



for State Education

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CASE believes that all individuals are entitled to high quality and properly resourced education, fostering life long enjoyment of learning and enabling them to live free and fulfilling lives in a diverse, multicultural society. This is best achieved through democratic and locally-accountable partnerships working in a spirit of mutual respect and co-operation.

This is the response of Campaign for State Education (CASE) to the SEN Green Paper “Support and Aspiration: A New Approach to Special Educational Needs and Disability”.

Question 1: How can we strengthen the identification of SEN and impairments in the early years, and support for children with them?

The initial key factor is the knowledge of teaching and support staff and the expertise to which they have access. Existing programmes of staff development need to be extended and improved.

Question 2: Do you agree with our proposal to replace the statement of SEN and learning difficulty assessment for children and young people with a single statutory assessment process and an ‘Education, Health and Care Plan’, bringing together all services across education, health and social care?

This is little more than a concept in the Green Paper and it fails to recognise the issues already known to exist with the nearest existing model, which is the Learning Difficulty Assessment (a.k.a. S139A) at the end of Key Stage 4.

It is clearly desirable that the assessment of children and young people with complex needs is coherent and concise, but there are a number of problems with the proposal. The first is that simply calling the process “single and statutory” will not of itself co-ordinate a multi-agency approach where needed – the actual structures will be critical. Second, the great majority of young people will not require the full, multi-agency assessment and it is important not to create an excessively bureaucratic system where it is not needed.

Question 3: How could the new single assessment process and ‘Education, Health and Care Plan’ better support children’s needs, be a better process for families and represent a more cost-effective approach for services?

See above and note that the turmoil currently being caused by cuts within Local Authorities makes it unlikely that there will be change for the better in the near future.

Question 4: What processes or assessments should be incorporated within the proposed single assessment process and ‘Education, Health and Care Plan’?

CASE advises that the Department review the Learning for Living and Work Framework which was drafted with the support of the defunct Learning and Skills Council. It provides both an extensive list of considerations and is itself a warning of the problems of a bureaucracy-heavy approach.

Question 5: What is the potential impact of expanding the scope of the proposed single assessment process and plan beyond education, health, social care and employment?

While there are benefits to be hoped for in respect of those pupils with complex needs, they will be difficult to implement where the delivery agencies are themselves in a state of flux and expecting to reduce in staffing in successive years.

Question 6: What role should the voluntary and community sector play in the statutory assessment of children and young people with SEN or who are disabled? How could this help to give parents greater confidence in the statutory assessment process?

Where voluntary and community sector organisations have established themselves as parents' advocates, they may be valued for their independence. Why is the DfE cutting its assistance to the Advisory Centre for Education's popular and well-established Advice Line at this time? It would also seem sensible to build on the existing Parent Partnerships which support and advise parents and are sometimes run by an independent organisation and sometimes by the Local Authority.

Question 7: How could the proposed single assessment process and 'Education, Health and Care Plan' improve continuity of social care support for disabled children?

Question 8: How could the arrangements for provision of health advice for existing statutory SEN assessments be improved?

Question 9: How can we make the current SEN statutory assessment process faster and less burdensome for parents?

Question 10: What should be the key components of a locally published offer of available support for parents?

This is unlikely to be the simple process that the Green Paper appears to envisage, particularly in a large metropolitan area where the potential travel area is unclear. In the case of high-cost, specialist provision for "low incidence" needs, it is unlikely that users would want only to know about their immediate local authority area. It is unclear what is meant to be covered by the "offer" – do the Green Paper's authors include the time of a Learning Support Assistant or a session with a Speech Therapist?

*This question seems to assume that the existing "offer" is adequate in all areas when it is not. **The unasked question would seem to be "how will these proposals support the commissioning of new provision to meet existing and growing/changing needs?"***

Question 11: What information should schools be required to provide to parents on SEN?

There should be a review of why the existing process of Annual Reviews is not always complied with. The legislation and other guidance that cover them should be checked for consistency with a focus on how they support the pupil's progression.

Question 12: What do you think an optional personal budget for families should cover?

The use of the word "optional" is curious in this context. Support and Aspiration seems to recognise that there is not universal support for personal budgets, particularly for clients poorly equipped to handle them, but equally it will be very difficult to operate a mixed system under which only some have personal budgets. More importantly, "purchasing" is not "commissioning" and individual users will not often be able to bring on board new providers or persuade existing ones to extend the offer. It is improbable that high quality, individually-tailored special needs provision will be available in the way that soap-powder might be in a supermarket.

Question 13: In what ways do you think the option of a personal budget for services identified in the proposed 'Education, Health and Care Plan' will support parents to get a package of support for their child that meets their needs?

