



Government Response to the  
Education and Skills Committee report  
on Special Educational Needs (October 2006)

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## **Introduction**

1. The Education and Skills Select Committee published the report of its inquiry into special educational needs on 6 July 2006.
2. This is the Government's response. It is structured as follows:
  - Section 1 responds to the Select Committee's call for a major review of special educational needs provision
  - Section 2 responds to the Select Committee's call for a national framework with local flexibility for meeting children's special educational needs;
  - Section 3 sets out the Government's priorities for action over the the period 2006-2009; and
  - Section 4 responds to individual recommendations.

## Section 1: A major review of special educational needs?

1. The Government welcomes the Select Committee's report and its acknowledgement of the substantial increases in spending on SEN in recent years; increases which have taken place at the same time as significant increases in overall funding that have seen total revenue funding for schools increase nationally by £1,440 per pupil in real terms between 1997-1998 and 2006-2007. By 2007-2008, the increase over 1997-1998 will have reached over £1,630 per pupil in real terms. These record increases in revenue funding are matched by record levels of capital investment to improve school buildings, which will reach £8bn by 2010-11. The Building Schools for the Future Programme will renew all secondary schools in 15 waves of investment which started in 2005-06 and the Primary Capital Programme which aims to renew at least 50% of primary schools in 15 years, starting in 2008-09. We are encouraging the creative use of Building Schools for the Future to develop stronger special educational needs provision, including links between special and mainstream schools.
2. The Government's SEN strategy *Removing Barriers to Achievement*, published in 2004, was developed in the context of significant increases in resources and after extensive consultation with children, parents, staff working in schools and early years settings, local authorities and their partners and the voluntary sector. It was widely welcomed.
3. In considering whether a major review of SEN policy is required at this time the Government has taken into account the progress that has been made in implementing the SEN strategy and recent evidence from Ofsted. Since the Strategy was published:
  - more resources are going to schools to support children with special educational needs, with figures provided by local authorities showing indicative spending rising from £3.5bn in 2003-04 to over £4.5bn in 2006-07;
  - there has been a continuing improvement in local authority performance in meeting statutory timescales for producing statements – 92% of draft statements were produced in the 18 week timescale in 2005;
  - fewer cases have been taken to the SEN and Disability Tribunal (SENDIST) in recent years. The Tribunal's 2004/05 report shows that in 2004/05 there were some 3215 appeals compared with 3532 in 2002/03, a reduction of 9%; and,

- the outcomes achieved by vulnerable groups of learners, including many children with SEN, are improving; for example, the proportion of children achieving below Level 3 in English and Mathematics at the end of Key Stage 2 is falling year on year.
4. Ofsted's survey *Inclusion: does it matter where pupils are taught?* (July 2006) also reports significant improvements in SEN provision since the publication of their 2004 survey *Special Educational Needs and Disability: towards inclusive schools?* It shows that:
- children with SEN can do well in all types of school – access to high quality, specialist teachers and a commitment by leaders to create opportunities to include all pupils are the keys to success;
  - pupils with even the most severe and complex needs are able to make outstanding progress in all types of settings;
  - mainstream schools with additionally resourced provision are particularly successful in achieving high outcomes for pupils academically, socially and personally.

The report highlights "...a mistaken view that local authority reorganisations involving special school closures mean an inevitable loss of specialist support and fewer good quality choices when in fact they try to develop a range of provision to meet changing needs". It also highlights the need for improvements in training, access to specialist support, better use of data by schools to promote children's progress, stronger collaboration between mainstream and special schools and better multi-agency working. These issues are addressed in section 3.

5. We propose a good number of specific actions in response to the Select Committee's report, as set out in this response. However, the evidence does not, in the Government's view, suggest a system in need of fundamental review. In our view such a review at this time would lead to prolonged uncertainty and would distract from making further early progress in improving outcomes for children with SEN and disabilities through the *Every Child Matters* programme and the action set out in *Removing Barriers to Achievement*; as Ofsted said in their evidence to the Select Committee:

*"if we had a ...big review at this time the danger is that it would diversify work and resources and developments in such a way that it could send us back to the point of slow progress that we were having prior to 2004. We know the challenges, we know what works, we know the conditions that make things work and we know what does not work – our view would be: let's focus in on those things and change them".*

## Assessments and statements

6. The Select Committee heard evidence of the anxiety that the statutory assessment and statements procedures can cause to parents. The Government appreciates that the process can be daunting for some parents who may in addition be coming to terms with the knowledge that their child has complex and severe learning difficulties. The 'system' needs to get better at dealing sympathetically with parents as they pursue what they feel will be the right provision for their children and in completing the procedure as expeditiously as possible. The Government is working with local authorities to achieve these goals and there are good signs of progress.
7. The Early Support Programme has set a benchmark for providing helpful information for parents at the time they most need it; the Department's team of SEN advisers, based on visits to all 150 local authorities between November 2005 and March 2006, report further development of proactive dialogue with parents on statutory assessment matters; and the Audit Commission over the years have reported steadily rising improvements in the percentage of draft statements completed on time. The Government is therefore not persuaded that the system of statutory assessments and statements should be removed. Children who require statements predominantly have severe and/or complex needs and the current assessment and statements procedure provides a mechanism for determining the full range and extent of a child's needs and the provision required to meet those needs.
8. The Government has also considered carefully the Committee's recommendations for removing responsibility for statutory SEN assessments from local authorities but leaving them with responsibility for arranging provision. In our view this would constitute an undesirable reduction in the role of elected local government, and make the system less accountable to parents than now. If the new assessment quango also decided which school each child should be placed in then planning and commissioning of local education provision would be almost entirely taken out of the hands of elected local authorities and with it the accountability for those decisions. The Government supports a commissioning role for local authorities in local educational provision and this role is strengthened in the current Education and Inspections Bill. We would not favour the creation of national or regional quangos to take on this role from elected local authorities.
9. Whilst the Government recognises the desire to remove unnecessary contention from the system, it is not of the view that the Committee's recommendations would achieve this in practice. Rather they beg a number of questions. What would happen if parents disagreed with the assessment or the decision on where the child is placed? Would this assessment still result in something that takes the form of a "statement", and if not, how would the special provision be otherwise described and specified? Would SENDIST remain in being, performing

the same role as now – and if not, how would parents’ rights to an independent appeal be maintained? Would local authorities, who would have the responsibility for making any provision set out in children’s statements, be able to appeal if they did not agree with the assessment panel’s decision? No effective answers are prescribed by the Committee to these crucial questions, and the Government has seen no evidence that they are readily available from practice elsewhere in the UK or internationally. To abolish the existing framework of assessments and statements, and a statutory right of appeal, would therefore be a leap in the dark and would endanger the position of parents and children with special educational needs.

10. Parents, naturally, want to be assured that appropriate provision is being made for their child. Many see getting a statement as the only way of doing that. *Removing Barriers to Achievement* set out the Government’s aim of improving provision at school level so that more children’s needs could be identified and met earlier, wherever possible without the need for a statement while retaining parents’ rights to request an assessment if they feel their child is not making adequate progress. There is evidence of some change with reductions in recent years in the total number of statements, in the number of new statements being issued, and in the number of appeals that have been made to the SEN and Disability Tribunal.
11. The Government agrees with the Committee about the need to complete final statements in the statutory timescale of 26 weeks. It is essential that parents have confidence that when their child’s needs have been assessed and their local authority has decided to make a statement, the statement is issued within a clear and reasonable timescale. We will establish a new Local Authority Performance Indicator of 26 weeks for the production of final statements to complement the current indicator for producing draft statements by 18 weeks, which has brought about significant year on year improvements in local authority performance. The Secretary of State takes very seriously any failure to meet the statutory timescale. Parents have a right to make a formal complaint to him where their local authority has not met the timescale and he will consider their complaint very carefully. Where he considers it expedient to do so, he can issue a direction ordering the local authority to comply and issue a final statement. We will make parents and local authorities aware of these rights and powers, for example through communications with Parent Partnerships.

### **Keeping progress under review**

12. A strong and effective system is one in which parents have confidence that their children’s needs will be identified and met quickly and wherever possible in their local community; where they have access to good information and support; and where they have the opportunity to shape policy and services.

13. Local authorities and schools are currently in a period of change in regard to their provision for children and vulnerable children in particular, as they develop their services in response to the *Every Child Matters* change programme. Subject to the passage of the Education and Inspections Bill, local authorities will be taking a more strategic role. The Bill will also bring changes for schools designed to drive up attainment and achievement through – measures to improve teaching and learning; investment in technology and the school environment; smarter, sharper performance management arrangements; and greater autonomy for successful schools to manage themselves and establish their own ethos.
14. The Green Paper on Children in Care, *Care Matters: transforming the lives of children and young people in care*, published for consultation on 9 October, proposes comprehensive reforms to transform the prospects of these children, many of whom have special educational needs. The reforms include more effective early intervention when they are identified as at risk of entering care to better provision when they leave.
15. And from this December schools and local authorities will also have important new duties under the Disability Discrimination Act 2005 to promote equality of opportunity for disabled people across all their activities.
16. Introducing radical changes to the SEN framework during a period of change such as this would not be helpful. The Government believes that the right way forward is to focus on:
  - building further the capacity of the children’s workforce;
  - improving the range of provision to meet children’s diverse needs;
  - securing better planning, commissioning and coordination of services around the needs of children with SEN and/or disabilities and their families;
  - improving accountability for the progress and outcomes that children achieve; and,
  - strengthening the role of and support for parents.
17. The Government recognises that there are continuing challenges to be met. Many of these are set out in the recent Ofsted report and referred to by the Select Committee. Section 3 of this response sets out the Government’s key priorities for action under the next phase of the SEN strategy to meet those challenges. We have asked Her Majesty’s Chief Inspector of Schools to review progress in 2009/2010. We will consider, in the light of HMCI’s advice, whether the present framework for SEN, or particular features of it, should be reviewed and what further action should be taken to achieve better outcomes for children with SEN and/or disabilities and their families.



## Section 2: A national framework for children with special educational needs and/or disabilities

### A focus on outcomes

1. The Select Committee has called for a national framework with local flexibility for meeting the needs of children with SEN and/or disabilities.
2. The Government accepts such a framework is desirable. Further, it believes it is currently being built through the *Every Child Matters* change programme. The programme sets national outcomes for children which local authorities and their partners should be working towards and a national framework for planning, commissioning and delivering services within which local decisions can be made regarding needs and priorities and the best ways of meeting them.

