

# Lamb Inquiry

Special educational needs and parental confidence

## **Quality and clarity of statements**

**Report of the Lamb Inquiry to the  
Secretary of State**

**Brian Lamb  
August 3<sup>rd</sup> 2009**

[www.dcsf.gov.uk/lambinquiry/](http://www.dcsf.gov.uk/lambinquiry/)

# Quality and clarity of statements

## 1. Introduction

1. The Lamb Inquiry was established to investigate a range of ways in which parental confidence in the SEN system of assessment and provision might be improved. One of the key sources of evidence for the Inquiry is the work of the eight innovative projects which are exploring a range of ways in which parental confidence might be improved. The evaluations of the projects will be available in early August. More background information about the Inquiry can be found on the website: [www.dcsf.gov.uk/lambinquiry/](http://www.dcsf.gov.uk/lambinquiry/)

## 2. The current commission

2. Last December I wrote to the Secretary of State presenting initial evidence from early meetings of the Inquiry with parents. These meetings highlighted failures to comply with a number of SEN and disability requirements. These failures created gaps in information for parents and had a significant impact on parental confidence. In his reply, the Secretary of State asked me to carry out a review of SEN and disability information requirements and to report to him in April 2009. The April report is on the Lamb Inquiry website.

3. In the covering letter accompanying the April report, I raised further concerns about statements, their quality, clarity, whether they are understood by parents and how they contribute to children's progress and achievement.

4. In his reply to the April report, the Secretary of State said:

*I agree that we need to focus on better quality and clearer statements, whether they make sense to parents and their contribution to improving children's outcomes. Rather than wait until your final report, I would welcome interim advice in July about how we can make improvements in this area.*

5. This report is in response to this commission.

6. The research into parental confidence by the National Centre for Social Research, commissioned and published by the DCSF<sup>1</sup> is an important source of evidence for the Inquiry.

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<sup>1</sup> Penfold C, Cleghorn N, Tennant R, Palmer I, Read J (2009) *Parental Confidence in the Special Educational Needs Assessment, Statementing and Tribunal System: a qualitative study*. National Centre for Social Research for DCSF

7. To support the Inquiry in gathering evidence the DCSF commissioned a web-based survey. The survey ran for two months up to the end of June and parents, pupils and professionals were encouraged to respond. A total of just over 3,400 questionnaires were completed. Responses were received from 1,941 parents, 544 school staff, 516 other professionals working with children, schools and families. The Institute of Education, University of London, with the University of Warwick, managed the web survey and is analysing the responses for the Inquiry. The analysis of the responses to the survey questions about statements has been completed ahead of the rest of the analysis to inform this report.<sup>2</sup>

8. The Inquiry has also received a number of submissions that address issues about statements. These are also being analysed.

9. Statements have also been discussed at our meetings with parents and with other groups, most recently at three stakeholder events held in London and Leeds. I want to acknowledge the contribution of all of those mentioned above and of the Lamb Inquiry Reference Group, the networks they represent and my group of Advisers. They have all contributed to the findings and the recommendations in this report.

### **3. Background to the current report**

10. The process of going through a statutory assessment is frequently described as stressful by parents. A submission from the National Deaf Children's Society put it thus:

*Parents uniformly report stress and anxiety during the statementing process. Many feel they lack support and basic information about the process, leaving them feeling powerless.*

11. Parents responding to a survey sent out by SENSE<sup>3</sup> said:

*we weren't given the full information of what will happen and the timescales*

*you need to know what to ask for, what to do and where to go but no-one tells you have to find out for yourself*

12. The response to the web survey was more mixed with parents identifying positive, negative and mixed experiences, particularly as they relate to

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<sup>2</sup> Institute of Education, University of London/University of Warwick (in draft)

<sup>3</sup> SENSE (2009) *Lamb Inquiry – focusing on statements of SEN: How to get a better quality and clear statement that makes sense to families and contributes to outcomes*

information, support and communication throughout the process. Parents commented positively on the support they had received from a variety of organisations and from individuals: parent partnership services, charities, school staff, other parents and local authority staff:

*The fact that I had a very approachable case officer who I felt I could always contact and check progress with.*

*Parent Partnership are wonderful. There was nothing else helpful.*

*Had an extremely good SENCO.<sup>4</sup>*

13. Responses were mixed and there was a slightly higher percentage of responses recounting negative experiences and lack of support along the following lines:

*The school did nothing to help, not even a leaflet to explain how it works.*

*The nobody cares attitude & the feeling you are a bother to them.<sup>5</sup>*

14. Our discussions with groups of parents identified a number of key factors in giving them confidence in the system. Amongst these, two stood out: the importance to parents of knowing that those working with their child understood their child's needs; and good communication. The latter is important even when the communication includes difficult messages. It seems that it is more important that parents know what is happening, whether it is good news or bad, than that they do not know what is happening.