See answer to Q12

Question 14: Do you feel that the statutory guidance on inclusion and school choice, Inclusive Schooling, allows appropriately for parental preferences for either a mainstream or special school?

In many cases, the factors that relate to the viability (and therefore availability) of special schools lie far beyond the choice of any individual family. Special needs change over time in frequency and the ability of mainstream education to meet them is still developing. A disease such as rubella which may be a dominant

cause in one generation may be almost unknown in another. There are current examples of special schools for which demand is declining and which are unlikely to be economic under any tariff-based system whether they are funded by Local Authorities or become academies. It is morally doubtful to pretend to offer parents individual choice if there is none in reality.

CASE utterly rejects the Green Paper's assertion that there is a bias in favour of inclusion as the general experience of parents who want their children to be taught with their siblings and neighbours. Successful inclusion, however, requires more than the current very limited basic training which in no way prepares teachers to be able to diagnose and support children with special educational needs. A commitment to ensuring that all teachers have comprehensive training in SEN is what is needed.

Question 15: How can we improve information about school choice for parents of children with a statement of SEN, or new 'Education, Health and Care Plan'?

You must first provide the choice which you want to offer. Secondly, you must fund qualified advice workers such as those displaced from Connexions by the present cuts.

Question 16: Should mediation always be attempted before parents register an appeal to the First-tier Tribunal (SEN and Disability)?

Question 17: Do you like the idea of mediation across education, health and social care? How might it work best?

Mediation is often a reasonable option but it needs to be of a high standard and there must be a question as to how this will be provided and funded.

Question 18: How can we ensure that the expertise of special schools, and mainstream schools with excellent SEN practice, is harnessed and spread through Teaching Schools partnerships?

A bigger question might be how will that expertise be first obtained? There is as yet no evidence that schools can achieve this unaided. How many special schools operate on a scale that permits them to release staff for external work?

Question 19: How can we ensure that we improve SEN expertise, build capacity and share knowledge between independent specialist colleges, special schools and colleges?

There are good examples, often based on geographical proximity or personal connections, but this varies greatly. There is a notable variation among post-16 institutions between those where the former Learning & Skills Council region actively co-ordinated collaboration (e.g. South East and Eastern Regions) and where they did not (e.g. London).

Question 20: How can we continue to build capacity and SEN specialist skills at each tier of school management?

There needs to be a programme of Continuing Professional Development as with any other area of expertise.

Question 21: What is the best way to identify and develop the potential of teachers and staff to best support disabled children or children with a wide range of SEN?

See answer to question 20

Question 22: What is the potential impact of replacing School Action and School Action plus and their equivalents in the early years with a single category of SEN in early years settings and schools?

The Green Paper's proposal manages to be both vague and worrying. These categorisations have been a method of both identifying the severity of need and accessing resources and no one working with pupils with special needs will want a less secure method of achieving this. It is worthless to comment on what is proposed without knowing the impact on the availability of resources. No real case has been made for the benefits of such a change.

Question 23: How could changing the school- and early years setting-based category of SEN embed a different approach to identifying SEN and addressing children's needs?

Question 24: How helpful is the current category of BESD in identifying the underlying needs of children with emotional and social difficulties?

"Behavioural, Emotional and Social Needs" is just one of the categories used by the DfE for statistical purposes and it is curious that this consultation should single it out for consideration. In very few cases are these categories closely tied to a particular "condition": even the "Autistic Spectrum Disorder" category is felt by practitioners to unhelpfully lump together children and young people with quite different needs. These categories are rarely sufficient for professionals working with individuals, nor, unfortunately, do they give any useful measure of the level of support that will be required.

What is recognised is that a failure to diagnose Specific Learning Difficulties in early childhood may lead to later categorisation as BESD. Rather than seek to downgrade the status of BESD as a "real" special need, we should be concentrating on more refined assessments of conditions which prevent children from developing and progressing.

Question 25: Is the BESD label overused in terms of describing behaviour problems rather than leading to an assessment of underlying difficulties?

See answer to question 24 above. Probably yes, but that doesn't mean that those working with older children and young people do not need support now.

Question 26: How could we best ensure that the expertise of special schools in providing behaviour support is harnessed and shared?

Special schools are not necessarily the sole or even greatest experts in this area. What about PRUs?

Question 28: What are the ways in which special Academies can work in partnership with other mainstream and special schools and Academies, and other services, in order to improve the quality of provision for pupils with SEN and disabilities?

Why encourage them to become "autonomous" in the first place if you want them to collaborate?

