

Parental Confidence in the Special Educational Needs Assessment, Statementing and Tribunal System

Qualitative Study

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Ian Palmer and Janet Read

National Centre for Social Research



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Abbreviations

BESD	Behavioural, Emotional and Social Difficulty
CAMHS	Child and Adolescent Mental Health Service
DCSF	Department for Children, Schools and Families
DDA	Disability Discrimination Act
DRS	Disagreement Resolution Service
ECM	Every Child Matters
EOTAS	Education other than at School
EP	Educational Psychologist
ESS	Education Support Service
HCESC	House of Commons Education and Skills Committee
IEP	Individual Education Plan
LA	Local Authority
LAC review	Looked After Children review
NatCen	National Centre for Social Research
PEP	Personal Education Plan
PPO	Parent Partnership Officer
PPS	Parent Partnership Service
SEN	Special Educational Needs
SENDA	Special Educational Needs and Disability Act
SENCO	Special Educational Needs Co-ordinator
SENDIST	Special Educational Needs and Disability Tribunal
TA	Teaching Assistant

Executive summary

Chapter 1 - Introduction and background

This report presents the findings of a study of parental experiences of the special educational needs (SEN) assessment, statementing and Special Educational Needs and Disability Tribunal (SENDIST) system. The aim of the study was to gain a detailed understanding of parents' end-to-end experience of the SEN system, in particular to gain a greater insight into perceived problems with SEN provision and to identify those factors which make the system work well for some parents and not others. The study paid particular attention to the experiences of parents from lower socio-economic neighbourhoods and the relationship of foster carers and social care professionals with responsibility for looked after children to the SEN process.

The research was commissioned by the Department for Children, Schools and Families (DCSF) and the Tribunals Service and conducted by the National Centre for Social Research (NatCen) in collaboration with Ian Palmer (Lind Associates) and Dr Janet Read (University of Warwick).

Study design and conduct

The study had two stages: a scoping stage and a main fieldwork stage that involved in-depth interviews with parents.

The scoping stage comprised a short literature review and face-to-face in-depth interviews with leads for SEN services in four local authorities. These LAs were selected on the basis of levels of appeal to SENDIST and local area deprivation, and interviews took place in July and August 2008.

The main fieldwork stage involved face-to-face in-depth interviews with parents, carers, foster carers and social care professionals. Parents and carers were invited to opt-in to the study by the SEN and Looked After Children in Education teams, and by participating schools in the selected LAs. A total of 34 interviews were conducted with parents and carers, including four with foster carers and seven with social care professionals. Interviews with parent and carers took place in their homes and with social care professionals at their place of work. Fieldwork took place between September 2008 and January 2009.

Interviews were digitally recorded with participant's permission and later transcribed verbatim. Interview transcripts were analysed using 'Framework'.

Structure of report

This report comprises three broad sections. The first (Chapter 2) presents the results of the literature review and gives contextual information for the interpretation of the findings from this study. The next section, comprising Chapters 3, 4, 5 and 6, presents the findings from the study. Chapters 3, 4 and 5 present details of the experiences of parents and carers of the process of requesting a statutory assessment, of the assessment and statementing system and of SENDIST, respectively. Chapter 6 considers the experiences of foster carers and social care professionals with responsibility for looked after children with SEN. Finally, Chapter 7 draws together the conclusions from the study to make a series of recommendations as to how elements of the SEN system might be developed to improve parental confidence.

Chapter 2 - Literature review

This chapter presents the results of a review of the literature concerning parental experiences of the SEN system. It considers the policy and legislative context, reviews key reports on SEN provision and the government's response to these, and discusses a number of important studies of SEN provision and parents' experiences of securing support for their child.

The literature review highlights a number of recurrent, key issues that are pertinent to this study of parental confidence in the SEN process. The first of these is the **relationship between parents and the LA**, and parents **and their child's school**, described as adversarial by a number of studies included in the review. Another facet of this relationship between parents, LAs and schools, is the **communication between parents and professionals** involved in the SEN system. A number of studies have commented on perceived poor communication between LAs in particular and families and others have acknowledged the importance of communication from the LA in parents' overall experiences of the SEN system. A related issue is a question over the **efficacy of joint working between the different parts of an LA** involved in provision for children with SEN. This was raised by the Audit Commission (2002) who noted that through statements, education services may be held accountable for things over which other departments, such as health and social services, have control.

A further issue that appears to be connected to parents' suspicions of and perceptions of fairness about the SEN system is the **perceived independence of various elements of the system**. Studies have, for example, reported an apparent conflict of interest in the way parent partnership services were designed to operate independently yet funded by the LA. Suggestions by the HCESC (2007b) for statutory assessment to be made independently of the LA and for Educational Psychologists to operate independently of LAs, and for guidance to be developed by the DCSF, being taken forward by the Lamb Inquiry, on the importance of Educational Psychologists being able to exercise their professional judgement freely, were designed to address this.

Finally, the literature review highlights the difficulties experienced by some parents in **interacting and engaging with the SEN system**, and in particular raises the issue that this might be more difficult for certain groups of parents including those from lower socio-economic backgrounds.

The final chapter of this report returns to these issues to re-consider them in light of the findings from this study.

Chapter 3 - Requesting statutory assessment

This chapter explores parents' experiences of, and confidence in, the early stages of the statutory assessment process. It focuses on key stages of the process up to and including the decision by a LA to carry out a statutory assessment.

Pre-assessment support for SEN

Parents fell into two broad groups in relation to their perception of the level and quality of provision for SEN through School Action and School Action Plus. The first group were confused about the provision they could expect for their child at this level and about how delegated funding and centrally held resources are held by schools and local authorities respectively to support children with SEN. Parents in this group tended to describe a lack of confidence in a particular school's ability to understand and meet the needs of their child. A second group of parents had greater confidence in pre-assessment support for SEN and

described more positive experiences of support at School Action and School Action Plus. Parents in this group were more likely to view their child's school as adopting a flexible, creative and collaborative approach to supporting their child's SEN.

These experiences of pre-assessment support appeared to have implications for parents' subsequent experience of requesting statutory assessment.

Requesting statutory assessment

Requests for statutory assessment arose out of schools' and/or parents' concerns that the school was unable to find and coordinate the level of resources required to cater for the child's needs. At the point of requesting statutory assessment, parents expressed having both immediate concerns about their child's academic progress and general development, and worries about the future, particularly in relation to their child's ability to become an independent adult.

Where parents led the request for statutory assessment, they described the forms they needed to complete as '*huge*' and the process as '*not straightforward*'. Parent's experiences were more positive when the school or early years setting took the lead in co-ordinating the collection of evidence required to make a request, however even in these cases parents felt that schools did not update them regularly enough as to the status of the application.

Decisions not to carry out statutory assessment

Two factors appeared to undermine parental confidence in an LA's decision not to assess. One was an apparent inconsistency between the explanation provided in the notification letter and information disclosed by LA SEN case officers when clarification of reasons for the decision was sought by parents. The second was inconsistent messages from school, health and social care professionals involved with the child that failed to manage parents' expectations in relation to the statutory assessment process. These factors tended to contribute to an escalation of tension between parents and LAs which had implications for the resolution of disputes before the appeal stage.

Resolving disputes before the appeal stage

Where parents had received notification of a LA's decision not to carry out assessment, they tended to seek advice from the school and / or LA as to the reasons for this and in most cases a meeting was called between the LA, the school and the parents. In these cases, it is possible that improved joined-up working between schools and LAs at an earlier stage, before a request for statutory assessment, could assist in pre-empting parental concerns about, and lack of confidence in, the use of delegated resources to meet their children's needs.

Chapter 4 - Statutory assessment and statementing process

This chapter looks specifically at parental experiences of the assessment and statementing processes, including the statutory assessment process, the receipt of statutory assessment outcomes, understanding and agreeing statement content, the implementation of statements of SEN, and the annual review process.

Process of statutory assessment

Following a request for statutory assessment where the LA decision was to conduct a statutory assessment, parents described the assessment process itself as reasonably straightforward. There were, however, two areas that parents raised concerns about: the

perceived brevity of the educational psychologist's (EP) interaction with their child; and, uncertainty about the significance attached to the parental report by the assessment panel and about how to go about writing it. Additionally, even when the process went relatively smoothly, it could be experienced as stressful by parents.

Notification of assessment outcome

In comparison with a statement of SEN, the note in lieu was perceived by parents as carrying little weight since it was neither legally binding nor provided detailed recommendations for the provision to meet the child's SEN at school. As well as the nature of the decision around assessment, parents also expressed concerns about the way in which it was communicated. These related to the clarity of reasons underpinning a decision and to whom the decision was communicated.

Understanding and agreeing statement content

Parents reported a greater sense of confidence in the statement issued when they felt it included specific detail about the level and type of support their child should receive and where the statement was perceived to reflect the reports that they and other professionals had submitted. That some parents reported accepting a draft statement without amendments did not however always suggest that they were completely satisfied with it. Some were simply happy to have a statement of SEN for their child and were not inclined to begin the process of proposing amendments.

Statement implementation

Where the parent and child's school had worked closely together in the past, parents generally expected this relationship would continue and appeared less inclined to question the statement implementation. However, where this relationship was less well developed parents' key concern related to how the extra funding associated with the statement was being deployed.

The annual review process

Parents in all circumstances tended to report feeling apprehensive about the annual review process. This appeared to be borne out of a concern about participating in a meeting with professionals and feeling confident to interact at that level. Parents reported that they were not clear about which personnel should be involved in the review, and whether amendments to statements were being recommended appropriately and in a timely way.

Three key factors underpinned parental experiences of these elements of the SEN system:

- Parents' relationships with SEN professionals

This comprises aspects of the way in which professionals and parents communicate with each other, the perception among some parents that LA SEN employees could lack empathy by virtue of their not being a parent of a child with SEN, and a generally adversarial description of parent-professional relationships.

- Challenges to parental engagement with the system

Those parents without previous experience of liaising with professionals in other circumstances, and who lacked confidence in doing so, and those who perhaps themselves had experienced learning difficulties or identified themselves as having lower levels of literacy, felt most intimidated by these types of interactions. On a practical level,

parents' financial means also appeared to impact on their ability to respond to the demands of interacting with the assessment and statementing process and upon the types of support they felt they could access.

- Support for the parent

Parents sought support from family members, the local PPS and other support groups, and, in some cases, legal support. Parents appreciated the local PPS's knowledge of the SEN system and in general trusted that their advice was well informed. However, some expressed concerns that it was not completely independent from the LA. Where parents had sought legal support for their case, this tended to be at the point at which they lodged an appeal with SENDIST. Parents felt empowered by legal support and described a feeling that their solicitor was genuinely 'on their side'.

Chapter 5 - Special Educational Needs and Disability Tribunal (SENDIST)

This chapter focuses on parental experiences of SENDIST (now the First-tier Tribunal (SEND)). It considers parents' decision-making prior to registering an appeal and the factors influencing that decision, parents' experiences of preparing for a Tribunal hearing, the reasons why some cases are resolved prior to the hearing date, and finally parents' experiences of attending a Tribunal hearing.

The decision to register an appeal with SENDIST

Three factors influenced parents' decision to go to Tribunal. The first was the extent to which parents felt they could trust the SEN system as whole, and the professionals involved in it, to work with them to resolve a disagreement. This not only comprised their attitudes towards SENDIST, but also their impressions of earlier experiences. The second factor was the advice they received from others around this decision and their perception of the other options available to them for taking forward the disagreement at this point. The third factor was the timescale for lodging an appeal with SENDIST.

Preparing for a Tribunal hearing

In general, parents reported a feeling of apprehension as they approached the Tribunal hearing and this anxiety was compounded by the perceived demands placed on them to undertake associated administrative work. Factors that appeared to mitigate this anxiety were: the information received from SENDIST about the process of appealing and what a hearing would be like; and, the nature of any support parents received during their preparation for the hearing (from the local PPS, any legal representation they had; and from specialist disability organisations or parent support groups).

Resolution of disagreements prior to Tribunal hearing

There were two circumstances in which disagreements were resolved prior to the case reaching a Tribunal hearing where an appeal had been lodged. The first of these was where a disagreement had arisen over the LA's decision to either not conduct a statutory assessment or not issue a statement of SEN. In these circumstances, the submission of new evidence, for example reports from SEN professionals, were the catalysts for an amended decision and subsequent resolution of the disagreement. Disagreements in the second set of circumstances had arisen over the level and nature of specified provision in the statement of SEN issued to the child. These disagreements could be resolved where the LA and the parents and they were able to negotiate a level of provision acceptable to both parties.

Parents who achieved a resolution to their disagreement without reaching hearing generally felt a sense of relief of not having to attend the Tribunal meeting and that their child's educational needs would be addressed quickly. However, parents also expressed some frustration at the energy and resources they had invested in the process, only for the hearing to be cancelled.

Attending a Tribunal hearing

There was a general feeling from those parents interviewed for the study that the hearing itself had been a good experience. Parents described a professional environment without animosity and where there were clear ground rules for how all parties should behave (although some parents experienced this environment as being overly formal, likening it to a court room). The conduct of the Tribunal chair and the LA personnel in attendance, and whether or not parents had support at the meeting, were also important.

Chapter 6 - Social care professionals, foster carers and the SEN system

The chapter maps some of the specific circumstances of looked after children which were highlighted in interviews with foster carers and social care professionals with responsibility for looked after children with SEN as having implications for the way the SEN system works for them, and considers the particular ways in which this group of carers perceive that these circumstances affect different stages or aspects of the SEN process.

Specific circumstances of looked after children

Two features of the specific circumstances of looked after children were identified as having particular significance for how the SEN system is perceived to work for these children. The first of these was the range of complex circumstances that routinely shape looked after children's lives. Key to these circumstances were: the mobility of looked after children, for example moving in and out of care, or moving between foster and / or residential care placements; erratic attendance at school; and, psychological issues and / or behavioural, emotional and social difficulties (BESD) directly associated with entering care. The second was the range of professionals and other key stakeholders involved in looked after children's education from various departments, services and agencies within the same and across different local authorities.

Early identification of SEN and pre-assessment support

Three key issues were identified by foster carers and social care professionals as impacting upon the early identification of SEN and support at School Action and School Action Plus for looked after children:

- For looked after children who had recently entered care, the priority for both schools and social services tended to have been issues such as psychological and BESD issues, rather than education.
- Some schools were considered better than others in terms of their understanding of the complex circumstances of looked after children and the implications of these circumstances for their behaviour and progress, or were felt to be better equipped to effectively manage looked after children.
- Three of the four LAs included in this research had Education Support Services (ESS) based within the social services and therefore dedicated to looked after children. The role of these ESS was highly valued by social workers and foster carers: crucially, ESS teachers were seen to play a key role in coordinating the involvement of key stakeholders, and helping to mediate or overcome issues.

Statutory assessment and statementing for looked after children

The specific circumstances of looked after children can mean that an individual case will entail challenges in relation to liaison, communication and coordination between key stakeholders both within, and sometimes across, LAs. Where joined-up working was lacking, the main impact were felt to be delays to the assessment and statementing process. Such delays could occur when: looked after children were not prioritised for an EP assessment; there was a lack of evidence to demonstrate full use of delegated resources; looked after children moved between LAs; and, there was reluctance by education settings to accept looked after children where a statement is pending.

Statement review for looked after children

Joined-up working is also vital for the effective review of statements of SEN for looked after children. Foster carers and social care professionals identified several obstacles to joined up working at this stage of the SEN process. They emphasised the importance of the coordination of the annual review of a statement of SEN with one of the six-monthly Personal Education Plan (PEP) reviews so the outcomes of both the statement and the PEP review feed into the LAC review.

Relationship of foster carers and social care professionals to the SEN system

Foster carers and social care professionals indicated two key challenges affecting their relationship with the SEN system. These were: lack of knowledge and understanding of the SEN process among social workers and foster carers; and, lack of joined-up working between different departments within LAs in relation to SEN of looked after children.

Social care professionals with responsibility for looked after children explained that while the creation of unified children's services was slowly improving joined up working, there was still a need for improved responsiveness to the specific circumstances of looked after children by schools and the LA SEN department in order to ensure fair outcomes for them. Where LAs had a looked after children-dedicated ESS in place this was considered to be an important mechanism for ensuring fair outcomes for looked after children, and preventing unnecessary disputes.

Chapter 7 - Conclusions and recommendations

This chapter draws together key elements of the discussions of the SEN system in previous chapters to highlight factors that underpin parental confidence, and make recommendations for improving parents' and carers' experiences of the system. The recommendations that are presented are based on existing good and emerging practice in local authorities, schools, health services and voluntary groups. They are presented around three key themes: collaborative working between SEN stakeholders; stakeholder communication with parents and carers; and, national policy and guidance.

Collaborative working between SEN stakeholders

Within statutory and local frameworks, establish greater clarity at individual, team and organisational level about different professional groups' responsibility for SEN provision by:

- Local authorities reviewing and clarifying with their schools the responsibilities of each for SEN provision, including what schools are routinely expected to fund.

- Local authorities ensuring that their various professional groups (principally SEN case officers, educational psychologists, specialist advisers and social workers) continue to develop an agreed common understanding about their respective roles, including via specific continuing professional development programmes and scheduled opportunities for discussion of individual cases.
- Mainstream schools endeavouring to give a consistent and reassuring message to parents that the school has the necessary expertise and resources to identify and meet their child's special educational needs, or, where a school feels this not to be the case, schools seeking an alternative solution directly with the local authority, before involving the parents.
- Local authorities initiating discussions with local health professionals (paediatricians, speech and language therapists, physiotherapists and occupational therapists) to review and clarify respective roles and responsibilities, including ensuring health professionals are regularly updated on what the agreement between the local authority and its schools means in practice.
- Local authorities ensuring that there is a good working relationship with local voluntary and statutory parent support groups, including regular meetings for mutual information sharing and updates, agreed protocols for liaising on individual cases, and use of common resource materials with parents.
- Encouraging local authorities and schools to develop an active working relationship with local parents' forums / parent support groups to facilitate consultation with parents in developing information materials relating to the SEN process.
- Working to ensure that the training/exchanges of information suggested above are tailored to the needs of professionals involved in the education of looked after children with SEN.

Stakeholder communication with parents and carers

Improve the quality of schools' and local authorities' communications with parents by:

- Local authority and school representatives developing a common set of information and support material to be given to parents the first time they encounter the SEN system. This information should contain some core messages about what parents can expect for their child and what various professionals and organisations will do in their role.
- Local authorities and schools reviewing existing documentation for parents, including standard letters, to ensure that the language is as simple and clear as it can be. Local authorities should also ensure that their processes maximise the personalisation of common documents such as a statement, so that parents can more easily recognise their child.
- School and local authority staff, principally SENCOs and SEN case officers, initiating telephone or face-to-face contact at the beginning of processes, such as a child being placed at School Action or undergoing a statutory assessment.
- Making the lead professional role in relation SEN more prominent. This may mean increased responsibilities for named SEN officers in acting as a conduit of information for the parent, and as an accessible first point of contact at all times.

- Reviewing professional development and support for chairs of SENDIST to emphasise good practice in the conduct of hearings, including ways of starting a hearing, minimising the emphasis on legal argument by any of the participants, managing adversarial relationships, and creating an environment in which parents and carers feel comfortable to contribute.

National policy and guidance

Support the development of collaborative working between SEN stakeholders, and of their subsequent communication with parents and carers, by:

- Promoting the key learning points from recently introduced models of working, such as the Team around the Child and the Common Assessment Framework (CAF), through the national network of SEN hubs, including guidance on how the CAF can best interact with the assessment processes required by the SEN statutory framework, the relationship between CAF and individual education plans (IEPs), and implementing the lead professional role in Team around the Child arrangements.
- Disseminating the findings from the Lamb Inquiry's evaluation later in 2009 of the funded innovative projects. These should be linked to the recommendations from this report to give schools, local authorities, health services and voluntary organisations practical suggestions for developing parents' trust in the SEN system.

1 Introduction and background

This report presents the findings of a study of parental experiences of the special educational needs (SEN) assessment, statementing and Special Educational Needs and Disability Tribunal (SENDIST) system¹. The research was commissioned by the Department for Children, Schools and Families (DCSF) and conducted by the National Centre for Social Research (NatCen) in collaboration with Ian Palmer (Lind Associates) and Dr Janet Read (University of Warwick). The aim of the study was to gain a detailed understanding of parents' end-to-end experience of the SEN system, in particular to gain a greater insight into perceived problems with SEN provision and to identify those factors which make the system work well for some parents and not others.

This chapter outlines the aims and objectives of the evaluation, and the research design and methodology employed. The background to the study is discussed in brief here: Chapter 2 provides an extended discussion of the context for the study drawing upon a brief literature review conducted as part of a scoping phase for this study.

1.1 Background

Much evidence exists of variability in parental confidence in the way schools and local authorities are able to meet the needs of children with SEN. Alongside variable rates of appeal to SENDIST from parents living in different local authorities, two reports on SEN by the Education and Skills Committee in 2006² and 2007³ expressed concerns about parental confidence in the implementation of the statutory system of local authority assessments of children's SEN, statementing and appeal to SENDIST. The second of these made suggestions aimed at making elements of the system independent from local authorities to address concerns over parental confidence in the fairness and outcomes of the assessment and statementing process in particular.

To date, there has been little research that focuses specifically on this issue of parental confidence. The Audit Commission's 2002 paper⁴ highlighted that the SEN assessment and statementing processes are stressful and potentially alienating for parents, recommending a high level independent review of SEN provision. Another report in the same year⁵ described the SEN system and attempted to assess the extent to which it was meeting the needs of children. The DCSF last year published a national evaluation of SEN disagreement resolution services, undertaken by NatCen⁶. Whilst this study focused very specifically on one element of the SEN system experienced by some parents, the study supported findings from previous studies that parents perceive the SEN process as complex and confusing, and that they place emphasis on finding sources of support and guidance. Parents and other stakeholders involved in that study expressed varying levels of confidence in the disagreement resolution services available and it is possible that such variation is reflected in the broader SEN system.

¹ Since this study was commissioned in early 2008, SENDIST ceased to exist as a stand-alone body and became part of a new two-tier Tribunal structure; the First-tier Tribunal and the Upper Tribunal (see Chapter 5 for further details). The accounts of parents responding to this study all relate to experiences of SENDIST prior to 3rd November 2008 when the Tribunal system changed. The report therefore makes reference to SENDIST throughout, although the cases discussed would now fall under the remit of the First-tier Tribunal (Special Educational Needs and Disability).

² HCESC (2006), *Special Educational Needs: Third Report of Session 2005-06: Volume 1*, House of Commons.

³ HCESC (2007), *Special Educational Needs: Assessment and Funding: Tenth Report of Session 2006-07*, House of Commons.

⁴ Audit Commission (2002a) *SEN policy focus paper*.

⁵ Audit Commission (2002b) *Special Educational Needs: a mainstream issue*.

⁶ Tennant, R., Callanan, M., Snape, D., Palmer, I. and Read, J. (2008), 'SEN Disagreement Resolution Services: National Evaluation', DCSF Research Report RR054.

Since the Education and Skills Committee reports, the government has pledged to undertake research to explore the experience of parents through the SEN system and identify how schools, local authorities and SENDIST can increase parental confidence. This research study aims to inform the government's future consideration of any possible changes to the SEN framework. It is being conducted alongside the Lamb Inquiry, under the chairmanship of Brian Lamb, the Chair of the Special Educational Consortium, which is already investigating a range of ways in which parental confidence in the SEN assessment process might be improved.

1.2 Study aims and objectives

The study explored the experiences of parents and carers of children with SEN, foster carers and social care professionals with responsibility for looked after children with SEN, of different parts of the SEN system. It also sought the perspective of local authority leads for SEN services for the local authorities within which fieldwork with parents, carers and social care professionals was conducted. The study considered the following key research questions:

- Why do some parents request statutory assessment (whilst others are happy for provision to be made for their children at School Action or School Action Plus);
- What are the factors underpinning parents' confidence, or lack of confidence, in the fairness and the outcomes from the assessment and statementing system;
- What are the reasons underlying some parents' suspicion during the assessment and statementing process;
- What are the factors underpinning parents' decisions to appeal to SENDIST, and what are the reasons disputes are not resolved prior to the appeal hearing.

A final, core objective of the study was to identify good practice in the assessment, statementing and Tribunal system and make practical recommendations for consideration in making future amendments to the SEN framework.

Whilst the study considered the experiences of all parents, the Department requested that particular attention was paid to the experiences of parents from lower socio-economic neighbourhoods and the relationship of foster carers and social care professionals with responsibility for looked after children with SEN to the SEN system.

1.3 Study design

The study comprised two stages. These were:

- a scoping stage involving a brief review of the relevant literature and interviews with local authority leads for SEN services; and,
- a series of qualitative in-depth face-to-face interviews with parents and carers to explore their experience of SEN assessment, statementing and SENDIST processes.

The design and methodological approach for each component are outlined below.

1.4 Scoping stage

The first element of the study, the scoping stage, was designed to situate the research in the context of findings from other studies of parental experiences of the SEN system and to facilitate an understanding of the local context in which parents have experienced different parts of the SEN system. It was intended that information gathered at this stage would be used to help develop fieldwork documents such as recruitment letters and topic guides, and to interpret the findings from the main stage of the study.

Literature review

This took the form of a scoping review to summarise key findings of relevance to the study since it was already known that a limited body of literature on parental experience in this area existed. The findings of the literature review are summarised and key issues relating to this study are highlighted in Chapter 2 of this report.

Interviews with local authority leads for SEN services

In addition to this brief scoping review of the literature, and to provide further contextual information within which to locate the experiences of parents, in-depth interviews were conducted with the leads for SEN services in a number of local authorities. The purpose of these interviews was two-fold: to gain a better understanding of the local context of SEN provision; and, to provide an opportunity to talk to local authority staff about the next stage of the study and ask for their help in compiling a sample frame of parents to invite to participate in a series of in-depth interviews.

Sample design

Four local authorities were selected to participate in these early scoping interviews on the basis of two key criteria: level of appeals to SENDIST; and, local area deprivation. The first was taken as a proxy measure of confidence in the SEN system to achieve satisfactory outcomes and / or the level of dissatisfaction in the outcomes achieved by the system. There are, of course, a number of other factors that are likely to affect levels of appeal to SENDIST within an individual local authority besides level of satisfaction in the SEN system. These might include the willingness and ability of individual parents to lodge an appeal with the Tribunal, the take-up and outcomes of any SEN disagreement resolution services in that area, and the different support mechanisms in place to support parents at different stages of the SEN process (including in making applications to SENDIST). However, the rate of appeal to SENDIST was felt to be the best available proxy for parental satisfaction with the SEN system. Data from 2006-07 were used to rank local authorities by the number of appeals per 10,000 schoolchildren. Local authorities with 'low appeals' were selected from the first quartile and those with 'high appeals' from the final quartile. In selecting local authorities with 'low appeals', those with the very lowest rankings were not included to ensure that areas were included with sufficient numbers of cases to make an opt-in process of identifying and recruiting parents and carers feasible (this process is described in detail in Section 1.5.1).

The second criterion, local area deprivation, was identified in response to the Department's wish to understand the experience of parents from neighbourhoods with a lower socio-economic profile. The Indices of Multiple Deprivation⁷ were used to identify local authority areas with relatively high levels of deprivation (in the first quartile with rank of average scores between 1-88.5) and those with relatively low levels of deprivation (in the last quartile 265.5-354).

⁷ CLG, 2007

Sample selection and recruitment

Four local authorities were selected as follows:

- LA1: *high* socio-economic deprivation, *low* appeals to SENDIST
- LA2: *high* socio-economic deprivation, *high* appeals to SENDIST
- LA3: *low* socio-economic deprivation, *low* appeals to SENDIST
- LA4: *low* socio-economic deprivation, *high* appeals to SENDIST

The selected local authorities were located in the north and south of England, the Midlands, and London. No further description of these local authorities is given in order to preserve the anonymity of individuals participating in the study.

Local authority leads for SEN services were identified using searches of local authority websites and telephone contact with the local authority central switchboards to identify relevant personnel. They were then sent an introductory letter by the NatCen research team that outlined the nature and purpose of the study, gave details of the different stages of the study, and advised recipients that a member of the team would be in touch to discuss the study further and arrange an appointment for interview (a copy of this letter is reproduced in Appendix A). Local authority leads for SEN services were then contacted by telephone and invited to participate in the study. All four selected local authority leads for SEN services agreed to take part.

Data collection

A topic guide was designed to ensure that a similar set of issues was discussed with each respondent, but with sufficient flexibility to allow for differences in local context to be captured (a copy of this can be found in Appendix B). Interviews with local authority leads for SEN services were conducted face-to-face at their place of work and lasted approximately one-and-a-half hours. Interviews took place in July and August 2008.

1.5 In-depth interviews with parents, carers and social care professionals

34 in-depth interviews were conducted with parents, carers and foster carers of children with SEN and social care professionals with responsibility for looked after children with SEN. The aim of these interviews was to explore parental experiences of the SEN process, including those parts of the process that worked well and less well, and to understand what contributed to parents, carers, foster carers and social care professionals feeling more or less confident in these processes.

Sample design

The process for compiling a sample frame of parents, carers, foster carers and social care professionals to participate in the study comprised several stages. In the first instance, NatCen researchers discussed this main phase of the study with local authority leads for SEN services during the scoping interviews to ask for their help in compiling a sample frame of parents and carers. This approach was adopted in order to ensure that the invitation to participate in the research reached a broad cross-section of parents and carers. This sample frame was augmented with the help of a small number of schools and later with the looked after children in education support services within these selected local authorities.

