing their views?		
	b) Does your school/ service have procedures in place to provide a range of ideas and activities to allow children to express their views?		
	c) Is your school/service aware that it is a policy requirement that pupils must be supported in expressing their views?		
			
3. Pupils views are taken into account	a) Is your school/service ready to take into account the pupil's views?		
	b) Does your school/service have procedures in place to enable your decision-making processes to account for pupil's views?		
	c) Is your school/ service aware that it is a policy requirement that pupil's views must be given due weight in relation to making decisions?*		
			
4. Pupils are involved in the decision-making process	a) Is your school/service ready to allow pupils to join in your decision-making processes?		
	b) Does your school/service have procedures in place to support pupils with joining in to make decisions?		
	c) Is your school/service aware that it is a policy requirement that pupils must be involved in decision-making processes?		
			
5. Pupils share power and responsibility for making decisions	a) Is your school/service ready to share some of the adult's power with the pupils?		
	b) Does your school/service have procedures to encourage pupils and adults to share power and responsibility?		
	c) Is your school/service aware that it is a policy requirement that pupils and adults share power and responsibility for decision making?		

* *This is the minimum point which must be achieved in order to endorse the principles of the UNCRC (1989)*

Appendix 6: Lundy's (2007) Model of Participation

INVOLVING PUPILS IN DECISION-MAKING IN SCHOOL/SERVICE			
	Questions	Action: What did I do?	Outcome: What was the response?
S P A C E	Have children's views been actively sought?		
	Was there a safe space in which children can express themselves freely?		
	Have steps been taken to ensure that all children can take part?		
V O I C E	Have children been given the information they need to form a view?		
	Do children know that they do not have to take part?		
	Have children been given a range of options of how they might express themselves?		
A U D I E N C E	Is there a process for communicating children's views?		
	Do children know who their views are being communicated to?		
	Does that person/body have the power to make decisions?		
I N F L U E N C E	Were the children's views considered by those with the power to effect change?		
	Are there procedures in place that ensure that the children's views have been taken seriously?		
	Have the children been provided with feedback explaining the reasons for decisions taken?		

(Adapted from the Irish Department of Children and Youth Affairs, National Strategy on Children and Young People's Participation in Decision-Making, 2015-2020.)

Date conducted: __/__/____

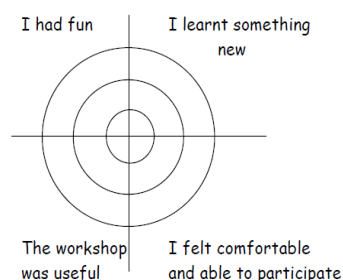
Staff member:

Date for review: __/__/____

Staff member:

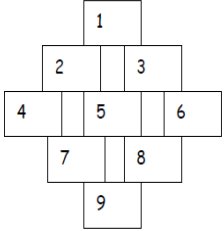
Appendix 7: Strategies to support pupils to participate and give their views

Strategies to support pupils to participate and give their views	
Before and After Body Mapping	
Aim	To explore children and young people's views concerning different ways in which their context has affected them and their lives.
Outline	Place a large sheet of paper on the floor. Ask the group to draw around someone in the group using a marker pen. Allocate a number of marker pens to each group and ask the pupils to write/draw their thoughts and feelings about the issue that has been chosen for discussion e.g. My worries about exams. Once the pupils have participated in the activity chosen for discussion i.e. they have completed their exams, the activity could be repeated, only this time on a new body outline, the pupils record how they feel now after the exams have been completed.
Outcome	Comparison of children's feelings, emotions, perceptions of health status, living circumstances before and after participation.
Child-led tours	
Aim	To identify personal or community change which can take place before or after participation in activities.
Outline	This technique is only suitable if the pupil is being consulted about a particular place, such as noise in the school environment and the session takes place in that setting. The pupil leads the member of staff or other pupils around the school, identifying three or four aspects, which they feel to be important, and reporting if they either liked or disliked the identified feature. The pupil could be allowed to use a polaroid camera to photograph their preferences.
Outcome	Information is gathered about the child's views on what they think/feel is important and unimportant in relation to participation.
Cobweb Matrix	
Aim	To chart the progress of participation across time.
Outline	<p>Draw a target, made up of three or four concentric circles on a piece of flip chart paper, put a cross through the middle and write something you want to evaluate in each section.</p> <p>Give each pupil a number of sticky dots/marker and ask them to indicate on each section how they would rate the lesson/activity/issue. Write the issue that you wish to evaluate on the target. The centre of the target means excellent, moving out towards the outer ring indicates very poor.</p>
Outcome	Barriers to and supporting mechanisms for participation can be analysed.