Question 29: What are the barriers to special Academies becoming centres of excellence and specialist expertise that serve a wider, regional community and how can these be overcome?

Funding and transport will be problems for them as they are for Local Authority-run schools now.

Question 30: What might the impact be of opening up the system to provide places for non-statemented children with SEN in special Free Schools?

Presumably this will allow those parents who are willing to pay extra (above their personal budget) to use them as if they were specialist independent schools with state-funding? It might well encourage empire-building among special academies. Is that the policy objective?

This looks to be just one more way in which schools can choose the pupils (and parents) that they want.

Question 31: Do you agree with our proposed approach for demonstrating the progress of low attaining pupils in performance tables?

The Green Paper does not offer a detailed explanation of how this will work or how the privacy of the individuals will be safeguarded where the numbers are small. There is a case for independently monitoring how schools serve the interests of low attaining pupils, but perhaps the "league table" approach is not the best one.

Question 32: What information would help parents, governors and others, including Ofsted, assess how effectively schools support disabled children and children with SEN?

Revisit the way Annual Reviews are managed and recorded. The current division of labour between schools and LAs is not always successful.

Question 33: What more can education and training providers do to ensure that disabled young people and young people with SEN are able to participate in education or training post-16?

It is important to recognise most young people with learning difficulties who are unable to get at least 5 A-C GCSEs will generally be prevented by the entry requirements from moving on to their current school sixth form. Only a small proportion of "sixth form" places allow study at below Level 3, so most of this substantial group do not have the "easy" option of remaining in their current institution.*

This group form the majority of those who may need a Learning Difficulty Assessment to support their transition, though only those that already have a statement will be prioritised. (This will not be helped by the radical cuts to the former Connexions service which has already proved to be among the first casualties of local authority budget cuts.)

As the participation age is raised, these young people are likely to have very few post-16 educational options and becoming "NEET" is a high probability for them.

There is no funding stream dedicated to supporting those young people who have not attained a full Level 2 qualification by the end of Year 11 and those with special needs are very often among them.

Question 34: When disabled young people and young people with SEN choose to move directly from school or college into the world of work, how can we make sure this is well planned and who is best placed to support them?

That is part of the value of Person-Centred Planning and a well-drafted Learning Difficulty Assessment. Once again, this will not be helped by the cuts to the former Connexions service.

Question 35: Do you agree that supported internships would provide young people for whom an apprenticeship may not be a realistic aim with meaningful work opportunities? How might they work best?

(Internship is a vogue word with no specific meaning - does it just mean "unpaid worker"?)

The commitment to support young people with special needs up to age 25 demands a properly-funded programme of supported employment once they have completed their studies. In many areas there are no obvious employers with which to base this.

Question 36: How can employers be encouraged to offer constructive work experience and job opportunities to disabled young people and young people with SEN?

See answer to question 35 above.

Question 37: How do you think joint working across children's and adult health services for young people aged 16 to 25 could be improved?

Question 38: As the family doctor, how could the GP play a greater role in managing a smooth transition for a disabled young person from children's to adult health services?

Question 39: Do you agree that our work supporting disabled young people and young people with SEN to prepare for adulthood should focus on these areas: ensuring a broad range of learning opportunities; moving into employment; independent living; and transition to adult health services? What else should we consider?

Question 40: We have identified three core features of the role of local authorities in supporting children and young people with SEN or who are disabled and their families: strategic planning for services, securing a range of high quality provision, and enabling families to make informed choices and exercise greater control over services. Do you agree that these are the three core features of the role of local authorities in supporting children and young people with SEN or who are disabled and their families, or are there others?

The word “securing” is insufficient in this context: Local Authorities need to be able to develop, commission and fund according to need and opportunity. It will not be enough for them to run a tendering exercise and hope that the market will provide.

Question 41: How can central government enable and support local authorities to carry out their role effectively?

See answer to question 40 above. What is the point of “localism” if in fact LAs are prevented from acting?

Question 42: What would be the best way to provide advice to GP consortia to support their commissioning of services for children and young people with SEN or who are disabled and their families?

It is hard to tell whether this consultation question has survived the Government’s “pause” in its NHS legislation or how the new Health and Wellbeing Boards will operate.

Question 43: What would be the most appropriate indicators to include in the NHS and public health outcomes frameworks in the future to allow us to measure outcomes for children and young people with SEN or who are disabled?

This may depend upon how the education progression measure shapes up.

Question 44: What are the ways in which the bureaucratic burdens on frontline professionals, schools and services can be reduced?

Perhaps a new government may wish to note that simply “not deciding” e.g. on curriculum change, funding arrangements does not, in itself, “reduce the burden” – except upon themselves!

