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Knowledge Exchange Seminar Series (KESS)

From Entitlement to Enforceable Rights: Strengthening Post-19 Pathways for Learners with Special Educational Needs in Northern Ireland

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KESS Policy Briefing

...is a forum that encourages debate on a wide range of research findings, with the overall aim of promoting evidence-informed policy and law-making within Northern Ireland

Key points:

- Existing legislative and policy frameworks in Northern Ireland have not kept pace with international rights-based expectations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), particularly in relation to lifelong learning and inclusive participation.
- Responsibility for post-19 SEN provision is dispersed across multiple departments and agencies, contributing to weak accountability, fragmented services and poor coordination during transition to adulthood.
- Young people and families continue to face major barriers including limited provision, a lack of suitable pathways, transport difficulties, workforce shortages and insufficient support within education, training and employment settings.
- Evidence from the Epic Futures TRANSFORM project highlights potential geographical disparities in post-19 SEN provision across Northern Ireland. The evidence also demonstrates the value of comprehensive data and mapping in supporting young people and their families, as well as policymakers and service providers, to plan for and experience transition in a more informed, coordinated and positive way.
- Northern Ireland currently lacks a centralised, live and publicly accessible database of post-19 SEN provision, making it difficult for families and professionals to identify suitable pathways and available capacity.

The proposed UNCRPD (Obligation on Public Authorities) Bill represents a significant opportunity to strengthen accountability and embed a genuinely rights-based approach to post-19 SEN provision in Northern Ireland. Achieving meaningful reform will require public authorities to move beyond policy aspiration towards coordinated, enforceable and adequately resourced systems that support young people with SEN to participate fully in education, employment and community life beyond school.

The briefing recommends five key areas for reform:

1. Development of a centralised mapping and information system for post-19 SEN provision;
2. Stronger cross-departmental collaboration and shared accountability;
3. Legislative reform to strengthen enforceable rights and extend protections beyond age 19;
4. Expansion, regulation and quality assurance of provision;
5. Long-term forecasting and strategic planning of future need.

1. Introduction

This briefing addresses a pressing policy question for Northern Ireland: how can post-19 pathways for learners with special educational needs and disabilities (SEND) be strengthened so that rights, provision and outcomes are brought into closer alignment? While SEN reform within compulsory schooling is receiving renewed attention, the transition beyond school remains a significant weakness. For many young people with SEN and their families, leaving school is not experienced as a planned progression into adulthood, but as a cliff edge marked by uncertainty, fragmented responsibilities and uneven access to suitable education, training, employment or day opportunities.

The briefing draws on three recent research projects undertaken by the Centre for Research in Educational Underachievement at Stranmillis University College. The first is a Department for the Economy (DfE)-funded comparative review of post-19 SEN legislative frameworks across England, Scotland, Wales, Northern Ireland and the Republic of Ireland. The second is the Pathways to Inclusion feasibility study (funded as part of the NIO Step-Up Programme and administered by DfE), which examined the potential for inclusive higher education provision in Northern Ireland. The third is the Transform Project, funded by EPIC Futures NI, led by Ulster University, as part of the Local Policy Innovation Partnerships programme funded by UK Research and Innovation (UKRI), the Economic and Social Research Council, the Arts and Humanities Research Council and Innovate UK. This research explored transitions from education to employment for young people with SEN, drawing on the perspectives of young people, families, educators, employers and policy stakeholders.

Together, these projects point to three central themes. First, Northern Ireland's legislative framework has not kept pace with international rights-based expectations, particularly those set out in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Secondly, lived experience often falls short of policy intent, with provision that is difficult to navigate, inconsistently available and insufficiently coordinated. Thirdly, improvement requires clearer information, stronger interdepartmental collaboration, expanded and regulated provision, and better forecasting of future need.

The briefing concludes by linking these findings to current Assembly scrutiny, particularly the proposed UNCRPD (Obligation on Public Authorities) Bill, and the potential for a statutory due regard duty to move Northern Ireland from entitlement in principle towards enforceable rights in practice.

2. Legislative context for post-19 SEN provision in Northern Ireland

Northern Ireland's post-19 provision for learners with special educational needs (SEN) sits within a complex and fragmented legislative landscape. While international human rights frameworks establish clear expectations around inclusive education, transition planning and access to employment, the domestic statutory framework in Northern Ireland remains limited, uneven and rooted in pre-devolution legislation.