Strategies to support pupils to participate and give their views

Diamond/Preference Ranking

Aim	To identify preferred and least preferred activities and give reasons why.
Outline	<p>Pupils are given nine ideas or issues based on a particular question. Then draw nine rectangles in a diamond shape on a sheet of flip chart paper.</p> <p>The pupils (in small groups) are asked to arrange the post-it notes according to importance in their view. They should stick their top priority in the top rectangle and so on.</p>  <p>This technique requires the group to come to a consensus regarding the order of priority and therefore could go on for a long time. For this reason it is often useful to set a time limit for the activity. The advantage of using post it notes is that they can be moved around as the groups discuss the ideas or issues.</p> <p>It is very important to listen to the discussions taking place in the groups concerning the reasoning for the order they choose, or get the groups to report back their reasoning. If you decide to ask each group to report back it is useful to ask each group for a volunteer to be a reporter at the start of the activity and suggest they may want to take a few notes as the activity progresses. It is important to ask for volunteers as reporting back may be intimidating for some people.</p>
Outcome	Children's preferences are identified for the activities that they participate in.

Focus Group Discussions/Carousel

Aim	To explore children's ideas and views about how they want to contribute to making decisions about a process.
Outline	<p>Everyone sits in two concentric circles, so that the inner circle faces the outer circle. You need to have the same number of people in each circle. You then set a topic for discussion (e.g. end of year outing). After a minute of consideration, everyone in the inner circle gets exactly one minute to tell the facing person in the outer circle their opinions and ideas on the topic. The outer circle person listens. Then they reverse roles. After the person in the outer circle has spoken, everyone in the outer circle moves round one place. The inner circle then has to explain their previous partner's opinions and ideas in 30 seconds and vice versa. They can then express their own opinions.</p> <p>You can extend this activity and get the two groups (inner and outer circles) to write up everything they remember from what their partners said on a flip chart. This means you have a record of what was said. In this method, everyone gets to express their opinions but they don't have to speak out in a group situation which is intimidating</p>

Strategies to support pupils to participate and give their views	
	for some. Also, because they have to remember what their partner has said, people are encouraged to listen well.
Outcome	Children's ideas, feelings, emotions, perceptions, impressions of how an initiative has impacted on their lives are gathered.
H Assessment	
Aim	To identify strengths, weaknesses and offer suggestions to tailor children's participation.
Outline	<p>Prepare a flip-chart/board with three columns; weaknesses, ideas and strengths (it is called an 'H' assessment because of the lines that are drawn on the paper). Explain to the pupils that they are going to analyse the particular issue in terms of where they/school is in relation to addressing the issue being discussed. As well as identifying strengths and weaknesses, pupils are encouraged to suggest ideas for improvement.</p> <p>Feedback will help to identify any similarities or differences in the pupils' reports and this information can be used to inform better practice to ensure that participation can happen.</p>
Outcome	Strengths, weaknesses and challenges can be identified by each pupil at different stages in the participation programme.
Hot Air Balloon	
Aim	To gather and record the child's views about the most positive and negative aspects of the opportunity to participate.
Outline	<p>Pupils are given a picture of a balloon (can be done at individual or group level) and a structured set of questions around a particular issue: The balloon represents the idea being discussed:</p> <ul style="list-style-type: none"> • On the balloon – pupils write the things that they think will be necessary for the project to be successful; • In the basket – pupils write the names of individuals/organisations who may be able to help them the project launched; • Ropes – pupils identify what issues are likely to hold the project back before it has started; • Clouds – pupils record what might arise during the time that the project runs which might steer the project of course; • Speed – pupils record above the balloon factors which may help the project to move forward effectively, eg commitment, motivation and creativity. <p>The picture can be looked at again to see how planning has progressed.</p>
Outcome	The views of the child can be documented and used to evaluate and improve activities and programmes of participation. The practicalities such as people or resources associated with trying to make the idea work are identified.