#### ***Every Child Matters* outcomes**

Being healthy

Staying safe

Enjoying and achieving

Making a positive contribution

Achieving economic well-being

3. The Government's ambition is to ensure that children with SEN and/or disabilities, just like other children, achieve the five *Every Child Matters* outcomes. The outcomes and a more detailed national framework of indicators supporting them is driving activity in 150 local change programmes involving partnerships between local authorities and a wide range of partners, including schools and early years providers, health and community and voluntary services. Those indicators include the standards under the National Service Framework for Children, which set a specific standard for disabled children.
4. For children with SEN and/or disabilities, *Every Child Matters* builds on the statutory responsibilities for SEN set out in the Education Act 1996 and the Disability Discrimination Acts 1995 and 2005. They focus specifically on ensuring that children's special educational needs are identified and provided for, and that steps are taken to increase access and remove barriers to learning and participation for disabled pupils. Local authorities and schools must also promote equality of opportunity for disabled people. The *Every Child Matters* framework provides for:

- Integrated planning
- Joint commissioning of services
- Partnership in the delivery of services to meet individual needs
- Accountability for the quality of services and their impact on outcomes.

### **Integrated planning**

5. Every local authority is required by the Children Act 2004 to record in a single Children and Young People's Plan how services will be provided locally according to need. This can only be done after an audit and analysis of local needs, including the needs of children and young people with SEN and/or disabilities and their families. The audit should then lead to integrated commissioning arrangements for services through children's trusts, which involve links to local Primary Care Trusts for health services. This is happening in practice.
6. Within their overall planning local authorities must carry out an assessment of the provision of childcare within their area, taking into account the views of parents, and secure sufficient childcare for children up to 14 to meet the needs of working parents and provision for disabled children up to 18. Local authorities' Accessibility Strategies/ Disability Equality Schemes should show how they will progressively increase access to schools for disabled children over time and how they will promote equality of opportunity for disabled children and young people.
7. Section 14 of the Education Act 1996 places local authorities under a duty to secure sufficient schools for providing primary and secondary education in their area and to have particular regard to securing special educational provision for pupils who have special educational needs. In addition local authorities are under a duty to keep under review the arrangements made by them for special educational provision (section 315 of the Education Act 1996). The Education and Inspections Bill proposes a new duty on authorities to consider and respond to parental representations when carrying out their planning duty under section 14.
8. The best local authorities already have robust information systems in place which enable them to plan strategically to meet the future needs of children with SEN and disabilities. Good local authorities also take account of the views of the local community and think creatively about options for provision.
9. Ofsted's report, *Inclusion: Does it matter where pupils are taught?* shows that good provision can be found in a range of contexts and settings. At the same time the report provides powerful, evidence

based support for resourced SEN provision and/or units in mainstream schools, which Ofsted identify as producing consistently good or better outcomes for children with SEN and disabilities without any adverse impact on other pupils.

10. Resourced and unit provision are among a range of options we are encouraging local authorities to consider under our Building Schools for the Future Programme, when reviewing and planning changes to existing provision. We are also encouraging consideration to be given to co-location; the role of outreach and support services; collaborative working with other partners, including the further education and voluntary sectors and regional and sub-regional provision.
11. As well as encompassing educational provision, local authorities' Children and Young People's Plans should ensure that every child with SEN and disabilities, no matter where they live, has access to the full range of services to meet their needs.
12. While the Government expects local authorities to provide for most children's needs locally it recognises that this may not always be possible. Collaboration with other local authorities and agencies will be needed and can achieve better outcomes for children. There is scope within existing arrangements for local authorities to plan jointly for services covering more than one local area and the Government encourages them to do so where they judge it is appropriate. Authorities can also collaborate with the non-maintained and independent sectors where they consider it appropriate.
13. It can sometimes be difficult for local authorities acting alone to make provision for children with low incidence special educational needs. The DfES has carried out a national audit of provision for low incidence needs and is promoting effective regional or sub-regional planning to meet such needs (see Section 3).

### **Joint commissioning**

14. The Government expects cooperative arrangements through children's trusts to include joint commissioning and the combining and aligning of budgets and to lead to more co-located and accessible services.
15. Cooperative arrangements are being reflected in changes to services locally. By 2010 every community should have a children's centre and extended schools providing access to a range of services including childcare and early years provision, parental support, referral to health, employment and other specialist services and a range of activities including sports, the arts and information technology. On present trends some 2,500 Children's Centres will be in place by 2008 and 3,500 by 2010. Over 3,000 schools currently offer extended activities and over 10,000 schools are working with their local authority to develop such activities.

16. In the schools sector, the role of the local authority as a commissioner of services will be strengthened, subject to the passage of the Education and Inspections Bill 2006, and local authorities will be able to:
- specify the schools needed in their area and where new schools are required (including special schools) authorities will normally hold a competition (but can bring forward their own proposals in specified circumstances); and,
  - propose changes to existing schools including the establishment or discontinuance of provision for pupils with SEN in all categories of maintained school.

Under the new arrangements the Government envisages that Trust Schools will offer a way of raising standards by drawing on the expertise and energy of their partners to support schools' strategic leadership. Trusts can bring in experience, energy and expertise from a range of organisations, including universities, colleges, parent and community groups and businesses. Trust schools will therefore be backed by organisations which share their aspirations for their pupils, know their community, can support their continuing improvement and provide governors. Trust status is an option for primary, secondary and special schools; a number of special schools are involved in the Department's Trust Schools Pathfinder Programme.

17. The Government expects local authorities, in fulfilling their duty to secure sufficient schools, to develop a flexible continuum of provision to meet children's SEN. This includes mainstream schools, special schools and specially resourced or unit provision in or attached to mainstream schools with access to a range of specialist provision and services. The DfES is taking action to promote these developments. It will publish guidelines to support local decision making in the organisation of special educational provision which will emphasise the need for full consultation and to ensure that suitable provision for children is in place when changes are made to the pattern of local provision (see also Section 3).
18. Local authorities have the power to commission provision which serves children from their own area and from other local authorities and to fund capital works jointly. They can also work together with other local authorities to cover the recurrent costs of joint provision, on the basis of an agreement to fund a certain number of places each.
19. Action being taken to develop 14-19 provision exemplifies a cooperative approach. Local authorities and local Learning and Skills Councils are required to work together to identify gaps in provision and commission provision to fill those gaps. A number of local authorities and other partners are involved in pooling budgets and working together through 14-19 pathfinders to improve provision for students and reduce the numbers of young people who are Not in Education, Employment or Training (NEET).

## Partnership in the delivery of services

20. Local authorities have a duty under the Children Act 2004 to cooperate with other local partners, including Strategic Health Authorities and Primary Care Trusts, to improve children's well-being. In practice, local authorities are collaborating with each other and agencies across their boundaries to provide services for children. At central Government level the Department of Health is currently consulting on a new continuing care framework for adults and working with the DfES on a framework for children. A new framework for children will be piloted in a number of local authority/Primary Care Trust areas in the autumn.
21. Cooperative partnerships in the delivery of services involve health and social services, the voluntary and community sectors, culture, sports and play organisations, children and young people and parents. They should lead to effective referrals between partners, easier identification and better awareness of the additional needs of individual children and the provision of integrated services. They should also involve coordinated workforce development, information sharing and coordination of assessments, and better integrated governance arrangements.
22. The Common Assessment Framework (CAF), for example, provides a means of assessing the additional needs of children and young people whose needs are not being met by universal services. It can be used by anyone who provides a service for a child including education, health and social care practitioners. Because the assessment is holistic and standardised it will help secure the timely and coordinated provision of services, with information being shared between agencies (with the consent of the child or their parent). Where more than one service is involved a lead professional can be identified to ensure effective coordination. A common assessment may, if appropriate, lead to a specialist assessment and the CAF information may be used to avoid duplication.
23. The Early Support Programme, which aims to improve services for disabled children up to age 5 and their families, is now being rolled out nationally following pilots in 45 pathfinder areas. It is a prime example of what can be achieved when agencies cooperate to plan, manage and develop services. The programme has had positive effects on service delivery and ongoing support for families. The working practices developed by Early Support are transferable to other areas and further up the age scale. The training developed by the Programme is also particularly relevant to service planning and working in partnership with parents.

### *Schools*

24. In line with the aims of *Every Child Matters*, the Government expects schools to work collaboratively, where appropriate in federations or

partnerships to meet the needs of children with SEN and disabilities. Strong networks of schools sharing responsibility for the progress of all children in their area have enormous potential to improve the quality of teaching and learning for children with SEN and/or disabilities. The Department has provided guidance to promote such collaboration and there are many successful examples, including collaboration between mainstream and special schools, where the special schools designated under the Specialist Schools Programme as having an SEN specialism to provide outreach are already beginning to play an important role.

25. Getting access to a good school is important for all children. Local Admission Forums have a key role in monitoring school admissions to ensure they are fair for all sectors of the local community. Where they find that a school's admission arrangements are unfair on children with SEN or disabilities, they can object to the Schools Adjudicator about those arrangements. They can also advise admission authorities on how they might improve their arrangements to promote the admission of these children and promote the agreement of protocols for the allocation of vulnerable children who arrive outside the normal admissions round. If the admission authorities do not take on board that advice, the Forum may object to the Schools Adjudicator.

#### *14-19 provision*

26. In local arrangements for developing 14-19 provision following the White Paper *14-19 Education and Skills* the Government expects schools, colleges and training providers to collaborate with each other to make a broader offer to young people aged 14-19 with SEN and/or disabilities. Subject to the passage of the Education and Inspections Bill governing bodies of schools will be free to consider what collaboration arrangements they wish to make. Local authorities will be free to make arrangements with a further education institution to make courses available to school pupils. Local areas are developing prospectuses to detail all the study choices available to young people in their area so that young people are better informed about their options. All areas are now able to learn from the 14-19 Pathfinders, some of which have explored the opportunities offered by the 14-19 programme for young people with SEN and/or disabilities, through a series of learning visits.
27. Areas wishing to offer specialised Diplomas from 2008 must demonstrate that they can offer young people high quality applied and practical teaching and learning, links with local employers and access to information and advice. These opportunities should apply to all students, including those with SEN and/or disabilities.