15. The NatCen report<sup>6</sup> identifies some of the key factors that can contribute to parental confidence in the process of statutory assessment and getting a statement:

- having a close supportive relationship with the school;
- clear simple and accessible guidance for parents on how to read a statement;
- face-to-face support from local authority and/or school staff to explain particular aspects of the process; and
- ensuring access to independent parental supporters who can provide support thorough the process.

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<sup>4</sup> Parents responding to the web survey

<sup>5</sup> Parents responding to the web survey

<sup>6</sup> Penfold C, Cleghorn N, Tennant R, Palmer I, Read J (2009) *Parental Confidence in the Special Educational Needs Assessment, Statementing and Tribunal System: a qualitative study*. National Centre for Social Research for DCSF

16. The NatCen report identifies:

*the need for SEN officers and schools to receive training in how to handle meetings attended by parents and effective ways of communicating both decisions themselves and the detail of those decisions in ways which parents can easily understand.*

17. Much of this evidence builds on and adds weight to the evidence brought together by the Inquiry in the April report on SEN and disability information. In April the Inquiry identified many of the information and communication issues that are relevant both to the statutory and to the school stages of SEN. Recommendations in the April report were designed to address both the cultural issues that frustrate good communication with parents and the specific issues of compliance with the requirements of published information.

18. In this report I acknowledge both the statutory framework within which statements are located, and the cultural and communication environment in which they are developed – an environment that can affect the process either negatively or positively. I want to return to issues related to statutory assessment in September and, in particular, to the provision of advice. Here I want to focus on the statement itself and the review of the statement.

19. The report from the National Strategies<sup>7</sup> repeatedly refers back to guidance in the SEN Code of Practice and the SEN Toolkit. Both still offer sound advice on statements. The submission from SENSE<sup>8</sup> reinforces this:

*We consider the SEN Code of Practice to be clear and workable.*

20. There are further echoes of the same message in our earliest meetings with parents. They told us that if everyone followed the Code the SEN system should work well. One parent told us of the day she discovered the Code. She had read it through from cover to cover with tears in her eyes, because it sounded so wonderful.

21. The report from the National Strategies identifies a number of specific problems and practices that fall short of the guidance in the Code. The analysis of a sample of statements led them to conclude that:

*...whilst several met basic requirements, the majority of statements raised a range of issues about their general quality and the extent to which they were fully compliant with the requirements. There were also significant concerns about their overall intelligibility.*

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<sup>7</sup> National Strategies (2009) *Writing Quality statements of SEN - Issues - 2009*

<sup>8</sup> SENSE (2009) *Lamb Inquiry – focusing on statements of SEN: How to get a better quality and clear statement that makes sense to families and contributes to outcomes*

### **Clear unambiguous statements**

22. Many of the parental responses to the web-based survey referred to the way in which the statement was written. The parents said that the language was often vague and non-specific whilst others found it to be complex and full of jargon.

*Vague 'regular...' remarks with no comment as to frequency. Halley's comet is 'regular', after all. Not frequent though.*

23. Parents also criticised the use of template documents and were understandably annoyed by basic mistakes:

*Most statements are 'cut and paste' affairs written to fit LA criteria rather than to describe the child.*

*The LEA consistently sending me updates with the wrong child's name at the top of it.*

24. In the web survey, school staff as well as parents referred to the authors of statements who did not appear to be fully conversant with either the child or the type of special educational need the child had.

25. The importance of the statement being clear and precise should not be underestimated. A study highlighted in the literature review<sup>9</sup> found that the clearer and more explicit the statement is, the greater the potential power it has to affect educational decision-making for a pupil.

26. The report from NatCen<sup>10</sup> also highlights the importance of the accuracy of the statement and the extent to which parents both understand could recognise their child's individual needs:

*Parents who felt the statement included specific detail about the level and type of support their child should receive reported feeling reassured that there was now a shared understanding about their child's special educational needs, the type of support they required and, in practical terms, what this support would be like at school for example.*

27. Parents were less likely to be satisfied where the statement was more formulaic and less clearly tailored to their child's circumstances and needs.