Strategies to support pupils to participate and give their views	
'Magic Wish' or Visioning Tree	
Aim	To illustrate the ideal position with regards to participation in the selected topic.
Outline	<p>Draw a large tree on a sheet of paper (one per group) complete with roots, a trunk and leaves.</p> <p>Write the question at the top of the tree in such a way that it may be answered with either yes or no.</p> <p>Below the question, write 'yes' on one side and 'no' on the other side.</p> <p>Ask the pupils to identify and list all the possible consequences of each decision (if the question is not a 'yes/no' use several branches for the different options and consequences listed for each)</p> <p>Consider the consequences carefully before making a decision.</p>
Outcome	The child's hopes for the future can be outlined and the steps necessary to achieve this can be delineated.
Pots and Beans/Jars of Importance	
Aim	To explore preferred and least preferred activities and the reasons why.
Outline	<p>Ask pupils to identify things that were good, bad or could be improved. Write these on a flip chart under those headings (a labelled drawing of or actual container could also be used).</p> <p>Then give everyone the same number of beans/tokens and ask them to vote by placing the beans next to the issues they feel most strongly about. The actual voting is anonymous in this technique.</p>
Outcome	Stones or beans are used as counters to rank the child's preferences, perceptions and views about a concept.
Tableau Vivant	
Aim	To depict a changed condition through a drama scene shown in three still frames (or tableau vivant).
Outline	<p>Pupils are asked to reflect upon and engage in discussion about a particular issue.</p> <p>They should then prepare to act out this scenario as a role play with words, or a mime (without words), or a 'freeze frame' (like someone has taken a photograph of a scene and they are all completely still) – a speech or thought bubbles can be used.</p> <p><i>Frame One:</i> identifies weaknesses of the child's participation.</p> <p><i>Frame Two:</i> outlines the actions necessary to shape participation.</p> <p><i>Frame Three:</i> details the changed conditions for participation.</p> <p>It is useful to check to see if the audience knows and understands what you are trying to communicate and also to identify why you chose to portray something the way that you did. Photographs could also be taken of each Frame and a photo-story could be created.</p>
Outcome	Stones or beans are used as counters to rank the child's preferences, perceptions and views about a concept.

Appendix 8: Supporting Pupil Views and Participation Audit

Guide for Schools/Services to Support Pupils in the Management of their SEND				
Question	Decision			Evidence
	Yes	No	N/A	
Is your school aware of the legal responsibility for seeking the views of the child when making decisions about SEND support?				
Does the school have a formal process to support the child when making decisions about SEND support in school?				
Has the school provided the child with sufficient information to make an informed decision?				
Was the child with SEND provided with a range of materials to communicate their views?				
Are pupils supported in developing their own IEP targets? How are they prepared for this?				
Does the school support the child in the monitoring and evaluation of their IEP target?				
Do children in your school attend their own Annual Review? How are they supported to do this?				
Are pupils with SEND supported to attend Transition Planning meetings? If so, what assistance does the school provide?				
Have pupils with SEND been given the opportunity to participate in all non-academic activities?				
Has the school made the pupil aware that participation is voluntary?				
Does the school have identified personnel or organisations for the pupil to access if they need further support or information?				
Does the school inform the pupil of the outcome of decisions made and any planned follow-ups?				
<i>Add any questions suited to your setting.</i>				