Local authority leads for SEN services / SEN teams

Following their agreement to assist, the SEN team in each participating local authority was sent a letter or email giving instructions for selecting a number of parents and carers, including foster carers to be provided with information about the study (see Appendix C for a copy of these instructions). Based on the research team's experience of similar sampling and recruitment processes⁸, and the need to compile a sufficiently large sample frame to achieve the required sample, each SEN team was asked to select up to 50 parents and carers meeting the following criteria:

- the 10 most recent cases of parents with experience of the statutory assessment process in the local authority;
- the 20 most recent cases of parents with experience of the statementing process in the local authority (it was requested that these cases should be different from those selected as having experience of the statutory assessment process above);
- and, all of the cases from the previous two years of parents from within the local authority who have registered an appeal with SENDIST (if many more than 20 parents had this experience within the past two years, SEN teams were asked to select the 20 most recent).
- SEN teams were advised that the research team was also interested in speaking to foster carers of children with SEN and social care professionals with responsibility for looked after children with SEN, and to include a number of these carers/professionals in their selection as far as possible.

Selected parents and carers were then invited to participate in an opt-in screening and recruitment exercise. This involved the SEN team in each local authority sending a letter to all the parents, and carers on their list. These letters were drafted by NatCen and made clear to parents and carers how they had been selected to receive this information, the purpose of the research study and how they could be involved in it (a copy of this letter can be found in Appendix D). In the first instance, parents and carers who were interested in finding out more about the research were invited to call a freephone telephone number to speak to a member of staff at NatCen's Telephone Unit. They were advised that they would be able to hear more about the study, ask any questions they had, and would be invited to take part in a short screening questionnaire.

Parents and carers who called NatCen's Telephone Unit were invited to take part in a screening questionnaire. This sought to capture brief details about their family and their most recent experiences of the SEN process (the screening questionnaire is appended in Appendix E). All parents and carers who completed this screening questionnaire received a £10 High Street Voucher as a thank you. Following completion of the screening questionnaire, parents and carers were given further information about what the next phase of the study would involve and were asked whether or not they would be happy for a member of the research team to call them back to invite them to participate in this next phase. Those that agreed were added to the sample frame from which parents and carers were selected to be invited to participate in an in-depth interview.

⁸ See Tennant et al (2008)

Local schools

In order to include parents and carers of children whose SEN were being met at School Action or School Action Plus (and who had not necessarily had contact with the local authority SEN team), the research team also requested the assistance of a small number of schools within the areas covered by the four participating local authorities. SEN teams were asked to identify two schools within their authority - one primary and one secondary school - with a relatively high proportion of pupils⁹ receiving support at School Action and School Action Plus and pass their details to the research team. NatCen then made contact with the head teacher or other senior member of staff as appropriate to ask for their assistance in compiling a sample frame of suitable parents and carers.

Following their agreement to assist, this member of staff was sent a letter or email giving instructions for selecting a number of parents and carers, including foster carers as appropriate, to be provided with information about the study (see Appendix F for a copy of these instructions). Each school was asked to select the 20 most recent cases of parents and carers whose children had experience of receiving extra support for their SEN at School Action or School Action Plus at their school. Staff were advised that the research team were particularly interested in speaking to parents and carers *without* experience of the SEN assessment or statementing process. Of the eight schools approached by NatCen just one agreed to assist.

Selected parents and carers were invited to participate in the same opt-in recruitment and screening exercise described above, although parents and carers contacted this way received a different version of the letter drafted by NatCen to introduce the research study (see Appendix G for a copy of this letter). Schools that assisted the research team with this exercise received a £100 honorarium payment to contribute to the costs involved.

A total of 30 parents and carers who were provided with information about the study by their local authority or child's school telephoned NatCen's Telephone Unit and completed a screening questionnaire. Of these, 27 were parents and three were foster carers. All 30 agreed to be re-contacted about the second phase of the research.

Looked After Children Education Services

In order to meet the Department's need to understand foster carers' and social care professionals' experiences of the SEN process it was necessary to find other ways to augment this part of the sample.

In all four selected local authorities, the research team made contact with heads of the looked after children in education support services, and the head of fostering to ask for their help in identifying foster carers and social care professionals to participate in the study. With the individuals' agreement, these personnel passed to NatCen the contact details of relevant local authority or fostering agency staff whom the research team then contacted to discuss the research, invite their participation and arrange an interview appointment as appropriate. Seven social care professionals agreed to take part from across the four local authority areas. One further foster carer was also interviewed following this recruitment approach.

⁹ It was left to the discretion of the SEN team in each local authority to make a decision as to what constituted a high level of support at School Action and School Action Plus based on the local context.

Sample selection and recruitment

Parents and carers, including the foster carers and social care professionals, were selected for invitation to participate in an in-depth interview on the basis of two key criteria: their relationship to the child involved (birth parent, foster carer, social worker, looked after children's education support service teacher); and, their most recent experience of the SEN process (School Action / School Action Plus, statutory assessment, statementing, SENDIST). Diversity was also sought across the four participating local authorities and among parents and carers of children receiving and not receiving free school meals.

Selected parents and carers were contacted by telephone by a member of the research team, invited to take part in an in-depth interview and an appointment arranged. Parents and carers were then sent a letter (see Appendix H for a copy of this letter) confirming the date and time of their appointment and the name of the researcher who would attend.

Table 1.1 Overview of achieved sample (n=34)

Sample criteria		Number in sample
Local authority	LA1	12
	LA2	8
	LA3	8
	LA4	6
Relationship to child	Parent	23
	Foster carer	4
	Social care professional	7
	- social worker	5
- education support service teacher	2	

Achieved sample

In total, 34 in-depth interviews were carried out with parents and carers. As discussed in section 1.5, this study used an opt-in method to sample and recruit parents and carers and it is likely that this impacted upon the final sample achieved. Our aim to make the study as accessible as possible to the widest range of parents and carers meeting the criteria for inclusion is reflected in the design of the recruitment documents, the use of a telephone-administered rather than postal self-completion screening questionnaire, and the incentive payment for completing the screening questionnaire. However, it is possible that the requirement for parents and carers to actively opt *in* to the study led to the creation of a sample frame that favoured those with complaints about at least some aspect of their experience.

An overview of the achieved sample (n=34) is presented in Table 1.1. This shows the distribution of participants in the study across the selected local authorities and their relationship to the child/children in question.

Further breakdown of the achieved sample of parents and foster carers (n=27) is given in Table 1.2. It is not possible to provide the same detail about the social care professionals (n=7) included in the study since they discussed multiple cases. They are not therefore included in the breakdown in Table 1.2.

Parents, carers and social care professionals in the sample had experiences across the SEN system, including School Action and School Action Plus, statutory assessment, statementing and annual review, and SENDIST. For the most part, parents and carers had experiences of multiple elements of the system - this is displayed in Table 1.2. No parents or carers had experience only of School Action and School Action Plus. This is a feature of the methods employed for sampling, selecting and recruiting parents and carers to participate in this study. That only one school was able to assist the research team with the study is likely to explain this: parents and carers whom the local authority would have been able to identify are unlikely to only have experience of provision for their child's SEN at the level of their child's school. This has implications for the extent to which the findings from this study can illuminate the experiences of parents and carers who were satisfied with provision at School Action or School Action Plus. This report is unable to make definitive statements about what underpins satisfaction in provision at this level based on the experiences of parents and carers who felt that their child's needs were met at school. However, the study can identify those factors that undermine parental confidence in this element of the SEN system, and infer what might support confidence in provision at School Action and School Action Plus.

Table 1.2 Breakdown of sample of parents (n=23)

Sample criteria		Number in sample
Experience of the SEN system ¹⁰	School Action / School Action Plus	20
	Statutory Assessment	26
	Statementing (includes annual review)	24
	SENDIST - registering an appeal	16
	SENDIST - attending hearing	7
Free school meals	No	16
	Yes	11
Age of child	Under 5	3
	5-10 years	14
	11 and over	10
Type of SEN of child ¹¹	Communication and interaction	2
	Emotional, behavioural and social	4
	Cognition and learning	17
	Sensory and / or physical	4
Household composition	Couple	19
	Lone parent	8

Data collection

A topic guide was designed for the interviews to ensure that a similar set of issues was discussed with each participant. The topic guide comprised a number of sections that were used flexibly depending on which parts of the SEN process an individual parent, carer or social care professional had experienced (a copy of this topic guide can be found in Appendix I). Interviews with parents and carers, including foster carers, were conducted in their homes. Interviews with social care professionals were conducted at their place of work.

¹⁰ Note that these categories are not mutually exclusive and the same parent/carer may appear in more than one category.

¹¹ The nature of children's special educational needs are categorised here according to the parent's/carer's own perspective about what constituted their child's primary need.

All interviews were conducted face-to-face and lasted approximately one-and-a-half hours. Interviews took place between September 2008 and January 2009. Parents and carers who participated in an in-depth interview received £20 in recognition of their time and as a token of appreciation for their participation. No payments were made to social care professionals.

1.6 Analysis

Interviews were digitally recorded with participants' permission and later transcribed verbatim. Interview transcripts were analysed using 'Framework', a method developed by the Qualitative Research Unit at NatCen. The first stage of analysis involves familiarisation with the transcribed data and identification of emerging issues to inform the development of a thematic framework. This is a series of thematic matrices or charts, each chart representing one key theme. The column headings on each theme chart relate to key sub-topics, and the rows to individual respondents. Data from each case is then summarised in the relevant cell. The context of the information is retained and the page of the transcript from which it comes is noted, so that it is possible to return to a transcript to explore a point in more detail or extract text for verbatim quotation. This approach ensures that the analysis is comprehensive and consistent and that links with the verbatim data are retained. Organising the data in this way enables the views, circumstances and experiences of all respondents to be explored within an analytical framework that is both grounded in, and driven by, their own accounts. The thematic charts allow for the full range of views and experiences to be compared and contrasted both across and within cases, and for patterns and themes to be identified and explored.

A copy of the analytical framework for the parent, carer and social care professional interviews is appended (Appendix J).

The transcripts of the interviews with local authority leads for SEN services were indexed according to a number of key themes and an analytical summary produced (see Appendix K for the framework for these analytical summaries). These were used in the first instance by researchers to prepare for interviews with parents and carers within the same local authority and later to inform interpretation of the experiences of parents and carers captured in the study.

1.7 Structure of report

The remainder of this report comprises three broad sections. The first (Chapter 2) presents the results of a brief literature review conducted for this study and gives contextual information for the interpretation of the findings from this study. The next section, comprising Chapters 3, 4, 5 and 6, presents the findings from the study. Chapters 3, 4 and 5 present details of the experiences of parents of the process of requesting a statutory assessment, of the assessment and statementing system and of SENDIST, respectively. Chapter 6 considers the experiences of foster carers and social care professionals in relation to looked after children with SEN, and highlights those aspects of their experience that differ from the experiences of parents. Finally, Chapter 7 draws together the conclusions from the study to make a series of recommendations as to how elements of the SEN system might be developed to improve parental confidence.

The report refers to the 'SEN system' throughout. This comprises School Action and School Action Plus, statutory assessment, statementing and the annual review of the statement. The report also considers appeals to SENDIST and Tribunal hearings.

Verbatim quotations from parents, carers and social care professionals, and case examples, are used throughout. In order to preserve participants' anonymity, case examples are

referenced only by local authority area (LA1, LA2, etc.) and quotations by relationship to child (parent, carer, social care professional).

2 Literature review

This chapter presents the results of a scoping review of the literature concerning parental experiences of the SEN system. It begins by considering the policy and legislative context and reviews a number of key reports on SEN provision and the government's response to these. It continues by considering a number of important studies of SEN provision and parents' experiences of securing support for their child. Finally, it highlights some key aspects of the existing literature and policy context that are important to consider in reading the findings presented in the remaining chapters of this report.

2.1 Aim and scope of the literature review

This literature review was undertaken as part of a scoping review to gather information to inform the development of this research study and to provide context within which to situate the findings presented in the remainder of this report.

The review considers a range of literature concerning the SEN process including primary research, secondary analysis, policy evaluations, policy papers and other grey literature. As well as literature concerning the experience of parents of children with SEN of aspects of the SEN system, it also considers the broader policy context for disabled people that surrounds the families of children with SEN. The literature included in this review has been selected on the basis of the research team's assessment of its relevance to the topic and is **not** intended to be a systematic review of all literature relating to children and SEN.

2.2 Recent policy context

In 2008 approximately 1.6m children were categorised as having SEN, of whom 223,610 had statements¹². Although the proportion of pupils with SEN has remained broadly constant in recent years, it is perhaps unsurprising given these numbers that the SEN system has had a high media and also policy profile. There has been a concerted effort in recent years by the government to strengthen provision for SEN through both legislation and statutory guidance. This has been coupled with a substantial funding increase (planned expenditure by local authorities on SEN increased from £2.8 billion in 2000-01 to £5.1 billion in 2008-09). For instance, the Special Educational Needs and Disability Act (SENDA) 2001 extended to schools the requirements of the Disability Discrimination Act (DDA) 1995, outlawing discrimination against disabled children and requiring schools to make reasonable adjustments to prevent such discrimination. The DDA 2005 required public bodies, including schools, to not only prevent discrimination but to also actively promote equality. The revised SEN Code of Practice (DfES, 2001) reflected the stronger right given to parents by SENDA for their child to be educated in mainstream schools, as well as the duty on local authorities to provide advice and guidance to parents and to make available dispute resolution services. Additionally, it introduced two levels of SEN support below the statutory SEN assessment: 'School Action' and 'School Action Plus'¹³.

In 2003, the government launched 'Every Child Matters' (ECM), an initiative designed to encourage those providing children's services to work together in new ways to empower children and to give parents and carers the information they need to support them. The five aims of ECM are to encourage children, including children with SEN, to: be healthy; stay

¹² DCSF (2008) Special Educational Needs in England Statistical First Release

¹³ School Action includes recourse to further assessment, different or additional teaching materials and sometimes extra support. School Action Plus is appropriate where these measures are insufficient and outside help is required, such as from the local authority's support services, or from health or social work professionals. If the child is receiving these and does not making adequate progress according to his Individual Education Plan, the child should be referred to statutory SEN assessment.

safe; enjoy and achieve; make a positive contribution; and, achieve economic well-being. The policy focus on children with SEN has been further sharpened by the government's 'Aiming High for Disabled Children' initiative launched in May 2007 which outlined a number of strategies for further ensuring the inclusion of disabled children, and their families. Within the Aiming High document, however, the government acknowledged that whilst disabled children should benefit more than most from the ECM agenda, there was a need to do more (HM Treasury and DfES, 2007). This comprised: empowering disabled children, young people and their families; developing more responsive services and timely support; and, improving the quality and capacity of services for disabled children. A 'core offer' encompassed minimum standards on information, transparency, participation, assessment and feedback, to make it clear what entitlements and services disabled children, young people and their families could expect.

2.3 Key reports on the SEN system

A body of research exists with the aim of evaluating the SEN system as a whole, or one or more of its component parts. Of particular note are evaluations by the Audit Commission and the House of Commons Education and Skills Committee (HCESC) which highlighted a number of flaws within the SEN system. In its responses to these, the Department for Education and Skills proposed changes to, and further evaluation of, the system. The following section summarises these issues.

A report by the Audit Commission (2002) evaluated the SEN statementing process, calling it a 'costly, bureaucratic and unresponsive process'. Among its general criticisms was the way that statements have the potential to hold local authority education departments accountable for things over which they have no control (such as those services provided by social care or health). It also queried why a large proportion of appeals to SENDIST were withdrawn just before being heard and called for a full review of the statementing system.

The HCESC later analysed the whole SEN framework and consulted with stakeholders, making a number of criticisms of it in its report (HCESC, 2006). It suggested that the government was sending out 'mixed messages' regarding its SEN strategy and that recent policy moves appeared to advocate the 'personalisation' of special education, provided through a 'flexible continuum of needs'. It called for the government to clarify its position on SEN and its policy of inclusion in this context. The Committee also went further to suggest that local authorities and schools were not sufficiently accountable to either central government or parents and thus there were considerable discrepancies between the SEN policies of different local authorities and the numbers of children with statements. Partly, they argued, this was the result of a lack of clear statutory guidance on how services should operate and in what cases assessments should be made. The Committee also suggested that parents' confidence in their local authority could be increased considerably through making SEN assessment independent from the local authority, thereby removing the suspicion of a conflict of interest for the local authority by being the party that both makes assessments and funds provision, a change that has also more recently been called for by the government opposition (CYP Now, 2008: 2). The Committee concluded by asking the government to consider a substantial overhaul of the SEN system.

In its response (HM Government, 2006), the government argued that to remove assessment from the direct control of local authorities would necessitate the creation of a new quango and make SEN more bureaucratic, while a complete overhaul of the system would be misguided: 'to abolish the existing framework of assessments and statements, and a statutory right of appeal, would...be a leap in the dark and would endanger the position of parents and children with special educational needs' (HM Government, 2006: 5). Furthermore, it suggested that the mechanisms to ensure that local authorities consistently

achieved a certain standard of delivery were already in place through the SEN Code of Practice and other guidance documents.

Whilst the government's response initially rejected the idea of separating funding from assessment, the Minister later invited the Committee to provide suggestions on how this could be achieved. The Committee again consulted with stakeholders and published three suggestions (HCESC, 2007a). These were that:

1. either the local authority or Children's Fund should commission an external body with its own experts to carry out assessment;
2. assessment should be delegated to a pool of schools who would combine to provide the resources needed for multi-agency assessment;
3. Educational psychologists (EPs), who already fulfil a key role in assessment, should be made more independent from local authorities.

In its response to these suggestions (HCESC, 2007b), the government stated that the second and third options were unworkable; the former because schools would lack the necessary resources and expertise to make effective assessments, and the latter because EPs are already sufficiently independent. Doubt that the first option would work was also expressed since external assessors would not know a child sufficiently well to make an informed decision, and that instead teachers should be integral to the assessment process. The government did however pledge to pilot a scheme based on the Team Around the Child model and led by a professional. Assessments under the scheme would follow closely the principles of the 'Common Assessment Framework' (CAF), the intra-government holistic assessment mechanism. The CAF would identify the needs of a child with SEN and the most appropriate support for them. It would apply for children who did not require a statement of SEN, but would contribute to the decision to issue one, and its content, if required later.

Alongside this study, another element of the government's pledge to undertake research to explore the experience of parents through the SEN process in response to the HCESC's (2007) report is the Lamb Inquiry, led by the Chair of the Special Educational Consortium, Brian Lamb. This committee has commissioned a number of innovative projects designed to explore ways of increasing parental confidence in the SEN assessment process. These projects have been submitted by local authorities working in partnership with others, for example schools, parents, voluntary organisations, professional associations, health agencies, and parent partnership services. The projects will run for the school year September 2008 to July 2009 and will be monitored and evaluated to pick up any changes in parental confidence and other benefits. The eight selected projects include some that focus on the issues of parental engagement with the SEN system, information for parents, parental involvement in decision-making around SEN provision and the extension of current Team Around the Child approaches to include school age children as well as early years. A list of commissioned projects and a brief description of their aims is appended (Appendix L).

2.4 Review of relevant research

Three studies are particularly useful for understanding what is already known about parents' experiences of the SEN system. The first is a qualitative study conducted in 2003 which comprised in-depth interviews with 10 families of children with SEN in two local authorities and asked parents to talk about how far the SEN system met their desired outcomes for their child (Duncan, 2003). A second study of interest is a larger-scale study by the National Autistic Society which looked into the SEN provision available for children with Autistic Spectrum Disorder (ASD) within 12 local authorities, and in another six local authorities looked into parental satisfaction with the system (NAS, 2006). The latter qualitative

component involved focus groups with parents and used levels of SENDIST appeals to select local authorities: all selected authorities had a low number of appeals and respondents were invited to offer explanations for this.

Third is the National Evaluation of SEN Disagreement Resolution Services (Tennant et al, 2008) which sought to map DRS in England, explore provision and highlight good practice by local authorities and schools in resolving disagreements with parents.

The following sub-sections draw upon these studies, and a limited number of others, to demonstrate what is currently known about families' relationships with the SEN system, and to highlight any apparent gaps in this knowledge.

Parents' relationships with local authorities

Despite the call in the SEN Code of Practice (DfES, 2001) for partnership working, parents in some studies (e.g. Duncan, 2003; Stevenson, 2005) have reported poor relationships with their local authority. Respondents in Duncan's (2003) study described an adversarial relationship, even describing the local authority as 'the enemy' where the local authority was perceived to be doing everything possible to avoid statementing the child, such as employing delaying tactics. Other studies have commented on perceived poor communication from the local authority to the family: the Audit Commission (2002:18), for example, noted that 'during assessment, many parents experienced long periods when they did not know what was happening and felt overwhelmed by quantities of often complex information'. The process was also seen as overly long, with the local authority sometimes requiring information over a period of two years before statementing (HCEESC, 2006). Another concern was that parents expected to be able to choose the school their child should go to, but that this was often not possible because some schools were deemed inappropriate for the child by the local authority (ibid.). A number of recommendations from NatCen's evaluation of SEN disagreement resolution services focused on the need to review the information made available to the families of children with SEN regarding available advice and support.

Not all of the existing research suggests that parents' relationship with local authorities is poor however. Indeed, although respondents to the study by the NAS (2006) noted dissatisfaction with the quality and quantity of available provision, they also commented positively on the behaviour of the local authority: 'one significant finding from the research was that the local authority managers...stressed that they tried hard to work with parents and to respond to their wishes, and this was corroborated by the absence, with few exceptions, of parents' criticism of local authority personnel'. Other studies (e.g. Tennant et al, 2008) have acknowledged the efforts of local authorities to maintain effective communication with parents, and emphasised its importance in parents' experience of the SEN system.

Parents' relationships with schools

Research into parents' relationships with their child's school suggests a more mixed picture. Some respondents in Duncan's study (2003) and in research by the NAS (2006) reported positive experiences with school staff who were knowledgeable and were proactive in making arrangements to support their child's SEN. However, respondents in both studies also reported negative experiences, in particular around poor communication with the school and poor staff training around the issues raised by a child with SEN. Difficulties in encouraging schools to provide the support they had promised were also mentioned. Interestingly, the NAS study (2006) reported a difference between satisfaction with primary and secondary school provision, with respondents apparently more satisfied with provision by the former. A study by Parsons, Lewis and Ellins (2009) presents findings from analysis of data collected via an online survey comparing the views of parents of children with autistic spectrum disorder with the views of those with children with other disabilities, about

educational provision across mainstream and special schools. With reference to the relationship between schools and parents, the study found that a majority of parents in both the ASD and non-ASD groups were mostly satisfied with their child's current educational provision, although concerns about transitions between and beyond schools were common to both groups.

Effective partnership working with parents

Effective partnership working between parents and professionals is a clear theme of the government's SEN policy. The SEN Code of Practice (2001) includes a chapter on partnership working with parents which, as well as providing guidance for disagreement resolution services and parent partnership services, emphasises how local authorities should liaise with parents at every stage of the SEN process. Some local authorities have also issued their own guidance on effective SEN partnership working: Nottingham City Council (undated) for example, provides professionals with a practical guide offering tips on how to encourage parents to appreciate the local authority's perspective.

Despite the apparent focus on partnership working, research suggests that parents and professionals may not enjoy an appropriately balanced relationship. The traditional view of professionals and parents as respectively empowered and disempowered (Davis and Hall, 2005; Laluvein, 2001) may still be relevant although, according to Riddell et al. (2002) it may be changing. Their research into the extent to which parents are involved in statementing comprised interviews with 15 key informants, a survey of local authorities, and case studies with families in four local authorities in Scotland and England. Sixteen case studies were conducted in each local authority. The authors found considerable diversity in the nature of relationships between parents and local authorities, with some parents seeing themselves as active consumers of public goods and others much more as passive recipients of services (Riddell et al., 2002). The appropriate provision of information is a key theme of many guides and reports on parent-professional partnership (e.g. Case, 2001; Nottingham City Council, undated). Indeed, much of the research that deals with parental satisfaction with SEN identifies a lack of readily available and accessible information as a cause of discontent (e.g. Audit Commission, 2002; Duncan, 2003; HCESC, 2006).

One of the effects of SENDA 2001 was to make the establishment of parent partnership services (PPS) (which were in place in some local authorities already) statutory. These are services that are designed to ensure that parents and carers of children with SEN have access to information, advice and guidance on SEN matters to allow them to make informed decisions about their child's education. They can also play a role in mediating in disagreements between parents and the local authority. The services are intended to be independent from the local authority and are therefore run either at 'arm's length' from the local authority or are contracted out. Research has indicated that PPS are valued by parents (Duncan, 2003; Todd, 2003). However, research has demonstrated a sense that there can be a conflict of interest since PPS are supposed to provide impartial advice but are also financed by the local authority (e.g. Tennant et al, 2008; Todd, 2003). Furthermore, like the SEN system as a whole, a range of different models and levels of provision for PPS exist in different local authorities. According to HCESC (2006), this may affect the relative abilities of different PPS to provide guidance and information to parents. The government has sought to address this through providing guidance on the minimum standards that local authorities are expected to apply to their PPS (DCSF, 2007). While this does not recommend, as HCESC (2006) did, that PPS should be run independently or even at arm's length from local authorities, it does suggest that a degree of independence should be achieved by 'ring-fencing' their budgets, and locating their offices away from the local authority.

Appeals to the Special Educational Needs and Disability Tribunal

One avenue of recourse for parents who disagree with certain decisions about SEN assessments and statements is an appeal to First-tier Tribunal (Special Educational Needs and Disability), formerly SENDIST. Grounds for appeal include a local authority's refusal to assess or statement a child, and dissatisfaction with the school the child will attend, and / or the provision offered in a statement. Around half of appeals arise from a local authority's refusal to assess or statement a child (SENDIST, 2008). One explanation may be that some parents prefer a statement over School Action or School Action Plus since, unlike the latter, a statement makes legally-binding the local authority's responsibilities to the child (Duncan, 2003). *Removing Barriers to Achievement* (2004), the government's strategy for SEN, emphasises the encouragement of further delegation of SEN resources to support early intervention and the development of inclusive practice within schools. The intention is that delegated funding will result in a 'better deal' for children and their parents, and not a reduced entitlement. The document highlights research which confirms the benefits of reduced reliance on statements, but also emphasises the importance of close partnership working between parents, schools, voluntary organisations, health and social care to manage the process of transition.

Some research has investigated parents' experiences of SENDIST. Particularly relevant is Runswick-Cole's (2007) qualitative research study of the experiences of families making an appeal to SENDIST. This involved in-depth interviews with 16 mothers and seven fathers. The study found that pursuing an appeal may have significant health, wellbeing and financial costs for families. That the process is time-consuming, complicated and stressful for parents has been raised by a number of other studies (e.g. HCESC, 2006; Stevenson, 2005). Parents have reportedly spent up to £18,000 on preparing for an appeal (HCESC, 2006) and, whilst the government advises that it is not necessary to spend anything at all, a number of studies have argued that at the very least an independent professional's report on the child may significantly increase the chances of success at Tribunal (HM Government, 2006; HCESC, 2006; Runswick-Cole, 2007; Stevenson, 2005).

Despite the potentially considerable costs of pursuing an appeal, research suggests that many appeals may not reach Tribunal or, if they do, that they may make little difference to the provision for a child with SEN, even if successful. The Audit Commission (2002) noted that many appeals are withdrawn just before being heard, and questioned why. A study by the NAS (2003) suggested that local authorities may at the last minute agree to parents' demands perhaps to avoid going to a hearing that they expect to lose. Several reports have suggested that, even if SENDIST makes an order, it may not be implemented by the school or local authority (NAS, 2003; Runswick-Cole, 2007; Stevenson, 2005). For example, a study by the NAS (2003) found that only 60% of its respondents felt that the orders had been satisfactorily implemented. Local authorities are under a duty to implement SENDIST orders and regulations set out the time limits within which they must comply with such an order. However, whilst it is the duty of local authorities to ensure the SENDIST order is implemented, they must work closely with schools to make this happen. This may be another factor underpinning concerns that the SEN system is not sufficiently accountable.

Parents' socio-economic status

Research has suggested that socio-economic status affects parents' access to SEN provision (HM Government, 2006). According to HM Government (2006), children from lower socio-economic backgrounds are more likely to have SEN and, Runswick-Cole (2007) also notes that because 29% of disabled children live in poverty, coping with their disability is often a considerable financial drain on families. Duncan (2003) suggests that SEN statementing excludes working-class parents because they lack the knowledge and resources a successful outcome requires, particularly if an appeal is necessary. In her

critique of the SEN system, Stevenson (2005) suggested that 'parents with higher educational qualifications have stated that the preparation for a hearing is so complex and costly that they do not know how others, less affluent or with a poorer comprehension of the English language, could survive the proceedings'. If challenging recommended provision for a child sometimes involves considerable financial investment from parents, for example for legal representation during appeals to SENDIST, it seems feasible that the system may function to discriminate against those without the requisite resources, including perhaps those with lower socio-economic status. There may also be others beyond this group whom to some extent the system functions to exclude, for example, non-native-English speakers (Adewusi and Paradise, 2007).