## **Accountability for the progress made and outcomes achieved by children and young people**

### *Local Authorities*

28. Devolved decision-making within a coherent national framework is a central feature of the Government's public service reform programme. In children's services, that framework is driven by the outcomes individuals and groups of children are expected to achieve with a sliding scale of interventions for authorities that fail to meet minimum thresholds and standards.
29. Directors of Children's Services and Lead Council Members for Children in every local authority are accountable for the delivery of education, social care and delegated health services for children; they are also responsible for driving wider partnership working. They do so within an accountability framework comprising the development of a Children and Young People's Plan, Annual Performance Assessments and periodic Joint Area Reviews of children's services.
30. The Every Child Matters (ECM) Outcomes Framework signals overall priorities for developing children's services. It lists aims to underpin the five outcomes, performance indicators for measuring the outcomes, and key judgements used by inspectors to assess the contribution services make towards improving those outcomes.
31. The key judgements to be used by inspectors are taken from the Framework for Inspection of Children's Services, an overarching inspection framework which was published in 2005 by Ofsted with the consent of the Secretary of State. Of a total of 36 key judgements on services, five relate specifically to services for children and young people with 'learning difficulties and disabilities'. This demonstrates the priority given to services for these children within mainstream education policy.
32. Including inspectors' key judgements in the ECM Outcomes Framework means that they impact not just on inspections themselves – through annual performance assessments and joint area reviews at area level, and through school inspections – but also on other features of the ECM accountability cycle. This cycle also includes the statutory requirement for the development of and annual revision to a Children and Young People's Plan, an annual priorities-setting meeting between representatives of Government and of the local authority and partners, and differentiated support and challenge from Government Offices.
33. Recent evidence indicates that this is already having an impact on local authorities. Research by the National Foundation for Educational Research (NFER) into the content of the first Children and Young People's Plans (CYPPs), published by local authorities in April 2006, finds:

*'CYPPs contain specific and differentiated references to the enjoyment and achievement of key groups.....namely:*

*...children with learning difficulties and disabilities – for whom the broadest range of actions is set out, including support for parents/families as well as (less common for other key groups in CYPPs)... the identification of funding (e.g. to support specific activities for SEN).<sup>1</sup>*

34. However, this emphasis on improving outcomes for children and young people with SEN and/or disabilities is not confined to the 'Enjoy and Achieve' outcome. The research also finds they feature strongly throughout the first CYPPs:

*'(Looked after children).....and children with learning difficulties and disabilities are the two key groups consistently prioritised across the ECM outcomes.'<sup>2</sup>*

35. Over the last two years the DfES SEN Adviser Team has visited local authorities to review and monitor their performance in supporting children with SEN and managing the statutory framework. Local authorities have been able to benchmark their performance against others, reflect on progress and identify areas for further action and development. Working with the National Strategies, and in consultation with Ofsted, the Adviser Team is now developing a tool that will enable local authorities to evaluate their own progress using national data sets and a series of prompt questions. This will be piloted in early 2007 and available to all authorities later in the year.
36. More generally, the DfES is looking at how to develop a sharper, smarter regime for support and intervention for children's trusts or authorities that may be struggling to deliver good outcomes from specific services or for specific groups of children.

### *Early Years*

37. In early years, all settings are inspected by Ofsted and those providing childcare for older children will join the Ofsted Childcare Register. The integration of the Early Support Programme materials into the Early Years Foundation Stage will enable all early years practitioners to improve their understanding of child development; promote earlier identification of particular needs; support more accurate assessment and tracking of children's progress; and lead to a better match of activities to meet children's individual needs.

1 NFER, Analysis of Children and Young People's Plans. ECM Enjoy and Achieve. Interim Findings July 2006.

2 NFER, Analysis of Children and Young People's Plans. Overview of Interim Findings. July 2006.



## *Schools*

38. The accountability and improvement framework for schools consists of: school information and performance data; school self-evaluation; support and challenge from School Improvement Partners (SIPs) with knowledge and understanding of the statutory requirements of schools in relation SEN and disability appointed by the local authority; evaluation meetings and feedback to parents; and inspections. SIPs are already in place for all secondary schools and are being appointed for all primary and special schools in stages by April 2008.
39. Schools have access to a wide range of data, including local and regional contextual data; data provided through the Ofsted PANDA; and from the autumn, data available through RAISEOnline. In addition, from next summer use of P scales and collection of P scale data will be mandatory for all children with SEN working below level 1 of the National Curriculum.
40. Improved data should help to inform schools' self-evaluation. All schools should complete a Self Evaluation Form (SEF). The SEF, coupled with provision mapping, which many schools are now using to match resources to teaching arrangements and other interventions to support learning and ensure progress, should help to identify areas where there is a need to improve school performance and to ensure appropriate action is taken. Schools should take action to build staff capacity, improving the confidence of all staff in their ability to support children with a wide range of needs. The focus on a continuing cycle of school improvement should ensure that the progress of all children is kept under review and they receive appropriate support. Positive pupil outcomes will contribute to improved parental satisfaction.
41. Mechanisms are in place for turning round schools identified by Ofsted as failing or having serious weaknesses. The Education and Inspections Bill, if passed by Parliament, will give local authorities increased powers to issue improvement notices to schools at risk of failure and measures to ensure a turn around within 12 months.

## *Parents*

42. It is essential that parents know what arrangements are in place for supporting their children and tracking their progress. Local authorities and schools should provide that assurance. In addition to the important role they play in appointing and working with School Improvement Partners in support of school improvement, local authorities must publish details of the support they expect schools to provide for children with SEN but without statements and the support they will provide from central funds. They must also set out the aims of their policy in respect of children with SEN, including those with statements. The Department is taking steps to improve accountability by making better data available to schools and linking monitoring and accountability

to the outcomes children achieve and the progress they make; these steps are set out in Section 3.

### **What parents can expect**

43. This section has set out the elements of a developing national framework for the provision of education and other services for children with SEN and/or disabilities. All these elements have common underlying aims of personalising provision to meet individual children's needs and giving children the opportunities and support to achieve their potential.
44. As the framework develops parents, wherever they live, should expect provision that:
- is responsive and sympathetic to their concerns;
  - is based on a secure audit of local needs and is planned across agencies to meet future demands;
  - offers integrated services across agencies that meet their individual child's needs;
  - provides clear accountability for how funds are being used and for professionals' responsibilities; and
  - ensures that their children are taught by professionals with the appropriate level of knowledge, skills and expertise.
45. Children's Services Authorities and Primary Care Trusts across the country are currently developing the integrated services for children, including children with SEN and/or disabilities, the Government wants to see. Some authorities, for example, have created 'integrated services groups' to review services and recommend changes to their children's trusts which include:
- creating integrated care pathways designed by the children and families who use their services;
  - establishing integrated child development services;
  - setting high level outcomes for services provided and commissioned at children's trust level and empowering parents and supporting families; and,
  - implementing integrated workforce development strategies.

46. The development of Children's Centres and full service extended schools are further evidence of the progress being made in bringing services together around the needs of children and families. Parents can expect to see more of these in the future.
47. Local authorities are increasingly developing a broad range of provision for children with SEN and/or disabilities, including specially resourced provision within or attached to mainstream schools. Parents can expect to see further developments in this area as local authorities reconfigure their services through local consultation and with the substantial resources provided through the Building Schools for the Future Programme.
48. Developments like these will help to transform the way services for children with SEN and/or disabilities and their families are provided. When Her Majesty's Chief Inspector reviews progress in improving services for children with SEN and disabilities under these developing arrangements in 2009/2010 she will report on how well the elements of the national framework set out in this section are working together.

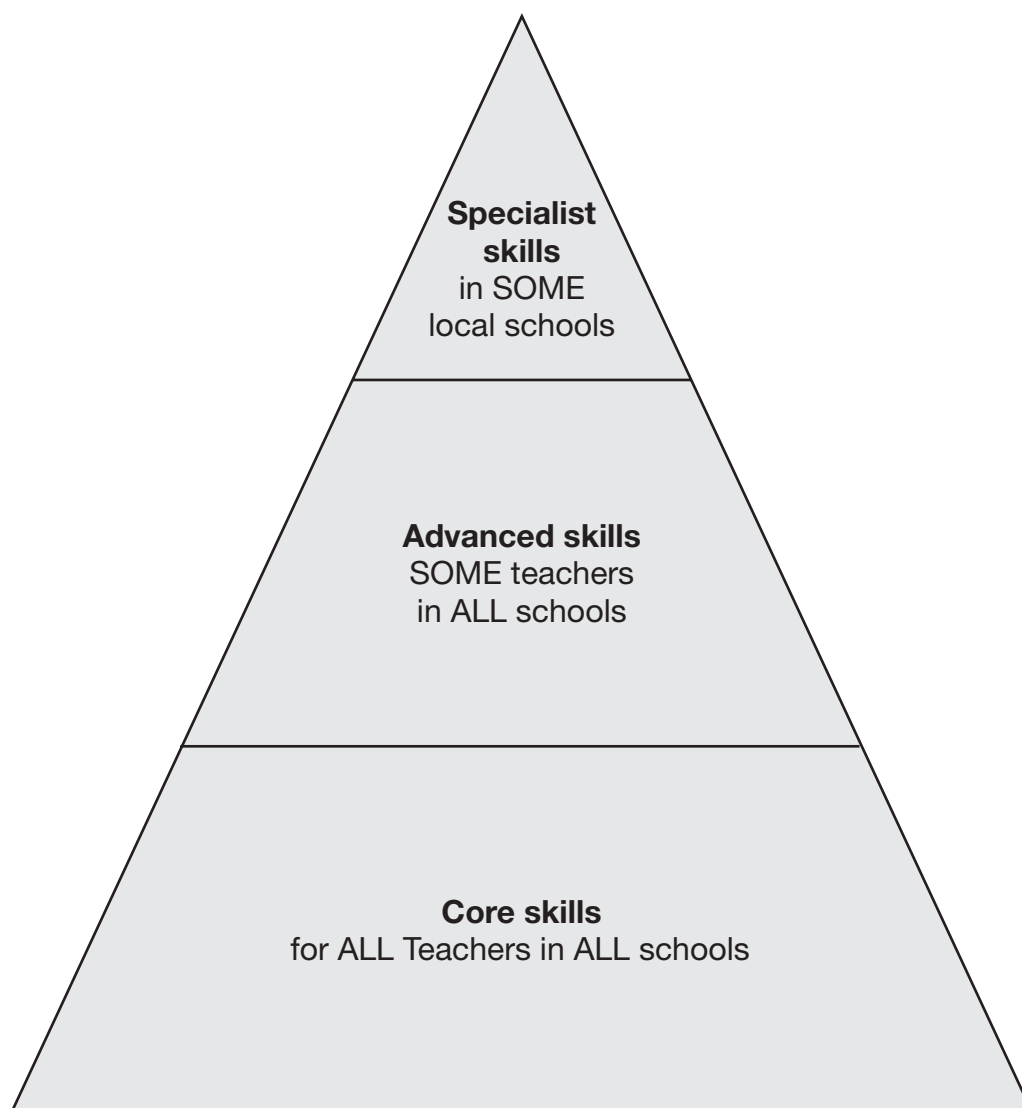
## Section 3: Priorities for action 2006-2009

1. Section 1 of this response makes clear that the Government does not believe that the best interests of children with SEN and/or disabilities would be best served by having a major review at this time. The national framework being put in place (as described in Section 2) is designed to bring about the improvements which both we and the Select Committee want to see. But it will take time to bed down. We need to resist the temptation to have further separate reviews and add more layers to the existing SEN framework. That would not, in our view, achieve the aim of ensuring mainstream policies meet the needs of children with SEN.
2. The Government believes that the best way of improving outcomes for children with SEN and disabilities is through sustained action to build the capacity of the system to meet children's individual needs earlier and more effectively. The Government's 10 year SEN strategy *Removing Barriers to Achievement* is designed to achieve this aim. We remain committed to taking forward the programme set out in the strategy and this section sets out the action we will be taking in five key areas over the next few years to:
  - build capacity in the children's workforce to identify and meet children's needs;
  - promote a flexible continuum of local provision;
  - improve accountability for the outcomes children achieve;
  - strengthen partnerships with parents and children; and,
  - improve provision for children with Behavioural, Emotional and Social Difficulties and children with Autism.

