



**Campaign for State Education**

c/o 98 Erlanger Road

London

SE14 5TH

email: [contact@campaignforstateeducation.org.uk](mailto:contact@campaignforstateeducation.org.uk)

Website: [www.campaignforstateeducation.org.uk](http://www.campaignforstateeducation.org.uk)

*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”.**

## Overview

Great reforms need a firm grasp on present realities and a clear vision of the future. Unfortunately, this Green Paper falls short on both accounts, despite being published much later than planned. It merits the description one civil servant gave of it being “still very green”.

## Problems identified in *Support and Aspiration*

**The Green Paper says that the system is adversarial<sup>i</sup>.** The Lamb Enquiry<sup>ii</sup> found that too many parents have a poor experience of getting their child’s needs met, but did not conclude that this was a universal experience. *Support and Aspiration* appears to accept it as a general truth without comparing the kinds of difficulties parents’ experience, or making distinctions between geographical areas, or taking account of the nature of the child’s condition.

**It believes there is a ‘bias towards inclusion’.** Those parents who have struggled to get their child educated alongside siblings and neighbours will be surprised by this assertion which comes directly from the Coalition’s **Programme for Government** and is unaccompanied by any evidence.<sup>iii</sup>

***Support and Aspiration* says that there is “over-identification” of special educational needs** which “sustains a culture of low expectations” that “can distract teachers away from their main priority of teaching pupils, assessing where they are in their learning and ensuring they get the right help where needed. SEN should not be used as a label or as an excuse for failing to understand the challenges to achieving their potential that some pupils face.”

This is all very well, but there is no analysis of why this may happen or its extent. It does, however, concede that “there is wide local variation in the proportion of pupils identified with SEN”. It continues to say that “the total proportion of pupils with SEN by local authority in January 2010 ranged from 11.9 per cent to 33.5 per cent<sup>iv</sup>” – but proposes no further investigation of such a sizeable anomaly.

***Support and Aspiration* proposes that School Action and School Action Plus should be replaced** with “a new single school-based SEN category for children whose needs exceed what is normally available in schools”, though it does not say how this change will benefit children. Worryingly, it makes no reference to the impact on resources available to schools for these children.

**It talks about “a marked increase in certain primary need types of SEN in recent years”<sup>v</sup>** and goes on to refer to BESD, SPLCN and ASD as having rates of increase of 23 to 61 per cent. The implication is that this is somehow unjustified, yet it seems happy to accept that “low-incidence” needs have increased by roughly 18 per cent over the same period<sup>vi</sup>. There is insufficient research in this area, something which ministers and civil servants should address before making major change.

## The key proposals

- A “**new single assessment process and Education, Health and Care Plan**” is to be introduced by 2014 to “replace the statutory SEN assessment and statement, bringing together the support on which children and their families rely across education, health and social care”<sup>vii</sup>. Parents of children with complex needs would no doubt welcome a simplified “interface” but the nearest current equivalent – a Learning Difficulty Assessment in Year 11 – is often a paperwork nightmare.
- **Personal budgets will be available by 2014**. These may prove helpful in areas such as personal care and transport but it remains to be seen whether the market can provide the range of skills and services that may be required.
- **Key Workers** “*will be trained to advise families and help them navigate the range of help available.*”<sup>viii</sup> What remains unclear is who will employ such staff and how they will be trained and qualified.
- A **national banded funding framework** is suggested for **high-cost provision for children and young people with SEN or who are disabled**. The Green Paper is unusually tentative about this perhaps because it knows that the banded funding system used for post-16 Independent Specialist Providers has not provided good value for money. The number of such providers also continues to fall due to failed Ofsted inspections.
- A **pledge to reduce the time the current statutory assessment process takes** is attractive, though the lack of detailed examination of the causes of delay must raise the concern that this promise will not always be kept.
- **Community Budgets** will be introduced from April 2011<sup>ix</sup> – one of few references to new funding.

There is potential advantage in **the introduction of an indicator in performance tables which will give parents clear information on the progress of the lowest attaining pupils**<sup>x</sup> although there may be privacy concerns on those occasions when it will be possible to identify individuals due to the small numbers.

## The Green Paper’s weaknesses

- It appears to be very much more concerned with the needs of the relatively small number of parents whose children have severe and rare conditions than with the totality of special needs. There must be concern that the support available pupils common cognitive and behavioural conditions will be downgraded.
- It argues for a “single assessment process” but does not suggest what form this might take, who would “own” it or how multiple contributions would be handled.
- Its authors appear to have learnt nothing from existing post-16 arrangements which already have a single assessment process (Learning Difficulty Assessments) and banded funding.
- It has no suggestions as to how resources might be better used.
- Its proposed solutions depend upon other, new government policies succeeding, such as Special Academies and Teaching Schools.
- In general, it provides insufficient evidence to support its assertions.