2.5 Summary

The preceding discussion highlights a number of recurrent, key issues that are pertinent to this study of parental confidence in the SEN system. The first of these is the **relationship between parents and the local authority**, and parents **and their child's school**, described as adversarial, for example by Duncan's (2003) study. This view was supported by Tennant et al's (2008) study of disagreements between parents and local authorities or schools over provision for their child's SEN. Another facet of this relationship between parents, local authorities and schools, is the **communication between parents and professionals** involved in the SEN system. A number of studies have commented on perceived poor communication between local authorities in particular and families, citing extremes of no communication from local authorities for long periods and parents feeling overwhelmed with information that they find hard to understand. Others have acknowledged the importance of communication from the local authority in parents' overall experiences of the SEN system. A related issue is the question over the **efficacy of joint working between the different parts of a local authority** involved in provision for children with SEN raised by the Audit Commission (2002) which noted that through statements, education services may be held accountable for things over which other departments, such as health and social care, have control. It seems clear then that the nature of the relationship between parents and other stakeholders, including how well they communicate with each other, will be important in understanding what underpins parental confidence in the SEN process. It may also be a key factor in determining parental perceptions of fairness in the outcomes of the system.

A further issue that appears to be connected to parents' suspicions of and perceptions of fairness about the SEN system highlighted by this review is the **perceived independence of various elements of the system**. Studies including Todd's (2003) have for example reported an apparent conflict of interest in the way parent partnership services were designed to operate independently yet funded by the local authority. Suggestions were made by the HCESC (2007b) for statutory assessment to be made independently of the local authority and for Educational Psychologists to operate independently of local authorities, supported by guidance developed by the DCSF, now being taken forward by the Lamb Inquiry, on the importance of Educational Psychologists being able to exercise their professional judgement freely. Such suggestions were designed to address a lack of parental confidence in the fairness and outcomes of the SEN system. This study considered these suggestions and explored whether or not there other factors exist that underpin parental confidence.

Finally, the literature review highlights the difficulties experienced by some parents in **interacting and engaging with the SEN system**, and in particular raises the issue that this might be more difficult for certain groups of parents including those from lower socio-economic backgrounds. A key objective of this study was to explore experiences of the SEN system for parents from neighbourhoods with lower socio-economic profiles to try to understand whether or not their experiences are unique. It also considered whether or not

there are other aspects of families' circumstances that impact upon the way they experience the process, and their resulting confidence in it.

The final chapter of this report returns to these issues to re-consider them in light of the findings from this study. It also draws together other issues raised by this study and makes suggestions as to how these might be acted upon by various stakeholders in the SEN system to improve parental confidence in it.

3 Requesting statutory assessment

This chapter explores parents' experiences of, and confidence in, the early stages of the statutory assessment process. It will focus on key stages of the process up to and including the decision by a local authority to carry out a statutory assessment. Specifically, it will examine experiences of and factors underpinning parental confidence in:

- pre-assessment support for special educational needs (SEN);
- requesting statutory assessment;
- local authority decisions not to carry out statutory assessment; and,
- resolving disputes.

The chapter begins by considering parents' perceptions of the level and quality of provision for SEN through School Action and School Action Plus (Section 3.1). Next, it explores decision-making in relation to requesting statutory assessment, and looks at parents' experiences of parent-led and school-led requests (Section 3.2). It goes on to discuss factors undermining parental confidence in local authority decisions not to carry out statutory assessment (Section 3.3). Lastly, the chapter looks at how disputes over local authorities' decisions not to carry out statutory assessment are resolved (Section 3.4).

Good practice identified in sections 3.1 to 3.4 which appears to increase parental confidence in the statutory assessment process is summarised at the end of the chapter (Section 3.5).

3.1 Pre-assessment support for SEN

An important caveat to the following discussion of parents' perceptions of support for SEN at the pre-assessment stage is that the opt-in design adopted to build a sample frame of parents and carers for this research (discussed in Chapter 1) did not result in a sample containing parents whose experience of the SEN process 'stopped' at School Action or School Action Plus. Inviting parents to opt in to the research is likely to have resulted in a sample of parents who had experienced concerns about provision at School Action or School Action Plus, or whose children had received statements without support at School Action or School Action Plus, due to the exceptional, complex and severe nature of their special educational needs. Parents without experience of assessment and statementing may have been less motivated to take part in the research, compared with parents who were involved in requesting statutory assessment and/or later stages of the assessment and statementing process. Therefore, whilst the research is able to make inferences about factors contributing to or undermining parental confidence in provision made for children's SEN through schools' or early years settings' delegated resources for SEN, it is important to acknowledge that there may be other factors which this research is unable to illuminate because of the absence of parents in the sample whose experience of the SEN system was confined to support at School Action and School Action Plus.

Parents interviewed for this study fell into two broad groups in relation to their perception of the level and quality of provision for SEN through School Action and School Action Plus:

- One group of parents lacked confidence in schools' use of delegated funding and centrally-held resources to support children with SEN, and were less able to identify specific features of support that their child had received.

- A second group of parents were able to identify specific features of support that their child had received, and had greater confidence in pre-assessment support for SEN and schools' use of delegated funding.

Experiences of parents lacking confidence in pre-assessment support

Parents in the first group were confused about the provision they could expect for their child through School Action and School Action Plus, and were unable to identify specific features of support that their child had received. There did not appear to be any evidence in the data that would suggest that the nature of a particular child's SEN, their age, or the local authority in which they attended school, had any bearing on parents' levels of confidence. Parents in this group tended to express the belief that delegated funding was not spent on SEN support in a way that benefited their child, and that School Action did not provide anything more or different for children with SEN. For example, parents were unsure about how much extra support a classroom teaching assistant (TA) guaranteed for children on School Action or School Action Plus, since all classes had a TA. Parents were concerned that because delegated funding was not ring-fenced for a particular child, this might mean that the child was not receiving the support that they required. The following quotes are typical of parents in this group:

"School Action Plus doesn't actually get you anything. Nothing at all." (Parent, LA1)

"[School Action Plus] meant no[thing] different. That was just a [] word[] added on the end." (Parent, LA2)

"There's always been a bit of a struggle getting enough support, [the school have] always gone on about how [Child A's] year is a particularly challenging year because there's quite a few children with quite significant needs in [Child A's] year" (Parent, LA2)

Parents in this group also tended to describe a lack of confidence in a particular school's ability to understand and meet the needs of their child, which in some cases resulted in what parents described as a 'battle' with teachers over the best approach for a particular child. Areas of concern included:

- school perceived as having an inadequate understanding of child's condition or disability and implications for SEN provision;
- targets, rewards and sanctions for learning or behaviour are considered unfair or inappropriate; and,
- repeated exclusion of child from school.

Interviews with local authority leads for SEN services revealed that a disparity existed between schools in terms of their understanding and use of delegated resources. Specifically, local authority leads for SEN services explained that while some schools appeared to 'try everything' to meet a child's needs through delegated and centrally-held resources for SEN before requesting statutory assessment, other schools were less systematic in their approach and moved much more quickly towards assessment. These views of local authority leads for SEN services add confirmatory evidence to the experiences of parents who lacked confidence in pre-assessment support for SEN. For these parents, schools were not successfully communicating their role in the early identification of SEN and meeting the needs of children with SEN within schools. It would also seem that some schools were failing to demonstrate to parents how they were using their SEN funding resources in relation to individual children's needs.

Case study 1 (LA2)

Following an educational psychologist's (EP) assessment of Child B, Child B's parent was concerned that Child B's individual education plan (IEP) was not updated or altered. Child B's parent described the school as being 'loathe' to implement any suggested changes to the IEP before Child B was formally diagnosed, and although Child B's parent supplied the school with information on Child B's condition, teachers indicated they were too busy to read it. Child B's parent felt the school lacked an understanding of Child B's condition. For example, Child B's parent explained that Child B would often have a better day at school if attendance was delayed until Child B was calm, but the school had not been flexible about Child B being late on some occasions. Following Child B's diagnosis of Asperger's syndrome, some changes were made including the positioning of Child B's desk, a traffic light system for supporting good behaviour, and a visual timetable. However, Child B's parent felt these should have been introduced earlier. The school also agreed to complete a daily communication diary, but Child B's parent stated that the school did not always fill it in. Child B's parent described feeling intimidated by staff at the school, and felt that they were arrogant in their belief that they knew the best approach to take with Child B's education. Child B's parent also lacked confidence in the school's ability to meet Child B's needs because staff appeared to be learning as they went along, rather than having prior knowledge and expertise.

Experiences of parents with greater confidence in pre-assessment support

In contrast to the experiences of parents in the first group outlined above, parents in the second group had greater confidence in pre-assessment support for SEN, and described more positive experiences of support at School Action and School Action Plus. These parents tended to have a different relationship with their children's schools, characterised by involvement in children's individual education plans (IEPs) which was encouraged and fully supported by the school. Whereas parents in the first group described having limited communication with the school, with opportunities to discuss SEN support for their child restricted to school open evenings or parents' evenings, parents in the second group were more likely to have been invited to meetings at the school and consulted by the school SENCO over the design and development of their child's IEP. Parents in this group were more likely to view their child's school as adopting a flexible, creative and collaborative approach to supporting their child's SEN.

Case study 2 (LA1)

Parents of Child C described staff at Child C's school as being '*absolutely great*', and felt that the school had put a lot of time and effort into meeting Child C's needs. Child C's parents were aware that Child C had been assessed by an educational psychologist (EP) as part of the school's assessment process for provision at School Action and School Action Plus. The school had also invited a specialist to come into the school and explain to teachers the nature of Child C's condition (a genetic disorder of the nervous system with associated complications including physical and learning difficulties and behavioural problems). Child C's parents felt that this had enhanced the school's understanding of how best to teach Child C, and had informed an individually-tailored programme of one-to-one teaching through a variety of activities, to support Child C in making progress.

Case study 3 (LA4)

Child D's parents described Child D's school as '*marvellous*', and were particularly impressed by the school's flexibility in adapting the curriculum for Child D. The school provided teaching assistant hours for Child D, which facilitated taking Child D out of lessons which were noisier and less predictable, such as Music and PE, and therefore more stressful for Child D, who has Asperger's syndrome. These hours were increased at more chaotic times of year (for example, the run up to Christmas) to reduce Child D's feelings of anxiety. Overall, Child D's parents felt the school was '*doing all it could*' to support Child D.

The experiences of pre-assessment support described by these two groups of parents appeared to have implications for their subsequent experience of requesting statutory assessment (see 3.2 below).

3.2 Requesting statutory assessment

A key stage of the statutory assessment process is the request for assessment. All parents in the sample for this study were involved in a request for statutory assessment. This section describes parents' experiences of the decision-making process to request statutory assessment, and the process of requesting assessment itself.

Decisions to request statutory assessment

Requests for statutory assessment arose out of schools' and/or parents' concerns that the school was unable to fund and coordinate the level of resources required to cater for the child's needs. While parents described some reservations about requesting statutory assessment, particularly in relation to concerns about the potential stigma attached to a child with a statement, such reservations were secondary to concerns about their child's progress, in both the short and longer term. At the point of requesting statutory assessment, parents expressed having both immediate anxieties about their child's academic progress, behaviour, well-being and happiness, confidence and self esteem, and worries about the future, particularly in relation to their perception of their child's ability to become an independent adult.

In some cases requests for statutory assessment were initiated, or fully supported, by the early years setting or school, while in others, they were parent-led. In parent-led requests, the catalyst was sometimes advice from health professionals that a statutory assessment might be appropriate. Alternatively, parents knew of other children in similar circumstances where a statutory assessment had been carried out. These parents were sometimes dissatisfied with provision at School Action or School Action Plus because they lacked clarity about the precise nature of this provision (see section 3.1 above) or their child did not appear to be making progress. There were some examples of schools holding meetings with parents to discuss their concerns and attempting to resolve issues prior to the request being submitted. Some schools or school SENCOs were described as extremely helpful in explaining the statutory assessment process. For example, one parent described how the school had explained that the request was likely to be declined because the school needed to '*try lots of different things first*' to see if they could meet the child's needs from their delegated resources. However, there were also examples where schools did not appear to engage with parents to set out their case as to why statutory assessment was not deemed necessary at that particular time.

"[School staff] will only give up the time if you specifically say 'I want a meeting about this'. [School staff] will not say 'I would like to come and see you to discuss how you feel about it'...they didn't even come and say 'Well what do you think we might be able to do to help [Child E] in school?' There's no help unless you demand it." (Parent, LA1)

In some cases parents were suspicious about schools' motivations for not supporting or leading a request for statutory assessment. One parent described how although the school promised to put more support in place for a child, they decided to request a statutory assessment against the school's advice because they felt that they had given the school a chance to make provision in the past, but had been let down. They were also concerned that the school was not in a position to provide any more help. In this case, the parent did not understand why the school did not want to request a statutory assessment. They were left feeling that the school did not want to involve the local authority because they had '*something to hide*', for example, that perhaps they had not made sufficient effort to meet the child's needs through provision at School Action or School Action Plus.

Process of requesting statutory assessment

Overall, parents described the process of requesting statutory assessment as having to *do* an assessment in order to *get* an assessment¹⁴. For parent-led requests, the forms were described by parents as '*huge*' and the process as being '*not straightforward*'. In some cases the parents had to arrange an appointment with an educational psychologist (EP), and coordinate all the paperwork. One parent described the process as '*draining*', requiring contacting as many as 12 different specialists who were involved with the child.

Parents' experiences of this stage of the statutory assessment process were more positive when the school or early years setting took the lead in coordinating the collection of evidence required to make a request and kept parents informed about the progress of the request. However, even where schools were leading on submitting a request, parents reported some challenges. For example, parents explained that there was quite a lot of administrative work involved in copying and sending all letters from specialists involved with the child (for example, speech and language therapist, occupational therapist, clinical psychologist, paediatrician) to the school, and a list of contact details for specialists from whom there was no recent paperwork, so that this evidence could be combined with written reports from the school.

"It's kind of like you're a bit of a PA because you have to deal with all the admin and unfortunately my [partner] works long hours so it was all down to me." (Parent, LA4)

In a minority of cases, where schools were struggling to keep children in the classroom, parents or carers were asked to act as learning support assistants for their child so that they could attend school for long enough in order for the school to provide the necessary evidence to show that all reasonable steps had been taken to meet the child's needs using the totality of the school's own delegated resources. Parents in this situation were happy to

¹⁴ Local authorities set thresholds which should be met in order for a statutory assessment to be awarded. In order to meet the threshold for statutory assessment, a request must generally include:

- presentation of detailed documented records to show that all reasonable steps have been taken and appropriate interventions made to meet the child's needs using the totality of the school's own delegated resources;
- an account of the coordinated involvement of appropriate centrally held local authority support services;
- evidence that the child's needs cannot be met by a combination of the school's own resources and resources held centrally which are available without a statement; and,
- evidence which demonstrates that the pupil's needs are 'exceptional' (i.e. significantly greater than other pupils of the same age in the local authority), severe and complex, and have specialised or expensive long-term resource implications.

take on this role and praised schools for their proactive approach in pushing the process for requesting statutory assessment forward. However, for one parent this entailed a considerable burden in that they were asked to attend the school with their child for two hours a day for a month (and the school was unable to keep the child beyond those two hours because of the child's severe behavioural, emotional and social difficulties) in order to demonstrate detailed evidence of the child's needs and that the school felt unable to meet those needs. It is important to note that taking on this role would be impossible for some parents, for example, those who are working full-time or looking after pre-school age children.

Even where schools were leading the process, parents found that schools did not update them regularly enough as to the status of the application for statutory assessment. They were sometimes confused as to their role in the process, what evidence was needed, and what would be collected by the school. They sometimes described having to contact the school to check whether required and relevant paperwork (for example, social worker's report, EP report) had been obtained and submitted. Parents often felt awkward about chasing schools up, knowing that staff were busy, but in some cases had found that schools needed reminding that reports were missing. Parents also described delays to the request process resulting from the limited amount of EP time allocated to a school. In one case, a parent received contradictory information from the local authority as to the length of time the child (who had returned to the UK after a period spent overseas) needed to be in school in order to request a statutory assessment.

3.3 Decisions not to carry out statutory assessment

The SEN Code of Practice requires local authorities to make it clear to parents that while the local authority will give full consideration to a request for statutory assessment, sometimes an assessment may not be agreed. The Code specifies that the local authority must make it clear to parents (using plain language so that parents can readily understand its meaning) that the local authority is considering whether it should go ahead with an assessment and has not at that stage decided to carry out an assessment. Nevertheless, in cases where the local authority decision was **not** to carry out a statutory assessment, parents described a sense of '*shock*' or feeling '*horrified*' when they were notified of the decision. Two key factors appeared to undermine parental confidence in relation to decisions not to assess. These were:

- apparent inconsistency between the explanation provided in the notification letter and information disclosed by local authority SEN case officers when clarification of reasons for the decision was sought by parents; and,
- inconsistent messages from school, health and social care professionals involved with the child which fail to manage parents' expectations in relation to the statutory assessment process.

Inconsistency between explanations provided for decision not to assess

A key factor which undermined parental confidence in the statutory assessment process at this stage was caused by an apparent inconsistency between the notification letter and information disclosed by local authority SEN case officers when clarification was sought by parents. It is important to note that this experience of inconsistency was not confined to parents in a single local authority included in this research. Parents were concerned that while the notification letter stated that statutory assessment was not considered necessary (because the child's needs were being met, or were able to be met, within the school's delegated resources and additional centrally held resources), local authority SEN assessment team officers later explained that the assessment panel had received

insufficient, partial or incomplete information on which to make a decision as to whether the threshold for assessment was met. Examples of missing information included cases where the school may not have provided a sufficiently detailed breakdown of provision at School Action or School Action Plus for a child, or an EP had provided only a partial report because the child was non-compliant at the time of the assessment. Understandably, this inconsistency between the explanations provided for the decision not to assess left parents feeling frustrated, confused and distrustful of the process.

“At the moment I don’t feel confident at all, because you can’t feel confident when you’ve got a letter to say: ‘At the moment it’s not necessary [to carry out a statutory assessment]’, and then they turn up at the school and say: ‘We want more information’. ‘Not necessary’ to ‘more information’ is a big difference. So I’m nowhere near confident at all, in fact, it’s as good as lying to somebody.” (Parent, LA1)

In some cases parents were suspicious that local authorities would decline a statutory assessment in the hope that parents would not question the decision, and that money could be saved.

“I’ve got this big conspiracy in my head, that...there is an unwritten policy that you [the local authority] always say no and see if you can get away with it, see if you can save yourself some money.” (Parent, LA1)

Parents stressed the importance of clarity in the guidelines for both schools and parents regarding the threshold for carrying out a statutory assessment and the detail and extent of evidence required as part of a request for statutory assessment. Some parents suggested that a checklist of paperwork needed for the application would be useful. For schools who had not requested a statutory assessment before, parents suggested that an information pack should be available which explains the documentation that schools need to provide, and the requirement for reports, such as EP assessments, to be up to date. Parents also thought that where paperwork was incomplete or missing that local authorities should liaise with schools and parents to resolve this, prior to the panel making a decision.

Inconsistency of messages about appropriateness of statutory assessment

A key factor which undermined parental confidence in the decision not to assess was a lack of consistency in messages from various professionals about the appropriateness of statutory assessment. Parents experienced inconsistent messages between:

- healthcare professionals and education professionals;
- staff within a school;
- staff across two schools (for example, between a primary and secondary school);
- school staff and the EP; and,
- school staff and local authority staff.

The effects of this lack of consistency were twofold. On the one hand, where a professional indicated that, in their view, statutory assessment was appropriate, parents’ expectations that a request would be successful were raised. It also meant that parents’ relationships with other professionals involved with the child who were more cautious about the need for statutory assessment were undermined. This could lead to parents having a more adversarial approach to the SEN assessment, statementing and tribunal system from the outset. For example, one parent described how the EP had made an ‘off the record’

comment that if the parent were to appeal the decision not to assess, the local authority would lose. In this case the parent went on to employ a solicitor and lodge an appeal with SENDIST.

In another example, a parent described how the school SENCO was sent for re-training and a teacher was told to not express opinions publicly by the local authority, after telling the parent that they felt their school could not provide adequate SEN support for their child. This indicates that local authorities and schools could work together more closely so that schools are working 'with' rather than 'against' local authorities, and have a better understanding of their responsibilities in relation to delegated funding and provision for SEN.

Interviews with parents indicated that a lack of consistency between professionals tended to exacerbate a tension that parents experience between accepting that their child is one of many children with SEN and that adequate provision is 'shared' fairly and according to need among those children, versus wanting the best for their own child, even if that means their child has an unfair advantage or that other children may miss out.

"As a parent you'll do anything, you'll fill out all the forms, you'll go to all the appointments and you'll really fight for it because as a parent you want the best for your child."

(Parent, LA1)

The factors described in this section which undermine parents' confidence in local authority decisions not to carry out a statutory assessment tended to contribute to an escalation of tension between parents and local authorities which had implications for the resolution of disputes before the appeal stage.

3.4 Resolving disputes before the appeal stage

Where parents had received notification of a local authority's decision not to carry out a statutory assessment, they tended to seek advice from the school and / or local authority as to the reasons for this. In most cases a meeting was called between the local authority, the school and the parents. An escalation of tension between parents, schools and local authorities was avoided in cases where the local authority was proactive in communicating with parents, and adopted a collaborative approach with parents and schools to attempt to resolve the issues arising. Usually, the outcome of these meetings was to allow the submission of further evidence to the assessment panel, with the end result that statutory assessment was invariably granted and appeal and Tribunal were avoided. In one case, a parent was invited to go and speak at the panel meeting, which they described as really useful. However, this parent also explained that it had been very intimidating and that not knowing how the process worked or what they were supposed to do had made them feel 'a bit stupid'.

Where local authority SEN officers showed parents the guidelines they used to determine whether the threshold for a statutory assessment is met, parents felt that there was a lack of flexibility by local authorities in applying these guidelines. Other parents felt meetings were not handled as well as they could have been, and felt frustrated by having to repeat themselves as to why they felt a statutory assessment was appropriate.

"You're just saying the same things over and over again...you don't have any extra answers as such." (Parent, LA1)

Where parents had been told previously by a professional that their child would meet the threshold for statutory assessment, meetings with local authority SEN officers could become adversarial in nature. Even where meetings went well, and parents described having a better understanding and appreciation of delegated funding and the threshold for statutory assessment following such meetings, in some cases their decision was still to appeal. Other parents felt that local authorities did not take parents seriously in cases where the request for assessment was parent-led without support from the school. In all these cases, it is possible that improved joined-up working between schools and local authorities at an earlier stage, before a request for statutory assessment, could assist in pre-empting parental concerns about, and lack of confidence in, the use of delegated resources to meet children's needs.

3.5 Summary

Key factors which appear to underpin parental confidence in the SEN system are the degree of flexibility, communication, capacity and expertise demonstrated by schools in managing the needs of children with SEN at School Action and School Action Plus. It seems clear that some schools are working effectively and collaboratively 'with' parents in ways which ensure that schools and parents have a shared understanding of the SEN system, and the respective roles of School Action and School Action Plus and the statutory assessment process.

In interviews for this research, local authority leads for SEN services were optimistic that there was a greater understanding among schools, and greater confidence among parents, of what can be provided for a child in mainstream schools. Local authority leads for SEN services emphasised the importance of schools working in partnership with parents and supporting them from the outset, rather than approaching a situation as an 'expert' who knows better than the parents what their child needs. However, there were also concerns that limited staffing levels in SEN departments meant that local authority staff were not available to have face-to-face meetings with parents and schools at the pre-request stage. Addressing this could help to alleviate tensions which arise where professionals are delivering contradictory or conflicting information about SEN provision and the need for statutory assessment. Local authority leads for SEN services also identified a need for more training for professionals in schools, health and social care about the SEN system, so that misunderstanding and miscommunication experienced by parents is minimised. School SENCOs played a particularly important role here in ensuring requests for statutory assessment were appropriate, and that parents understood the reasons why and when a request for statutory assessment should be made.

While local authority leads for SEN services were confident that most schools did ensure that they had everything in place to support adequate progress of children with SEN before requesting statutory assessment, this was not considered to be universal. Schools must have a clear understanding of their role in SEN provision and the statutory assessment process, and it is important from the point of view of both local authorities and parents that schools do not see themselves as in some way separate from the SEN strategy of the local authority as a whole. It was considered especially important that schools were aware that once they discussed the need for extra support through the statutory assessment and statementing process with parents, parents were less willing to accept that adequate support could be accessed through the school. As the discussion of parents' experiences of requesting statutory assessment has demonstrated, it is important that parents are receiving consistent messages about the system, and that schools have a good understanding of it in order to support parents both at School Action and School Action Plus, and through statutory assessment where appropriate.

4 Statutory assessment and statementing process

This is the second of three chapters that explore in detail different elements of the SEN statutory framework. This chapter looks specifically at parental experiences of the assessment and statementing processes, including the statutory assessment process, the receipt of statutory assessment outcomes, understanding and agreeing statement content, the implementation of statements of SEN, and the annual review process. It explores parents' experiences of these processes and the factors that contribute to parents' suspicion of and confidence in the processes involved and subsequent outcomes. Finally, the chapter begins to consider how parental confidence in these elements of the SEN system may be improved - this theme is continued in the final chapter of this report where a series of recommendations are proposed.

4.1 Parental experiences of the assessment and statementing process

This section will describe parents' experiences of the SEN system of statutory assessment and statementing in cases where the local authority agrees to carry out a statutory assessment (see Chapter 3 for a discussion of parental experiences of a refusal to assess). It focuses on five specific elements of assessment and statementing as follows:

- the process of statutory assessment;
- the notification of assessment outcome;
- understanding and agreeing the content of the statement of SEN;
- the implementation of the statement; and,
- the annual review process.

Process of statutory assessment

Following a school-led or parent-led request for statutory assessment, where the local authority decision was to carry out a statutory assessment, parents described the assessment process itself as reasonably straightforward. There were, however, three areas that parents raised concerns about. These were:

- the educational psychologist (EP) assessment and parental involvement in this;
- the parental report; and,
- the stressful nature of the process.

Parents expressed some concerns about the EP assessment, conducted as part of the statutory assessment. A key concern was that the EP was often the one professional involved in the process who did not 'know' the child or have continued involvement with the child beyond the assessment itself. Because of this, parents were concerned about both the perceived brevity of the EP's interaction with their child, and the lack of time that an EP had to discuss the child's developmental history and current progress and behaviour with the parent(s). Parents were concerned that given the importance of the EP report in the statutory assessment process, a single morning or afternoon spent by the EP with the child was insufficient. In one case, a parent described feeling frustrated at not having sufficient time to fully explain the child's situation to the EP. However, in this case, although the interaction at the time of the assessment had felt rushed, the EP gave the parent the opportunity to

comment on the resulting report and to highlight any omissions. The parent felt that the report had not provided details of the child's sensory issues and the EP did amend the report to include these.

Parents also had concerns about their role in the assessment process, specifically the parental report. Parents described feeling very unsure as to the significance attached to the parental report by the assessment panel. They were also uncertain how to go about writing the parental report, particularly in relation to its length and the level of detail it should contain, often agonising over the course of several days as to whether it accurately reflected what they wished to convey to the assessment panel. Where parents had sought advice on the parental report from parent partnership services or disability organisations, this was experienced as very helpful and supportive.

Overall, even where the assessment process went relatively smoothly, it could be experienced as stressful by parents simply because of the length of time involved and because the content and detail of reports necessarily tended to emphasise the child's SEN.

"It just seemed to take forever... it's also really hard [], 'cause you get these reports back and you read them and it's like 'Oh God, is [my child] really that bad?'...when you see it written down, that's hard." (Parent, LA3)

Notification of assessment outcome

Two aspects of the notification of assessment outcome affected how parents experience this part of the SEN process. The first was, of course, the nature of the outcome. There is also clear evidence however that parents' experiences of this are tempered by the way in which this outcome is communicated to them by the local authority.

It is perhaps not surprising that the nature of the outcome of the assessment process was critical to parental experiences of the statementing process given the emphasis placed on obtaining a statement of SEN by some parents. For example, some parents described requesting a statement as a *'last resort'*, sometimes following a lengthy period of negotiating provision for their child at school. Indeed, even where parents were unsure as to whether or not their child would be eligible for a statement or that it would meet their needs, it was perceived to offer another avenue via which parents could feel they were working to ensure the 'best' provision for their child. That so much emphasis is placed on obtaining a statement of SEN is perhaps indicative of the part parents perceive statements to play in providing for their child's special educational needs. As discussed and evidenced in the preceding chapter, parents are unclear about the level and type of provision they can expect at School Action and School Action Plus, and therefore believe that a statement will increase the amount of provision their child will receive.

The emphasis placed on the receipt of a decision to issue a statement of SEN is most clearly reflected in parents' reactions to receiving a note in lieu of a statement. This represented a disappointment for parents in a range of circumstances but particularly so for those whose child's condition had been specifically diagnosed and who felt aggrieved that their child's condition did not automatically qualify them to receive a statement. In comparison with a statement of SEN, the note in lieu was perceived as carrying little weight since it is neither legally binding nor provides detailed recommendations for the provision to meet the child's SEN at school. Parents who felt they had been led to believe that their child would receive a statement, by the child's school for example, could be left feeling confused by the decision not to issue a statement and were unsure of how to proceed following this decision. This echoes parental experiences of receiving a decision by the local authority not to assess (see previous chapter). In such circumstances, parents described feeling that the process of statutory assessment was a *'waste of time'* and questioned how far others that were

involved, such as the EP or the school SENCO, could have anticipated this decision and made the recommendations laid out in the note in lieu themselves.