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<sup>9</sup> Jones P and Swain J (2001) *Parents reviewing Annual Reviews* British Journal of Special Education 28 (2) 60-64

<sup>10</sup> Penfold C, Cleghorn N, Tennant R, Palmer I, Read J (2009) *Parental Confidence in the Special Educational Needs Assessment, Statementing and Tribunal System: a qualitative study*. National Centre for Social Research for DCSF

## **Objectives and outcomes**

28. In the web survey, the objectives in many statements were said to be too broad, too vague and sometimes even unreachable:

*Vague long-term outcomes*

*Objectives can be very broad and unSMART*

29. Objectives in other statements could be achieved all too easily:

*Progress can be made faster than statement allows – targets too easily achieved.<sup>11</sup>*

30. The NDCS submission links low expectations and lack of evidence of progress:

*There is a tendency for annual reports to say that a child is making 'good progress,' without providing any evidence to substantiate the claim or explain what 'progress' means. In a number of cases, parents have reported low expectations over what their child should be achieving.*

## **The participation of children and young people in the process**

31. A number of submissions identified the participation of children and young people in the process as being rare. Where it did occur, it tended to be tokenistic. The analysis of statements by the National Strategies<sup>12</sup> identified the same problem:

*...few of the statements made reference to any advice received from the child. There was little evidence of the child's view in almost all of the statements.*

32. Yet, through meetings with children and young people, the experience of the Inquiry is that their insights into what can help them learn and what hinders their learning is critical in informing the process of statutory assessment and drawing up a statement. Strong messages from the Advisers and from the Reference Group about promoting the participation of children and young people support both the principled argument and the practical benefits of greater participation.

## **The review process**

33. The analysis of responses to the web survey identifies difficulties with the review system as being one of the most significant factors in both parent and professional responses to the survey:

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<sup>11</sup> Faculty head, mainstream school, responding to the web survey

<sup>12</sup> National Strategies (2009) *Writing Quality statements of SEN - Issues - 2009*

*The wording which was written when he was 3 and now he is 13 and the LEA still wanted to use it!*<sup>13</sup>

*Time taken for amendments to be made so can be working with an outdated document because the student has made progress and it is not reflected quickly enough in the new document to boost the student's self-esteem.*<sup>14</sup>

34. The NDCS evidence cites examples where:

*...if a child has not made good progress, the annual review simply copy the existing objectives into the next year, without assessing whether the objectives are still appropriate for the child to make good progress.*

35. Concerns about the conduct of reviews have been expressed by a number of organisations providing advice to parents. Help line organisations, including the Independent Panel for Special Education Advice (IPSEA) have advanced evidence in support of the argument for a right of appeal, where following an annual review the local authority decides not to amend a statement.

36. The literature review from the Institute of Education draws attention to the 2006 Ofsted review<sup>15</sup> which reports that not all schools systematically monitor the progress and attainment of pupils with SEN. This leaves the main purpose of the annual reviews without some of its crucial infrastructure in some schools and undermines the core function of the review.

#### **4. Recommendations**

37. Early in the process of evidence gathering I identified concerns about the lack of focus on outcomes for disabled children and children with SEN. I see the lack of focus on outcomes as an issue across the whole system: across School Action, School Action Plus and statements. In September I will return to the issues relating to the whole system. For now I will just address the issue in respect of statements.

38. Discussions between parents and local authorities are focused primarily on the provision to be made in a statement and, in particular, on the number of hours of support assistant time to be allocated to their child. There is little, and in most of the instances we heard about, no consideration of the outcomes parents are seeking for their child or of the objectives that need to be agreed in the statement.

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<sup>13</sup> Parent of a teenager with ASD, responding to the web survey

<sup>14</sup> Deputy inclusion manager, mainstream school, responding to the web survey

<sup>15</sup> Ofsted (2006) *Inclusion: Does it matter where pupils are taught?* London: Ofsted



39. The evidence shows that too often the way that objectives are set out in a statement does not readily permit the school and local authority to subject them to review. The deputy head of a mainstream school told us:

*Targets can often be too vague with no clear impact measures.<sup>16</sup>*

40. The SEN Code of Practice is clear on the objectives in a statement:

*These objectives should directly relate to the needs set out in Part 2 and should be described in terms that will allow the LEA and the school to monitor and review the child's progress over time.*

41. There needs to be a much tighter focus on outcomes and a much more rigorous approach to setting out objectives in a statement. The objectives need to relate both to attainment and to wider outcomes for children.

42. There is evidence that annual reviews are not conducted with the rigour necessary to assure everyone that children are making the anticipated progress. One parent told us that:

*My child's statement was first written when she was approx. 4 years old and is written about her as a toddler. The LEA have refused to re-write it to show her as a 9 year old at a mainstream school. It is an outdated document.<sup>17</sup>*

another said:

*It's a statement for life<sup>18</sup>*

43. The SEN Code of Practice is clear that the objectives in a statement 'should generally be of a longer-term nature than the more specific, short-term targets in the child's Individual Education Plan.' Nonetheless, the annual review meeting is charged with asking itself whether the statement remains appropriate and whether any amendment is required. The review process is designed to allow for change as the child's needs change and develop over time.