Question 45: In addition to community nursing, what are the other areas where greater collaboration between frontline professionals could have the greatest positive impact on children and young people with SEN or who are disabled and their families?

Question 46: What more do you think could be done to encourage and facilitate local services working together to improve support for children with SEN or who are disabled?

This is difficult to achieve in areas where people do not both live and work, because the networks that actually drive collaboration largely depend upon professionals (and others) knowing and having confidence and trust in one another. Every time services are upended, as now, time and effectiveness is lost. If it is difficult to run a staff development exercise within one organisation, it is many times harder to do so across a multi-agency environment.

Question 47: How do you think SEN support services might be funded so that schools, Academies, Free Schools and other education providers have access to high quality SEN support services?

“Reliably”. Far too many services are subject to uncertainty of funding and loss of valued staff as the current funding period comes to an end. There is no guarantee that high quality but low-profile/rarely used services will survive.

Question 48: What are the innovative ways in which new models of employee-led organisations, such as mutuals and cooperatives, could improve services for children and young people with SEN and their families?

Question 49: In addition to their role in the assessment process, what are the innovative ways in which educational psychologists are deployed locally to support children and young people with SEN or who are disabled and their families?

Question 50: How do you envisage the role and service structures of educational psychologists evolving to meet local demands?

The Lamb Enquiry rightly pointed out the potential conflicts of interest in an educational psychologist both “writing the prescription” and “managing the budget”. This can only be avoided by having other staff with the role of commissioning manager.

It is already the case that some schools tacitly encourage parents to get independent educational psychologists' reports to influence the SEN Statement process but this will do nothing to match demand to available resources. If Schools Action and Schools Action Plus disappear, it is not hard to imagine a thriving black market in the services of Educational Psychologists who can "guarantee" to get a Statement approved!

Question 51: What are the implications of changes to the role and deployment of educational psychologists for how their training is designed and managed?

Question 52: What do you think can be done to facilitate and encourage greater collaboration between local authorities?

Local Authorities tend to try to collaborate either because of political direction from their elected members (e.g. Westminster Hammersmith & Fulham and Kensington & Chelsea) or because they are legally required to do so and their officers can see a benefit. On rare occasions, members of the public are able to influence this.

Question 53: What do you think are the areas where collaboration could have the greatest positive impact on services for children, young people and families?

Question 54: How do you think that more effective pooling and alignment of funding for health, social care and education services can be encouraged?

Question 55: What are the ways in which a Community Budget approach might help to improve the ways in which services for children and young people with SEN or who are disabled and their families are delivered?

Question 56: What are the ways in which we could introduce greater local freedom and flexibility into the ways in which funding for services for children and young people with SEN or who are disabled is used?

It would be useful to begin by releasing the review of SEN Block Grant that is currently held by the YPLA but remains unpublished.

Question 57: What are the areas where the voluntary and community sector could have the greatest positive impact on services for children and young people with SEN or who are disabled and their families, and what are the ways we can facilitate this?

In the current climate, few new voluntary and community sector organisations will come into being and existing ones will be likely to retrench unless their funding is secure.

Question 58: How do you think a national banded funding framework for children and young people with SEN or who are disabled could improve the transparency of funding decisions to parents while continuing to allow for local flexibility?

The Department should at least acknowledge that it already has "a national banded funding framework" in respect of the post-16 Independent Specialist Providers which are also an existing example of privately-owned/charitable providers. This sector is not an unqualified success as it has consistently over-spent while actually diminishing in volume as it has failed Ofsted inspections. It is now subject to limited oversight and offers limited value for money. The Green Paper seems to be hoping that a market economy will emerge in which special needs provision will become a "commodity", despite the failure of the ISP sector to do so after more than a decade's opportunity.

Question 59: How can the different funding arrangements for specialist provision for young people pre-16 and post-16 be aligned more effectively to provide a more consistent approach to support for children and young people with SEN or who are disabled from birth to 25?

See answer to questions 33 and 56 above. The Department needs to ask how education is to be provided for the whole cohort that do not achieve five A-C GCSEs by Year 11 and to what extent special needs and disabilities are contributing factors. CASE has pointed out above the virtual barring of these young people from their own schools' sixth forms and their vulnerability to becoming NEET.*

To this we must add that the few instances of substantial alternatives have been due to extraordinary funding such as the European Union's e.g. Objective One and Convergence funds.

Government should also revisit the regulations governing children's and adult social care to see what can be done to prevent the "cliff-edge" loss of funding which comes with the young person's eighteenth birthday, regardless of which school year they may be in.