The second dimension of parental experiences of the decision whether or not to issue a statement of SEN was the way in which this decision was communicated by the local authority. Parents expressed two concerns about the communication of decisions. These related to the clarity of the reasons underpinning a decision and to whom the decision was communicated. Where a note in lieu of a statement was issued, some parents felt that the reasons for this were insufficiently explained. A parent in LA2 for example complained that it *"just came back saying, you know, there's not enough to warrant [the child] being statemented"*. As in cases where children were refused statutory assessment and described in the previous chapter, this could lead some parents to feeling suspicious that the local authority's reasons for issuing a note in lieu of a statement were not well-founded. Parents who had made repeated attempts to acquire a statement of SEN for their child and were successful only following multiple requests, also reported confusion as to why the application had been successful at the last attempt. Where they felt this was insufficiently clear from the communication received, they were inclined to conclude that it was their perseverance that had led to a statement being issued on this occasion, rather than that their application met the relevant threshold. There was some indication that parents in this situation were left with an impression that a local authority would always refuse a statement at the first request with the aim of saving money on provision for the children of those parents who did not re-apply.

The implication of this is that parents require a greater level of detail than provided by some local authorities as to the rationale behind the decision not to issue a statement. It is however interesting to note another example of a parent who received a note in lieu of a statement who confessed that she was interested only in whether the local authority said 'yes' or 'no' to making a statement, and not in any other details. This reaction appears to reflect this parent's focus on the *process* of statementing, and their lack of understanding of what it would mean for their child were they to be issued with a statement. It appears then that the level of detail required by parents about assessment outcomes is not uniform. This issue is discussed further later in this chapter and in the final chapter of this report where suggestions are made as to how parents' information needs might best be addressed.

As well as questioning the level of detail contained, parents expressed concern about how the decision to make a statement or issue a note in lieu had been communicated to parents and other professionals involved in the process who had submitted reports. Although standard practice is likely to be communication by letter to parents, which is copied to the various professionals involved, parents did report some confusion as to whether or not this is what had happened. For example, where parents reported that other professionals had not been told, they felt that this transferred the responsibility for communicating the decision more widely onto them and they experienced this as stressful. In contrast, other parents reported hearing the assessment outcome from their child's school rather than directly from the local authority and were unhappy that they had not been informed directly. Whether notifying only one party was perceived to be a deliberate action or an oversight on the part of the local authority, parents felt it did not recognise the role played by different stakeholders, including themselves, during either the assessment or statementing process. It would seem feasible that this could have implications for a parent's confidence in this part of the statementing process and the SEN system more generally.

Understanding and agreeing statement content

Whilst great emphasis was placed on the receipt of a statement of SEN, it by no means alone underpinned parental satisfaction in the statementing process. Not surprisingly, understanding the content of the statement was also key to how parents reflected on their experiences of the statementing process.

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. As with the notification of assessment outcome however, it was not the case that more detailed statement content guaranteed satisfied parents and some in fact found the level of detail contained confusing, in particular where they did not understand its relevance to their child. A parent in LA4 described the detail of her child's statement of SEN which noted her unusual, anti-social behaviour in the playground and low-level of literacy. It also detailed the child's proficiency at dressing herself however and the parent did not understand what this had to do with her educational needs and nor did she feel this had been explained to her either in the literature accompanying the statement or in a subsequent meeting to discuss the statement with the local authority.

"...I just didn't understand that thing about her doing, doing her own buttons up, doing her own shoelaces up, I didn't understand that at all, but it was very, it was important to them [LA4] though, but I didn't understand it...I don't see what that has got to do with her learning needs, about dressing yourself...what's that got to do with your educational needs?"

(Parent, LA4)

As well as the level of detail contained, parents reported a greater sense of confidence in the statement issued when they felt it explicitly reflected the reports that they and other professionals had submitted during the assessment process, and where it clearly spoke to their child's individual special educational needs. In one case, a parent described her satisfaction with the content of her son's statement which included detail such as what kind of sanctions are appropriate for him, how staff should speak to and praise him, and how to measure his progress. In contrast, parents who felt that the statement was merely formulaic, using phrases not specific to their child's circumstances and needs, were much less satisfied. Indeed, some felt that the draft statement included none of the provision recommended by the reports and statements submitted by the parents and professionals.

"[The] language used [was] much too vague and flowery! It certainly didn't feel like it had been written about my boy. It could've been written about any boy with special educational needs. It's so vague; the wording is just so vague." (Parent, LA3)

One possible explanation for these reactions is that parents are unaware that the reports gathered during the statutory assessment process and submitted in support of the statement will be appended to the statement. It may also be a further indication that parents are not aware of how the content of a statement should look and that they require different tools from those currently available to make sense of the statement they receive.

Following the receipt of a draft statement, parents can either accept it or put forward suggested amendments where they do not agree with what it contains. That some parents in the sample accepted the draft statement without amendments did not always suggest that they were entirely satisfied with it. Some were simply happy to have a statement of SEN for their child and, following a sometimes lengthy process to obtain this, were not inclined to begin the process of proposing amendments. One parent in such circumstances, although

disappointed at the level of support indicated in the statement, was nonetheless confident that the child's school would make the best use of it that they could. In this case, the continued good relationship with the child's school was key in this parent's decision to accept the draft statement, further underpinning the importance of this relationship throughout the SEN system and not just at School Action and School Action Plus.

"I thought the crucial thing is that we have the statement, it says this amount of support and I know that the school will use it wisely because they'd been very careful in trying to meet [name of child]'s needs up to date. And so I, I didn't really think that was a battle worth fighting. The school knew his needs even if the LEA didn't so I thought that was the important thing at the time." (Parent, LA4)

Where parents did wish to propose amendments to the statement, their perceptions of this process were moderated by their experiences of communicating over this issue with the local authority. Those who reported more positive experiences described being able to contact the relevant local authority staff member quickly and easily to discuss the statement, either by telephone or in person, to reach an agreement on statement content. Parents who could not quickly get in touch with their local authority, who made repeated attempts to make contact, or whose telephone calls were not returned by the local authority, reported feeling anxious about being able to respond to the draft statement within the two week deadline. Having to 'chase' local authority staff to discuss the statement was experienced as stressful and led parents to speculate about why the local authority might want to avoid such a discussion. Confidence could be further eroded by problems in communicating new decisions to parents, for example in the case of one parent whose letter from the local authority communicating the new name of the school identified for the child was sent to the wrong, albeit similar, residential address.

Implementation of the statement of SEN

For some parents, when a statement of SEN was issued for their child, it felt like the end of a process and they appeared less engaged with its implementation than they had been with the process of acquiring it. That their child had a statement of SEN was sufficient for some parents to instil confidence that their child's needs would be better understood by the school and that the right level of attention, support and understanding would be forthcoming. Even where this confidence in the school was less well developed, parents anticipated that merely having the statement would allow them to more confidently question the school's approach to meeting their child's educational needs, giving them a document to refer to.

The relationship between the parent and the child's school was undoubtedly key in parents' accounts of their experiences of statement implementation. Where the parent and school had worked closely throughout the assessment and statementing processes thus far, parents generally expected that this relationship would continue and therefore appeared less inclined to question the implementation of the support outlined in the statement. Where this relationship was less well developed, parents' key concern appeared to relate to how the extra funding associated with a statement was being deployed. In particular, parents were worried that funds meant for their child were being subsumed within the general school budget. Others gave specific examples of aspects of their child's statement that they felt were not being implemented. That parents appeared to lack clarity about what provision for their child's SEN should look like at other stages of the SEN process, for example at School Action and School Action Plus (see previous chapter), is relevant here.

The annual review process

Parents in all circumstances tended to report feeling apprehensive about the annual review process. This appeared to be borne out of a concern about participating in a meeting with professionals and feeling confident to interact at that level. This was mediated by the relationships parents had enjoyed with others throughout the processes of statutory assessment and statementing. Indeed, parents who had enjoyed a good relationship with their child's school, for example over the period in which the statement had been implemented, reported more positive experiences of the annual review process. It is possible that these parents experienced such relationships with the school as supportive and that this then impacted upon their experience of the annual review meeting. It may also be the case that these parents were better informed by their child's school about what the annual review meeting would entail.

Anxiety about the annual review was heightened for those parents who felt they had struggled to obtain a statement of SEN for their child and who were concerned that elements of this provision could be lost following a review. It was also apparent that parents who were unclear about the purpose of the review meeting and about who would attend from the local authority and school felt more apprehensive. That parents were not clear about who should attend the annual review meeting was also important in affecting experiences of the meeting itself. Where specific local authority personnel whom the parents had expected to attend the meeting were not there, parents could interpret this as a sign that the local authority were not adhering to protocol regarding these meetings or that the local authority did not place importance on providing for their child's SEN, whereas it was perhaps never the case that these people would attend the meeting. As identified at other stages of the assessment and statementing process, parents appeared to lack clarity about who should be involved at different stages of the SEN process, and about what role they will play. It seems important that there is sensitive awareness of parents' expectations around these issues so that the kind of anxiety and misunderstanding described here are avoided.

In contrast to concerns about losing elements of provision described above, there was also a perception that schools sometimes prioritised '*hanging on*' to the resources attached to a statement and were therefore reluctant to emphasise the progress the child was making. This led to some parents experiencing the annual review process as overly negative. In some cases, statements were not amended for several years, which led to difficulties when parents felt transition to a new school was appropriate. For example, a parent in LA3 requested that her disabled child be moved to a residential special school so that the child could benefit from extra-curricular activities offered and would have more opportunity to socialise with peers. It was only in requesting this transition that the child's statement was identified as being '*hopelessly out of date*'. In general, parents appeared unaware of the transition planning function of the annual review (for example, for children in years 9 and 11).

4.2 Factors underpinning parental experiences of the assessment and statementing process

The previous section has described parental experiences of different elements of the process of statutory assessment and statementing, and has identified aspects that appear to work more or less well for parents in different circumstances. However, it is apparent from exploring parents' accounts of their experiences in the context of their individual circumstances that there are other factors that underpin parental experiences here. Whilst these factors might lie outside the control of those with responsibility for the SEN process, it is important to recognise them so that this can help to inform changes to the system and ensure that any amendments positively affect the experiences of the parents in the broadest range of circumstances. These factors relate to three key themes: parents' relationships with

SEN professionals; challenges to parental engagement with the SEN system; and, the support parents receive during the process.

Parents' relationships with SEN professionals

A common theme pervading parents' experiences of all aspects of the assessment and statementing process is their relationships with professionals involved in their child's case and, importantly, how they communicate with them. The preceding sections have identified a number of issues that highlight the importance of these relationships in underpinning parental confidence in and allaying suspicions about these elements of the SEN system and its outcomes. For example, parents experienced interactions with professionals as stressful and approached them with anxiety, especially where they were unclear about their purpose or the personnel involved. They could also feel confused about the content of communication where they found the detail hard to understand or where they felt it did not contain sufficient explanation about decisions that had been made. This could foster suspicion among parents that they were missing out on important information or that decisions made about provision for their child were not being made fairly and following proper consideration of all the available evidence. These suspicions could be exacerbated where parents found getting hold of local authority staff difficult and consequently suspected that staff were deliberately avoiding talking to them.

Finally, administrative errors in communication, for example letters apparently being sent to the wrong address or key personnel not being informed of assessment outcomes, were also likely to impact negatively on parental confidence in the system. These issues impacted negatively on parent-school-local authority relationships and led parents to report difficult experiences of the assessment and statementing processes themselves. As well as presenting difficulties at these stages of the process, there is evidence that such experiences can contribute to the decision to take other action, for example lodging an appeal with the Special Educational Needs and Disability Tribunal (SENDIST). This is discussed in the next chapter.

As well as these difficulties in communicating with key personnel at different stages of the assessment and statementing process, parents highlighted two further issues that impacted upon their relationships. The first was a perception among some parents that local authority SEN employees could lack empathy by virtue of their not being the parent of a child with SEN. Parents felt that employees would find it difficult to understand what it meant to be the parent of a child with SEN generally and would be unable to anticipate the types of problems their child might have now and in the future. This led one parent to suggest that parents should play a key role in local authority decision-making around SEN provision.

"People on the boards doing these policies should have people like me on it who've got experience with children. Most of the people I worked [with], or... had dealings with, in the SEN [team], they haven't got disabled children, they haven't got a clue." (Parent, LA2)

Another parent suggested that local authorities introduce what she termed 'co-workers': other parents with experience of statutory assessment and/or statementing who could support parents going through these processes with advice and encouragement. It seems likely that this parent had not been offered the support of an Independent Parental Supporter through the local authority's parent partnership service.

The second issue is apparent in some parents' accounts of their experiences of interacting with personnel at their child's school and or the local authority. They describe an adversarial relationship, where the parents 'battle' the school or the local authority for appropriate provision. Such relationships appear to be characterised by the kind of communication difficulties outlined above but also where parents have themselves experienced prolonged negotiations with local authorities and schools about provision for their child, and heard similar stories from other parents. Such perceptions are compounded by messages from the child's school in some cases that responsibility for provision lies with the local authority and the implication in these messages that the local authority may not readily acknowledge this responsibility. Again, as well as having important implications for the nature of relationships at this stage of the SEN process and parents' resulting experiences, this may also play a role in parents' decisions to take disagreements with the local authority further, for example to SENDIST.

Challenges to parental engagement with the system

There were clear differences apparent in parents' accounts as to how confident they felt about liaising with the professionals involved in the assessment and statementing process. Parents varied in the extent to which they felt able and confident in interacting with, questioning and challenging other stakeholders, or commenting on reports by professionals, particularly around assessment outcomes and the content of statements. Those who were employed and had experience of working with committees or other professionals tended to report fewer difficulties in this area. However, those without this experience, and those who perhaps themselves had experienced learning difficulties or identified themselves as having lower levels of literacy, felt more daunted at the prospect of these kinds of interactions. These concerns were exacerbated in cases where SEN officers were described as handling meetings poorly. For example, one parent described how an SEN officer had been 'doodling on a pad' during the meeting, and had neither made them feel comfortable nor appeared to listen respectfully to their comments. Evidence that parents who felt better able to negotiate the system experienced better outcomes was not however apparent.

On a very practical level, parents' financial means also appeared to impact on their ability to respond to some of the demands of interacting with the assessment and statementing process. Those with lesser means reported that finding the money to pay to post or fax documents, access the Internet, and make telephone calls was a concern, although it did not appear to have stopped these parents from fulfilling these responsibilities. The Internet in particular appeared to be an important way in which parents accessed information, communicated with local authority personnel, and documented this communication during the process.

"I mean the hours and the credit that I've spent...on phone calls and sending letters and...recorded delivery and stuff like that... I mean I'm lucky, because I get disability living allowance for him now, but before I was getting that...I was living on [] ninety quid a week...and [] to try and find... ten [pounds] for phone calls to different organisations and...a fiver for a recorded delivery letter here and a recorded delivery letter there...you can't do it." (Parent, LA2)

Parents' finances also impacted upon the types of support they felt they could access and those with greater means were able to consider paying for legal representation - this is explored in the sub-section below.

Support for the parent

Parents' experiences of the assessment and statementing process were also very affected by the nature of any support they received during this time. Support was sought from a range of different sources and included informal support from other family members, the local PPS and other support groups and, in some cases, legal support.

Whilst parents identified that support from a partner could be important in helping them cope with the anxiety and stress that some experienced, it was not the case that the presence of a partner guaranteed good support and a better experience. Lone parents did experience the system as stressful and difficult though this experience was not exclusive to this group. Parents who were part of a couple reported that the process of assessment and statementing could cause friction between partners, especially where one shouldered most of the burden of liaising with the school and local authority.

The local PPS played an important role in supporting some parents through the assessment and statementing process. Parents appreciated their knowledge of the system and in general trusted that their advice was well informed. As well as giving general advice about the nature of the assessment and statementing processes, PPS staff could also liaise with the local authority on the parents' behalf, and arrange meetings between the parent, local authority and school. Parents also reportedly appreciated the opportunity to talk to someone uninvolved in their case who understood the system.

"She [PPS staff member] just came and told me the process, how it worked and what happened...they know the system and they know what they're dealing with and I haven't a clue really." (Parent, LA1)

Whilst this support was valued by some parents, others expressed concern that the PPS were not completely independent from the local authority. They were suspicious therefore about whether or not the loyalties of the PPS would lie with their child or with the local authority.

"[Parent Partnership] weren't the ones for us really...[they] wouldn't really have been able to help us at all actually...Even though they're outside...I didn't perceive them as really being that impartial." (Parent, LA4)

Whether or not this suspicion was well-placed, this may have deterred some parents from accessing the support offered by the PPS, and therefore caused them to miss out on this potentially beneficial experience.

The role of other support groups appears more critical where parents considered lodging an appeal with SENDIST (see the next chapter) however parents did seek support from other organisations. Local parent support groups and national organisations for people with specific disabilities were mentioned by parents. Parents attended courses, such as on the nature and role of Individual Education Plans (IEP), sought advice about their child's condition, and sought general support and encouragement for challenging local authority decisions for example in requesting an amendment to a draft statement. In some cases, parents had been in touch with these organisations previously but others were introduced to them during the assessment and statementing process, for example by the child's hospital consultant or other parents with similar experiences.

Where parents had sought legal representation, this tended to be at the point at which they lodged an appeal with SENDIST (discussed in the next chapter) although some had involved a solicitor earlier in the process. Parents felt empowered by legal support and described a feeling that their solicitor was genuinely 'on their side'. They perceived that involving a solicitor showed that they were doing all they could to ensure the best provision for their child and felt more confident that their child's specific needs would be met. One parent explained that she sought to employ a solicitor when requesting a statement for her child. At this stage, the parent no longer trusted the child's school to make the right decisions as to how to proceed with the case and felt she needed a solicitor to '*hide behind*' and prevent her from being '*messed around*' by the school and the local authority. This perspective appears to be allied to adversarial relationships with local authority and school staff described by some parents. Perhaps unsurprisingly, those cases that did involve legal representation did appear to be the most confrontational.

4.3 Summary

Parental confidence in the statutory assessment and statementing process was undermined in a variety of ways. Parents often found the assessment process stressful, and were concerned about the length of time involved and the content and detail of both professional reports and their own parental report. Given that parents often lacked clarity over the use of delegated resources (as discussed in Chapter 3), it is unsurprising that the outcome of statutory assessment was perceived as being particularly important for their child. This could lead to parents having unrealistic expectations of the outcome of statutory assessment, and a lack of understanding about what support, above provision at School Action and School Action Plus, a statement of SEN can offer. Where children were statemented, parents were also concerned about the content of statements, being unable to interpret them and feeling concerned about the extent to which they reflected reports submitted by professionals. Parents also reported negative experiences of the annual review process, being unclear about which personnel should be involved, and whether amendments to statements were being recommended appropriately and in a timely way.

Good practice identified through interviews with parents, which might contribute to parental confidence in the statutory assessment and statementing process included:

- having a close, supportive relationship with the school;
- clear, simple and accessible guidance for parents on how to 'read' a statement (for example, guidance outlining how and why a statement is set out in a particular way and examples of 'typical' statements);
- face-to-face support from local authority SEN officers and / or school staff to explain the reasons for, and content of, notes in lieu and statements of SEN; and,
- ensuring access to independent parental supporters (other parents with experience of assessment and statementing) who can support parents going through the process.

There also appears to be a 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.

5 Special Educational Needs and Disability Tribunal (SENDIST)

This is the last of three chapters to discuss specific elements of the SEN system and focuses on parental experiences of the Special Educational Needs and Disability Tribunal (SENDIST). It first considers parents' decision-making prior to registering an appeal with SENDIST and the factors influencing that decision. Next, it describes parents' experiences of preparing for a Tribunal hearing and explores the reasons why some cases are resolved prior to the hearing date. The chapter concludes by considering parents' experiences of attending a Tribunal hearing.

Since this study was commissioned in early 2008, SENDIST ceased to exist as a stand-alone body and became part of a new two-tier Tribunal structure; the First-tier Tribunal and the Upper Tribunal¹⁵. The accounts of parents responding to this study all relate to experiences of SENDIST prior to 3rd November 2008 when the Tribunal system changed. The chapter therefore makes reference to SENDIST throughout although the cases discussed would now fall under the remit of the First-tier Tribunal (Special Educational Needs and Disability).

5.1 The decision to register an appeal with SENDIST

Alongside the very specific reasons for parents lodging an appeal with SENDIST - to appeal the decision not to assess or issue a statement of SEN, or to appeal the content of a statement - were a number of other factors which influenced their decision to go to Tribunal. Key amongst these was the extent of parents' trust in the SEN system as a whole. This not only comprised their attitudes towards SENDIST, but also their impressions of earlier experiences, for example during statutory assessment or statementing. Also important in parents' decisions to register an appeal with SENDIST or not was the advice they received from others around this decision and their perception of the other options available to them for taking forward the disagreement at this point. Finally, the timescale for lodging an appeal with SENDIST - within two months of receiving a written decision from the local authority - was a factor in shaping parental decision-making. Each of these factors is discussed in the section that follows.

As described in the preceding chapters, parents' cumulative experiences of the SEN system played an important role in shaping their attitudes towards other elements of, and the nature of their future interactions with, the SEN system. At the point at which parents made the decision to appeal to SENDIST, this experience was described in terms of the extent to which parents felt they could trust the SEN system, and the professionals involved in it, to work with them to resolve a disagreement. A number of issues, rooted in parents' experiences of the SEN system to date, underpinned these feelings of trust.

A lack of trust for some parents had its roots in the quality of communication they had experienced with local authority SEN staff previously, for instance how easy or difficult they had found accessing staff and the extent to which they felt the nature of communications so far had been constructive and demonstrated empathy on the part of the local authority. Those who felt frustrated by previous exchanges reported that this was a contributing factor in their decision to lodge an appeal with SENDIST. Similarly, it was also the case that constructive and collaborative relationships between local authority staff and parents impacted on decisions *not* to lodge an appeal. Some parents who were able to speak to a

¹⁵ Special Educational Needs and Disability now sits in the Health, Education and Social Care (HESC) Chamber of the First-Tier Tribunal. Appeals against the panel's decisions now go to the Upper Tribunal instead of to the High Court. Parents whose children have special educational needs can appeal to the First-tier Tribunal (Special Educational Needs and Disability) against decisions made by Local Education Authorities in England about statutory assessments and statements.

member of staff at the local authority as soon as a decision was received from them to discuss it, had not then registered an appeal. In these cases, parents had been convinced by the rationale behind the local authority's decision and had responded positively to local authority suggestions as to how they might take steps to resolve any disagreement together, for example via a face-to-face meeting.

The impact of previous exchanges between the local authority and parent was also evident where parents described a particularly adversarial relationship. Some parents perceived that the SEN system had previously been difficult to navigate and indeed was designed that way to make engaging with it difficult for parents. This group appeared to perceive that only by escalating their disagreement with the local authority through formal processes such as SENDIST, and "*fighting*" the local authority would the local authority take their requests seriously and give them a chance of securing the provision they sought for their child.

This lack of trust in the SEN system appeared to translate into a suspicion about the systems in place through the local authority to resolve disagreements, such as the SEN Disagreement Resolution Service (DRS) and parents described being unconvinced that mediation could help their case. Although parents in the sample had heard of DRS through their local PPS, none had used it. They reported feeling that when mediation was suggested they were already past the point at which it would be useful (for example, *before* the breakdown of relationships between parents and other stakeholders or, indeed, before the disagreement arose). This appears to be a reference to a breakdown in relationships between the parent and local authority in particular. Furthermore, because parents did not acknowledge the potential benefits of DRS, they perceived the local authority's or PPS's suggestion to use it as a possible tactic to delay reviewing the decision under dispute.

"They [the local authority] sent something out...a leaflet out, saying that you could go to some sort of ...resolution committee thing or something, but as it's sort of just a leaflet and, and we'd been messed around so much, you think 'oh, this is just another delaying tactic'...they won't be interested in hearing what we've got to say, it will just be the same thing, they'll listen and just say, you know, no, you know. So, we just didn't see any point."

(Parent, LA4)

That parents did not see mediation as a viable option to resolve their disagreement with the local authority or school echoes the findings of the recent National Evaluation of SEN Disagreement Resolution Services (Tennant et al, 2008) which explores the barriers and facilitators to parents taking up mediation in much greater detail.

The advice parents received from others at the point at which they considered an appeal to SENDIST was similarly influential. Encouragement to appeal came from professionals involved with the case over time, such as the school SENCO or head teacher, and from other parents with experience of disagreements with the local authority or school. Parents who had sought advice from a solicitor or parent support group about their child's case also reported being encouraged to lodge an appeal. Indeed, despite feeling "*gutted about it*", one parent described lodging an appeal with SENDIST on the advice of a solicitor she consulted who hoped that the threat of a hearing would encourage the local authority to withdraw their opposition to her request before the date for Tribunal was reached. Another parent reported that in discussion with the lead for SEN services at the local authority, it was said that the local authority would not consider funding the provision that the parent wanted without being directed to by SENDIST. Whilst it is difficult to conceive of this as 'advice' in the same way as those examples described above, it is clear that this impacted on this parent's decision to lodge an appeal.

Other parents described a similar sense that they felt there were no other options available to them other than to appeal to SENDIST. Interestingly, this included parents who were aware of the availability of SEN DRS.

Finally, the timescale within which parents were required to lodge an appeal with SENDIST was a contributing factor in parents' decision-making at this time. Registering an appeal was described by some parents as a precautionary measure in the first instance, in the event that negotiations with the local authority or school in the meantime proved unsatisfactory or fruitless, and indeed they hoped not to reach an actual hearing. This did not appear to be the overriding motivation for registering an appeal in any of the cases included in this study, however it clearly contributed to a feeling of urgency in making the decision and could have caused parents to register an appeal whilst they considered alternative avenues for resolution.

5.2 Preparing for a Tribunal hearing

Parents who did lodge an appeal with SENDIST then described their experiences of preparing for the Tribunal hearing. Parents described markedly different experiences of this process and this section identifies some of the factors that might account for this variation.

In general, parents reported a feeling of apprehension as they approached the Tribunal hearing. They experienced this period as "*stressful*" and requiring a great deal of energy and focus at a point at which parents were exhausted from their experiences of the SEN processes so far. The hearing itself was seen as "*daunting*", with one parent in LA1 commenting: "*It seemed like such a massive thing...I didn't really feel as though I could focus on anything else.*" As at other stages of the SEN system, this apprehension appears to have been heightened for parents who placed great emphasis on an appeal to SENDIST as a last resort or who perceived that no other options were available to them to secure the provision they wanted for their child.

There was also evidence that the anxiety parents experienced was compounded by the perceived demands placed on them to undertake large amounts of time-consuming administrative work. Parents took responsibility for contacting and chasing professionals to prepare and submit reports following assessments of their child and for ensuring that reports were submitted to the Tribunal on time, with one parent recalling "*running around like a headless chicken*" during this period. They drafted and submitted their own statements, even though they lacked confidence in their ability to do so and some were unclear as to the level of detail and style of writing required. Parents also spent time writing notes for themselves with issues to raise at the hearing, and making practical arrangements for the day such as travel and childcare.

There were however a number of factors that appeared to mitigate these feelings of anxiety for parents. The first of these was the information received from SENDIST about the process of appealing and what a hearing would be like. Parents reported that the DVD provided by SENDIST, 'The Right to be Heard', showed a calm and collaborative meeting, and allayed some of parents' fears about the hearing itself. Whilst it later transpired that parents who did eventually attend a hearing did not feel this portrayal was accurate (see Section 5.4), it was nonetheless felt that this had been a helpful tool to assist parents in preparing for the meeting. Written information about the hearing from SENDIST was also reportedly clear, easy to understand and gave parents a good idea of who they could expect would attend the hearing.

The second was the nature of any support parents received during their preparation for the hearing. As well as that received from family, there were three main sources of support for parents: the local PPS; legal representation; and, support from specialist disability organisations or parent support groups.

Parent Partnership Service

Parents who were in contact with their local PPS whilst preparing for a Tribunal hearing generally found it to be very supportive. PPS staff provided parents with information about how the Tribunal system and hearings worked, and gave practical support with filling in forms and writing letters. Parents also reported that PPS staff made arrangements for meetings between the parent, school, local authority and PPS to discuss disagreements in an attempt to resolve them before the hearing date. The PPS also provided an avenue for meeting other parents in similar circumstances who themselves became sources of support for parents. The support offered by PPS was however perceived to be limited by their position in some areas as part of the local authority. Some parents felt that its position “*under the local authority*” meant that it was not best placed to advise parents how to “*fight*” the local authority since they could not be impartial. That the PPS did not have specific legal expertise was also felt to be a shortcoming of the service.

Legal representation

Parents also sought representation from solicitors specifically so that they were able to access legal advice and support for their child’s case. A number of reasons were apparent where parents had made the decision to seek legal support. Some felt they had no hope of making a successful appeal without legal representation. This was particularly the case for parents who felt they were unaware of their rights during a disagreement with the local authority or school and were therefore unclear about what they could expect to achieve through appealing to Tribunal, how to go about it and what were their chances of being successful. Even parents who considered themselves to be educated and articulate found writing their statement for the Tribunal difficult and felt that a solicitor, knowing the correct terminology to use, would “*package up*” their evidence better than they could.