This action will take us 5 years into the *Removing Barriers to Achievement* strategy. It is right that, as we have indicated in Section 1, we review progress at that mid point with advice from Her Majesty's Chief Inspector. We will then consider what action should be taken to further improve outcomes for children with SEN and/or disabilities.

### Building capacity in the children's workforce

3. The Government shares the Committee's view that a skilled workforce is critical to achieving the five *Every Child Matters* outcomes for children and young people with SEN and/or disabilities. Improving the capacity of the workforce is a key priority for the DfES and its partner agencies as *Removing Barriers to Achievement* makes clear. *Removing Barriers to Achievement* set out a model for building SEN skills and knowledge.



4. We have been working closely with the Training and Development Agency for Schools to ensure that initial teacher training and programmes of continuing professional development provide a good grounding in core skills and knowledge of SEN. TDA has formed a national reference group for training and development which is working on national priorities for teachers' training and development. We expect SEN and disability to be identified as a national priority.
5. We have also made clear the importance we attach to wider workforce development in relation to children in *Every Child Matters: Change for Children*. This is demonstrated by the formation of the Children's Workforce Development Council, and the work being carried forward on the integrated qualifications framework. We have asked the Children's Workforce Development Council to look specifically at SEN and disability workforce issues as part of their emerging work programme.

### *Initial Teacher Training*

6. SEN training is already a compulsory part of initial teacher training. All accredited providers of ITT have to design their programmes leading to the award of Qualified Teacher Status (QTS) to meet the standards and the requirements for ITT as set out currently in *Qualifying to Teach*. It is not possible for ITT to 'ignore' SEN.
7. As part of their initial training all student teachers are required to demonstrate that they:
  - understand their responsibilities under the *SEN Code of Practice*, know how to identify children with SEN and where to seek advice from specialists on less common types of special educational needs
  - can identify and support children working below age-related expectations, those who are failing to achieve their potential in learning, and those who experience behavioural, emotional and social difficulties
  - are able to differentiate their teaching to meet the needs of all children, including those with special educational needs.

These standards are currently under review by the TDA, who will provide advice to the Secretary of State later this year. We expect the new standards to recognise the importance of trainee teachers being able to demonstrate a clear understanding of the statutory requirements in relation to SEN and disability and the knowledge and skills required to vary their approach to meet the needs of children with SEN and/or disabilities.

8. Standards are important but much depends on how they are achieved in practice. Ofsted have an important regulatory function in this regard. We have asked Ofsted to carry out a thematic review of the journey the intending teacher takes through initial teacher training and induction where the acquisition of skills, knowledge and understanding relating to SEN and disability are concerned, including awareness of disability discrimination legislation and the new duty to promote equality of opportunity for disabled people.
9. As the Committee acknowledges, we have commissioned TDA to take forward a range of practical initiatives designed to improve and strengthen the confidence of trainees, newly qualified and experienced teachers in relation to SEN and disability. This programme began in 2005 and will continue until 2008 at a cost of £1.1m. It takes forward the commitment in *Removing Barriers to Achievement* to improve training and professional development opportunities for staff and help them develop their skills in meeting the needs of a wider range of children with SEN. The programme includes the development, through

a managed pilot, of new specialist SEN and disability units for the longer three or four year initial teacher training courses in ten higher education institutions. These modules will be evaluated in February and July 2007 and it is not possible to comment at this stage on the possibilities of their wider adoption. We will want to review how the units have operated and student reaction to them. The evaluation will consider whether it would be feasible for such units to be built into the shorter PGCE courses and into the employment-based routes. We believe that this may be problematic.

### *Induction*

10. Induction provides an important opportunity to demonstrate skills and acquire further experience of the range of SEN and disabilities represented within schools. As part of the £1.1m programme of enhancements, TDA are developing a suite of guidance and exemplar material designed to strengthen and reinforce the SEN experience acquired by NQTs during their induction period. Both filmed and written materials are at an advanced stage of preparation and five local authorities have agreed to take part in trials.
11. Nine local authorities are working with TDA to strengthen links between mainstream and special schools, with a view to ensuring that NQTs have opportunities to increase their experience of teaching pupils with a range of SEN and disabilities. TDA report that initial feedback is very positive. Lessons learnt are being applied to future induction programmes. In addition, we will look, with TDA and Ofsted, at how the induction process is managed with regard to SEN and disability.

### *Continuing Professional Development*

12. Evidence from Ofsted and the Department's SEN Advisers shows that significant improvements in outcomes for children with SEN and/or disabilities are achieved where all staff have good general awareness of SEN and disability and access to teachers with specialist skills. We need to improve both.
13. The National Strategies provide training, guidance and support from consultants to improve the quality of teaching and assessment. Their 3 wave model of intervention is designed to help teachers identify and meet the needs of pupils who require extra support to progress in their learning. Targeted materials and guidance have been made available in relation to teaching children with different types of SEN. As part of the National Programme for Specialist Leaders of Behaviour and Attendance, specialist training materials and accreditation programmes have been made available for some 500 staff who have particular responsibilities for Behavioural, Emotional and Social Difficulties (see also section below on promoting improvements in provision for children with BESD). Schools are also being supported to improve their use of assessment for learning for all pupils, including those with SEN and/or disabilities.

This involves helping them to ascertain where each pupil is in their learning, giving high quality feedback to promote further learning and planning the next steps with pupils themselves. Using assessment for learning in this way enables pupils to make more progress because teaching is tailored accurately to their needs. Schools are being provided with £990m extra funding by 2007-08 to personalise education and this will boost assessment for learning for all pupils, including those with SEN and/or disabilities.

14. Continuing professional development is important in addressing individual needs and building capacity in schools. The Government expects SEN and disability to be identified as a national priority for teachers' CPD as part of the priorities framework being developed by the TDA and the National Reference Group for Teachers' Professional Development. Decisions about the priorities for individual teachers' CPD must be made by teachers themselves and their line managers in the light of an assessment of each teacher's own personal development needs and the development and improvement priorities for the school. That said, there are indications that not all schools are giving the area of SEN and disability the attention it deserves. The Government expects every school to consider what action they must take in relation to continuing professional development for staff in meeting the needs of these children. Head Teachers should maintain appropriate expertise within their school at all times, taking into account staff changes and changes in the population of children that attend the school. The substantial funds given to schools in the School Development Grant provide resources for this. We will bolster the guidance offered to School Improvement Partners to encourage them to discuss with schools whether SEN and disability are given the appropriate priority in relation to CPD.
15. Since the capacity of staff within a school to meet the needs of children with SEN and/or disabilities has a key impact on the outcomes they achieve and the progress they make we will explore with Ofsted how the School Evaluation Framework might be used to ensure that teachers and other staff get the CPD they need.
16. *Removing Barriers to Achievement* committed the Department to an Inclusion Development Programme to provide:
  - teaching and learning resources
  - training materials for, and advice on, effective deployment of learning support assistants
  - guidance on effective classroom strategies
  - models of good practice for working in multi-disciplinary teams
  - information about where to go for more specialist advice and support.



17. The DfES will take forward the Inclusion Development Programme from 2006-07 onwards. The Programme will help to transform understanding of SEN and disability in schools and significantly improve earlier identification and intervention. It will cover:
- speech, language and communication needs (SLCN) and dyslexia
  - Autistic spectrum disorders (ASD)
  - Behavioural, emotional and social difficulties (BESD)
  - Moderate learning difficulties (MLD).

Activity will focus initially on SLCN and dyslexia since the ability to communicate is fundamental to learning and progression for all children with SEN and disabilities. It will subsequently address ASDs and BESD with other types of need covered over time.

18. The Inclusion Development Programme will tie in closely with the National Strategies and so mainstream SEN in wider initiatives. The National Strategies will develop CPD training materials working with partners, including the TDA, the voluntary sector, and Higher Education Institutions. Training will be delivered through termly network meetings to local authority SEN advisers. There will be a focus on both generic training and the areas of SEN listed above. Local authority advisers will cascade training to SENCOs, school inclusion teams, and school cluster teams, who will in turn cascade training to other school staff – Learning Support Assistants and other support staff as well as teachers. Schools will choose how and when training should be delivered.
19. In addition to the face-to-face training delivered through the cascade model, the IDP will include some preparatory and case study work and some on-line awareness training covering the four IDP areas of need. These on-line materials could also be available to others, including parents and trainee teachers. We are planning to pilot the awareness raising materials with trainee teachers in two universities – Christ Church, Canterbury and York.

### *SENCOs*

20. Special Educational Needs Coordinators (SENCOs) play a key role in building schools' capacity and skills in meeting children's SEN because of their crucial role in advising other members of staff on SEN matters and linking with parents. Each school is required, by regulations, to publish the name of the person with the role of coordinating the provision of education for children with SEN. In making the appointment, we would expect the head and governing body to take into account factors such as:

- the skills and experience required in connection with the role, and the extent to which the candidate has demonstrated these or could acquire them
- the range and complexity of SEN represented within the school; and
- practical issues such as authority (credibility) in relation to members of the teaching staff, parents and external parties.

The SEN Code of Practice (2001), in its description of the role indicates that it would normally fall to a teacher. Since then, there has been a huge increase in the number and range of support staff working in schools.

21. We have reflected carefully on the Select Committee's comments on SENCOs. We share their view as to their importance and believe that the person taking on the lead responsibility should be a teacher and a member of the senior leadership team in the school. We will be introducing an amendment to the Education and Inspections Bill to require governing bodies to make such an appointment for the purpose of coordinating the provision of education for children with SEN and to give the Secretary of State a power to make regulations relating to the role, responsibilities, experience and training required. We will consider the way SENCO functions are currently carried out in schools, including those schools that allocate the duties to a number of individuals. We will consult social partners in framing the new Regulations.
22. We have commissioned TDA to develop, in conjunction with interested parties, an accreditation system for SENCOs which will have at its heart an agreed training curriculum for coordinating staff covering both generic aspects such as implementing an SEN policy and securing help for pupils from external agencies, and knowledge of key areas of SEN such as autistic spectrum disorders. We will require all new SENCOs to undertake nationally accredited training.
23. As a first stage of this commission and to inform the Regulations, TDA will be establishing a clear statement of the key components of the role, knowledge, skills and experience required of those leading and developing SEN and disability provision in schools. We will be involving a wide range of interested parties, including SENCOs currently in post in developing the system and will take account of a study currently being undertaken into school leadership.