## The opportunities missed

It is not as though there is nothing to be changed or improved in this area of work.

1. There is currently a very uneven distribution of special needs provision across Local Authorities. Any change to this requires a full review of the SEN Block Grant, which is the main flexible form of SEN funding available to LAs. Such a report was commissioned by the former Learning & Skills Council before its abolition but has not been published. The Department should revisit this.
2. Overall funding in schools – and the ratio of adults to pupils in the classroom – sets the context for meeting SEN support needs. No attempt has been made to see whether some of the “excessive” use of Schools Action and Schools Action Plus categories is simply a desperate attempt by schools to get additional resources.
3. Different issues and priorities prevail at each phase of education, i.e. Early Years, Primary, Secondary, post-16. *Support and Aspiration* fails to draw out these distinctions and give a good account of what impact they may have.
4. The challenge of developing and funding post-16 provision, particularly for those aged 19-25, is largely ducked.

5. The great majority of young people with learning difficulties are effectively excluded from their own secondary schools' sixth forms by their entry requirements, which increasingly exceed the 5 A\*-C GCSEs standard. In practice, this leaves FE colleges to pick up the great bulk of such learners on lower rates of funding as the small proportion of post-16 Special School provision is largely taken up by those with more severe learning difficulties. Both groups need new progression routes up to age 25, including supported employment, yet there is little acknowledgment of this.
6. *Support and Aspiration* acknowledges<sup>xi</sup> the markedly greater chance that young people with SEN and/or disabilities have of becoming NEET, but offers no suggestions as to how their need for independent careers advice and guidance will be met with the virtual demise of Connexions.
7. There is no recognition of how staff cuts of 20% or more among LAs and the NHS are already affecting SEN services. The Green Paper's references to the mooted Health and Wellbeing Boards do not begin to recognise the threat to existing inter-agency working.

## Conclusion

*Support and Aspiration* is at best a missed opportunity to address the real issues of how special needs of all kinds are met through the education system.

---

<sup>i</sup> Executive summary, paragraph 2 "parents say that the system is bureaucratic, bewildering and adversarial and that it does not sufficiently reflect the needs of their child and their family life"

<sup>ii</sup> The Lamb Enquiry was an evidence-based study of special educational needs and parental confidence published in 2009. The Green Paper neither accepts nor rejects its findings and the relevant DfE webpage simply says "this page may not reflect Government policy". Perhaps this reflects disagreement among Ministers.

<sup>iii</sup> Programme for Government says "We believe the most vulnerable children deserve the very highest quality of care. We will improve diagnostic assessment for schoolchildren, prevent the unnecessary closure of special schools, and remove **the bias towards inclusion.**"

<sup>iv</sup> Paragraph 28

<sup>v</sup> Paragraphs 36-38 - There has been a marked increase in certain primary need types of SEN in recent years. For example, the numbers of pupils with behavioural, emotional and social difficulties has increased by 23 per cent between 2005 and 2010, to 158,000 pupils; the number of pupils with speech, language and communication needs has increased by 58 per cent, to 113,000 pupils; and the number of children with autistic spectrum disorder has increased by 61 per cent, to 56,000 pupils.<sup>12</sup>

<sup>vi</sup> Paragraphs 39-41

<sup>vii</sup> "Services will work together with the family to agree a straightforward plan that reflects the family's ambitions for their child from the early years to adulthood, which is reviewed regularly to reflect their changing needs, and is clear about who is responsible for provision. The new 'Education, Health and Care Plan' will provide the same statutory protection to parents as the statement of SEN and will include a commitment from all parties to provide their services, with local assessment and plan pathfinders testing the best way to achieve this."

<sup>viii</sup> Executive summary, paragraph 6 "the option of a personal budget by 2014 for all families with children with a statement of SEN or a new 'Education, Health and Care Plan', many of whom will have complex support needs. Key workers will be trained to advise families and help them navigate the range of help available across health, education and social care."

<sup>ix</sup> Paragraph 5.54 "To enable local service transformation, in addition to the removal of ring-fences, we are introducing Community Budgets in 16 local areas from April 2011. A Community Budget is a way of organising public spending through a place-based approach, rather than through individual organisations or services. This makes it much easier for local leaders, working with their communities, to take an overview of the needs of their community, decide how money should be spent more effectively and provide innovative solutions to difficult problems." The pilots are in "Greater Manchester, Leicestershire, Croydon, Blackpool, Islington, Hull, Kent, Blackburn with Darwen, Bradford, Swindon, Barnet, Lewisham, Essex, Lincolnshire, Birmingham and a group of London boroughs, Westminster, Kensington & Chelsea, Hammersmith & Fulham and Wandsworth".

<sup>x</sup> Paragraph 24

<sup>xi</sup> Paragraph 3.71, "We also know that post-16 young people with SEN are more than twice as likely to be not in education, employment or training (NEET) as those without."