“There’s absolutely no point in going to a Tribunal without...legal help. Apart from anything else, a statement’s a legal document so, you know, you can be quite sharp but unless you’re legally trained and within that specialist area, how on earth are you meant to make head or tail of it and what’s right and what’s not?... it needs a specialist eye cast over it, and that’s not being unreasonable.” (Parent, LA4)

Others had been advised to seek legal representation by other parents with experiences of the Tribunal system or in ‘off the record’ conversations with local authority staff.

“Unofficially this, this [name of EP] who was the psychologist for the [local authority] was very good, he said ‘I suggest you get yourself a good solicitor, try [name of solicitor]’ ... Really, at that point, I didn’t know what my rights were and he said well you really need to talk to someone about what your rights are and I can’t tell you that because I’m working for the LEA.” (Parent, LA2)

Overall, parents who employed legal representation whilst preparing for a Tribunal hearing reported that it eased some of the strain they experienced during this time. Solicitors took over responsibility for contacting professionals and collating reports, and helped parents to feel more in control of the process. They also lent parents a sense that by seeking legal advice, they were doing all they could for their child in this situation and this perhaps took away some of the pressure parents felt about having to win at Tribunal. However, parents who could not afford to hire legal help and were approaching a date for a Tribunal hearing

expressed concern that they would not be able to represent themselves adequately and suspected that legal representation would stand them in better stead to achieve a successful outcome. Indeed, those parents who were able to employ a solicitor, and perceived it to be a necessary part of preparing for a Tribunal hearing themselves, questioned the parity of a system where this was the case.

Parent support organisations

The types of organisations accessed whilst parents prepared for a Tribunal hearing appeared to differ slightly from those identified during the assessment and statementing processes (see Chapter 4, Section 4.2). Local parent support organisations remained an important source of help but parents also reported seeking advice from the Independent Panel for Special Education Advice (IPSEA). Parent support organisations appeared to provide similar support to that offered by the PPS and described above, such as help filling in forms, writing letters and preparing the statement from the parent. The key difference from parents' perspectives in the support offered by these organisations compared with the PPS lay in their independence from the local authority. Parents also perceived that the organisations had specialist knowledge about the SEN system like the PPS but were also able to offer guidance about the legal aspects of the Tribunal process.

"They [parent support organisation] knew how the law worked and... they were just able to kind of um, act on our behalf really... The other thing, you don't really know the law and the legalities of it all, you can get a bit kind of lost actually... Again, [name of parent support organisation] helped us do our own, our appeal... papers... and all the casework that went with it." (Parent, LA4)

Additionally, one parent reported that they received help from a parent support organisation to pay for independent reports, including an independent EP assessment, for their child. Other parents were able to pay for these themselves. Independent reports were particularly valued because parents were suspicious that reports from local authority professionals might reflect a reticence on the part of the local authority to fund extra provision for the child (and therefore that these reports might not tell the full story). However parents felt confident that an independent report would accurately reflect their child's needs.

5.3 Resolution of disagreements prior to Tribunal hearing

There were two circumstances in which disagreements were resolved prior to the case reaching a Tribunal hearing where an appeal had been lodged. The first of these describes cases in which a disagreement had arisen over the local authority's decision to either not conduct a statutory assessment or not issue a statement of SEN. In these circumstances, the submission of new evidence, for example reports from SEN professionals, were the catalysts for an amended decision and subsequent resolution of the disagreement. Disagreements in the second set of circumstances had arisen over the level and nature of specified provision in the statement of SEN issued to the child. These disagreements could be resolved where there was discussion between the local authority and the parents and they were able to negotiate a level of provision acceptable to both parties.

Parents who achieved a resolution to their disagreement without the case reaching a hearing generally felt a sense of relief at not having to attend the Tribunal meeting and that their child's educational needs would be addressed quickly. For parents who had employed legal support, the fact that they would not have to invest more money in the process was also a relief. Alongside these feelings of relief, parents also expressed some frustration at the energy and resources they had invested in the process up to this point, only for the hearing to be cancelled. This manifested itself as a suspicion among parents about the fairness and transparency of local authority decision-making processes in relation to provision for SEN.

Some parents concluded that it was their perseverance in finally appealing to SENDIST that had resulted in a resolution, rather than the fair application of local authority thresholds for provision.

The timing of any resolution further impacted upon these misgivings. Where the local authority withdrew their opposition to the appeal (for example, in light of new evidence obtained and presented by parents) or presented a compromise solution to parents very close to the date of the hearing, parents perceived that this was a response to the local authority's fear that they might lose and was an attempt to agree provision outside of the Tribunal's legally binding jurisdiction. Whilst it may be the case that the local authority has worked hard in between the parent lodging an appeal and the hearing date to find a way to resolve the disagreement and has only been able to do so at the eleventh hour, parents appear unaware of this. This would suggest that local authorities need to do more to ensure parents are kept informed of any activities undertaken in the intervening period between an appeal and the hearing such that their suspicions about the conduct of local authorities in these situations are assuaged.

5.4 Attending a Tribunal hearing

There was a general feeling from those parents interviewed for the study that the SENDIST hearing itself had been a good experience. Parents described a professional environment without animosity, where there were clear ground rules for how all parties should behave. They felt comfortable about addressing the panel and welcomed that the panel appeared unemotional about their case, following sometimes heated interactions with the local authority or school previously.

"When we came out of the building...we both said whatever the outcome it was fair... We didn't feel as though there was anything more that we could have done and we also said that we felt, if we were actually sat there and we couldn't... have strung a sentence together, those three people on the panel would have done it for us." (Parent, LA1)

Whilst this environment was welcomed by some parents, others interpreted its rules and the detached manner of the panel as overly formal, likening it to a court room. It is interesting to note that parents who felt this way compared their experiences to the portrayal of a hearing in SENDIST's 'The Right to be Heard' DVD. They judged that the hearing portrayed in the DVD showed an informal, non-confrontational meeting which was quite unlike their own experience. Whilst the DVD may have helped to alleviate parents' anxiety in the approach to the hearing, it may also have negatively impacted upon their experience of the hearing since parents felt it did not match their expectations.

"So, we thought it was going to be like this DVD right, and it [the DVD] should come with a health warning, because basically it makes out as if the Tribunal's going to be about twenty minutes long and...they sort of say 'oh, it's non-confrontational and it's very low key' and all this sort of thing and 'you don't need a solicitor'...the tribunal committee I thought were good, they were very balanced, but the whole thing about it being non-confrontational and low key, that is such a load [of] rubbish. You have to be prepared to go in there, prepared to fight like a, fight your corner, fight like a pit bull." (Parent, LA4)

These parents also tended to be those who had attended the hearing with a legal representative which, some recognised, may have contributed to the formal atmosphere.

As well as the information received beforehand, a number of specific aspects of the Tribunal hearing were also identified by parents as having an important influence on their experience of it. These were: the support parents had during the hearing meeting; the conduct of the Tribunal Judge; and, the conduct of local authority personnel in attendance.

Parents who attended a hearing with a legal representative perceived that they felt more confident about the meeting than had they attended alone. This was however tempered by anger amongst some parents that they should feel legal representation was necessary for a successful outcome and that this had cost them money. Other forms of support, from the child's SENCO for example, or a partner, was also valued. There was a strong sense amongst parents who had attended a Tribunal hearing that they could not have done it alone.

"I feel very strongly about that, that parents are expected to, if they really want to defeat the LEA, they have to have experts. It's no good just turning up at a tribunal with a friend and hope to win, absolutely no use whatsoever." (Parent, LA3)

Parents also placed emphasis on the role of the Tribunal Judge. Parents who felt the meeting had been well-chaired - demonstrated, they felt, by thorough questioning from the panel of the stakeholders in attendance, a calm atmosphere and clear ground rules for conduct - reported the most positive experiences of the hearing. Perceptions of the Tribunal Judge were however markedly varied, even between cases from within the same local authority. Again, where parents' expectations of the way the meeting would be chaired (gleaned from the DVD) were not met, parents spoke negatively about their experiences. They described an antagonistic and aggressive meeting and one couple in particular raised the fact that in this atmosphere, the Judge had chosen not to adjourn the meeting for a short period.

"The chair [was] very rude, unwelcoming, hostile, unhelpful and bullying. I mean I've never seen anybody act in such an unprofessional manner... it's my worst experience with any official body by far and away... And when I got upset he just bulldozed on, you know, he didn't stop, didn't acknowledge it." (Parent, LA2)

As well as reflecting on their own experiences, the same parents expressed concern that less assertive parents might find this environment more difficult than they did, suggesting that some Tribunal Judges might "*make mincemeat*" out of another parent. Parents also highlighted the issue of delays during the Tribunal hearing and acknowledged that where these occurred and the reasons for them were not explained, this added to the sense of anxiety they felt whilst attending a hearing. They suggested that this reflected a lack of transparency in the process, something that previous chapters of this report have identified as a factor underpinning parental suspicion during different parts of the SEN system's processes.

Finally, parents reflected on the impact of the conduct of local authority personnel at the hearing on their overall experiences. Parents gave examples of local authority staff either arriving late or not attending when parents had expected them to. It transpired that in the latter case the local authority staff member was unaware that a postponement to the hearing had not been granted, although the parent's interpretation was that the local authority had simply not shown up. The extent to which local authority staff appeared to have prepared for the hearing was also important. One parent described bringing a file full of papers to the hearing where the SEN case worker had only a single sheet of paper. This was interpreted by the parent as a lack of preparation on the local authority's part and contributed to a sense that the local authority was not taking the case seriously enough. Again, there is clearly a mismatch here between parental expectations of the Tribunal hearing and their actual experiences, and it may be that action taken to manage parents' expectations of this process could appreciably impact upon their feelings about this part of the SEN system.

5.5 Summary

This chapter has demonstrated that the experiences of parents and carers in this study were acutely influenced by their experiences of other parts of the SEN system up to that point. This affected their decisions about whether or not to lodge an appeal with SENDIST and about how to use other avenues for disagreement resolution. The advice and support they received from a range of sources - PPS, voluntary organisations and legal representation - was also key in making this decision and in supporting those who went on to lodge an appeal and make preparations for Tribunal, as well as those who attended a hearing. Experiences of attending a Tribunal hearing were generally positive, again influenced by the presence of supporters, but also the conduct of the Tribunal chair and any local authority personnel.

Good practice associated with the SENDIST process identified through this chapter comprises the following:

- Continuing communication between the local authority and parents throughout decision-making processes, including in between the parents lodging an appeal with SENDIST and the Tribunal hearing, so that parents are aware of any activity being undertaken and can have greater confidence in the process where an agreement is reached prior to the hearing;
- Emphasising the role for PPS in supporting parents throughout the SENDIST process, including at the decision to lodge an appeal and in preparing for the Tribunal hearing;
- The use of PPS, SEN DRS and other means of face-to-face contact between stakeholders and parents to discuss decision outcomes and resolve disagreements before they are escalated to SENDIST.

6 Social care professionals, foster carers and the SEN system

The previous chapters have described and explored key factors underpinning birth or adoptive parents' experiences of the SEN process, from assessment through to Tribunal hearing. In addition to its focus on these parents, this research has also sought to gain insight into social care professionals' and foster carers' experiences and perspectives of, and relationship to, the assessment, statementing and Tribunal system. The achieved sample for this research included seven social care professionals and four foster carers. Social care professionals interviewed were social workers from 'children in care' or 'looked after children' teams, and teachers from looked after children's education support services. Both short- and long-term placement foster carers were represented, as were local authority and agency foster carers.

While many of the broad issues identified in previous chapters also impact on social care professionals' and foster carers' confidence in the SEN system (for example, clarity of guidelines for schools and parents, and quality of communication between schools, parents and the local authority SEN department), there are also a number of issues which are unique to the experiences of this group.

The chapter will begin by mapping some of the specific circumstances of looked after children which were highlighted in interviews with social care professionals and foster carers as having implications for the way the SEN system works (Section 6.1). The chapter then proceeds by considering the particular ways in which social care professionals and foster carers perceive that these circumstances affect different stages or aspects of the SEN process, as follows:

- early identification of SEN and provision at School Action and School Action Plus for looked after children (Section 6.2);
- statutory assessment and statementing of looked after children (Section 6.3);
- statement review for looked after children (Section 6.4); and,
- relationship of social care professionals and foster carers to the SEN system (Section 6.5).

The chapter concludes with a summary (Section 6.6) that includes good practice identified through the preceding discussion and case study examples.

6.1 Specific circumstances of looked after children

Two features of the specific circumstances of looked after children were identified by social care professionals and foster carers as having particular significance for how they perceive the SEN process working for these children. These two features were:

- the range of complex circumstances that routinely shape looked after children's lives; and,
- the range of professionals and other key stakeholders involved in looked after children's education.

Range of complex circumstances shaping looked after children's lives

Social care professionals and foster carers highlighted three key features of the circumstances of looked after children which they perceived as having implications for the SEN process and its outcomes. These were:

- the mobility of looked after children, for example moving in and out of care, or moving between foster and / or residential care placements;
- erratic attendance at school, for example due to family circumstances prior to entering care; and,
- psychological issues and / or behavioural, emotional and social difficulties (BESD) directly associated with entering care.

Range of professionals and other stakeholders involved in looked after children's education

A key challenge relating to the SEN process for looked after children, in comparison with other children, is the larger number of individuals from various departments, services and agencies within the same and across different local authorities who are potentially involved and expected to take a role in their education. Key stakeholders in the SEN process for *any* child might include all of the following:

- child;
- parent(s) or guardian(s);
- school or other education setting (various staff members including SENCO, form or class teacher, other relevant staff);
- educational psychologist (EP) working with child (attached to school);
- learning support service;
- local authority SEN assessment team officer;
- health and social care professionals involved with child (for example, paediatrician, CAMHS, speech and language therapist, occupational therapist, social worker).

However, there are *additional* stakeholders involved when the child with SEN is looked after:

- social worker from looked after children team;
- foster carer(s) or residential care workers;
- school's designated teacher for looked after children; and,
- looked after children's education support service (ESS).

These additional stakeholders are involved in the SEN process for looked after children in different ways, and to a greater or lesser extent, according to:

- statutory and non-statutory responsibilities (for example, as a social care professional or foster carer);
- professional role and SEN expertise; and,
- timing and length of involvement with an individual looked after child.

The following sections (6.2 to 6.5) consider social care professionals' and foster carers' perceptions of the ways in which the complexity of looked after children's lives combined with the range of professionals and other stakeholders involved in their education impact on the various elements of the SEN system and the relationship of social care professionals and foster carers to the SEN system.

6.2 Early identification of SEN and provision at School Action and School Action Plus for looked after children

Three key areas were identified by social care professionals and foster carers as impacting upon the early identification of SEN and provision at School Action and School Action Plus for looked after children. These were:

- factors that prevent the early identification of SEN of looked after children;
- variation in attitudes and approaches of schools to looked after children with SEN; and,
- role of looked after children's education support services (ESSs).

Factors preventing early identification of SEN

Social care professionals and foster carers perceived that, for looked after children who had recently become looked after, the priority for both schools and social care professionals tended to have been issues other than education. As such, the identification of, and provision for, SEN may not have been actively considered. For example, social care professionals described that in cases where a child was attending school but was not well dressed, was hungry or unkempt, learning was understandably not prioritised. However, this meant that SEN might not get picked up at an early stage. Furthermore, psychological issues and BESD were also perceived as masking learning difficulties and preventing their early identification. For example, social care professionals described how a learning difficulty might be at the root of a looked after child's poor behaviour but, because the child is looked after, this tended to be viewed by schools and / or foster carers as 'explaining' why they may not be thriving at school, as opposed to potential SEN. ESS teachers interviewed for this study felt that it was important to support schools in exploring potential SEN among looked after children, for example by doing baseline and EP assessments, so that provision at School Action or School Action Plus could be planned and implemented as early as possible.

Variation in attitudes and approaches of schools

Social care professionals and foster carers interviewed also reflected that schools within the same local authority could have very different attitudes and approaches to looked after children with SEN, and that while some were reluctant to take looked after children with SEN onto their roll, others were more proactive, would read the file and offer a place, and were creative and adaptable in offering suggestions for ways in which they could meet looked after children's SEN. Some schools were considered 'better' than others in terms of their understanding of the complex circumstances of looked after children and the implications of these circumstances for their behaviour and progress. This was usually considered to be a result of effective leadership in relation to the education of looked after children by senior staff (for example, the head or deputy head teacher). Some schools were also described as better equipped to effectively manage looked after children with BESD, for example, through a specialist resource base. Social care professionals also noted that while some schools were honest and open about provision which was failing to meet a looked after child's needs, and were keen to work jointly with the foster placement and social care professionals to resolve this, other schools were wary of highlighting the existence of any problems.

"Sometimes...schools...do an excellent job of meeting a [looked after] child's needs, and sometimes they sort of just about contain them and it feels like the only reason they don't push things, or exclude them, is because they're worried about upsetting the local authority, you know, the social workers getting involved and this sort of thing."
(Social care professional, LA2)

Consistency of approach was also highlighted as important for looked after children's education. Social care professionals and foster carers explained that issues could arise where there was inadequate handover between members of staff in relation to looked after children. For example, a good relationship between a member of staff, a looked after child and foster carers might be undermined if knowledge that is built up about how best to teach a particular looked after child, and the flexible and alternative strategies employed to manage them in school (for example where there is BESD), is not passed on to a new member of staff.

Role of looked after children's education support services

Three of the local authorities included in this research had looked after children's education support services (ESSs). The role of these ESSs in relation to looked after children with SEN was highly valued by social workers and foster carers, with a number of key strengths identified. Importantly, ESS teachers were seen to play an important role in co-ordinating the involvement of key stakeholders, and helping to mediate or overcome the issues identified above, through:

- Attending a looked after child's school on a weekly basis;
- Building up relationships with a range of staff (not just designated teacher for looked after children);
- Establishing relationships with other relevant professionals (e.g. EP, CAMHS);
- Contributing to Personal Education Plan (PEP) development and review meetings and looked after children (LAC) review meetings¹⁶;

¹⁶ All looked after children have a Personal Education Plan (PEP) which is reviewed on a six-monthly basis. This review feeds into the statutory six-monthly LAC review which examines and reviews a child's overall Care Plan.

- Day-to-day practical support with a looked after child's education (not simply focused on LAC review targets);
- Raising awareness among school staff of the specific circumstances of looked after children, and the difficulties and challenges for their education (e.g. attachment issues, relationships with adults) so that teachers can better understand and meet their needs;
- Expertise in SEN and the SEN process (for example, ESS teachers may have previously been SENCOs);
- Early identification of SEN and advocacy on behalf of the child in relation to being prioritised for an EP assessment, and resources at School Action and School Action Plus;
- Assisting a school with the design of provision at School Action and School Action Plus, helping school to understand a looked after child's behaviour and develop strategies to meet their learning needs and manage BESD, rather than give up and wait for a statement.

6.3 Statutory assessment and statementing for looked after children

As outlined in Section 6.1 above, the specific circumstances of looked after children can mean that an individual case will entail challenges in relation to liaison, communication and coordination between key stakeholders both within, and sometimes across, local authorities. Such liaison, communication and coordination was considered vital by social care professionals and foster carers in order to ensure that the SEN system can run smoothly and within acceptable timescales, and so that disadvantages in terms of early identification of SEN and provision at School Action and School Action Plus for looked after children (discussed in Section 6.2) are not further amplified. The main impact of a lack of liaison, communication and coordination was delays to the assessment and statementing process. There were four ways in which such delays could occur, which are discussed below:

- looked after children not being prioritised for an EP assessment;
- lack of evidence to demonstrate full use of delegated resources;
- movement of looked after children between local authorities; and,
- reluctance of education settings to accept looked after children where a statement is pending.

Social care professionals perceived that the statutory assessment process was sometimes delayed because looked after children may be side-stepped by SENCOs for prioritisation for an EP assessment. For example, secondary school SENCOs were considered likely to prioritise year 7 starters who are identified as needing a statement but do not have one, or young people for whom things are deteriorated despite full use of delegated resources at School Action and School Action Plus, above a looked after child who is 'dropped' into the school and may move in three months' time.

Delays to starting the assessment process are also caused where evidence to demonstrate that a school has tried to meet the needs of a looked after child within delegated resources is limited or non-existent. This may be because a child's attendance has been erratic, or a number of education setting moves has resulted in a lack of continuity and therefore there is a lack of evidence as to whether or not a particular programme or plan has worked. This lack of evidence could be overcome by ESS teachers who could access and '*trawl through*'

education records in order to provide sufficient evidence for a request for statutory assessment.

An additional factor which could delay the assessment and statementing process was related to cases where the process was started in one local authority, but because of a change in the child's foster or residential placement, it needed to continue in another local authority. In some cases such delays could be avoided by keeping a looked after child in an education placement in order that the assessment and statementing process can be completed within the same local authority. However, there was usually a trade-off in that the education placement might no longer be appropriate either in terms of its location or the provision and support it is able to offer.

Delays also result where the absence of a finalised statement impacts negatively on the decisions of proposed education placements to accept looked after children, and under what conditions (for example, on a limited timetable). In cases where a looked after child is accepted without a finalised statement by an education setting, the child may have a reduced chance of succeeding in that setting because of a lack of funding for adequate support as recommended through the statutory assessment process.

Three contrasting case studies from the same local authority are presented below which illustrate the importance of effective cross-authority liaison, and joined-up working between key stakeholders for successful SEN assessment and statementing outcomes for looked after children.

Case study 1 (LA3)

The SEN assessment and statementing process had been started by the local authority looking after Child A. However, before the process was complete, Child A was placed with foster carers in LA3. The local mainstream school accepted Child A, but quickly found it was unable to cope. An alternative arrangement was agreed with the mainstream school's linked special school, with which the school did some transfer activities. This arrangement involved Child A attending the special school on a limited timetable of two hours a day on three mornings a week. However, after a week the special school stated that they were unable to continue this arrangement without additional resources (for example, to fund a learning support assistant for Child A). This meant that Education Other Than At School (EOTAS) was the only available education provision for Child A, amounting to between five and ten hours' provision per week.

In the meantime, from Child A's arrival in LA3, six weeks elapsed before the paperwork was transferred to LA3 so that the assessment process could be continued. The ESS teacher involved in the case described how, while the ESS has a good relationship with LA3's SEN assessment team, it had been difficult to convey the urgency of needing to deliver the paperwork to the team in the placing local authority. A further delay occurred when the paperwork was received and found to be incomplete and so could not go to panel until missing reports were chased up. From the date Child A arrived in LA3, it took four months for the assessment application to go to panel, and another month before a statement was issued, including the decision made regarding school placement.

The decision of the panel was for Child A to remain in the EOTAS setting, with a weekly timeslot to be spent in the mainstream school. Child A's ESS teacher identified two key issues emerging from this process:

- Firstly, a lack of support for the local mainstream school in the first instance may have had an adverse effect on Child A's education: had the school been supported initially with additional appropriate resources, then this resourcing could have continued through a statement and Child A could possibly have remained at the mainstream school.
- Secondly, the statement, when it was finally made, failed to pin point specific resources to support Child A whilst accessing the mainstream school. Although the EOTAS provision was providing staff time to facilitate access, this arrangement was dependent on that time being available. Thus, the way the statement was written did not lend itself to developing the link with the mainstream school with the result that Child A was not getting the best opportunity to access educational and social activities in a mainstream environment, and until the statement was reviewed, this would remain the case.

"The experience for [Child A] and her carers was incredibly negative because...[Child A] was new to the carers in [month], and then the carers had a period of two months with a new young person in no education at all, because we were waiting for the statement to come through, which felt very wrong... [Because] the [local mainstream] school wasn't given anything, it...panicked and backed off completely, and now [Child A] is in EOTAS provision, [and despite the fact that] the statement has come through... we've doomed [Child A] to that now." (Social care professional, LA3)

Case study 2 (LA3)

Child B had been placed out of county in a therapeutic placement by LA3, and was attending a local mainstream school with teaching assistant (TA) support provided through the placement. As the therapeutic placement was coming to an end and Child B was going to return to LA3 to be placed with foster carers, the ESS teacher was keen to work with the school to apply for statutory assessment, so that when Child B started a new school, support would be in place. However, the school disagreed that a statutory assessment was appropriate as, in its view, Child B was coping adequately.

The ESS teacher and Child B's social worker were concerned that the child's ability to cope was a result of the TA support, which would not be available once Child B was moved to the foster placement. They decided, therefore, to apply for statutory assessment in their role as corporate parents.

This process was time-consuming since Child B had an erratic education history, involving numerous education setting moves, and it was necessary for the ESS teacher to access and trawl through Child B's education records in order to compile a report for the assessment panel. However, following meetings between the ESS and school staff, the school then agreed that a statutory assessment was necessary and the ESS teacher was able to support the school SENCO in finalising the application for assessment ensuring enough evidence was presented and the report was well argued. The ESS teacher was also able to speak directly with the SEN assessment team and explain why reports were thin but also why statutory assessment was important.

The application was successful and the statementing process began. As a result, the ESS teacher felt more confident that adequate support would be in place when Child B started the new school. Also, if the new education placement did not work out, the statement would offer protection for Child B who would be eligible for a better package of support in an alternative setting (for example, more hours in EOTAS provision, or acceptance to a special school).

Case study 3 (LA3)

Child C was placed in the local authority neighbouring LA3 but a school place had not been confirmed. An ESS teacher in LA3 was approached as a school in LA3 was considered appropriate. The ESS teacher established that Child C was potentially on the autistic spectrum and sought to unravel whether:

- an EP assessment had ever been carried out;
- Child C's previous school had considered requesting statutory assessment; and,
- the assessment and statementing process has been started.

In fact, none of these things had happened so LA3 decided to initiate the assessment process. It was necessary for LA3 to liaise both with the placing local authority and the neighbouring local authority in which Child C was now living. The placing local authority was prompt in sending out an EP to do an assessment. The neighbouring local authority then took responsibility for the assessment and statementing process, and LA3 then adopted the statement and resourced it. There were several factors which meant this potentially complex process worked well in Child C's case:

- Firstly, an initial meeting at the school was attended by all key stakeholders (including Child C, foster carers, social worker, ESS teacher, SENCO) and everyone agreed to work together to ensure Child C could start at the school with appropriate support while statement was being finalised.
- Secondly, the school's approach was flexible and accommodating, and included developing a simple induction programme with an emphasis on one-to-one teaching and a graduated introduction to normal lessons.
- Thirdly, the neighbouring local authority agreed to fund teaching assistant hours, up to 25 hours per week, until the statement was finalised. This temporary funding arrangement was considered an important factor in the successful outcome of this case:

"What that did was, it said to the school: 'We want to support you, we want this young person to be in your environment but we [] recognise that you can't do this on your own'. And the school felt very supported by all of the different agencies, the social worker was very involved, [the ESS teacher] was up there regularly, the carers were brilliant...they even offered to come in and be those TAs initially...when we were struggling to get bodies... Everybody was very open, very honest with each other and, and the system worked really well. But...having that interim resourcing is crucial I think." (Social care professional, LA3)

6.4 Statement review for looked after children

Joined-up working, as highlighted in the preceding discussion of SEN assessment and statementing, is also vital for the effective review of statements of SEN for looked after children. Social care professionals and foster carers identified several obstacles to joined-up working at this stage of the SEN process. They emphasised the importance of the coordination of the annual review of a statement of SEN with one of the six-monthly PEP reviews so that the outcomes of both the statement and PEP review feed into the LAC review. However, due to the number of key stakeholders involved, and their other

commitments, such co-ordination was not always possible and this was considered a problem. Where PEP reviews and annual reviews of statements *were* coordinated, education professionals had the opportunity to benefit from the insights of social care professionals (for example, in relation to the social and personal background of the child of which foster carers might only have a snap shot). It also assisted social care professionals in obtaining the fullest picture in preparation for the LAC review.

The role of ESSs was also considered important by social care professionals and foster carers in the annual review of statements for looked after children. ESS teachers play a part in ensuring all relevant key stakeholders attend the annual review, including an SEN assessment team officer, so that they can hear first-hand the reasons why requested amendments are appropriate before taking these to panel. ESS teachers can also support SENCOs in suggesting possible amendments and writing supporting evidence for these. A challenge can be ensuring schools prepare evidence and data in advance of annual review meetings that provide information on what is in place for a particular child, and the extent to which learning objectives are being met.

Joined-up working between social care professionals and the SEN assessment team within a local authority was also highlighted as being important in cases where an early or emergency review of a statement was deemed necessary. Social care professionals and foster carers described how foster placements could come under strain when a looked after child was having problems at school which resulted in poor behaviour at home and / or exclusion or a limited timetable and therefore more time at home or out of school. Where problems at school were a result of inadequate provision and support which could be addressed by an early or emergency review of a child's statement, the speed with which this could take place, and the statement could be amended, was considered particularly important. However, the SEN system was not always able to respond within appropriate timescales, putting the stability of a looked after child's placement at risk. For example, where a reassessment was required, waiting times for an EP appointment might delay amendments to a statement.

The annual review process was also considered to lack flexibility in relation to the transition from primary to secondary school or to post-16 education for looked after children with statements. While the SEN department requires a named school, social care professionals are not always in a position to know where a child might be at the point of transition. For example, where a foster placement is ending it might be necessary to consider multiple alternative options, and social care professionals felt that this flexibility was lacking in the statement review process (this issue also applied at the proposed statement stage).

Case study 4 (LA2)

Child D was in a placement which was becoming unstable. Although Child D had a statement, the mainstream secondary school Child D was attending was having difficulty managing Child D's behaviour. The school referred Child D to EOTAS provision (specialist behaviour PRU offering part time intensive support for pupils at risk of exclusion) but Child D was continually leaving the site and Child D's social care team was concerned that the provision was not meeting Child D's needs. The view of social care professionals was that Child D's statement required reviewing in order to stabilise both Child D's education placement and foster placement, which was at risk of disruption because Child D was not accessing even part-time education provision.