#### *Advanced skills*

24. Teachers with advanced skills make a huge contribution to improving the quality of teaching in their own school and more widely. The Advanced Skills Teachers programme developed by the Department in recent years enables schools and local authorities to deploy Advanced Skills Teachers (ASTs) with an SEN specialism to develop

and spread the very best practice, knowledge and understanding between special and mainstream schools. ASTs are selected on the basis of their own excellent and innovative teaching and, while continuing to teach their own classes, have designated time in which to work with colleagues in other schools to enhance the quality of teaching and pupil outcomes. As well as working individually with other teachers ASTs can also take the lead in wider professional development projects working across authorities or serving networks of schools or they may join together with other ASTs as a powerful local transformation team.

25. The Government is supporting the establishment of a Dyslexia Trust. The Trust will draw in funding from sponsors. Local authorities and schools will then be invited or targeted to bid for funding to support higher level specialist training for lead teachers in dyslexia. Schools and local authorities will be able to supplement the funding provided by the Trust with the funding available to them through the SDG and Personalisation programmes. Teachers undertaking the higher level training will provide specialist support to children in their own school and to schools in the wider community, for example to clusters of schools or possibly authority-wide. The Trust will pilot a range of approaches to delivering this higher level training aimed at optimising access to specialist support.

#### *Early years*

26. The Government is committed to developing a world class childcare workforce. Under the Childcare Act 2006, local authorities will be required to secure sufficient information, advice and training for childcare providers and prospective childcare providers. This will have to include training specifically on SEN and inclusion.
27. The Department has established a Transformation Fund of £250m between 2006 and 2008 to support training for early years practitioners that leads towards qualifications and accreditation. Training to work with children with SEN and/or disabilities is one of five strategic priorities for the Fund and we expect many local authorities to spend significant amounts of this money on ensuring that providers get access to high quality training in this area.

### **Promoting a flexible continuum of provision for children with SEN and/or disabilities**

#### *An inclusive education system*

28. The Government shares the Committee's view that inclusion is about the quality of a child's experience and providing access to a high quality education which enables them to make progress in their learning and participate fully in the activities of their school and community. This is reflected in the statutory framework and *Removing Barriers*

to *Achievement* and affirmed in the recent Ofsted report on inclusion. The present statutory framework provides for children with statements of SEN to be taught in mainstream schools where this is what their parents want and it is compatible with the efficient education of other children. It provides for parents to seek a special school and to have their preference considered according to the same criteria as a preference for a mainstream school. The Government has no plans to change this policy and believes it is the right way forward.

29. We have made clear that we want local authorities and schools to work together to build provision in mainstream schools so that over time a mainstream place is a viable option for all parents who wish their children to be taught in such a setting. But at the same time, as made clear in *Removing Barriers to Achievement*, the Government sees a vital and continuing role for special schools as part of an inclusive education system, meeting children's needs directly and working in much closer partnership with mainstream schools to build expertise throughout the system. We signalled our commitment to this by bringing special schools within the Department's Specialist Schools Programme. Some 26 special schools have already been designated as SEN specialist schools with funding and a specific brief to provide outreach to mainstream schools. We plan to designate a further 36 such schools by 2008.
30. To secure an inclusive education system the Government believes that local authorities should develop a flexible continuum of provision to meet the wide range of children's SEN and use the flexibilities allowed by the school funding regulations to facilitate dual placements in mainstream and special provision where appropriate to meet the needs of individual children with statements of SEN. This is happening in practice. The flexible continuum will include special schools and specially resourced or unit provision in or attached to mainstream schools. The Government believes that it is for local authorities to decide on the precise pattern of local provision to meet the needs of children and parents in their localities, whose interests must be paramount. We do not believe that these interests are better served by Whitehall determining the precise pattern of provision in each locality of the country.
31. We will, however, produce clear guidelines, which local authorities should take account of when proposing to change the local organisation of provision for children with special educational needs. This will include advice on the factors to be taken into account in closing and opening provision, including special schools. The guidelines will emphasise the importance of ensuring that appropriate provision is in place before closures take place and highlight the findings of Ofsted's survey *Inclusion: does it matter where pupils are taught?*, in particular the importance of securing appropriate access to specialist teaching and support.

## *Collaboration*

32. *Removing Barriers to Achievement* promotes an inclusive school system where mainstream and special schools cooperate. In addition to the action we are taking through Specialist Schools Programme, the Building Schools for the Future encourages the co-location of mainstream and special schools. We have provided start up funds of £150,000 for the creation of a national representative body for special schools which will be set up by the National Association of Independent and non-maintained Special Schools (NASS) and the National Association of Emotional and Behavioural Difficulty Schools (NAES). It will help special schools to work more closely with mainstream schools to share best practice in meeting the needs of children with SEN and Disabilities and offer additional support and training to special school staff.

## *Access to specialist advice, support and outreach*

33. Staff in schools and early years settings need to have ready access to specialist advice and support advice if they are to meet the needs of children with SEN and/or disabilities. Services may be centrally run, provided by special schools on outreach or through mainstream schools working in partnership with Pupil Referral Units and special schools; this is a matter for local determination. But the Government is clear that such services must be provided if we are to increase access for staff to specialist advice and support. The Department will therefore set national standards for SEN support and outreach services. The standards will inform local performance assessments and inspections and apply across all SEN advisory and support services however they are provided, including outreach provided by special and mainstream schools. The standards will take into account the following objectives:

- extending SEN advice and support to early years settings
- offering advice and support on a preventative basis to boost earlier intervention
- supporting the development of inclusive practice in all schools and early years settings
- making the best use of existing specialist provision.

## *Developing regional and sub-regional provision for low incidence needs*

34. It is not always possible, for reasons of demand, geography or costs, for local authorities to establish their own schools for children with low incidence very severe and complex special educational needs such as multi-sensory impairments; severe visual impairment; severe/profound hearing impairment; profound and multiple learning difficulties; severe autistic spectrum disorders and/or severe behavioural, emotional and

social difficulties. Cooperation is needed across local boundaries to meet the needs of these children.

35. The Department carried out a national audit of provision for low incidence needs and sought views on the case for Regional Centres of Expertise as proposed in *Removing Barriers to Achievement*. As might be expected there was a wide range of views. However, the following broad messages emerged:
- RCEs should strengthen and reinforce, but importantly not replace, existing expertise at the local level
  - There was general support for “virtual” support arrangements, as distinct from, say, a specific physical centre, designed to promote local knowledge and expertise. But also some support for more direct provision in areas of particular difficulty, notably behavioural, emotional and social difficulties
  - provision should be flexible enough to reflect local priorities and needs and should strengthen links between regional and sub-regional planning.
36. The Regional Partnerships, established following the Green Paper *Excellence for All Children* have a track record in inter-authority collaboration. Working in consultation with the Regional Partnerships, the Department invited proposals for DfES pump-priming support for the establishment of Regional Centres of Expertise in 2006-07, with the prospect of further support in 2007-08. At time of writing, pump-priming support has been confirmed for a number of regions with correspondence continuing on others. Each RCE proposal is different, reflecting the particular needs of that region, but support for children with autistic spectrum disorders and those with behavioural, emotional and social difficulties figure strongly. We believe these centres will play an important and central role in improving provision for children with low incidence needs.

### **Improving accountability**

37. Ofsted has emphasised the importance of effective use of data in setting appropriate and suitably challenging expectations for children with SEN and disabilities and tracking their progress. Better use of data is at the heart of school improvement and should drive school self evaluation.
38. The Department’s 2004 guidance, *The Management of SEN Expenditure* recommended the accountability arrangements that should be in place in order to secure positive outcomes for children with special educational needs. The guidance proposed a framework covering: school information and performance data, school self-evaluation, evaluation meetings and accountability to parents.

39. Since the guidance was published the DfES has been working with a range of partners to improve data sets; improve school self evaluation and the arrangements for improving performance. The accountability framework for schools will in future include:

*Data* – schools will have access to a wide range of data, including:

- RAISEonline – the DfES has been working with Ofsted to improve through RAISEonline the availability and use of a common data set to monitor and evaluate children’s progress. RAISEonline will include Contextual Value Added (CVA) data, including SEN; prior attainment; gender; ethnicity; age in year; first language; pupil mobility; whether a pupil is or has been in care; FSM and a rating from the Income Deprivation Affecting Children Index (IDACI);
- P scales – data on children working below level 1 of the National Curriculum; this information will be collected nationally from summer 2007; and will in due course be incorporated into RAISEonline;
- Ofsted PANDA – PANDAs, Schools’ Performance and Assessment reports contain information about the context of the school, including standards and value added measures; detailed analyses of CVA at pupil level are given as the principal indicator of school performance;
- Other contextual data – most LAs provide schools with additional contextual data to enable them to evaluate their performance; and regional data is also available in some areas.

*Use of data in RAISEonline:*

- RAISEOnline will allow the interactive examination of data at school, group, pupil and question level for pupils at Key Stages 1 to 4; grouping and filtering features will allow users to drill down and explore their own hypotheses;
- Where data is not centrally available, for example, Optional test results or new pupils joining the school data, schools will be able to import it into the system themselves;
- RAISEonline will support the monitoring and evaluation of pupil progress, allowing schools:
  - to look at CVA progress to Key Stages 2, 3 and 4; alongside this the system will allow analysis of conversion information;
  - to import data for Optional and Progress tests, thus giving better evaluation of pupil performance and progress over time; and

- to use the target-setting section of the system; enabling the setting and moderation of pupil targets.
- RAISEOnline will also enable performance and interventions to be linked:
  - The “attributes” function of RAISEonline directly links individual children and young people to interventions to address their learning needs as well as a range of learner characteristics;
  - This enables SENCOs and others to look at provision (or a provision map) for a particular group, e.g. all children at School Action Plus or with a statement) and begin to explore the factors that led to fast or slow progress;
  - This in turn enables evaluation of specific interventions.