At international level, two UN conventions are especially relevant. The United Nations Convention on the Rights of the Child (UNCRC), ratified by the UK in 1991, affirms children's rights to non-discrimination, participation, education and development. Article 23 requires States to ensure disabled children have access to education, training, preparation for employment and social integration. However, as the UNCRC applies only to children under 18, its relevance is limited for those beyond compulsory education. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), ratified by the UK in 2009, provides a broader rights-based framework. Article 24 recognises the right of persons with disabilities to inclusive education "at all levels", including equal access to tertiary education, vocational training and lifelong learning.

In Northern Ireland, the statutory transition process begins at age 14 for young people with a statement of SEN, through annual reviews involving the Education Authority, schools, parents or carers, Health and Social Care Trusts and DfE Careers advisers. However, once young people leave school, responsibility becomes dispersed across several departments and agencies. Further education, higher education, training, skills and employment fall largely under the Department for the Economy, while Day Opportunities and Day Care provision are funded through Health and Social Care Trusts through a system of contracted services and/or direct payments. The Department for Communities also has a role, particularly through disability employment policy. This divided architecture creates significant risks of inconsistency, duplication and gaps in accountability.

The legislative framework is similarly piecemeal. The Employment and Training (Northern Ireland) Act 1950 established departmental responsibilities in relation to training and employment, including for disabled people. The Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 set out health-related duties to identify and support disabled people. The Education (Northern Ireland) Order 1996, supported by the 1998 SEN Code of Practice, established duties around special educational provision and annual review processes. The Disability Discrimination Act 1995, Section 75 of the Northern Ireland Act 1998 and the Special Educational Needs and

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Disability (Northern Ireland) Order 2005 provide important protections against discrimination and duties to make reasonable adjustments, including in further and higher education. However, unlike Great Britain, Northern Ireland has no consolidated Equality Act.

The Special Educational Needs and Disability Act (Northern Ireland) 2016 contained potentially significant post-19 reforms, including proposed statutory co-operation between the Education Authority and Health and Social Care in transition planning, alongside a joint inspection mechanism. However, these provisions have not been fully commenced, leaving Northern Ireland without a coherent statutory transition framework beyond school.

Recent policy developments acknowledge this gap. The Department of Education's SEN Delivery Plan 2025-2030 *Truly Equal, Valuably Different* stresses cross-departmental collaboration and the need for clear pathways into adulthood, further training, education and employment. The Northern Ireland Executive's Programme for Government 2024–2027, *Doing What Matters Most*, similarly identifies "Better Support for Children and Young People with Special Educational Needs" as a key priority and commits to clearer post-16 and post-19 pathways.

Comparative evidence underlines the urgency of reform. England and Wales provide statutory protections that can extend to age 25; though implementation has been uneven and under-resourced. Scotland and the Republic of Ireland, like Northern Ireland, continue to experience a post-school "cliff edge". The lesson is clear: legislation alone is insufficient, but without enforceable duties, resourced implementation and clear accountability, rights will remain aspirational rather than real.

3. Realities of Current Provision

Research conducted by Stranmillis University College, *Comparative Analysis of Legislative Frameworks for post-19 Education and Skills Provision for Young People with Disabilities and SEN* (Purdy et al., 2025) identifies a post-19 "cliff edge", whereby the withdrawal of support limits access to further education, employment and independent living for young people with SEN. Further research from Stranmillis, *Pathways to Inclusion* (Gibson et al., 2025), also highlights the absence of inclusive higher education models in Northern Ireland comparable to the model established at Trinity College, Dublin through the Trinity Centre for People with Intellectual Disabilities.

The recent *Epic Futures TRANSFORM* project (Purdy et al., 2026), examined the everyday realities of post-19 SEN provision in Northern Ireland in greater depth. The research highlights significant constraints in post-19 provision. Limited capacity, a lack of support and information for families, barriers to accessing transport, workforce shortages, and insecure funding arrangements continue to restrict the availability of provision. In many cases, this also results in inappropriate or poorly matched placements, and this problem was particularly acute for young people with complex needs, with one parent noting, "*For complex needs, there's just very, very little provision*". Parents also reported concerns that progression opportunities were neither meaningful nor accessible in practice. As one stakeholder reflected, "*We have this horrible situation where he's been excluded basically from education and training and a career because there [are] no physical facilities*". Regional disparities were also highlighted, with one participant describing post-19 SEN provision as "*a postcode lottery*".