A senior social care professional requested an emergency or early annual review of Child's D's statement, but encountered '*huge obstacles*' in getting the review process underway. Delays were caused by the following factors:

- In order to commission the review process the SEN assessment team requested that at an 'At risk of disruption' meeting¹⁷ was held. However, this meeting took four months to set up because of the need to convene all key stakeholders, delaying the review process.
- The school and the EOTAS setting were unable to agree which of them should lead the process (i.e. which setting 'knew' Child D best or well enough).
- Once the need for an emergency review had been agreed, it was not possible to obtain an appointment for an EP assessment for a further two months.

The senior social care practitioner involved in Child D's case felt that the case was '*going round in circles*', and that despite being part of a unified children's service it had proved difficult to get the SEN assessment team to work with social care in a more joined-up way to meet Child D's needs: "*that's how it felt, just incredibly bureaucratic and system-led rather than needs of the child-led.*" (Social care professional, LA2)

6.5 Relationship of social care professionals and foster carers to the SEN system

Sections 6.2 to 6.4 have considered how the specific circumstances of looked after children impact on the various elements of the SEN process. This section looks at the relationship of social care professionals and foster carers to the assessment, statementing and Tribunal system.

Social care professionals and foster carers indicated two key challenges affecting their relationship with the SEN system. These were:

- lack of knowledge and understanding of the process among social workers and foster carers; and,
- lack of joined-up working between different departments within local authorities in relation to SEN of looked after children.

¹⁷ A meeting of key stakeholders, held to intervene and plan action to stabilise life of a child whose placement is at risk of disruption in order to meet child's best interests through reducing the risk of disruption or planning an alternative placement.

These challenges, which could underpin a lack of confidence in the SEN process among social care professionals and foster carers and lead to disputes over provision for looked after children, also had implications for social care professionals' and foster carers' perceptions of the fairness of outcomes for looked after children.

Understanding of SEN process among social workers and foster carers

Social workers interviewed for this study admitted a lack of knowledge and understanding of the SEN process. Where social workers did not have a strong relationship with, or access to a looked after children's ESS, the SEN process was described as being '*like a maze*', '*long-winded and confusing*', '*complex and cumbersome*', '*slow and hard to understand*', and '*like a club you don't understand the rules of*'. In one case, a social worker had submitted a request for statutory assessment for a looked after child without understanding the role of delegated resources in schools and therefore the circumstances in which an application for statutory assessment is appropriate. The application was unsuccessful and the social worker called a meeting of the school and the SEN assessment team before realising that a statutory assessment was not necessary. The social worker admitted that this was due to naivety about the SEN system. Where social workers could not easily obtain advice and information in relation to the SEN process from an ESS they felt they would benefit from training, not least so they could assist foster carers in understanding the system. This was particularly important in cases where relationships between foster carers and schools were destabilised because foster carers had not fully understood the SEN system (for example, use of delegated resources).

An additional challenge for foster carers was a lack of clarity over their involvement in the SEN process. Where a child was recently placed with foster carers, their knowledge of and capacity to fully grasp the nature and extent of the child's learning needs was limited, which could leave them feeling concerned about which key stakeholder was ensuring that the child's education needs were being met. Foster carers often lacked confidence about their role in a process which might have started prior to a child being placed with them, and which could conclude after the child has moved on (for example, in the case of short-term foster care placements).

Where local authorities did have a looked after children's ESS in place this was considered to be an important mechanism for ensuring fair outcomes for looked after children, and preventing unnecessary disputes. For example, where ESSs played a liaison role between schools, social workers and foster carers, this often helped to defuse volatile situations and avoided escalation of disputes or disagreements. However, collaborative working between ESSs and social workers was described by social care professionals as taking time and persistence to establish. They identified that the following could assist this process:

- Interaction and communication (for example, encouraging social workers to attend meetings set by the ESS, ensuring social workers share information with ESS when education is involved, making the ESS accessible to social workers by being co-located for at least some of the time on the same site);
- Training for social workers (especially new social workers) to make them aware of the role of ESS and the expertise ESS teachers can offer in relation to individual cases, as well as raising social workers' awareness of their own responsibilities as corporate parents in relation to the education of looked after children on their caseload.

ESS teachers interviewed did however identify a key gap in the working of the SEN system for looked after children: that they were not always invited to meetings to discuss proposed statements. This was perceived to be problematic as they were often best placed to explain to foster carers and social workers the format and terminology of a statement of SEN, to collate comments on the proposed statement and contribute their own based on their knowledge of a looked after child's education history and progress, and then to put forward a request for amendments (in the same way that they would do at a statement review). At the very least ESS teachers suggested they could contribute a report at the assessment stage so that their knowledge and expertise could be considered alongside reports from other key stakeholders.

Lack of joined-up working between different departments within local authorities

Social care professionals explained that while the creation of unified children's services was slowly improving joined-up working, there was still a need for improved responsiveness to the specific circumstances of looked after children by schools and the local authority SEN department in order to ensure fair outcomes for looked after children with SEN. Suggestions for improving responsiveness included SEN assessment team officers being more proactive in looked after children SEN cases, for example by attending a LAC review to help them decide whether an emergency review would be appropriate, or to assist social workers and schools by providing guidance on the threshold for statutory assessment. Social care professionals and foster carers noted that SEN assessment teams seemed to be more flexible and responsive after meeting the looked after child in a particular case. The implication here was that this contributed to an increased awareness and appreciation of the issues involved and their impact on the stability of a looked after child's placement, which resulted in a more proactive and creative approach and better joined-up working between the SEN assessment team and other key stakeholders. Where key stakeholders had a better understanding of each others' remits, responsibilities and constraints, this seemed to contribute to smoother working relationships. Understanding the SEN system from all perspectives assisted key stakeholders in working together to meet the needs of looked after children.

Nevertheless, social care professionals acknowledged that a tension existed between different departments within local authorities in relation to the SEN system for looked after children. While on the one hand, social care professionals accepted the bureaucratic nature of the SEN process (for example, the need for written evidence on which decisions are based), there was a concern that this acceptance sometimes meant that they were not assertive enough in relation to specific looked after children cases. While, as social care professionals, they might be dissatisfied with a decision not to carry out a statutory assessment, or the provision made in a proposed statement, they were unlikely to challenge this in the same way that a parent might. Social care professionals also acknowledged that the prioritisation of the stability of a looked after child's placement could override concerns about SEN provision.

"It's hard because you don't want to get into conflict with people because you're all supposed to be working together.[And] it's different because you're not the actual parent, you know, if it was your own child, you would just fight for that child's...rights and needs to be met...but when you're in our position, as a corporate parent, you know, I work for the same organisation as the school, you know, we employ the foster carers, you're in this sort of funny position...it does affect your impartiality because...the school being stable is important to the placement being stable." (Social care professional, LA2)

Interviews with social care professionals revealed a strong sense that it would be highly unusual for a case involving assessment and statementing for a looked after child to ever reach the point of appeal to SENDIST. In one case a senior social work practitioner described attending meetings with a looked after child's social worker, foster carers and the SEN assessment team in order to try and resolve a dispute regarding the content of a proposed statement, because it was felt that the social worker was '*stoking the fire*' and encouraging the foster carers to appeal. In this particular case Tribunal was avoided when an additional paediatric report was accepted by the SEN assessment panel as evidence (which was hitherto missing) of more profound learning difficulties than those originally outlined in the statement. It was considered important for key stakeholders to work together in a joined-up way to prevent disputes arising as a result of a lack of understanding of the SEN process by those involved.

Case study 5 (LA1)

Child E had been placed in secure care accommodation out of county by LA1. However, social care professionals involved no longer considered this to be the most appropriate environment for Child E. The view of education staff and the psychologist at the secure unit was that child has suspected significant learning difficulties. A decision was taken that an appropriate exit strategy would involve placing Child E into a residential special school. However, in order to confirm and fund a place at the chosen special school, the social worker involved felt that a statement of SEN would help ensure stability for Child E in making the transition out of secure care. Child E's social worker therefore requested a statutory assessment, but LA1's SEN assessment team declined since, under the law, the local authority no longer has responsibility for meeting a child's SEN once they go into custody or secure accommodation.

The local authority in which the secure setting was located suggested that LA1 commission its SEN assessment team to complete the assessment and statementing process. However, LA1 declined this suggestion. Child E's social worker, unhappy with this decision, approached LA1's Head of Education. In turn, the Head of Education contacted DCSF for guidance on whether statutory assessment for a child in a secure setting was appropriate. DCSF guidance issued stated that an assessment of SEN (although *not* a statutory assessment) could be undertaken as part of an exit strategy. The SEN assessment team agreed to send out an EP in relation to placement plans for Child E, and confirmed that this assessment would not form part of the statutory assessment process.

Although this was a satisfactory (and lawful) outcome, Child E's social worker was concerned about the level of joined-up working the two departments. Issues raised by the social worker included:

- Inconsistent and reactive communication on the part of the SEN assessment team, with social care professionals having to continually chase things up. For example, the social worker had found it difficult to identify the correct person with whom to discuss Child E's case, and often had difficulty getting hold of anyone on the team.
- A perceived lack of understanding on the part of the SEN officers regarding the circumstances of Child E as a looked after child, and the information required by social care professionals to plan an effective exit strategy. For example, prior to carrying out the assessment the SEN assessment team requested details and dates of the exit strategy, but the social worker was unable to confirm these as they were dependent on the outcome of the assessment itself.
- Non-attendance of a representative from LA1's SEN assessment team at the LAC review for Child E (the SEN officer had cited other commitments and the travel involved as reasons for not attending). This was perceived as problematic, particularly as a representative from the SEN assessment team in which the secure unit was located *did* attend.

The social worker was passed details of the parent partnership service by the Head of Education, so that a complaint could be lodged. However, despite feeling upset, the social worker was reluctant to make a fuss in case it caused friction in the future. The social worker felt frustrated by having to maintain 'professional' relations with the SEN assessment team at the perceived expense of the child's SEN.

Case study 6 (LA3)

Child F was placed in a short-term agency foster placement in LA3 following sustained and rapid movement through multiple local authority foster placements which had all broken down. Child F was matched by LA3 with the foster placement with the aim of particularly focusing on Child F's education. The foster carers made a great deal of effort to establish a good relationship with Child F's school, setting up meetings with the head teacher, form teacher, and teaching assistant, and getting a communication book set up. They felt confident that the school would contact them if a problem arose, and that if they had concerns they could discuss them with the school or at Child F's LAC review. They were also impressed by the school's attitude and approach to teaching Child F, and remarked on the strategies used to keep the child at school and in class.

However, although the relationship with the school was positive, Child F's foster carers had concerns about the extent of their involvement in Child F's education (particularly as this was part of the matching process for the placement), feeling a lack of clarity about their role and responsibilities. Areas of concern included the following:

- The foster carers received a copy of a proposed statement for Child F, which arrived on the same day as the social worker was visiting. The social worker took the proposed statement away that day, and the foster carers requested another copy. However, this came without any contact details, and no-one explained to them what a proposed statement is, or what they could or should do with it. Without guidance on how to 'read' a proposed statement of SEN, they felt it was 'woolly' and lacked clear, measurable outputs (for example, phrases such as "if deemed necessary" and "can be reviewed by the school" were perceived as 'get out clauses').
- The foster carers asked to see Child F's Individual Education Plan (IEP) at a parents' evening, and although it was produced, a formal meeting to discuss it was never arranged.
- Child F's foster carers were keen to access learning support offered by other agencies which is available to looked after children. Although the social worker was in agreement that this was a good idea, the foster carers had found that, because the social worker was so busy, it was not prioritised and tended to get forgotten. For example, they were keen for Child F to receive literacy and numeracy materials via a letterbox scheme but in order to access the scheme an application was required from Child F's social worker. The foster carers were reluctant to 'chase' the social worker about this, and were frustrated that they could not access this scheme directly themselves and share the burden of responsibility with the social worker.
- While acknowledging their time-limited role as short-term foster carers in looked after children's education, Child F's foster carers felt they were accumulating potentially useful knowledge regarding Child F's education, which might be useful as part of the SEN process. For example, based on their experiences of teaching Child F at home, they had found ways of encouraging Child F to engage. This knowledge was fed back to Child F's form teacher, but was not formally recorded in any written document or report, and could be 'lost' when Child F moves on.

Overall, Child F's foster carers felt that the SEN process had been a steep learning curve for them, especially as they had not had a formal opportunity to discuss the process or ask questions. However, they felt they would be *'more on the ball'* about IEPs, assessment, and statementing if a future placement involved a looked after child with SEN.

6.6 Summary

A number of key issues for looked after children with SEN have been highlighted in this chapter which have implications for the experiences of social care professionals and foster carers at different stages of the SEN process. Among these are that the SEN of looked after children is not always identified early and that schools hold very different attitudes to taking looked after children with SEN and meeting their needs. More so than for other children with SEN, a broad range of professionals are involved in securing and maintaining provision for looked after children with SEN. This means that collaborative working between local authority departments and, sometimes, across local authorities is especially important for these children generally and at key reviews. Additionally, social care professionals and foster carers themselves identified that they lack a good understanding of the SEN system and this affects how effectively they are able to navigate it and secure appropriate outcomes for the children for whom they are responsible. These and other issues can lead to delays in the SEN process for looked after children, at the assessment and statementing stages, which in turn leads to delays in securing appropriate provision for their SEN.

A number of examples of good practice in relation to the SEN system for looked after children are however highlighted by the discussion in this chapter. In summary, good practice appears to comprise three key elements:

- Collaboration and co-ordination between all key stakeholders involved in the education of looked after children, including joined-up working between relevant departments within and across local authorities;
- Increased responsiveness of the SEN system to the specific circumstances of looked after children, particularly in relation to minimising delays in the assessment, statementing and review process so that children can start new education placements with adequate support in place (thus supporting the inclusion agenda for children with SEN), and the risk of disruption to foster placements is not exacerbated;
- ESSs for looked after children can play a key role in supporting a 'team around the child' approach by liaising with key stakeholders and assisting stakeholders in their understanding of the SEN process.

7 Conclusions and recommendations

The purpose of this chapter is to draw together key elements of the discussions of the SEN system in previous chapters to highlight factors that underpin parental confidence, and make recommendations for improving parents' and carers' experiences of the system. The chapter is structured around two key themes which have significance for all the elements of the SEN system considered by this study. These are:

- collaborative working between SEN stakeholders; and,
- stakeholder communication with parents and carers.

Recommendations to support parental confidence in these areas are discussed in the final section of the chapter.

First, this chapter provides an overview of the parental experiences described in the preceding chapters as a reminder of the context for these conclusions and recommendations.

7.1 Overview of parental experiences of the SEN system

The SEN system of School Action / School Action Plus, statutory assessment, statementing and SENDIST is a complicated one at a number of levels, not least organisationally and legally. The findings of this study support many others in demonstrating that it is experienced as such by a variety of SEN professional stakeholders, as well as parents and carers. This complexity can lead to confusion, anxiety and frustration for families, even where practice appears to be good and there is relative satisfaction with the outcomes achieved. It is also clearly exacerbated where practice is poor and there are misunderstandings and miscommunication between stakeholders.

The findings of this and other studies of SEN show that parents and carers who engage with this system because it is not, in their view, working well for their child, feel disadvantaged because it is a system that is difficult to understand. Complexities are inherent not only in the way it is resourced but also in the guidance relating to thresholds for statutory assessment and statementing, and the language these processes use.

The need for parents to work closely with professionals in the field to reach solutions heightens these feelings of being at a disadvantage. The requirement to read statements and reports, to write their own contributions and to work within legal frameworks is also daunting, particularly for parents and carers for whom this represents unfamiliar terrain. The use of these legal frameworks in reports and letters that appear overly formulaic, and that appear to be insufficiently personalised to parents' and carers' own children, is a source of discontent.

Parents and carers are also required to engage very actively with the system: even where relationships are positive and there is satisfaction with how processes work and the nature of outcomes, parents and carers must work hard to liaise with stakeholders, gather and collate information and reports, and submit evidence for review. Where these relationships break down, the pressure experienced by parents and carers is magnified, particularly where they feel mistrustful of the processes taking place or the professionals involved. This study has shown that where this is the case, parents and carers are also unsure about the efficacy and fairness of the resolution mechanisms in place to help restore these relationships and solve problems.

Importantly, parents and carers experience all of this in the context of full lives in which their interaction with the SEN system is just one part. They do this with partners, parenting responsibilities, work commitments, and sometimes limited resources. The conclusions drawn from this study and presented in the sections that follow should be considered in the light of these circumstances and experiences.

7.2 Collaborative working between SEN stakeholders

The idea of collaborative or joint working is not a new one, either in the context of the SEN system or statutory services more generally. However, there are numerous barriers to achieving genuine collaboration within local authorities, including frequent organisational change, discrete departmental budgets and heavy staff workloads. There are also particular challenges for working collaboratively in an area like SEN which involves a variety of professional groups and stakeholders from within, and sometimes outside, the local authority. This study has demonstrated that the breadth of this range of stakeholders is increased even further for looked after children with SEN.

The difficulties inherent in collaborative working are further exacerbated by the complexity of the SEN system and an apparent shortfall in **shared understanding between professional stakeholders about their respective and collective responsibilities for SEN provision**, with its consequent effect on parents' and carers' expectations of confidence in the system.

Any lack of clarity in the delineation of responsibilities of local authorities and schools for SEN provision has the potential to be increased following recent changes in the proportion of funding for SEN delegated by local authorities to schools for this purpose. This lack of clarity is demonstrated in this study through parents' and carers' accounts of disagreements between local authorities and schools during which they feel they hear mixed messages about what provision for their child should look like and who should fund it. Such inconsistent messages served to confuse parents and carers, and fuel suspicion that either the school or the local authority, or both, are attempting to sidestep their responsibilities.

This issue extends within local authorities across all departments with involvement in provision for children with SEN, raising a number of potential difficulties. Individuals sometimes lack a clear sense of their own role and responsibilities, and confidence about what they can achieve within national frameworks and their own local structures. This can lead to a focus on the limitations of their remit, rather than on working flexibly within these structures to meet the best interests of the child. It also underpins delays in the process and in provision as individuals and departments resolve their respective responsibilities. This study has demonstrated how the ability of SEN professionals to work quickly and creatively is especially important for looked after children with SEN. Where uncertainties exist between local authority teams, and these uncertainties are exposed to parents and carers, they contribute to parents' and carers' confusion and heighten any suspicions they have about how SEN processes work and the fairness of their outcomes.

This study has identified that parents and carers can informally take on **the responsibility for liaising between and co-ordinating SEN stakeholders**, for example during statutory assessments or appeals. However, they describe this as exhausting and, given that they feel they do not fully understand the system, they can lack confidence in doing so. In this situation, parents and carers turn to others who can undertake this role on their behalf. In some cases this is a solicitor but, whilst these solicitors can play an important role for parents and carers, they are a drain on their financial resources and it is likely that there are other people who are better placed to act for them (for example, parent partnership services and voluntary organisations). Indeed, there are examples from this study of others performing such a role very successfully. In particular, the role of looked after children's education support services was highlighted by foster carers and social care professionals as being

important for co-ordinating the involvement of key stakeholders and helping to mediate difficulties that arose between them. This is congruent with the anticipated role of the lead professional arising from the Every Child Matters programme, to be proactive in moving a case forward and act as a main point of contact the parents, and the findings from this study underpin the potential benefits of the appointment of a lead professional.

As well as collaborative working within the statutory sector, this study has also identified opportunities for **cross-working between statutory and voluntary sector support organisations**. There is a range of avenues of support for parents and carers of children with SEN generally and in relation to specific aspects of the SEN system. However, it is clear that parents and carers are not always aware of them or, where they are, are not helped to distinguish between each avenue. It is also likely that the same lack of clarity regarding purpose and function that pervades other elements of the system, as described above, extends to the third sector and means that statutory and voluntary support organisations are not always well equipped to direct parents and carers to the most appropriate form of support for their individual circumstances.

Closer working relationships between statutory and voluntary services would provide an opportunity for better understanding between them about each other's practices and strengths, and facilitate services to work together to meet parents' and carers' support needs. This also represents an opportunity for voluntary organisations to learn more about what it is feasible to provide for families and children with SEN within statutory frameworks so that they are able to give parents and carers the most accurate advice. This has the potential to support appropriate requests and appeals from parents and carers, and to minimise disagreements.

For all these identified opportunities for collaborative working, it is important that efforts to exploit them are not one-off initiatives. They need to be re-visited and reinforced regularly, as staff and organisations change, organisational structures are altered, and the circumstances of individual children shift. Collaborative working is an opportunity for individuals and teams better to understand each others' responsibilities and build effective interlinking relationships over time.

7.3 Stakeholder communication with parents and carers

As this chapter has already highlighted, the SEN system is complicated and parents and professionals alike have difficulty fully understanding it, so that they can use it to best meet the needs of children with SEN. Parents in particular need help to be able to understand the processes involved, including what the SEN system can and cannot deliver for their child. This relies in part on all stakeholders having a good and shared understanding of these processes, as discussed in the preceding section, so that parents and carers can gain confidence from professionals' consistent messages to them.

Because the system is difficult to navigate and understand, and because parents and carers find the experience of identifying and communicating with SEN professionals stressful, **early action on the part of stakeholders is needed to ensure open and clear channels of communication** both between different professional stakeholders and between parents and SEN professionals.

This is important not only at the outset of new processes such as statutory assessment or appeals to Tribunal so that parents and carers understand how they work, but also during these processes so that parents and carers are well-informed about their progress. This study has demonstrated that where parents and carers are not well-informed, they can feel uninvolved in the process and suspicious about how fair the process or its outcomes will be, which can lead them to question resulting decisions.

As well as providing information to parents and carers, it is important that local authorities and schools are available to listen to parents and respond to their requests for additional or different information. Parents and carers interviewed for this study valued the offer of different types of channels and multiple opportunities for communicating with SEN professionals. Where only one opportunity appeared to be available, parents and carers were embarrassed to ask for more which only served to perpetuate any difficulties they had in understanding processes and increase their associated frustrations with the system.

To access the multiple and varied opportunities to communicate with SEN professionals suggested above, parents need to feel confidence in a **single point of contact**. While the named SEN officers do have this role, parents can perceive them as not accessible or not appearing to take the initiative in communicating information and the timing of decisions, and signposting parents to other sources of information and support. The findings from this study identified that parents and carers are frustrated at being unable to make contact with relevant stakeholders easily and quickly, particularly regarding notification of decision outcomes. However, where this channel was available, there is evidence that the opportunity afforded for parents and carers to talk to those involved in making the decision avoided the escalation of issues to appeal in some cases. This parental need again underpins the importance of the role of a lead professional or similar for the families of children with SEN. It also further emphasises the role for support organisations, whether internal to the local authority or external, as important channels for communicating information to parents, and the advantages that better collaboration between sources of support for parents would confer.

This section has so far focused on the channels available to parents and carers through which to communicate with SEN stakeholders, as well as the availability of opportunities they have to do so. Equally important however in the accounts of parents and carers in this study was the **nature of their communication** with SEN professionals. Parents and carers specifically emphasised the importance of the language used in written communication and face-to-face meetings, commenting especially on that which was perceived to be overly-legalistic and therefore difficult for them to understand. Official documents such as statements of SEN were also difficult for parents and carers to digest, not only because the content itself could be technical, but also because they did not have a clear grasp of what they should contain.

Concerns were also raised about how SEN professionals conducted themselves and managed proceedings during face-to-face meetings, including at Tribunal hearings. Where the tone was felt to be overly adversarial or formal, this impacted on the extent to which parents and carers felt able to make a contribution. This study has demonstrated that parents and carers need assistance to feel confident to participate in face-to-face meetings with SEN professionals and to interpret written communications. It is therefore important that schools, local authorities and SENDIST reflect on the content of their communications with parents, to ensure that language is as clear as possible and to take every opportunity to develop rapport with parents, particularly in face-to-face contact.

7.4 Recommendations

Much of what is included in these recommendations is based on existing good and emerging practice in local authorities, schools, health services and voluntary groups. The recommendations are intended as a checklist for representatives of those bodies to promote more universal good practice, within and between all the teams and organisations with which parents come into contact. While some of the underlying tensions in the SEN system will still have the potential to cause conflict and disagreement, these can be mitigated in many individual cases by collaborative working between SEN stakeholders and / or by clear communication with parents and carers, as outlined below.

1. Collaborative working between SEN stakeholders

Within statutory and local frameworks, establish greater clarity at individual, team and organisational level about different professional groups' responsibility for SEN provision by:

- Local authorities reviewing and clarifying with their schools the responsibilities of each for SEN provision. This should include agreement on what schools are routinely expected to fund, particularly following any increase in the delegated levels of SEN funding, and on what local authorities will fund additionally. While there is a duty on local authorities to publish information about their and their schools' respective responsibilities for SEN provision¹⁸, this is not always made available in a clear, accessible, and up to date way. It is important that local authorities and schools promote a shared understanding of each others' responsibilities through ongoing dialogue and information sharing so that there is an agreed basis for both parties to act consistently and appropriately on individual cases.
- Local authorities ensuring that their various professional groups (principally SEN case officers, educational psychologists, specialist advisers and social workers) continue to develop an agreed common understanding about their respective roles, taking account of the statutory guidance in the SEN Code of Practice. This would include specific continuing professional development programmes and scheduled opportunities for discussion of individual cases, through which common understanding and ever more creative solutions for individual children would be built up. Changing local and national systems and staff turnover require a continual programme of training and cross-team communication.
- Mainstream schools endeavouring to give a consistent and reassuring message to parents that the school has the necessary expertise and resources to identify and meet their child's special educational needs. Where a school feels this not to be the case, it should seek an alternative solution directly with the local authority, before involving the parents.
- Local authorities initiating discussions with local health professionals (principally paediatricians, speech and language therapists, physiotherapists and occupational therapists) to review and clarify respective roles and responsibilities. This should include ensuring health professionals are regularly updated on what the agreement between the local authority and its schools means in practice, for example how more children's needs are now met in the mainstream setting without the requirement to have a statement to generate additional funding.
- Local authorities ensuring that there is a good working relationship with local voluntary and statutory parent support groups. This should include regular meetings for mutual information sharing and updates, agreed protocols for liaising on individual cases and use of common resource materials with parents (see second area of recommendations below).
- Encouraging local authorities and schools to develop an active working relationship with local parents' forums / parent support groups to facilitate consultation with parents in developing information materials relating to the SEN process.
- Working to ensure that the training/exchanges of information suggested above are tailored to the needs of professionals involved in the education of looked after children with SEN. It is particularly important that these professionals have an appreciation of each others' roles and the legal frameworks within which they work.

¹⁸ As outlined in the SEN (provision of Information by LEAs) (England) Regulations 2001 Schedule 1, which can be found in the SEN Code of Practice <http://www.teachernet.gov.uk/wholeschool/sen/sencodeintro/>

- Improved mutual understanding and working relationships between professionals should lead to greater consistency of messages to parents, from whichever professional they are in contact with. Greater consistency would help to establish expectations among parents that all professional groups could meet, thereby generating greater trust by parents in the system.

2. Stakeholder communication with parents and carers

Improve the quality of schools' and local authorities' communications with parents by:

- Local authority and school representatives developing a common set of information and support material to be given to parents the first time they encounter the SEN system, whether at school action, school action plus or the beginning of the statutory assessment process. This information could be personalised or supplemented by individual schools or local authority teams, but it should contain some core messages about what parents can expect for their child and what various professionals and organisations will do in their role. Material should include frequently raised questions and answers sheets, exemplar statements and key contact details.
- Local authorities and schools reviewing existing documentation for parents, including standard letters, to ensure that the language is as simple and clear as it can be. This should cover content, so that it is not overly legalistic or detailed, as well as style, such as choice of words or length of sentences and paragraphs. Local authorities should also ensure that their processes maximise the personalisation of common documents such as a statement, so that parents can more easily recognise their child.
- Local authorities reducing reliance on standard letters. While local authorities are obliged to send standard letters with a proposed statement and to inform parents about the intention to amend a statement subsequently¹⁹, local authorities are likely to utilise numerous other standard letters for each stage of the process. It is important that local authorities consider the value of initiating direct contact by telephone or through face-to-face meetings instead, particularly on those occasions where this would help minimise the potential for misunderstanding or conflict.
- School and local authority staff, principally SENCOs and SEN case officers, initiating telephone or face-to-face contact at the beginning of processes, such as a child being placed at school action or undergoing a statutory assessment. Although schools have a duty to tell parents when they start making SEN provision for a child (for example, at School Action)²⁰ this is not necessarily done via telephone or face-to-face contact. However, this research shows that parents welcome personal contact and the opportunity to ask questions/raise concerns, in addition to receiving letters and documents. As well as improving the quality of communication and relationship with parents, local authority and school staff should find that this early investment of their time will pay dividends during the later stages of the process should misunderstandings or disagreements arise.
- Making the lead professional role in relation SEN more prominent. This may mean increased responsibilities for named SEN officers in acting as a conduit of information for the parent, and as an accessible first point of contact at all times. It could also involve giving a greater role to the professional whom parents trust to know the child and the system best, e.g. the educational psychologist or specialist advisory teacher. Establishing

¹⁹ Schedule 1 Parts A and B to the The Education (SEN) (England) (Consolidation) Regulations 2001 (also in the Code of Practice) set out standard letters which local authorities must send to parents in these instances.