*School self evaluation:*

- Self-Evaluation Forms (SEFs) – all schools are required to complete a SEF; the form is intended to record the outcomes of a school’s self-evaluation – including key strengths and weaknesses and what action needs to be taken to bring about improvement; schools will be able to draw on the improved data available to them to inform their SEF, including decisions about key development priorities;
- The National Strategies’ *Leading on Inclusion Initiative* – will develop the role of ‘Leading Teachers for Intervention’ for all vulnerable groups; materials will include a ‘Leading Teacher Handbook’ which contains a set of comprehensive CPD and management resources

*Monitoring, challenge and support and inspection:*

- Local authorities – under the current legal framework for SEN local authorities have a duty to monitor the performance of all children with special educational needs; the focus of reviews, as set out in the Code of Practice, is on children’s progress;
- School Improvement Partners (SIPs) – will challenge and support schools on their performance. They will discuss and assess a school’s self-evaluation and school improvement plan against available evidence and comment on their effectiveness. They will provide an objective review of the school’s performance data and analyse the evidence for its improvement. They will identify areas of strength and weakness and scrutinise the progress made by different groups of children, including those with SEN and disabilities, to ensure that success for some does not hide



failure of others. SIPs are already in place for all secondary schools and are being appointed for all primary and special schools in stages by April 2008;

- Ofsted – under the New Relationship with Schools there is a three year cycle for Ofsted’s inspection of schools; Ofsted uses a school’s Self evaluation form, a school’s Performance and Assessment (PANDA) report and the report from the previous inspection as a starting point;

*Feedback to parents:*

- The development of the inclusive measures as outlined above will support schools’ focus on the potential of all their children, enabling them to see how each child’s progress compares with their peers. It will help them make judgements about additional support that should be put in place. Schools will be encouraged to discuss this information with parents at termly meetings.
  - Local Authorities are already required to publish details of what support schools in their area are expected to provide for children with SEN. The DfES will promote through the National Strategies a system of provision mapping and management so that parents will know what support is available for their child and how it links to appropriate interventions and arrangements for monitoring outcomes for their children.
40. Schools’ self evaluation, drawing on improved data and supported by inspection, should identify areas where there is a need to improve performance. Where necessary, schools should take action to build capacity, improving the confidence of all staff in their ability to support children with a wide range of needs. The focus on a continuing cycle of school improvement should ensure that the progress of all children is kept under review and they receive appropriate support. It encourages positive pupil outcomes and these will contribute to improved parental satisfaction.

**Strengthening partnerships with parents and children**

41. Involving children and young people with SEN and disabilities and their parents in the development of policy and services and in the decisions that affect them individually is crucial in ensuring that services are tailored to needs. Ofsted’s report *Inclusion: does it matter where pupils are taught?* highlights how consulting and involving children with SEN and disabilities in decisions about their own learning contributes positively to wider improvements in schools’ provision and the outcomes that children achieve. The support being provided to schools for personalisation will significantly improve assessment for learning and enable greater involvement of children with SEN and/or disabilities in decisions about their own learning.

42. More broadly, local authorities must have regard to the views of young children in planning, designing and delivering services under the Childcare Act 2006 and include a strategic approach to parents in their Children and Young People's Plan. They must provide information to parents about provision of childcare for disabled children through the Children's Information Service. They must also provide Parent Partnership Services offering information and advice to parents of children with SEN and make arrangements for resolving disagreements between parents and the local authority and parents and schools concerning SEN – all to standards set out in the Special Educational Needs Code of Practice. In addition, local authorities must provide good information for parents about their policies and arrangements for supporting children with SEN.
43. Subject to the passage of the Education and Inspections Bill, local authorities will be required to provide information and advice on expressing a preference for a secondary school. They will need to offer a Choice Advice service for parents who need the most help during the admissions round to make a fully informed choice that meets their child's needs. Choice Advisers will have knowledge of SEN and disability law and how the local schools can provide for children with SEN and/or disabilities, drawing on the experience of, and working closely with, the local SEN Parent Partnership Service.
44. Schools should offer parents at the beginning of the school year transition information sessions to increase their understanding of the stage their child is beginning, and their confidence and willingness to engage with their child's school and learning. They will also provide a gateway to the wider parenting support available through extended schools, including information about local services, such as the parent partnership service and local and national parent support groups.
45. The Government encourages local authorities to develop local arrangements that align services for parents to enhance the quality of the support they provide.
46. We share the Committee's view that SEN Parent Partnership Services should carry the confidence of parents in their impartiality and the quality of the information and advice they provide. In the Government's view Parent Partnership Services remain statutory services and responsibility for them should continue to rest with local authorities, not least because this enables authorities to consider innovative ways of linking those services with wider services for parents to achieve a broader impact.
47. The Government does not share the Committee's view that a pilot to explore independent funding of Parent Partnership Services is necessary since a range of arrangements currently exists, with some Parent Partnership Services being contracted out from the local authority, others being wholly local authority based and run, and some operating

with partial contracting out of some services. One of the most comprehensive and effective Parent Partnerships is wholly run and funded by the local authority; it involves parents directly in improving its services, supports them in taking cases to the SEN and Disability Tribunal, has voluntary sector involvement on a strong management group and it plays a key role in influencing the local authority's policies. We are not convinced therefore that funding services independently of the local authority of itself leads to a better outcome for parents.

48. In order to strengthen the “arm’s length” nature of Parent Partnership Services and improve the quality of those services in every area we will set out by way of exemplification of the minimum standards in the SEN Code of Practice clear expectations for the Parent Partnership Service in every area. These will include:

- having its own budget
- a management group with independent representation
- links to Children’s Information Services and Choice Advisers
- locating Parent Partnerships away from SEN casework teams
- independent training for PPS Coordinators
- access to Independent Parental Support
- a voice for PPS in local Children’s Services policy development

49. As a local service, the quality of Parent Partnership Services is one aspect of local authority inspections. The exemplification of the minimum standards will inform Ofsted inspections of local authority services.

### **Promoting improvements in provision for children with Behavioural, Emotional and Social Difficulties and children with Autism**

50. The Government agrees with the Committee that improvements are required in the provision made for children with Behavioural, Emotional and Social Difficulties (BESD) and children with Autism. Building capacity in these areas is also identified by local authorities as a priority. Based on visits to all 150 local authorities across the country, the DfES’ Team of SEN advisers report that most of the new specialist resourced provision being developed within mainstream schools is designed to meet the needs of children with BESD or autistic spectrum disorders.

#### *BESD*

51. The need to improve the quality of provision for those with BESD was also highlighted by the Practitioners’ Group on School Behaviour and

Discipline chaired by Sir Alan Steer, and formed part of the Group's recommendations in its report *Learning Behaviour* published in October 2005. Strengthening school staff's skills and professional development and fostering closer partnership working on these issues across settings are particularly crucial.

52. The Inclusion Development Programme will deliver training and support ownership of professional development for staff in meeting the needs of children with BESD. This will help build capacity throughout the school system.
53. At a more targeted level, support for staff with particular responsibilities for BESD is now available through the National Programme for Specialist Leaders of Behaviour and Attendance (NPSL-BA). The Programme, now in its first year of roll-out, offers an accredited qualification with a Certificate and Diploma through City and Guilds, and a Postgraduate qualification through the University of the West of England, Bristol. Aimed at staff working within BESD and Pupil Referral Unit (PRU) settings, the programme brings participants together into learning and development cluster groups. In the current financial year it is offering accreditation, assessment and improved career paths for a cohort of 500 BESD specialist leaders from across the regions. Additional, specially tailored materials have been developed for use with the BESD-focused participants. They cover the issues and particular challenges involved in teaching and supporting pupils with BESD, including developing effective multi-agency working, maintaining parental involvement, and building the structures and supports needed by staff themselves when facing professional and emotional challenges at a level often rare in other settings.
54. The structure and content of the programme is particularly geared to supporting and strengthening professional networking and skills and knowledge transfer across not just settings, specialist and mainstream, but across area boundaries. Initial feedback from participants' line managers and local authorities is proving very positive, pointing to increased skills and best practice sharing across BESD and other school settings. The DfES intends to build further on the programme in 2007/8, helping to create a cadre of confident and trained "Specialist Leaders" who are not only skilled in meeting the needs of children with more complex behavioural needs but who can be a source of expertise and guidance to other colleagues in their schools or local areas.
55. In addition to supporting professional development, the DfES has commissioned research into young people who have been excluded from PRUs and BESD Special Schools. A prime objective of the research is to hear the views of this group of young people and to examine their destinations and eventual outcomes. The research findings will be available in 2009.

56. Supporting the DfES in its work on BESD is a BESD Working Group whose membership includes head teachers, leaders of PRUs, Educational Psychologists, Ofsted inspectors, local authority representatives, representatives from CAMHS and key voluntary and professional organisations. The Group has input to a number of initiatives designed to support improvements in BESD provision. In addition to advising on the NPSL-BA pilot, in 2005 it supported the development of a series of locally-based projects designed to foster closer links and better skills sharing on BESD between mainstream and special schools and CAMHS.
57. In response to the recommendations in “Learning Behaviour”, the Group has also been charged with reviewing what further action might be taken to build capacity and strengthen the quality of BESD provision. One result is that new guidance will be issued to provide concise and up-to-date information for school-aged settings on meeting the needs of children with BESD. The guidance will be accessible via the Every Child Matters website in late Spring 2007. On options for strengthening skills and capacity more generally, the Group will offer its more detailed proposals in November, drawing on recent scoping work and knowledge emerging from the BESD NPSL-BA pilot.
58. At school level, school partnerships for improving behaviour and tackling persistent truancy will have a key role to play in improving the way in which pupils with SEN-related behavioural difficulties are catered for at local level. The Government has made clear that it expects all secondary schools to be working in partnerships to improve behaviour and tackle persistent truancy by September 2007, with funding devolved by local authorities to enable them to commission a range of support for pupils with challenging behaviour and attendance. We are encouraging PRUs and special schools to be part of these partnerships.
59. These arrangements should be of significant benefit to SEN pupils and those who require specialist behavioural support. Partnerships are free to commission a much wider range of support than may have existed previously, delivered either by PRUs or providers from the private and voluntary sectors under contract. Partnerships should develop fair and robust two way referral mechanisms to ensure that pupils move seamlessly between schools and out of school provision and back to school. In particular, we are asking partnerships to focus on tackling the disproportionate rates of exclusion of SEN and minority ethnic pupils. PRUs and special schools will be able to be part of these partnerships. From January 2006, 284 secondary schools have been working together in 37 “pathfinder” partnerships across 19 local authorities. Some of these partnerships have already been working in this way for several years and have demonstrated success in reducing the need for exclusion: for example, permanent exclusions in Coventry fell from 72 in 2002/03 to just 5 in 2003/04 and there have been none at all in North Lincolnshire since June 2004.

60. With head teachers in the behaviour partnerships being able to purchase any alternative provision for their pupils, and with the proposed statutory management committees for PRUs being comprised largely of senior staff and governors of local schools, a direct incentive and interest will be created for schools to ensure that their local PRU offers a good quality, value for money provision.