44. Currently, if the local authority proposes an amendment to a statement following an annual review, there is a parental right of appeal. However, there is no right of appeal if the local authority decides not to amend the statement following an annual or interim review, even when the school's report to the local authority following the review meeting recommends amendments. The

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<sup>16</sup> Professional responding to Lamb Inquiry web survey

<sup>17</sup> Parent responding to Lamb Inquiry web survey

<sup>18</sup> Parent at parents' meeting

statement continues as it is, but no longer reflects the child's changing needs. Where parents want to press for changes, their only route is to request a re-assessment. This is a cumbersome, protracted and resource intensive procedure.

45. A more responsive approach to setting objectives and to checking progress at annual review needs to be backed by a right of appeal for parents where the local authority decides not to amend the statement following the review meeting and the submission of the report.

**(1) I recommend that parents have a right of appeal where the local authority decides not to amend a statement following an annual or interim review.**

46. The evidence identifies a number of further serious weaknesses in the way statements are drawn up.<sup>19,20</sup>

- the language used is often not clear or readily understood either by parents or by those who will be charged with implementing the statement;
- where parents have provided advice this is often not reflected in the statement itself;
- the voice of pupils themselves is usually absent;
- the provision to be made is often an amount of learning support assistant time;
- the provision to be made often includes 'a broad and balanced curriculum' - this is the entitlement of every child so does not need to be specified in a statement.

47. The lack of pupil voice in a statement and the fact that parental views are often not reflected in the statement undermines parental confidence in the process. Our discussions with parents have highlighted both the importance to parents of feeling that their views are recognised and the potential for undermining that confidence when they are omitted:

*Taken from a template, I had to insist they personalise it to reflect my son.<sup>21</sup>*

48. The Code of Practice and the SEN Toolkit are clear about the importance of reflecting parental advice and the views of children and young people themselves in the statement.

49. The guidance provided in the SEN Code of Practice is also clear on other issues, for example: on clarity of language, the Code says:

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<sup>19</sup> National Strategies (2009) *Writing Quality statements of SEN - Issues - 2009*

<sup>20</sup> Evidence from the Institute of Education

<sup>21</sup> Parental response to Lamb Inquiry web survey

*LEAs should draft clear, unambiguous statements. Where diagnostic or technical terms are necessary or helpful, for example in referring to specific disabilities, their meaning should be explained in terms that parents and other non-professionals will readily understand.*

and:

*All the information in Part 3 should be written so as to be easily understood by all those involved in the child's education, including their parents.*

50. The National Strategies SEN advisers working with local authorities and my Expert Advisers have said that in recent years there has been little focus on the complex work of drafting high quality statements and there is little scrutiny of it, except where parents appeal to the Tribunal. This work has not been given a high enough priority and some of the staff carrying out this complex work have not been well prepared for it.

**(2) I recommend that the DCSF commissions the National Strategies to:**

- **draft guidance on good practice in drawing up statements;**
- **promote this guidance;**
- **provide related training that puts into practice the principle of partnership.**

51. The guidance should build on the guidance already available in the SEN Code of Practice and the SEN Toolkit.

52. There are further issues that need to be addressed in the guidance. In particular, the allocation of undifferentiated hours of support assistant time is unlikely to be the most effective form of provision in securing good outcomes. Yet this is the most common form of special educational provision in a statement and this is often the territory over which most discussion is held and most arguments fought. Support assistant hours have become the currency of statements.

53. In addition parents of children in special schools have told the Inquiry that the provision in their child's statement does not set out tailored provision, rather it sets out a general description of what the school offers. In effect, they say the provision is made simply by attending the school.

54. The guidance that I have recommended should include support for local authority staff in describing the provision to be made in a statement, drawing on the advice provided during statutory assessment and available evidence of effective approaches. The provision in the statement should include a description of the skills needed to implement the provision effectively, and should also set out more widely any skills that might be required for all staff working with the child in the school.

55. The guidance should address all these issues. The promotion and dissemination of the guidance should be accompanied by training for staff who draft statements and support to local authorities in developing appropriate quality assurance of statements. I want to set this recommendation alongside my earlier recommendations for training for all staff working with parents of disabled children and children with SEN.

## **5. In conclusion**

56. We will have further evidence in September and I will return to issues related to statements. In particular I will want to say more on the parent, pupil and professional advice provided during the statutory assessment process. My focus here has been on the quality of statements themselves. The evidence is compelling and I believe you should take action on this before my September report to you.

57. I do not believe that any one of the recommendations from the Inquiry will, on its own, lead to the improvements that we need in the system. The impact of will only be realised through the overall approach I want to recommend.

## **Appendix 1: Recommendations**

1. I recommend that parents have a right of appeal where the local authority decides not to amend a statement following an annual or interim review.

2. I recommend that the DCSF commissions the National Strategies to:

- draft guidance on good practice in drawing up statements;
- promote this guidance;
- provide related training that puts into practice the principle of partnership.