²⁰ Schools have a duty under s317A of the Education Act 1996 to tell parents this.

and strengthening the lead professional role is particularly important in circumstances involving looked after children with SEN.

- Reviewing professional development and support for chairs of SENDIST to emphasise good practice in the conduct of hearings. This should include ways of starting a hearing, minimising the emphasis on legal argument by any of the participants, and managing adversarial relationships. The focus should be on ways of creating an environment in which parents and carers feel comfortable in contributing to the process. The ongoing training and support should take note of comments and feedback from parents and others who attend hearings.

3. National policy and guidance

Support the development of collaborative working between SEN stakeholders, and of their subsequent communication with parents and carers, through the following:

- Build on existing DCSF guidance on the Common Assessment Framework (CAF) and lead professional role by promoting the key learning points from these recently introduced models of working through the national network of SEN hubs. This should include practical examples of how the CAF can best interact with the assessment processes required by the SEN statutory framework, the relationship between CAF and individual education plans (IEPs), and implementing the lead professional role in Team around the Child arrangements. There could be a role for the National Strategies SEN Adviser Team in collecting and disseminating good practice examples during their visits to individual local authorities.
- Disseminate the findings from the Lamb Inquiry's evaluation later in 2009 of the innovative projects to explore parents' confidence in the SEN assessment process. These should be linked to the recommendations from this report to give schools, local authorities, health services and voluntary organisations practical suggestions for developing parents' trust in the SEN system.

Appendices

Appendix A: Letter to local authority leads for SEN services

«Title» «Forename» «Surname»
«Position»
«Address1»
«Address2»
«Address3»
«Address4»
«Address5»
«Postcode»

Our ref: P6214
June 2008

Dear Colleague,

Study of Parental Confidence in the SEN Assessment, Statementing and Tribunal System

I am writing to let you know that the Department for Children, Schools and Families (DCSF) has commissioned the National Centre for Social Research (NatCen) to undertake a national study of parental confidence in the special educational needs (SEN) assessment, statementing and Tribunal system. The objectives of the research are to explore and understand parents' (including corporate and foster parents') end-to-end experience of the SEN assessment, statementing and Tribunal process, including:

- the reasons why some parents request statutory assessment;
- the reasons underlying some parents' suspicion during the assessment and statementing process;
- the factors underpinning parents' confidence, or lack of confidence, in the fairness of and outcomes from the assessment and statementing system; and,
- the factors underpinning parents' decisions to appeal to SENDIST, including the reasons disputes are not resolved prior to the appeal hearing.

The study comprises two stages. The first stage will involve qualitative interviews with leads for SEN services in a number of selected local authority areas. These areas have been selected on the basis of diversity in terms of geographic location, relative deprivation and Tribunal appeals. This will be followed by a series of in-depth qualitative interviews in each of the selected local authority areas with parents with experience of different elements of the SEN system. Your authority is one of those NatCen has selected and we would like to ask you for your help with this research. We appreciate the demands on your time and your support with this research would be very much appreciated.

The first stage interviews with local authority leads for SEN services will help the research team to contextualise the experiences of parents and gather local authority perspectives on the factors that underpin parental confidence in the SEN system. These interviews will last approximately one hour and take place at a place and time convenient for the participant. A member of the NatCen research team will shortly be in touch with you to discuss the research study in more detail, invite the participation of your local authority and, where appropriate, arrange an appointment for interview with you or one of your colleagues.

During this interview, the researcher will discuss the second stage of the study - qualitative interviews with parents who have experience of different elements of the SEN system. NatCen propose to request local authorities' help in identifying parents who meet the criteria for inclusion in the study and in sending them some initial information about it. They will also request assistance in identifying a small number of local schools to approach to participate in the study.

NatCen are responsible for selecting the local authorities and the DCSF will not know which local authorities have taken part. This letter has been sent to you by NatCen on behalf of the Department in order to maintain your authority's anonymity. The study findings will be reported in a way that ensures that individual local authorities cannot be identified. Those interviewed from each local authority will also remain anonymous in NatCen's reporting.

Your help with this study is much appreciated. This research will provide important evidence to identify how schools, local authorities and the SEN and Disability Tribunal can increase parental confidence. If you have any questions or would like more details about the research study, please contact me on 020 7273 4729, or Nicky Cleghorn at NatCen (020 7549 8593 n.cleghorn@natcen.ac.uk).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nigel Fulton', with a small horizontal line at the end.

Nigel Fulton
DCSF - SEN & Disability

Appendix B: Topic guide for interviews with local authority leads for SEN services

Parental Confidence in the SEN Assessment, Statementing and Tribunal System

Topic guide

Objectives

To gain an understanding of the local context within which parents have experienced the SEN system and explore perceptions of factors influencing parental confidence in the SEN system. In particular to explore:

- how different elements of the SEN system are operationalised locally;
- the responsibilities of different local stakeholders in delivering SEN Services;
- the co-ordination and communication between local stakeholders;
- measures in place to support parents or help resolve disputes regarding SEN provision (e.g. the role of the Parent Partnership Service, mediation services);
- perceptions of levels of highest and lowest parental confidence in the SEN system;
- perceptions of factors which make the system work well for some parents and not others.

Prior to each interview, researchers will undertake to establish some context about the local authority that is available publicly, such as via the local authority website. This might include overview information about the types of SEN services available, rates of appeal to SENDIST, and SEN population data. This will be important for ensuring that the time spent with Heads of Service is used as effectively and efficiently as possible.

1. Introduction to NatCen and research

Aim: to introduce the research, clarify the content of the interview, and explain confidentiality. This section will reiterate the information provided to the respondent during recruitment.

- Introduction to researcher, NatCen, and involvement with research
- Introduction to research study: to explore and understand parents' (including corporate and foster parents') end-to-end experience of the SEN assessment, statementing, annual review and Tribunal process.
- Explain procedures relating to anonymity i.e. that DCSF will not know which local authorities have taken part
- Explain recording, length (up to 1 hour) and nature of discussion, outputs/reporting and data storage issues
- Explain that they may withdraw at any time from interview as whole, and do not have to answer any questions they would prefer not to
- Check if participant has any questions
- Check that participant is happy to continue

2. Respondent and local authority background

Aim: to gain background information about the respondent's role, confirm information about the local authority gathered prior to interview and fill in any information gaps.

- Respondent details
 - Job title
 - Current role, length of time in role
- Structures for which they are responsible
 - Probe for Educational Psychologists, SEN Officers, Specialist Advisory teams
- Overview of the local authority (use comparisons with neighbouring local authorities if helpful)
 - Size of local authority
 - Nature of area covered by local authority
 - Level of SEN in area

3. Overview of SEN services in local authority

Aim: to gain an overview of the SEN services in the local authority including roles and responsibilities of different stakeholders, funding and monitoring systems of SEN services and any changes to SEN profile over time.

- Brief description of SEN services in local authority
 - statutory services / services run by the local authority
 - services provided externally to the local authority
- Roles and responsibilities for different stakeholders in providing SEN services
 - Probe for role of: local authority, schools, other stakeholders (e.g. voluntary organisations)
- Co-ordination of services run by different stakeholders
- Communication between different stakeholders / services
- Funding and monitoring of SEN provision
 - Levels and sources of funding, including what proportion of funding delegated to schools
 - prioritisation of resources (e.g. at level of local authority and school, for different types of services, etc.)

- extent and type of monitoring of SEN services (including those provided by local authority, schools and other stakeholders)
 - what is monitored e.g. parental satisfaction
 - how monitoring is conducted e.g. annual surveys, PPS feedback
- Any changes to SEN profile of local authority in recent years - reasons for and impacts of
- Any changes to profile of SEN services in recent years - reasons for and impacts of

4. Overview of the SEN assessment, statementing, review and Tribunal process

Aim: to gain a brief description of each element of the SEN system, including the levels of use of each. Also, to explore perceptions of what works well and less well about each stage of the process and reasons why parents decide to progress through the system.

- Description, levels of use and perceptions (i.e. what works well and less well) of:
 - School Action and School Action Plus
 - statutory assessment (e.g. why some parents suspicious of assessment, why statementing process has been described as stressful and alienating)
 - statementing
 - statement review process
 - SENDIST (e.g. rates of appeal, number of appeals that turn into hearings)
- Reasons parents move from one stage to the next (e.g. why some parents request statutory assessment whilst others happy with provision under School Action / School Action Plus)

5. Overview of services supporting parents, including to help resolve disputes regarding SEN provision

Aim: to gain a brief descriptive overview of the services the local authority provides to support parents in their interactions with the SEN system and in relation to disputes about SEN provision for their child.

- Brief description of services available to support parents in interactions with SEN system and / or in disputes about SEN provision:

Probe for:

- the role of the local authority in supporting / helping to resolve disputes (e.g. what does the local authority do to work with parents to resolve a dispute before it reaches tribunal)
- the role of Parent Partnership Services

- the role for independent mediation
 - how parents made aware of mediation
 - schools' involvement and use of mediation services
- the role for SENDIST (including views about SENDIST versus mediation; advantages and disadvantages of each)
- the role of any other services for parents (e.g. IPSEA)
- level of independence of services

6. Corporate Parents

Aim: *to gain an overview of the form the corporate parent role takes within the local authority, how the responsibility is discharged, and to understand potential challenges of the role in relation to the SEN process.*

- Number of looked after children in the local authority
- What the corporate parent role means within the local authority
- How corporate parent responsibility is discharged within the local authority
 - *Probe for whether done through a single officer, level of fostering, number of children's homes, etc.*
- Challenges of the corporate parent role within local authority
 - *Probe for how corporate parent can negotiate / be advocate for children with SEN*
 - *Probe on experience of the SEN tribunal in relation to looked after children (e.g. are there any issues about the fact that it's the local authority that is the corporate parent and would be appealing against itself? Are foster carers supported / empowered to appeal to SENDIST?)*
 - *Probe for further reflections on interactions between different local authority services (e.g. social care and education) and the efficacy of support for looked after children.*

7. Concluding thoughts

Aim: *to explore respondents' perceptions of parental confidence in SEN services and the factors underpinning this.*

- Overview perceptions of parental confidence in SEN services and systems discussed
 - where parental confidence highest
 - where parental confidence lowest (e.g. what concerns do parents most commonly have)
- Perceived factors underpinning this level of confidence

- What methods are currently used to promote parental confidence

Probe for:

- *level of monitoring*
 - *range and promotion of information*
 - *staff training*
- Views on ways of increasing parental confidence and roles for different stakeholders
 - Anything else they want to mention

THANK AND END

Appendix C: Instructions to local authorities for selecting parents / carers

Parental Confidence in the SEN Assessment, Statementing and Tribunal System

Thank you for kindly agreeing to help us to contact parents and carers, including corporate and foster parents, who have a child with SEN and who have experience of the SEN system within **[insert name of local authority]** for the study of parental confidence in the SEN system. As you may recall, this study is being conducted on behalf of the Department for Children, Schools and Families and the Tribunals Service by the National Centre for Social Research (NatCen).

We will be speaking to parents and carers from across the country that have recent experience of undergoing an assessment or receiving a statement of their child's SEN, or of registering an appeal with the Special Educational Needs and Disability Tribunal (SENDIST). We would be very grateful if you could please help us by identifying a number of parents who have had such experiences most recently within your local authority so that they may be provided with more information about the study and invited to take part.

In order to respect your commitment to the confidentiality of parents and carers, we have devised a three-step process for contacting them. We have endeavoured to make the process as simple as possible and to minimise the burden of work for you. Please remember that we are here to help and if you have any questions about the study please do not hesitate to contact Nicky Cleghorn at NatCen (contact details below).

We have provided below a step-by-step guide for selecting and contacting parents.

Step 1

First, please select:

- the **10** most recent cases of parents who have experience of the assessment process in your authority;
- the **20** most recent cases of parents who have experience of the statementing process in your authority (please note, these cases should be different from those selected as having experience of the assessment process above);
- and, **all** of the cases from the previous two years of parents from within your authority who have registered an appeal with SENDIST. If many more than 20 parents have this experience within the past two years, please select the 20 most recent.

We are particularly keen to understand the experiences of the SEN system from the perspective of corporate and foster parents of looked after children so would be grateful if you would ensure a mixture of each type of parent is included in your selection. This may mean selecting a further group of the most recent cases involving corporate and foster parents.

Step 2

The next step is to send these parents information that explains more about the research and invites their participation. We have prepared a letter which you should post to each selected parent. This letter introduces NatCen and the research study, what participation in the study will involve, and invites parents to opt in to the study if they are interested in taking part. We will provide you with an electronic copy of this letter to be printed on your notepaper and signed by you.

Step 3

The last step is for the parents themselves to take. Once they receive the letter and read about the study, they can decide whether or not to participate in the research. If they do wish to, they will need to telephone NatCen using the freephone number provided. Those who telephone NatCen will be able to find out more about the study. They will also be asked to answer some questions about their family and their experience of the SEN system, and hear more about the research study. Every parent who contacts NatCen and answers these questions will receive a £10 voucher as a token of our appreciation.

As those who are interested in taking part will contact NatCen directly, you will not know which parents have agreed to participate in the research. This means we can give parents and carers greater assurances of anonymity and confidentiality.

Researchers at NatCen will then select a cross-section of cases from among those who reply and we will contact parents and carers to arrange interviews. During the research interview, participants will have the opportunity to talk about their experiences of the SEN system. Each parent / carer that is interviewed will be given an additional £20 to thank them for their time and help with the study.

In order that we can include a range of parents and carers in the study, and because some of the people who are given information about the research will choose not to participate, we are asking you to select more people than we will eventually speak to. When parents / carers contact us, we will make it clear that not all those who agree in principle to participating in a research interview will be invited to do so. Everyone who contacts NatCen and answers some questions over the telephone will however receive a £10 high street voucher.

Further information

NatCen has set up a freephone number on which parents and carers may contact a researcher if they have any questions or concerns about the research at any time. The freephone numbers are included in the letter to be sent out by you and will be included in any further correspondence with parents should they consent to participate in the research.

If you have any queries about any aspect of this process, please contact, in the first instance, **Nicky Cleghorn** at **N.Cleghorn@natcen.ac.uk** or on **020 7549 8593** who will be able to help.

Alternatively, you may contact **Ros Tennant** at **R.Tennant@natcen.ac.uk** or on **020 7549 9557**.

Thank you for your help!

Appendix D: Letter from local authorities to parents / carers inviting to opt-in

Dear [NAME]

Study of parents' confidence in the special educational needs system

I am writing to tell you about a research study that is happening now and ask if you would be willing to take part. Parents / carers who have a child with special educational needs can receive help to find out about their child's needs and how they can be supported.

This research study aims to find out how parents/carers feel about getting support for their child's special educational needs and about how satisfied they are with the level of support that is provided. As you know, some children with special educational needs get extra help from their child's school and the local authority. It will also look at parents' / carers' experiences of the Special Educational Needs and Disability Tribunal (SENDIST).

Who is the study for?

The study is for the Department for Children, Schools and Families. This is the government department that deals with schools and learning. The Department for Children, Schools and Families has asked another organisation to carry out the study for them. This organisation is called NatCen. They are experienced in carrying out studies like this and are completely independent of the government.

Why are you writing to me?

I am writing to you because you have had recent experience of getting an assessment or statement of your child's special educational needs, or of the Special Educational Needs and Disability Tribunal (SENDIST). I hope you will want to help with the study. It is your choice whether or not to take part in the study.

What happens if I decide to take part in the study?

If you do want to take part, first you need to telephone NatCen to say that you are interested in taking part. This phone call is free. Taking part in the research is confidential. NatCen will not tell anyone you have decided to take part. This includes your child's school, the Local Authority or the Department for Children, Schools and Families.

NatCen will ask you some questions about yourself and your child. They will also ask you a bit about your recent experience of getting an assessment or statement of your child's special educational needs, or of the Special Educational Needs and Disability Tribunal (SENDIST). You can choose not to answer any questions that you want.

Parent Partnership may also be able to support you with the phone call. Parent partnership services provide support and advice about special education needs. Your local parent partnership service can be contacted on [INSERT PPS NUMBER]. You may need to show them this letter so that they are clear about what to do.

To thank you for phoning and answering their questions, NatCen will send you a £10 voucher which you can use at a high street shop. They will ask for your address so that they can send this to you. They will not send you anything else.

Is that all I have to do?

Yes, but you can help with other parts of the study if you would like. NatCen also really wants to hear parents / carers stories in person. If you agree, they may phone you to ask if they can come to speak to you. They can visit you at a time and place that is best for you. It will take about 90 minutes. They will ask you about your experiences of finding out about your child's special educational needs and the support you have received.

If NatCen telephone you, they will tell you more about the study and answer any questions you have. If you decide that you do not want to take part, just say so. It is your choice.

If you do speak to them in person, NatCen will give you £20. This is to thank you for your time and help with the study. They will give this to you when they come to see you.

How will NatCen use what I tell them?

NatCen will speak to lots of parents / carers who have experience of finding out about their child's special educational needs and how they can be supported. They will write a report about what everyone says. NatCen will not tell anyone who they have spoken to and they will not use anyone's name in the report. They will give the report to the Department for Children, Schools and Families. The report will help them to be clear about how they can help families like yours in the future.

What should I do now?

If you want to help with the study, please phone NatCen now on **0800 652 0401**. You can speak to someone at NatCen until Friday 12th September 2008. The person you speak to will be happy to talk to you about the study and will answer any questions you have.

Yours sincerely,

[INSERT NAME OF REPRESENTATIVE OF LOCAL AUTHORITY SEN TEAM]

Appendix E: Screening questionnaire

For QRU use only
Serial number:

P6214 Screening questionnaire for Study of Parental Confidence in the SEN assessment, statementing and Tribunal system

1. Introduction:

IF RETURNING A CALL...

Good morning afternoon / evening, my name is and I'm calling from NatCen. You called us today / yesterday / other date about a study we are doing on parents' confidence in the special educational needs (SEN) system.

IF ANSWERING A CALL...

Thank you for calling. My name is and I work for NatCen. Can I just check, are you calling about the study we're doing on parents' confidence in the special educational needs (SEN) system?
(Tick one only)

Yes	<input type="checkbox"/>	→	<input type="text" value="Go to Q3"/>
No	<input type="checkbox"/>	→	<input type="text" value="Go to Q2"/>

2. If respondent is not calling about parental confidence in SEN system study...

Interviewer: Please ask what study they are calling about and try to work out if it is the study of parental confidence in the special educational needs (SEN) system. If they have had a letter about the study, please ask for the project number to check- upper right hand corner of the letter.

Yes, calling about parental confidence in SEN system study	<input type="checkbox"/>	→	<input type="text" value="Go to Q3"/>
No, not calling about parental confidence in SEN system study	<input type="checkbox"/>	→	<input type="text" value="End"/>

3. We're really grateful for your call. I'd like to give you a few more details about the study if that's okay. INTERVIEWER: PLEASE READ OUT.

We are carrying out this study for the Department for Children, Schools and Families and the Tribunals Service. This is the part of the government that deals with schools and learning.

Families with a child with special educational needs can receive help to find out about their child's needs and how they can be supported. This research study aims to find out how parents and carers feel about getting support for their child's special educational needs and about how satisfied they are with the level of support that is provided. We would also like to hear people's views about how things could be improved in the future.

Is there anything you would like to ask me about the study?

IF YES, PLEASE REFER TO THE ACCOMPANYING NOTES FOR THE ANSWERS TO ANTICIPATED QUESTIONS.

We are speaking to families who have had experience of at least one part of the SEN system in the past year. This includes receiving support at school, from the local education authority or from the Special Educational Needs and Disability Tribunal (SENDIST). We need to be sure we include people in different situations and who have experience of different parts of the SEN system. This will help us to see how well the system works for families in different situations. If it's okay, I'll ask you a few questions now about you and your family. I also have a few questions about your experience of different parts of the SEN system. Before I go on, I just need to tell you that nothing you say will be shared with anyone outside of NatCen.

IF THEY ASK HOW LONG IT WILL TAKE, SAY ABOUT FIVE MINUTES.

First, a few questions about your experiences of the SEN system...

Q4 Which of the following do you and your child have experience of? (Interviewer to read out and code all that apply)

Receiving extra support at school at School Action or School Action Plus 1

If required: School Action and School Action Plus is additional support for a child at school. This might be a different way of teaching or additional adult support.

Undergoing a statutory assessment of special educational needs 2

If required: this is an assessment that is undertaken by the local education authority. It assesses the needs and nature of any special educational provision needed by a child.

Receiving a statement of special educational needs 3

If required: a statement of special educational needs specifies the special educational provision a child should have and the type of school the child should attend. The statement is issued by the local education authority.

Undergoing an annual review(s) 4

If required: statements of special educational needs are reviewed every year by the local education authority. This is to check that the statement is still relevant.

Registering an appeal with the Special Educational Needs and Disability Tribunal (SENDIST) 5

If required: Parents and carers who disagree with a decision made by their local education authority about the special educational provision for their child can appeal to the Special Educational Needs and Disability Tribunal.

Attending a hearing of the Special Educational Needs and Disability Tribunal (SENDIST) 6

If required: Parents and carers who disagree with a decision made by their local education authority about the special educational provision for their child can appeal to the Special Educational Needs and Disability Tribunal.

Go to Q5

Q5 And which of these have you or your child experienced most recently?

Code one only

Receiving extra support at school at School Action or School Action Plus 1

Undergoing a statutory assessment of special educational needs 2

Receiving a statement of special educational needs 3

Undergoing an annual review(s) 4

Registering an appeal with the Special Educational Needs and Disability Tribunal (SENDIST) 5

Attending a hearing of the Special Educational Needs and Disability Tribunal (SENDIST) 6

Go to Q6

Q6 And when was this?

Interviewer: please write in month and year

IF MORE THAN A YEAR AGO...

Continue with screening questionnaire but please tell the researchers about this response.

Read out:

Thank you for that. Now I have a few questions about your child. This is the child who has received extra help for their special educational needs.

Q7 How old is your child?

 years

Q8 What is your relationship to this child?

Code one only

- Mother 1
- Father 2
- Legal guardian 3 *(please specify)*
- Other 4 *(please specify)*

Q9 And could you please describe your child's special educational needs?

Q10 Does your child receive free school meals?

Code one only

- Yes 1
- No 2

Q11 Which of the following people also live in your household?

Code all that apply

- Partner 1
- Child / children 2
- Other 3

Read out:

Thank you very much for answering those questions. We would like to send you a £10 high street voucher to thank you for your help with the study. Can I please take your name and address so that I can send you the voucher?

Q12 What is your full name please?

Write in.

Title

Forename

Surname

Q13 And could you please tell me the address where you would like your voucher sent?

House name or number: _____

Street name: _____

Name of city / town: _____

County: _____

Postcode: _____

READ OUT:

Finally, I'd just like to tell you about the next part of the study. We would like to re-contact some families to arrange to speak to them in person about their experiences of the SEN system. We would like to hear what it's like to get support for your child's special educational needs and about how satisfied you are with the type and level of support that is provided. We'd also like to hear about how you think the system for providing this support could be improved. It would take about 90 minutes of your time and we would meet you at a time and place that suits you. If you do take part in the next stage, you would be given another £20 to thank you for helping us again.

Q14 Would it be alright if someone from NatCen phones you again to tell you more about that part of the study?

Code one only

Yes 1 **Go to Q15**

No 2 **Provide reassurances about the interview, the study and NatCen. If still No, please thank and close (Q17).**

Q15 Thanks very much. Could you please tell me your phone number?

Interviewer: please include STD code and specify whether it is a landline or mobile.

Q16 And when is usually the best time of day to ring you? Is there a good day of the week to ring?

Interviewer: please fill in suggested day and time here

READ OUT:

Thank you very much for the help you've given us today. A researcher from NatCen may be in touch with you again about the next stage of the study. We will be calling families to invite them to take part in the next bit of the study during July and August.

Q17 Closing statement: READ OUT TO ALL

We are really grateful for your help with the study. I'd just like to reassure you again that we will not share any of the information you have given us with anyone outside of NatCen.

END

Appendix F: Instructions for schools to select parents / carers

Parental Confidence in the SEN Assessment, Statementing and Tribunal System

Thank you for kindly agreeing to help us to contact parents and carers who have a child with SEN and experience of School Action or School Action Plus within **[insert name of school]** for the study into parental confidence in the SEN system. This study is being conducted on behalf of the Department for Children, Schools and Families and the Tribunals Service by the National Centre for Social Research (NatCen).

We will be speaking to parents and carers from across the country that have recent experience of receiving extra support for their child's special educational needs through School Action or School Action Plus. We would be very grateful if you could please help us by identifying a number of parents and carers who have had such experiences most recently within your school so that they may be provided with more information about the study and invited to take part.

In order to respect your commitment to the confidentiality of parents and carers, we have devised a three-step process for contacting them. We have endeavoured to make the process as simple as possible and to minimise the burden of work for you. We are able to offer your school a £100 honorarium payment to assist with the administrative costs involved in selecting a small number of families and sending introductory letters about the research to them. Please remember that we are here to help and if you have any questions about the study; please do not hesitate to contact Clarissa Penfold at NatCen (contact details below).

We have provided below a step-by-step guide for selecting and contacting parents/carers.

Step 1

First, please select the 20 most recent cases (if there are fewer than 20 *recent cases*, please select as many as possible up to 20 from the last couple of years) of parents / carers whose children have experience of receiving extra support for their special educational needs at School Action or School Action Plus at your school. We are particularly interested in speaking to parents **without** experience of SEN assessment or statementing, although parents with additional experience of assessment or statementing could be included as you see fit. We are also very interested in speaking to corporate parents and foster parents who are responsible for a child receiving support through School Action or School Action Plus.

Step 2

The next step is to send these parents and carers information that explains more about the research and invites their participation. We have prepared a letter which you should post to each selected parent or carer. This letter introduces NatCen and the research study, explains what participation in the study will involve, and invites parents/carers to opt in to the study if they are interested in taking part. We will provide you with an electronic copy of this letter to be printed on your notepaper and signed by you.

Step 3

The last step is for the parents/carers themselves to take. Once they receive the letter and read about the study, they can decide whether or not to participate in the research. If they do wish to, they will need to telephone NatCen using the freephone number provided. Those who telephone NatCen will be able to find out more about the study. They will also be asked to answer some questions about their family and their experience of the School Action or School Action Plus. Every parent or carer who contacts NatCen and answers these questions will receive a £10 voucher as a token of our appreciation.

As those who are interested in taking part will contact NatCen directly, you will not know which parents and carers have agreed to participate in the research. This means we can give parents and carers greater assurances of anonymity and confidentiality.

Researchers at NatCen will then select a cross-section of cases from among those who reply and we will contact parents and carers to arrange interviews. During the research interview, participants will have the opportunity to talk about their experiences of School Action or School Action Plus. Each parent / carer that is interviewed will be given an additional £20 to thank them for their time and help with the study.

In order that we can include a range of parents and carers in the study, and because some of the people who are given information about the research will choose not to participate, we are asking you to select more people than we will eventually speak to. When parents / carers contact us, we will make it clear that not all those who agree in principle to participating in a research interview will be invited to do so. Everyone who contacts NatCen and answers some questions over the telephone will however receive the £10 high street voucher.

Further information

NatCen has set up a freephone number on which parents and carers may contact a researcher if they have any questions or concerns about the research at any time. The freephone numbers are included in the letter to be sent out by you and will be included in any further correspondence with parents / carers should they consent to participate in the research.

If you have any queries about any aspect of this process, please contact, in the first instance, **Nicky Cleghorn** at n.cleghorn@naticen.ac.uk or on **020 7549 8593**.

Alternatively, you may contact **Clarissa Penfold** at c.penfold@naticen.ac.uk or on **020 7549 8593** who will be able to help.

Thank you for your help!

Appendix G: Letter from schools to parents / carers

Dear [NAME]

Study of parents' confidence in the special educational needs system

I am writing to tell you about a research study that is happening now and ask if you would be willing to take part. Parents / carers who have a child with special educational needs can receive help to find out about their child's needs and how they can be supported.

This research study aims to find out how parents/carers feel about getting support for their child's special educational needs and about how satisfied they are with the level of support that is provided. As you know, some children with special educational needs get extra help from their child's school and the local authority. It will also look at parents' / carers' experiences of the Special Educational Needs and Disability Tribunal (SENDIST).

Who is the study for?

The study is for the Department for Children, Schools and Families. This is the government department that deals with schools and learning. The Department for Children, Schools and Families has asked another organisation to carry out the study for them. This organisation is called NatCen. They are experienced in carrying out studies like this and are completely independent of the government.

Why are you writing to me?

I am writing to you because you have had recent experience of getting support for your child's special educational needs at school, through School Action or School Action Plus. I hope you will want to help with the study. It is your choice whether or not to take part in the study.

What happens if I decide to take part in the study?

If you do want to take part, first you need to telephone NatCen to say that you are interested in taking part. This phone call is free. Taking part in the research is confidential. NatCen will not tell anyone you have decided to take part. This includes your child's school, the Local Authority or the Department for Children, Schools and Families.

NatCen will ask you some questions about yourself and your child. They will also ask you a bit about your recent experience of getting an assessment or statement of your child's special educational needs, or of the Special Educational Needs and Disability Tribunal (SENDIST). You can choose not to answer any questions that you want.