#### *Autistic Spectrum Disorder*

61. On a number of occasions throughout its report the Select Committee, based on the evidence it heard from the National Autistic Society (NAS) and others, comments on what it sees as the poor state of provision for children with autistic spectrum disorders (ASDs). It draws attention to the poor provision some children with ASDs and their families receive from the education service. The Government is determined that all children with ASDs receive provision which meets their needs. But it does not believe that, building on the experience of these children and their families, it is fair to characterise the provision made generally for these children as being in a state of crisis. Such comments fail to take account of the complexity of autism and the inherent difficulties individual children with a developmental, social communication disorder can present to a school system. They also fail to recognise the efforts across the country which have been made over the last decade to improve provision for children with ASDs, numbering some 39,000 with statements or at *School Action Plus* as identified by the January 2006 Annual Schools Census.
62. The Government believes that one of the ways to address the difficulties in provision identified for some children with ASDs is through continuing close partnership working with the NAS and others. This partnership approach is illustrated by the support being provided by the DfES through the Children, Young People and Families Grant to the TreeHouse Trust (now incorporating the Parents' Autism Campaign for Education (PACE)) to pilot ideas from the PACE Parents' Handbook *Constructive Campaigning for Autism Services*. Working with up to ten groups of parents engaged in campaigning for better services in their local areas for children with autism the pilot will run from 2006 to 2009. We will seek to build on the lessons learnt from this initiative to promote constructive partnership between parents and local authorities.
63. We will also want to build on the considerable amount of work the DfES-funded Regional Partnerships have done since they were established in January 1999. For example, in considering action under the Inclusion Development Programme to improve the workforce's understanding and skills in meeting the needs of children with ASDs we will take account of the recently published ASD training framework from the West Midlands Regional Partnership.
64. We will continue to work with the DfES convened Autism Working Group, on which the NAS, TreeHouse, the West Midlands Partnership

and others are represented, to consider further ways of improving schools' and early years settings' capacity to provide effectively for children with autism. The Working Group developed the Good Practice Guidance on ASDs which the DfES and the Department of Health published in 2002. Some 32,000 copies have been distributed on demand. We will consider with the Working Group what can be done to further promote use of the Guidance. And we will take up the recommendation made by the NAS in its *make school make sense* report and develop a pack for teachers on making effective provision for children with ASDs.

## Conclusion

65. The provision of services for children with special educational needs is one of the most important challenges for local authorities, schools and their partners. The Select Committee has recognised this and rightly highlighted the need for improvements.
66. The Government agrees that there is more to do but is concerned that a major review of SEN policy and radical change to the present statutory framework for SEN at the present time would not be helpful and lead to prolonged uncertainty.
67. Through the *Every Child Matters* change programme, a national framework with local flexibility is being developed with a key aim of improving outcomes for vulnerable groups, including children with SEN and/or disabilities. A long-term programme to build the capacity of the system to meet the needs of these children is being taken forward through *Removing Barriers to Achievement*. We expect to see significant improvements in services for children with SEN and/or disabilities in the coming years as local authorities develop their local change programmes within this national framework and further progress is made in implementing *Removing Barriers to Achievement*.
68. This section describes the action we will take in the next phase of *Removing Barriers to Achievement*. We are focusing in particular on developing the skills of teachers and those who work in schools as we share the Select Committee's view that a well trained workforce is vital in improving outcomes for children with SEN and/or disabilities. We are mainstreaming the delivery of much of this training through the National Strategies. We are also strengthening the arrangements for coordinating the provision of education for children with SEN and/or disabilities and the training for those undertaking the role.
69. We are encouraging local authorities to continue to develop a flexible range of local provision to meet children's needs, including specially resourced provision in or attached to mainstream schools and special schools. And we will continue to support the development of the outreach role of special schools to promote better collaboration between special and mainstream schools. New guidelines will be issued on the

organisation of provision for children with special educational needs emphasising the importance of ensuring that appropriate alternative provision is in place before school closures take place.

70. And we will improve the availability of data on children's achievements and the support and challenge offered to schools so that they can identify those children who are not achieving as they well as they could and take action to improve their performance.
71. The priorities set out in this section build on the progress already made in taking forward *Removing Barriers to Achievement*. They demonstrate the Government's commitment to long term and sustained action to improve outcomes for children with SEN and/or disabilities. We will keep our progress under review and in the light of advice from Her Majesty's Chief Inspector in 2009/10 we will decide what further action we need to take.



## **Section 4: Responses to individual recommendations**

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**NB: Paragraph numbering reflects paragraph numbers in the *Conclusions and Recommendations* section of the Select Committee's report (paragraph numbers in brackets refer to those in the main body of their report)**

### **A completely fresh look at SEN?**

8. *The Committee believes this is a critical time to be publishing the results of our inquiry. We would urge the Government to give most careful thought to our recommendations and consider a completely fresh look at SEN. We look forward to constructive and vital progress for children with SEN and disabilities. (Paragraph 32)*

### **See Section 1 for the response to this recommendation**

#### **Government policy on SEN**

9. *It is important... that social deprivation is not seen as the only and automatic benchmark for addressing SEN issues. (Paragraph 36)*
10. *There is, however, a strong correlation between social deprivation and SEN that deserves careful consideration by the Government. SEN policy should explicitly address these overlapping sets of needs where they occur. (Paragraph 37)*

The Government accepts that there is a correlation between social deprivation and SEN and the funding of local authorities for education already recognises the link between them. Careful consideration was given to this in developing the funding formula first used in 2003-04. Funding for high cost pupils, including those with statements, is based partly on population, partly on income support and partly on low birth weight. Funding for other pupils with additional needs, which will include many pupils without statements, is based on income support and working families tax credit. The main source of funding for school budgets is now the Dedicated Schools Grant, which was introduced in April 2006. The starting point for DSG allocations this year is each local authority's spending on schools in 2005-06. As this spending was closely related to the funding formula in operation in that year, the distribution of DSG has continued to reflect the deprivation indicators described above. Funding arrangements are currently being reviewed for the period beginning in 2008-09.

However, as the Committee also recognises, special educational needs exist across the spectrum of social classes and that some SEN defy an easy correlation with social deprivation. There are considerable variations between local authorities in the percentage of pupils identified as having SEN, varying from 10% to 30%. The percentage of pupils with statements of SEN also varies by a factor of almost five to one – from 1% to 4.8%. But when children being supported at

*School Action Plus* and with statements are considered together there is less variation, showing that children with more complex needs are distributed across all areas, with slightly greater concentrations in areas of higher socio-economic deprivation.

SEN and social deprivation need to be seen in the context of the full range of the Government's policies for children. These wider policies are designed to reduce inequalities and improve outcomes. Alongside these policies, the statutory framework for SEN is designed specifically to ensure that children's needs are identified and assessed individually and that appropriate provision is made to meet those needs, whether a child is socially deprived or disadvantaged or not.

Where the families of children with SEN and disabilities are socially deprived support should, of course, be given to help them. Although financial support and benefits will not be a focus, the Treasury/DfES disabled children's review will consider the interrelationship between poverty and service delivery needs.

12. *Children with Autism Spectrum Disorder (ASD), and social, emotional or behavioural difficulties (SEBD) provide an excellent example of where the old Warnock framework is out of date and where significant cracks exist in the system to the detriment of those who fall between them. Far more important, however, is the frustration and upset caused to parents and families by the failure of the system to meet the needs of these children. This needs most urgent resolution. (Paragraph 43)*

The Government would not agree that, no matter how important it is in itself, any frustration and upset caused to parents and families is far more important than a failure of the system to meet children's needs. However, while we want to improve parents' experience of the 'SEN system' wherever possible and to ensure that all children's needs are properly met, there is no evidence of a widespread failure to meet the needs of children with autistic spectrum disorders or those with social, emotional or behavioural difficulties.

The rise in the number of appeals registered with the SEN and Disability Tribunal in relation to autistic spectrum disorders is often cited as an indication that the system is not working for these children. And the fact that these ASD registrations are now larger than for any other type of SEN is a matter of concern. However, this needs to be kept in perspective. There has been a large rise in the numbers of children identified with ASDs over the last decade or so. The Annual Schools Census shows that at January 2006 there were 39,140 children with ASDs as their primary SEN either with statements (29,620) or at School Action (9,520). In 04/05 761 appeals were registered with Tribunal on ASD cases. Of these, 338 were withdrawn, 107 were cancelled and 264 were decided of which 35 were dismissed and 11 were struck out. The rest, 218, were upheld in part or completely. While appealing to

the Tribunal is not the only measure of parental concern or failures of the system, such figures give little basis for the view that provision is routinely failing children with ASDs.

This is not to deny, of course, that a significant number of parents are unhappy with the provision that is made for their children with ASDs. Previous reports from The National Autistic Society (NAS) (2000) and Brunel University (2005) had suggested that around 70% of parents were satisfied with the education their children were receiving, although many felt they had to fight to get what they want. This leaves some 30% who are not satisfied and the more recent report from The National Autistic Society's *Autism and education: the reality for families today/ make school make sense* highlights the concerns that some parents continue to have. The Government aims to ensure that all children with ASDs have access to good quality provision and will continue to work with the NAS and others to achieve further improvements.

14. *The continuing correlation between children with SEN and exclusions, low attainment, not being in education, employment or training (NEET), and even youth crime, means that there are significant long term economic and social costs involved in failing children with SEN. The personal cost to families of children with SEN should also be considered. (Paragraph 49)*
15. *There are considerable costs involved in failing to meet the needs of large numbers of children with SEN. Moreover, the Government has a responsibility to provide high-quality education for all children to enable them to reach their potential. (Paragraph 54)*

Poor outcomes for children and young people with SEN, including those with Autistic Spectrum Disorders or Behavioural, Emotional and Social Difficulties, do lead to long term economic and social costs and of major concern is the effect on the young people themselves and their families. Preventing these poor outcomes is dependent to a large extent on improving the identification of SEN and the provision to meet children and young people's needs. The Government believes that this objective is best achieved by implementing its SEN strategy *Removing Barriers to Achievement* to build capacity throughout the system to identify children's needs as quickly as possible, make appropriate provision to meet those needs, support parents and families and through its policies to improve the range of opportunities for young people with SEN and/or disabilities from 14 onwards and the transitions young people make to adult life.

16. *The Government's changing definition of inclusion is causing confusion. If it is going to continue to use this term in key policy documents such as the SEN Strategy, the Government should work harder to define exactly what it means by inclusion. This Committee supports the principle of educators pursuing an ethos that fully includes all children*

*– including those with SEN and disabilities – in the setting or settings that best meets their needs and helps them achieve their potential, preferably a good school within their local community. (Paragraph 64)*

22. *What is urgently needed is for the Government to clarify its position on SEN – specifically on inclusion – and to provide national strategic direction for the future. The Government needs to provide a clear overarching strategy for SEN and disability policy. It needs to provide a vision for the future that everyone involved in SEN can purposefully work towards. (Paragraph 86)*
23. *Seeking change through evolution not revolution is one thing, but changing a key policy focus and hoping to tie it back in to a particular reading of the existing SEN Strategy is not acceptable. The Government should be up-front about its change of direction on SEN policy and the inclusion agenda, if this is indeed the case, and should reflect this in updated statutory and non-statutory guidance to the sector. (Paragraph 87)*

### **Section 3 responds to these recommendations**

27. *There is a great deal of work still to do to pull together the disability and SEN agendas and legislation. The Government should be prioritising this important work. (Paragraph 100)*
28. *In light of evidence from witnesses that in many schools there is a significant lack of understanding of their duties under the Disability Discrimination Act and a failure to implement the Disability Equality Duty fully, we await improved and more specific guidance from the DfES which is due to be published shortly. Guidance should pay particular attention to ensuring that all teachers and staff have an appropriate awareness of their duties and that this is not left to a single disability officer within schools. (Paragraph 111)*
44. *All local authorities and schools should embrace the opportunity presented by the new Disability Equality Duty to ensure that they promote and provide a positive environment for children with SEN, both now and in the future. (Paragraph 179)*

Local authorities' and schools' duties under the Education Act 1996 and the Disability Discrimination Acts were designed to dovetail with each other, reflecting the fact that many children with SEN are also disabled under the terms of the Disability Discrimination Act 1995. The SEN framework makes additional or different provision to meet individual pupils' special educational needs while the disability framework provides protection from discrimination on the grounds of disability and promotes planning to widen access to education for disabled pupils over time. Schools and LEAs are not required, as part of the disability duties, to provide auxiliary aids and services for individual pupils since these are covered by the SEN framework. However, in practice,

schools and local authorities do not isolate the duties from each other; they work with all the duties together to support disabled pupils.