The lack of effective interdepartmental coordination and collaboration within the current transition system was also highlighted. Responsibility for supporting young people with SEN spans several departments, including the Department of Education, Department for the Economy, Department of Health and Department for Communities. Stakeholders reported that differing statutory responsibilities, fragmented communication systems and limited information sharing frequently impede smooth transitions into further education, training and employment for young people with SEN. As one parent concluded, interdepartmental collaboration is "*just not happening ... it's fraught with difficulty*". Concerns regarding fragmented SEN provision have also been acknowledged at ministerial level. In June 2025 the Minister for the Economy, Dr Caoimhe Archibald, referred to the development of "*collaborative and co-funded cross-departmental pilots to try to provide pathways for these young people for whom our existing systems don't work*" (DfE, 2025). These issues demonstrate that the current system is not equipped to provide equitable, meaningful post-19 pathways for young people with SEN in Northern Ireland.

3.1 Mapping of SEN Provision in Northern Ireland

In addition to the barriers and gaps in provision noted above, no centralised or live database currently exists to support young people, families or professionals in identifying available post-19 pathways and services. As a result, the system is difficult to navigate, with significant uncertainty regarding the overall availability and geographical distribution of provision across Northern Ireland. To address this gap, an innovative pilot mapping exercise was undertaken between May and September 2025 as part of the *TRANSFORM* study (Purdy et al., 2026). This involved consultation with providers, government bodies and sector organisations, including the Education Authority (EA) Transitions Team and the Regulation and Quality Improvement Authority (RQIA).

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Several limitations should be noted in relation to the mapping exercise. In the absence of a comprehensive database, it is not possible to verify that the dataset is fully exhaustive. The mapping reflects the presence of provision rather than its scale, capacity or frequency of delivery, which vary significantly between services. In addition, analysis relied on broader population estimates and prevalence data relating to SEN and disability. As such, the findings provide an indicative overview of provision and need, and represent a model which could be further developed, expanded and refined.

The mapping exercise identified 134 Day Opportunity Centres (purple), 125 Educational Opportunities (green) and 74 Employment Opportunities (red), with a total of 333 provisions across Northern Ireland (see Figure 1). Significant geographical disparities were identified, particularly between eastern and western regions, with more limited provision evident in areas surrounding Enniskillen, Omagh and, to a lesser extent, Derry/Londonderry.



Figure 1: Geographical locations of provisions across Northern Ireland

Despite challenges of data availability, the mapping exercise further exposed the inconsistencies and inadequacies of the current post-19 transition model. The findings from this research therefore indicate that the current post-19 SEN transition system in Northern Ireland remains fragmented, inconsistent and insufficiently responsive to the needs of young people and their families. Key barriers include limited progression pathways, geographical disparities in provision, fragmented services and weak interdepartmental coordination. Collectively, these issues contribute to poorer educational, employment and social outcomes for young people with SEN.

4. Improving Provision

The research outlined above describes a landscape where young people and their families are navigating a system in which responsibility is dispersed, information is incomplete, and provision is uneven. Reform must therefore move beyond short-term initiatives towards a coordinated, rights-based and future-focused model of post-19 support. This briefing proposes five recommendations for improving post-19 SEN provision.

The first recommendation would be to fully develop a centralised mapping system for post-19 SEN provision. At present, families do not have access to a comprehensive, authoritative and regularly updated source of information about what provision exists, where it is located, who it is suitable for, whether it has capacity, and how it can be accessed. This reinforces inequality, as families with greater confidence, time or professional knowledge are better placed to navigate the system than those without. The potential continuation of Epic Futures funding therefore represents an important opportunity. However, for the resource to be genuinely useful, it must move beyond a research output and become a sustained public infrastructure tool. This would require government endorsement, regular updating and dedicated staffing.

Second, improved provision requires increased cross-departmental collaboration and shared accountability. The current division of responsibilities means that education, training, employment, social care, health and benefits support are spread across different departments and agencies, each operating under different statutory duties, assessment processes and funding streams. In practice, this means young people with SEN can fall between systems. The result is not simply administrative inconvenience, but a failure to provide coherent pathways into adulthood. A formal cross-departmental transition mechanism for post-19 SEN provision could address this.