Parent Partnership may also be able to support you with the phone call. Parent partnership services provide support and advice about special education needs. Your local parent partnership service can be contacted on [INSERT PPS NUMBER]. You may need to show them this letter so that they are clear about what to do.

To thank you for phoning and answering their questions, NatCen will send you a £10 voucher which you can use at a high street shop. They will ask for your address so that they can send this to you. They will not send you anything else.

Is that all I have to do?

Yes, but you can help with other parts of the study if you would like. NatCen also really wants to hear parents / carers stories in person. If you agree, they may phone you to ask if they can come to speak to you. They can visit you at a time and place that is best for you. It will take about 90 minutes. They will ask you about your experiences of finding out about your child's special educational needs and the support you have received.

If NatCen telephone you, they will tell you more about the study and answer any questions you have. If you decide that you do not want to take part, just say so. It is your choice.

If you do speak to them in person, NatCen will give you £20. This is to thank you for your time and help with the study. They will give this to you when they come to see you.

How will NatCen use what I tell them?

NatCen will speak to lots of parents / carers who have experience of finding out about their child's special educational needs and how they can be supported. They will write a report about what everyone says. NatCen will not tell anyone who they have spoken to and they will not use anyone's name in the report. They will give the report to the Department for Children, Schools and Families. The report will help them to be clear about how they can help families like yours in the future.

What should I do now?

If you want to help with the study, please phone NatCen now on **0800 652 0401**. You can speak to someone at NatCen until Friday 17th October. The person you speak to will be happy to talk to you about the study and will answer any questions you have.

Yours sincerely,

[INSERT NAME OF REPRESENTATIVE OF LOCAL AUTHORITY SEN TEAM]

Appendix H: Confirmation letter for parent / carer interviews

Our ref: P6214

Dear,

Study of Parental Confidence in the SEN Assessment, Statementing and Tribunal System

Thank you very much for agreeing to be interviewed for the above research study. The National Centre for Social Research (NatCen) has been asked to carry out this research on behalf of the Department for Children, Schools and Families. NatCen is a fully independent research organisation and all the work we carry out is undertaken in the strictest confidence, in accordance with the Data Protection Act. We will not pass on to anyone the names of people who participate, and nothing will be reported in a way that could identify individuals.

I am writing to confirm the arrangements for the interview:

Date:

Time:

Location:

Interviewer(s):

The interview will last between an hour and an hour and a half, and you will be given £20 as a thank you for your time. The aim of the interview is to find out how parents / carers feel about getting support for their child's special educational needs and about how satisfied they are with the level of support that is provided. We would like to digitally record the interview so that the research team has a detailed record of the conversation. This will be kept anonymous and will be deleted after we have produced our report of the findings.

I look forward to meeting you on the time and date stated above.

Yours sincerely

Appendix I: Parent / carer topic guide

Study of parental confidence in the SEN assessment, statementing and Tribunal system

Interviews with parents / carers

Objectives

The study aims to explore the parental experience of the SEN assessment, statementing and Tribunal process. Specifically:

- why some parents request statutory assessment (whilst others are, for example, satisfied with the provision made for their children at School Action or School Action Plus);
- the reasons underlying some parents' concerns during the assessment and statementing process;
- what factors underpin parents' confidence, or lack of confidence, in the fairness and the outcomes from the assessment and statementing system; and,
- what factors underpin parents' decisions to appeal to SENDIST, and the reasons disputes are not resolved prior to the appeal hearing.

1. Introduction to NatCen and evaluation

Aim: to introduce the research, clarify the content of the interview, and explain confidentiality. *This section reiterates the information provided to the respondent during the recruitment process.*

- Overview of study including aims and objectives
- Introduction to researcher, NatCen, and involvement with evaluation
- Explain recording, length (approx. 1.5 hours) and nature of discussion, outputs/reporting and data storage issues
- Explain confidentiality and anonymity
- Explain that they may withdraw at any time from interview as whole, and do not have to answer any questions they would prefer not to
- Check whether they have any questions
- Check that they are happy to continue

2. Background and overview of experience of the SEN 'system'

Aim: Clarify respondent's current circumstances, with reference to the information they gave on their screening questionnaire.

Explain to the respondent that this is helpful context to understand before we go on to speak about their experiences of SEN

- Household composition, including number of children
- Children
 - ages
 - nature of SEN
 - when first became aware of SEN needs of child/ren
 - what SEN means for day-to-day family life, including for experiences of child
- Current schooling arrangements
 - type of school attended
 - how long attended - *if relevant*, brief overview of other schools attended
 - distance from home
 - *if relevant*, whether siblings attend the same school
- Current day-time activity (of respondent, and partner where applicable) - *probe for brief description*
- Brief overview of experiences of SEN 'system'
 - *briefly map with the respondent the nature of their interaction with the various elements of the SEN system (School Action and School Action Plus, statutory assessment, statementing, SENDIST) over time, including the current state of play*

The researcher should use this to help facilitate discussion of the following sections.

The following sections will be used flexibly according to the individual experiences of the respondent

Interviews will focus on the part of the SEN system parents and carers have experienced most recently, drawing on earlier experiences as appropriate

3. Experiences of provision at School Action and School Action Plus

Aim: To explore the nature of the parent's/carer's experiences of identifying and receiving provision for their child's special educational needs at School Action and School Action Plus, their confidence in this process, and their satisfaction with the process and outcomes.

NOTE: some children with Profound and Multiple Learning Difficulties (PMLD) may not have attended mainstream school (due to the severity/complexity of their SEN) and therefore have been through the assessment and statementing process without receiving School Action or School Action Plus provision.

- Overview of child's experiences at school prior to receiving help at School Action (e.g. any additional support outside of School Action, progress made, how child felt about school, family concerns etc)
- Identification of child's additional support needs
 - Nature of child's SEN and additional support needed at school
 - How identified (e.g. progress of child over time, etc.)
 - When identified (and age of child at time)
 - Who identified additional support need/s (e.g. classroom teacher, SENCO, parent / carer, social worker, etc)
- Implementation of additional support
 - School's response to child's additional support needs
 - Support put in place for child at this point (*researcher should be clear here that respondent is focusing on provision at School Action*)
 - When this happened (i.e. how long after support need identified)
 - Whether / how success of support at School Action measured / monitored (awareness of use of an IEP (Individual Education Plan)?)
 - Perceived success of support provided at School Action
- Change to support at school over time
 - Whether and how level of support changed over time (i.e. move from provision at School Action to School Action Plus)
 - When happened
 - What prompted this
 - Who involved in identifying / securing additional support (e.g. school staff, involvement of speech and Language therapist or external professionals)
 - Whether / how success of support at School Action Plus measured / monitored (how often receive progress reports; awareness of use of an IEP (Individual Education Plan)?)
 - Perceived success of support provided at School Action

- Awareness and understanding of support at School Action/School Action Plus
 - Parent's / carer's general understanding of School Action and School Action Plus, sources of information
 - Understanding of how support for their child decided and arranged
 - Nature of communication with school at time - frequency, channel, personnel involved, helpfulness of communication, accessibility
 - Contact with / support from other sources at time (e.g. local authority, PPS, parent support organisations, Disagreement Resolution Service, social worker, etc.)
- Satisfaction with provision at School Action/School Action Plus and reasons for
 - Probe for confidence in support provided at School Action / School Action Plus and in process to secure it
 - Progress child made since receiving School Action / School Action Plus (e.g. how aware whether child made progress; areas of school life / education going well; how child feels about school)

4. Experiences of the assessment, statementing and annual review process

Aim: *To explore the nature of the parent's / carer's experiences of their child undergoing statutory assessment and, if applicable, receiving a statement of SEN. Also, to explore parents' / carers' confidence in this process, and their satisfaction with the process and outcomes.*

- Decision to assess
 - When child referred for statutory assessment (age of child at time)
 - Who made the request (e.g. parent, head teacher, SENCO, classroom teacher, others)
 - Understanding of reasons for request
 - Nature of parent / carer involvement in request
 - Nature of communication between parent / carer and school during referral
 - Whether local authority agreed to assess, how long after request, impact of letter received
- Assessment process
 - Parent's / carer's general understanding of statutory assessment, sources of information
 - Nature of parent / carer involvement (e.g. discussions with local authority/school, access to assessment reports, etc.)

- Communication with parent / carer throughout process
 - With school - nature, frequency of contact, satisfaction with
 - With local authority - nature, frequency of contact, satisfaction with
- Contact with / support from other sources at time (e.g. local authority, PPS, parent support organisations, social worker, etc.)
- How involved parent / carer felt with the assessment process
- How long assessment process took (*PROMPT were there any delays with the medical advice which held things up?*)

IF local authority ISSUED A STATEMENT

- Brief overview of statement content e.g. description of child's SEN, help to be given to child, name of school, etc.
- Nature of communication between parent / carer and local authority re statement content - input into final statement, explanation of final statement
- Feelings about communication with local authority over statement - nature, channel, frequency, availability of local authority staff, satisfaction with
- Contact with / support from other sources at time (e.g. school, PPS, parent support organisations, social worker, etc.)
- Satisfaction with statement content, reasons for
- What happened next
 - Implementation of statement content - when happened, what happened, satisfaction with
 - Nature of any further action taken by parents or school
 - Experience of any subsequent annual reviews
- Overall impact of assessment and statementing process and outcomes on child and family
 - Progress child made since receiving a statement (e.g. whether knows if child made progress; whether receive progress reports; how school life / education going; how child feels about school)

IF local authority DECLINED TO ISSUE A STATEMENT

- Understanding of reasons for refusal
- Feelings about the decision
- Contact with local authority / school over decision

- What happened next
 - Any changes to support for child at school - nature of, satisfaction with
 - Nature of any further action taken by parents or school - what happened, outcome of appeal, feelings about outcome
- Overall impact of assessment process and outcomes on child and family

ASK ALL...

- Overall satisfaction with the assessment and statementing process, reasons for e.g.
 - length of time taken
 - nature of communications
 - nature of outcomes
 - understanding of and information about process and progress of case
 - perceptions of fairness of process
 - confidence in process

5. Experiences of the Special Education Needs and Disability Tribunal (SENDIST)

Aim: To explore parents'/carers' experiences of registering an appeal with SENDIST, including their use of other avenues for dispute resolution and the reasons why disputes are not resolved before this point.

Establish whether or not respondent has ever been in dispute with their local authority or their child's school over the nature of provision for their child's special educational needs.

IF YES...

- Overview nature of dispute - who with (e.g. school / local authority), reasons for
- Awareness of avenues for dispute resolution e.g. discussion with local authority / school, PPS, independent disagreement resolution service, SENDIST, etc.
- Understanding of different avenues e.g. how differ, what might achieve, criteria for use
- Any advice received at this stage regarding dispute, from whom, nature of advice

FOR EACH AVENUE EXPERIENCED apart from SENDIST (e.g. discussion with local authority / school, involvement of PPS, use of disagreement resolution service), explore:

- Reasons for use, what hoped to achieve
- What stage the dispute occurred at
- What happened

- Who was involved
- Feelings about process - *probe for perceptions of neutrality and fairness*
- Outcomes of process, satisfaction with

IF REGISTERED AN APPEAL WITH SENDIST...

- Stage at which appeal registered with Tribunal and by whom
- Reasons for registering appeal, what hoped to achieve
- Why think reached point of making appeal to SENDIST in their case
- Experiences of preparing for the tribunal
 - What involved e.g. collecting evidence, preparing statements, etc.
 - Who involved
 - Nature and importance of any support received e.g. from family / friends, PPS, parent support organisations, school staff, social worker, etc.
 - Length of time taken to prepare
 - Impact on parent / carer and others
 - How easy / difficult to prepare for tribunal

IF CASE DID NOT REACH TRIBUNAL

- Reasons for (e.g. dispute resolved prior to tribunal date, date for tribunal set but not yet reached)
- If resolved, satisfaction with outcome of resolution of dispute
- Feelings about process of dispute resolution to date

IF CASE WAS HEARD AT TRIBUNAL...

- Who attended
- Experiences of the hearing itself
 - What happened
 - How the hearing made them feel
 - Nature and importance of any support received at hearing e.g. from family / friends, PPS, parent support organisations, local authority / school staff, legal representatives, social worker, etc.
- Outcome of tribunal

- Satisfaction with outcome
- What happened next
 - Implementation of Tribunal decision - when happened, what happened, satisfaction with

ASK ALL...

- Overall satisfaction with the process for dispute resolution, including SENDIST where relevant, reasons for e.g.
 - length of time taken
 - nature of communications
 - nature of outcomes
 - understanding of and information about process and progress of case
 - perceptions of fairness of process
 - confidence in process

6. Reflections on the SEN 'system'

Aim: *To explore parents' / carers' reflections on the SEN system, including their perspectives on what works well and less well, and their suggestions for the ways in which the system might be improved for parents/carers in the future.*

Ask respondent to reflect on their experiences of the SEN system discussed so far. Explore:

- Overall feelings about experiences of the SEN system
- Overall impact of involvement in SEN system
 - On parent
 - On child
 - On family as a whole
- How satisfied do they feel with the processes they have experienced and the outcomes they have achieved
 - *Probe for feelings about fairness of elements of the system, confidence in different elements of the system*
- What aspects of the system worked less well in their situation e.g. support, speed of process, nature of communications between parties, etc.
 - Why think worked less well for their case
 - What did this mean for their experience

- How might things have been different
 - What would this have meant for their experience
- What aspects of the system worked well in their situation e.g. support, speed of process, nature of communications between parties, etc.
 - Why think worked well or their case
 - What did this mean for their experience
 - Any room for improvement
 - What would this have meant for their experience
- What's happening with their child currently e.g. support child currently receiving, happiness with the support (*if not already covered*)
- Anything else they would like to add

THANK AND END

Appendix J: Parent / carer analytical framework

Parental Confidence in SEN Framework

General notes regarding charting:

- It may be helpful to read through the transcript prior to starting charting as the stories of experience with the SEN system can be quite complicated and jump around different parts of the journey. You may find it makes getting the order of events clear & helps to map out where the data for different charts is contained which could assist with speeding up charting.
- This study has a particular interest in the experiences of foster/corporate parents as part of the overall parent sample. In order that we can examine what/whether there are similarities/differences between these parents it may be worth bearing in mind whilst charting what sort of parent it is and whether their experience may be related to their parental status - whilst the parents themselves may not identify something as being because they are a foster parent, the charter may be in a position to make inferences, based on charting other interviews, about whether their experience is linked to their parental status.

Data Unit Labels:

Local authority

Stage of system reached (School Action / School Action Plus, Asses, State, Trib. Appeal, Hearing)

Age of child at time of research (under 5, 5-10, 11-16)

Type of parent (parent, foster / corporate)

SE Group (free school meals, not free school meals)

Family Type (lone parent, couple)

Type of SEN of child (communication & interaction, emotional behavioural & social, cognition & learning, sensory and / or physical)

1. Background

- **Household composition:** details of partner, children, main daytime activity, childcare responsibilities
- **Circumstances of child:** age of child, nature of child's SEN, when first aware of SEN needs and how diagnosed. What means for family on day-to-day basis e.g. behaviour, impact on family life.
- **Schooling arrangements:** Type of school attended, how long attended, other schools attended, distance from home. NB The child's schooling arrangements will possibly be heavily intertwined with parents' accounts of their interactions with the SEN system.

- **Overview of experiences of SEN 'system':** brief map of journey through SEN system over time. Include 'trigger points' where parents / carers decided to request assessment / make an appeal. Include current state of play. NB This section should be completed at the end of charting. The overview should provide a summary of the journey and take the format of a user comment which can act as a map of the story to be detailed in the subsequent charts.
- **Other**

2. Experiences of provision at School Action / School Action Plus

- **Experiences prior to School Action / School Action Plus:** overview of child's experiences at school prior to receiving help at School Action / School Action Plus e.g. additional support outside of School Action, progress made, how child felt about school, family concerns etc
- **Identification of additional support needs:** how and when identified (age of child at the time), by whom e.g. classroom teacher, SENCO, parent / carer, social worker.
- **Implementation of additional support:** what support put in place, when (in relation to identification of need), how support monitored, how success of support measured, use of an IEP, parent awareness of success over time.
- **Changes in support over time:** e.g. move from School Action to School Action Plus, reasons for, timing of, who involved in requesting change / implementing change in support for child, satisfaction with support at School Action/School Action Plus over time, reasons for.
- **Support for family:** role of personnel from local authority, PPS, parent support organisations, DRS, social worker in supporting parent/s during this time, experiences, views about support, relative importance of each mentioned.
- **Views about provision at School Action / School Action Plus:** This should include charters' comments on the respondent's views, as well as respondents' own expressions of their views about their experience of this aspect of the system (details about the process should be included in other parts of this chart) e.g. awareness and understanding of support at School Action / School Action Plus, sources of information, understanding of how support for their child decided / arranged, nature of communications with school (frequency, channel, personnel involved, helpfulness of communication, accessibility), confidence in and satisfaction with support offered / process for securing it / progress of child at School Action / School Action Plus. Issues that appear to be specific to foster parents should be highlighted.
- **Other** any other details regarding School Action / School Action Plus that do not fit the main categories, general analytical comments that relate to School Action / School Action Plus

3. Experience of the assessment, statementing and annual review process

- **Decision to request assessment:** who involved (inc. parent / carer role), reasons for decision, parent understanding of request, timing / age of child at time, communication between parent and school at time, local authority response to request and timing of.
- **Assessment process** parent/carer understanding of stat assessment & sources of information, nature of their involvement, communication throughout process - with school and with the local authority.
- **Assessment decision:** (NB this is the decision to issue a statement or not. If the local authority decides not to make a statement, they may issue a note in lieu of a statement of SEN. This describes the child's needs and makes recommendations about the way he or she can best be helped in school) nature of decision, feelings about, understanding of nature and reasons for, communication with school and local authority over assessment outcome, what happened next.
- **Content of statement / note in lieu:** nature of content, communication between parent / carer and local authority re statement/note in lieu content, parent / carer input into final statement, explanation of final statement / note in lieu, satisfaction with statement/note in lieu content.
- **Implementation of statement:** when and how happened, satisfaction with implementation, impact of statement outcome on support for child / child's experience of school, any further actions by parent / carer / others. Experience of annual review process.
- **Support for family:** role of personnel from local authority, PPS, parent support organisations, DRS, social worker in supporting parent/s during this time, experiences, views about support, relative importance of each mentioned.
- **Views about assessment and statementing process:** This should include charters' comments on the respondent's views, as well as respondents' own expressions of their views about their experience of this aspect of the system (details about the process should be included in other parts of this chart) e.g. awareness and understanding of process, sources of information, nature of communication with school and local authority at the time (frequency, channel, personnel involved, helpfulness of communication, accessibility), confidence in and satisfaction with support offered / process for securing it / progress of child following assessment / statementing (as appropriate), perceptions of fairness of assess./ statementing systems. Issues that appear to be specific to foster parents should be highlighted.
- **Other:** any other details regarding assessment / statementing that do not fit the main categories, general analytical comments that relate to assess / statementing.

4. Experiences of the Special Educational Needs and Disability Tribunal (SENDIST)

- **Nature of dispute:** who with (school / local authority), reasons for, when arose. NB this should be a user summary of the background (detailed in previous charts) to the dispute. Aim is to provide an easy to grasp overview of nature of dispute without having to read back over previous charts.
- **Decision to register an appeal:** when, by whom, reasons for/why reached stage of appeal. Awareness of other avenues for dispute resolution, whether any approached/used, reasons for, experiences of and feelings about, perceptions of usefulness, any advice received at this stage regarding dispute (nature and from whom).
- **Preparing for Tribunal:** who involved, role of parents / carers, time taken, ease / difficulty, support from others and importance of, nature of communications between parents and other parties, feelings about.
- **The Tribunal hearing:** who attended, experiences of the hearing - what happened, how they felt during and after the hearing, nature and importance of any support received at hearing. Outcome of tribunal and satisfaction with. Implementation of tribunal decision, when happened, impact on child's schooling, satisfaction with implementation. **If did not reach tribunal:** reasons for. If dispute resolved prior to hearing, how this was done and satisfaction with process and outcome.
- **Views about SENDIST process:** This should include charters' comments on the respondent's views, as well as respondents' own expressions of their views about their experience of this aspect of the system (details about the process should be included in other parts of this chart) e.g. the process for dispute resolution, including SENDIST e.g. time taken, nature of communications, nature of outcomes, understanding of the process and progress of case, perceptions of fairness of process, confidence in the process, satisfaction with process and outcomes. Issues that appear to be specific to foster parents should be highlighted.
- **Other:** any other details regarding dispute resolution / SENDIST that do not fit the main categories, general analytical comments that relate to dispute resolution / SENDIST.

5. Summary reflections on SEN System

- **Elements of the SEN system working less well:** respondent summary of main problems with the system. NB we are particularly interested in what the trigger points were for people escalating up the SEN system e.g. requesting assessment, appealing to SENDIST. In this section more analytical comments might be included. Note any specific circumstances of the family (e.g. whether foster / corporate parent) relevant for understanding why these elements were not well received.
- **Elements of the system working well:** any areas of the system that the respondent highlights as having worked well for them, note any explanation of the circumstances of the respondents (e.g. whether foster / corporate parent) that are relevant for why these elements worked well for them. In this section more analytical comments might be included.

- **Overview of impacts of experience of SEN system on family / child:** any practical, emotional, financial impacts for family as a whole or individual family members, impacts on child's experience of school, progress at school, importance of impacts experienced & how their experiences of the SEN system have impacted on how they feel about the future of their child's schooling (e.g. transition to different school).
- **Aspirations for SEN system:** respondent suggestions for ways in which the system might be improved for parents / carers in the future.
- **Other**

Appendix K: Analytical framework for interviews with local authority leads for SEN services

Local authority leads for SEN services Interview Summary

Local Authority	
Position in local authority	
Name of respondent	

1. Profile of the local authority (e.g. size of local authority, nature of area covered by local authority, level of SEN in the area):

2. How the SEN system is operationalised within the local authority (e.g. description of services, responsibilities of different local stakeholders, funding & monitoring of SEN services, any recent changes to operationalisation, anything distinctive about local authority’s arrangements):

3. Corporate Parents (number of looked after children local authority, how defined in the local authority, potential challenges of the role in relation to the SEN process):

4. Measures in place to support parents or help resolve disputes regarding SEN provision (e.g. PPS, mediation services)

5. Perceptions of parental confidence in the SEN system within the local authority, reasons for (e.g. why parents request statutory assessment, why parents make appeals to SENDIST):

6. Views on ways of increasing parental confidence (including any measures currently in place to promote parental confidence):

Appendix L: List of projects commissioned by the Lamb Inquiry

Region	Local Authority	Main Focus	Summary ¹
West Midlands	Wolverhampton	Team around the Child	Extend the Team around the child approach from the early years into the school stages
North East	Durham	Parent partnership, School Action Plus and provision management	Develop the current approach to provision management: <ul style="list-style-type: none"> • develop the capacity of schools to use the approach at School Action and School Action Plus • develop home / school communication on approaches used
North East	North Tyneside, with Sunderland	Delegated budgets	Development of parental engagement and information for parents on: <ul style="list-style-type: none"> • delegated funding • provision made from delegated funding • provision of outreach services at School Action Plus
North West	Blackburn with Darwen	School Action Plus	Evaluate and develop the current approach to targeted support at school action plus
London	Newham	School Action Plus	Evaluate and compare outcomes for children supported at School Action Plus or through a statement, from the parents'/carers' perspective
South East	Kent	Parent partnership	More detailed sharing of information between schools, parents and services on: <ul style="list-style-type: none"> • strategies used with children with different needs at different stages • the decision-making process
South East	Portsmouth	Parent partnership, local authority decision-making	Parent involvement in the panel that advises the local authority on SEN decisions
South East	Oxfordshire	Parent partnership, School Action Plus, school funding	Review levels of delegation of SEN resources in secondary schools, examine school practice and parents' views of school practice for children at School Action Plus and with a statement

¹ All projects involve parents, whether or not parent partnership is the main focus, and all projects are examining parental confidence

Appendix M: References

- Adewusi, A. and Paradice, R. (2002), "'It's a Continuous Fight Isn't It?": Parents' Views of the Educational Provision for Children with Speech and Language Difficulties', *British Educational Research Journal*, 27 (3).
- Audit Commission (2002a) *SEN policy focus paper*, London.
- Audit Commission (2002b) *Special Educational Needs: a mainstream issue*, London.
- Audit Commission (2002c), *Statutory Assessment and Statements of SEN: In Need of Review?*, London
- CYP Now (2008), 'Tories Criticise Special Needs Structure', *Children and Young People Now*, 23-29 January
- Case, S. (2001), 'Learning to Partner, Disabling Conflict: Early Indications of An Improving Relationship Between Parents and Professionals with regard to Service Provision for Children with Learning Disabilities', *Disability and Society*, 16 (6): 837-854.
- Communities and Local Government (2007) *Indices of Multiple Deprivation*, London.
- Davis, S. and Hall, D. (2005), "'Contact a Family": Parents and Professionals in Partnership', *Archive of Disease in Childhood*, 90: 1053-1057.
- DCSF (2007), *Parental Partnership Services - Increasing Parental Confidence*, Department for Children, Schools and Families
- DCSF (2008) Special Educational Needs in England Statistical First Release, <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000794/index.shtml>
- DfES [Department for Education and Skills] (2001), *Special Educational Needs Code of Practice*.
- DfES [Department for Education and Skills] (2004), *Removing Barriers to Achievement: The Government's Strategy for SEN*.
- DfES [Department for Education and Skills] (2006), *National Audit of Support, Services and Provision for Children with Low Incidence Needs [RR729]*, DfES, Nottingham
- Duncan, N. (2003), 'Awkward Customers? Parents and Provision for Special Educational Needs', *Disability and Society*, 18 (3): 341-356.
- Griffiths, C. B., Norwich, B., Burden, B. (2004), 'Parental Agency, Identity and Knowledge: Mothers of Children with Dyslexia', *Oxford Review of Education*, 30 (3), pp. 417-433.
- HM Government (2005), *Every Child Matters: Change for Children*, Her Majesty's Stationery Office

- HM Government (2006), *Government Response to the Education and Skills Committee Report on Special Educational Needs (October 2006)*, Her Majesty's Stationery Office
- HM Treasury and DfES [Department for Education and Skills] (2007), *Aiming High for Disabled Children: Better Support for Families*, Office for Public Sector Information, London
- HCEC [House of Commons Education and Skills Committee] (2006), *Special Educational Needs: Third Report of Session 2005-06: Volume 1*, House of Commons.
- HCEC [House of Commons Education and Skills Committee] (2007a), *Special Educational Needs: Assessment and Funding: Tenth Report of Session 2006-07*, House of Commons.
- HCEC [House of Commons Education and Skills Committee] (2007b), *Special Education Needs: Assessment and Funding: Government Response to the Tenth Report from Education and Skills Committee, Session 2006-07*, House of Commons
- Laluvein, J. (2001), 'Parents and Teachers Talking in Primary Schools', *Educate*, 1 (1), [http://www.educatejournal.org/index.php?journal=educate&page=article&op=view&path\[\]=47&path\[\]=50](http://www.educatejournal.org/index.php?journal=educate&page=article&op=view&path[]=47&path[]=50)
- MacBeath, J., Galton, M., Steward, S. MacBeath, A. and Page, C. (2002), *The Costs of Inclusion*, University of Cambridge.
- NAS [The National Autistic Society] (2003), *Autism and Education: The Ongoing Battle: Experiences and Outcomes of the Special Educational Needs and Disability Tribunal*, The National Autistic Society.
- NAS [The National Autistic Society] (2006), *Is No News Good News? Exploring Potential Quality Indicators in Autism Education*, The National Autistic Society
- Nottingham City Council (undated), *A Guide to Working with Parents of Children with Special Needs*, Nottingham Schools, accessed 11/06/2008, <http://www.nottinghamschools.co.uk/eduweb/uploadedfiles/AskaParentA.pdf>
- Ofsted (2004), *Special Educational Needs and Disability: Towards Inclusive Schools*, Ref. HMI 2276, Ofsted, London
- Parsons, S., Lewis, A., & Ellins, J. (2009), The views and experiences of parents of children with autistic spectrum disorder about educational provision: comparisons with parents of children with other disabilities from an online survey. *European Journal of Special Needs Education*, 24(1), 37-58
- Riddell, S., Wilson, A., Adler, M. and Mordaunt, E. (2002), 'Parents, Professionals and Special Educational Needs Policy Frameworks in England and Scotland', *Policy and Politics*, 30 (3): 411-425.
- Runswick-Cole, K. (2007), 'The Tribunal was the Most Stressful Thing: More Stressful than my Son's Diagnosis or Behaviour: The Experiences of Families who go to the Special Educational needs and Disability Tribunal (SENDIST)', *Disability and Society*, 22 (3): 315-328.

SENDisT (2008), *Special Educational Needs and Disability Tribunal: President's Annual Report 2006-07*, SENDisT, Darlington

Stevenson, M. (2005), 'Special Educational Needs (SEN) Appeal process: Call this Justice and Equality?', paper presented at the British Educational Research Association New Researchers/Conference, 14th September

Tennant, R., Callanan, M., Snape, D., Palmer, I. and Read, J. (2008), 'SEN Disagreement Resolution Services: National Evaluation', DCSF Research Report RR054.

Todd, L. (2003), 'Disability and the Restructuring of Welfare: The Problem of Partnership with Parents', *International Journal of Inclusive Education*, 7 (3): 281-296

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