Third, legislative reform is required to move Northern Ireland from entitlement in principle to enforceable rights in practice. The current cliff edge at 19 is incompatible with the reality of many young people's lives and with the broader expectations of the UNCRPD, which recognises the right of persons with disabilities to inclusive education at all levels and lifelong learning. Extending statutory protections to age 25, as in England, would represent an important improvement and provide a clearer legal framework for continued support in education,

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training and transition planning. However, reform should also recognise the danger of simply relocating the cliff edge from 19 to 25. A genuinely rights-based model would combine stronger post-19 statutory protections with a broader commitment to lifelong learning, participation, employment support and meaningful adult opportunities.

Fourth, provision must be expanded, strengthened and regulated. Existing provision is not only limited, but unevenly distributed and often poorly matched to the needs of young people, particularly those with complex SEN. Some families are presented with lists of options, only to discover that provision is full, inaccessible, unsuitable, age-inappropriate or unavailable in their area. This points to the need for both investment in existing services and the development of new forms of provision. Regulation and quality assurance are also essential.

Finally, reform must be based on forward planning. At present, Northern Ireland appears to lack a mechanism for forecasting the number of young people with SEN leaving school in future years, the complexity of their needs, and the provision required. A planned system would project future demand, enabling government departments to identify where additional provision will be needed and where investment should be prioritised.

Taken together, these reforms would help Northern Ireland fulfil its obligations under the UNCRC and UNCRPD in practical terms. Rights-based reform cannot simply mean citing international conventions; it must mean building the systems through which those rights can be realised. In practice, this means accessible information for families, enforceable statutory protections, coordinated departmental responsibility, expanded and regulated provision, sustained funding, and long-term forecasting of need.

5. Conclusion

Taken together, the findings from these three research projects demonstrate that Northern Ireland's post-19 SEN framework remains fragmented, with weak accountability and an over-reliance on discretionary rather than enforceable provision. While international conventions and recent policy articulate ambitious commitments to inclusion, participation and lifelong learning, the experiences of young people and families suggest that these principles are not yet consistently realised in practice. The persistence of a post-19 "cliff edge", combined with uneven provision and limited interdepartmental coordination, highlights the need for a more coherent statutory framework capable of translating rights into practical entitlements and meaningful outcomes.

In this context, the proposed United Nations Convention on the Rights of Persons with Disabilities (Obligation on Public Authorities) Bill, introduced by Danny Donnelly MLA, represents a potentially significant development. In seeking to place a statutory "due regard" duty on public authorities in relation to the UNCRPD, the Bill offers an opportunity to strengthen accountability across education, health, employment and social care systems. Importantly, the research presented in this briefing suggests that implementation of UNCRPD principles cannot be confined to policy aspiration alone, but requires enforceable duties, coordinated planning mechanisms, transparent data, adequate resourcing and clear routes to redress where provision fails.

The evidence from comparative jurisdictions also sounds an important note of caution. Legislative reform, while necessary, is not sufficient in itself. England and Wales demonstrate that statutory protections extending to age 25 can still result in inconsistent experiences when implementation is under-resourced or poorly coordinated. Nevertheless, without stronger legislative protections, young people with SEN in Northern Ireland are likely to continue experiencing uncertainty and inequitable access to post-school opportunities. The challenge for policymakers, therefore, is not simply to expand provision, but to embed a genuinely rights-based approach in which public authorities are required to plan, collaborate and act in ways that support young people with SEN to participate fully in education, employment and community life beyond school.

This briefing draws on the following three papers:

Purdy, N., Gibson, K., Johnston, N., Symington, E. & Reid, C. (February 2025). *Comparative Analysis of Legislative Frameworks for Post-19 Education and Skills Provision for Young People with Disabilities and SEN*. Department for the Economy (NI)/Stranmillis University College: Centre for Research in Educational Underachievement.

Gibson, K., Purdy, N., McCrudden, K., Symington, E. & Shields, M. (April 2025). *Pathways to Inclusion: Exploring Higher Education Opportunities for People with Intellectual Disabilities in Northern Ireland*. Northern Ireland Office, as part of the Step-Up Programme, administered by the Department for the Economy (NI)/Stranmillis University College: Centre for Research in Educational Underachievement.

Purdy, N., Boddison, A., Symington, E., Ballentine, M., Johnston, N. & Tate, K. (December 2025). *TRANSFORM: Exploring Pathways and Barriers for Young People with Disabilities Transitioning from Education to Employment in Northern Ireland*. Epic Futures/Stranmillis University College: Centre for Research in Educational Underachievement.