The Government is prioritising effective working of the statutory frameworks for SEN and disability. To fulfil the commitment in *Removing Barriers to Achievement* to develop resources to increase awareness and understanding of the DDA duties, the Department, together with the Council for Disabled Children, the Institute of Education at the University of London, Disability Equality in Education and Redweather Ltd, produced *Implementing the Disability Discrimination Act in Schools and Early Years Settings*. The resource comprises:

- An explanation of the DDA duties and their relationship to the statutory SEN framework
- a DVD resource filmed in over 40 schools – illustrating how schools have made reasonable adjustments to prevent discrimination against disabled pupils and increase their access to education; plus supporting written materials
- templates and frameworks for schools and local authorities to use in reviewing and revising their statutory accessibility plans and strategies
- guidance for local authorities on increasing access to early years settings for very young disabled children.

The materials were produced with and for local authorities and schools. They provide a clear explanation of the DDA duties and illustrate ways of putting them into practice based on the experiences of schools and local authorities. DVD material covers a range of schools and includes examples of special schools working with mainstream schools. A series of dissemination events has been held for schools, local authorities and other agencies who work with them and feedback has been very positive.

The Disability Equality Duty does not come into force until December 2006 for local authorities and secondary schools; it comes into force in primary and special schools in 2007. Ahead of that, at the dissemination events the Disability Rights Commission (DRC) spoke about the duties schools and local authorities will have under the Disability Equality Duty and the supporting statutory and non statutory guidance they are providing for public bodies. We are also working with the DRC to provide guidance for schools on the new duties schools will have under the Disability Equality Duty – to be ready in the Autumn.

13. *SEN policy continues to operate a separate system for special educational needs (SEN) and, as a result, SEN continues to be sidelined away from the mainstream agenda in education. This must not continue. The Government needs to give greater priority to SEN and take full account of its need to have a central position in education. (Paragraph 48)*

75. *In identifying the five Every Child Matters outcomes – being healthy, staying safe, enjoying and achieving, making a positive contribution to society, and achieving economic well being – the Government is beginning to broaden out its focus away from just the standards agenda. We are still a long way, however, from SEN and the achievement of the five outcomes playing a central role in mainstream education policy. This Committee recommends that SEN is prioritised, recognised as being in the centre of mainstream education policy and radically improved. (Paragraph 287)*

The Government has given priority to SEN throughout its term of office. A Green Paper on SEN was published in October 1997; a Programme of Action followed in 1998. The SEN and Disability Act in 2001 strengthened the law on SEN and brought the provision of education within the Disability Discrimination Act, and, at the same time, the Government published an updated SEN Code of Practice. And in 2004 the Government published the ten year SEN strategy *Removing Barriers to Achievement*. Much progress has been made on implementing the strategy and the Government is taking further action to build capacity within the system to meet children's needs over the next phase of the strategy.

Alongside this particular focus on SEN, the Government has made meeting the needs of children and their families who require coordinated support if they are not to be at risk of social exclusion a cornerstone of its overall children's policies. The *Every Child Matters* programme places the development of Children's Trusts at the centre of making integrated provision designed to meet the range of children's needs; the National Service Framework for Children, Young People and Maternity Services sets standards for services for children; and the Youth Green Paper prioritises improved information, advice and guidance for young people which takes account of the severity and complexity of some young people's needs. SEN and disability policy, with its long-standing focus on the individual child's needs and personalising provision and the importance of agencies working together to meet those needs, is at the very centre of the Government's policies.

The Every Child Matters (ECM) Outcomes Framework signals overall priorities for developing children's services. It lists aims to underpin the five outcomes, performance indicators for measuring the outcomes, and key judgements used by inspectors to assess the contribution services make in improving these outcomes.

In 2004, the Department established a National Performance Framework (NPF) for special educational needs. The aim of the NPF is to give local authorities easy access to a variety of data sets and indicators of SEN to support monitoring self-review and development. The data in the framework draws from a number of sources including the Annual Schools Census, National Performance Data, the SEN and Disability

Tribunal and the Audit Commission. Data is organised in four categories: contextual information, inclusion data, pupil outcome data and service delivery data.

Beginning this autumn the Department is mounting a series of training sessions for all local authorities on the content and analytical facilities offered by the NPF. The aim is to encourage wider use of the framework, more rigorous monitoring of local targets and more rigorous self-review. This should help to inform local authorities' self-evaluation and support improved local performance.

## **Section 2 also responds to these recommendations**

### **Assessments and statements**

26. *There is an inbuilt conflict of interest in that it is the duty of the local authority both to assess the needs of the child and to arrange provision to meet those needs, and all within a limited resource. The link must be broken between assessment and funding of provision. (Paragraph 99)*
37. *We consider... that assessment of SEN should not be made directly by the bodies that fund the provision, and any revision of the system overall should take this principle on board. (Paragraph 161)*

## **Section 1 responds to these recommendations**

34. *The Government needs to give local authorities clear national guidance on when to issue statements of SEN. (Paragraph 153)*

The Government has issued the SEN Code of Practice which gives statutory guidance to schools, local authorities and others. It sets out a graduated approach to meeting children's needs including general guidance on moving between the provision made at School Action, School Action Plus and through SEN statements.

It is difficult to go beyond this general guidance and become more prescriptive as this recommendation proposes. The Department commissioned work at the time the Code was being prepared in 2001 on thresholds for making various levels of provision, including thresholds for issuing statements. This work was partially reflected in the SEN Toolkit. But following consultation it was felt that the Department could not go further because more prescriptive guidance from the centre would not sensibly take account of local variation. Whilst the Government wishes to see greater consistency of approach to SEN across local authorities it recognises that there can be perfectly valid reasons why a child might receive a statement in one area and not in another. For example, in one area the SEN expertise contained in schools and local SEN arrangements may be such that a child's are met without requiring a statement, whereas in another area where SEN provision has not



been developed in this way the child may require a statement. *Removing Barriers to Achievement* set out a programme to spread best practice and promote consistency but no prescriptive central guidance could take proper account of these local variations.

35. *We recommend that there should be an absolute deadline that a decision on whether to issue statement in respect of any child should be made within the required 26 weeks (six months) of a written request being made with no exceptions. (Paragraph 154)*

**Section 1 responds to this recommendation.**

36. *Whilst recognising that it would require significant changes to the existing system, we recommend that the DfES consider how to make statements of SEN transferable between local authorities so that they can follow the child. We believe this would reduce administrative costs, allowing more resources to be devoted to SEN provision, and, more importantly, would prioritise the needs of the child, (Paragraph 156)*
63. *The fundamental problems in the statementing process that prevent funding from following the child should be resolved as a matter of urgency. (Paragraph 249)*

The purpose of the statements process is to ensure that children with more severe and complex needs are assessed individually and that suitable provision is made to meet their individual needs.

Where necessary, local authorities have duties to assess children's SEN, to draw up statements setting out children's individual needs and the provision to meet those needs and a duty to arrange the educational provision set out on the statement, making funding available so that that provision can be made. Funding should be available to meet the individual needs of a child with a statement wherever they are placed and local authorities have a duty to ensure that the educational provision set out in a statement is made with the funding they make available.

The transfer of statements when a child moves is an issue which the Select Committee on Defence has also raised. There is already a statutory process for the transfer of statements governed by the SEN Regulations and explained in paragraphs 8:113 to 8:115 of the SEN Code of Practice. The Code explains that where a child moves from one authority to another the old authority must transfer the statement to the new authority which, in turn, must tell the parents within six weeks of the date of transfer when they will review the statement and whether they propose to re-assess the child. Until such time as the new authority amends the statement they are under a statutory duty to arrange the educational provision set out on the statement, subject to having to make a temporary placement in a new school if the school named on the statement is now too far away from the child's new home.

39. *The lack of a ready-made alternative is not a good enough reason to keep a failing system of statementing. If SEN was given sufficient priority this would not be allowed to continue. It is the responsibility of Government to devise better processes for SEN – not necessarily in one statement – and to implement them. This should involve the early identification and assessment of needs, efficient and equitable allocation of resources, and the appropriate placement of pupils based on their needs and taking account of parental preference. We request a specific response from the Government on this issue. (Paragraph 163)*

The Government is happy to consider different approaches to meeting children's SEN, in particular the new Scottish approach following the Additional Support for Learning Act 2004, although it is too early, as yet, to assess how those arrangements are working. The Government is always thinking about ways to improve provision for children, including children with SEN and disabilities. The SEN and Disability Act 2001 and the revised Code of Practice brought about amendments to the SEN processes.

However, we do not think there are readily identifiable changes which would improve on the current system. Any system, within what will always be finite resources, has to meet the generality of children's SEN while also having a route through which extra resources can be made available for children whose severe and complex needs cannot be met from the normal resources available to schools. We believe the graduated approach recommended by the SEN Code of Practice sets out a system for achieving these ends. It also promotes early identification and assessment of needs, provision which meets children's individual needs and a role for parents in deciding the educational provision for their children, with appropriate appeal arrangements, in the case of children with statements.

## **Section 1 also responds to this recommendation**

### **Admissions and parental choice**

40. *Where good practice exists in local authorities the level of parental satisfaction improves greatly. A National Framework of guidance should be put in place based on best practice of local authorities. It should ensure that: multi-agency panels make decisions regarding placement and are accountable for their decisions; parents are kept well-informed at all stages of the process and involved in the decision-making process as much as possible; and there is a wide range of appropriate high-quality provision available to meet the needs of children. There also needs to be much greater consideration given to support for parents of children with SEN who themselves may have SEN issues and require assistance in coming to considered decisions and views about their children's futures. (Paragraph 170)*

The Government supports the principle that parents should be involved in decisions about where their children should be placed and that those decisions should be informed by advice from professionals in different agencies. But what the Select Committee is suggesting seems to be a dilution of the rights parents already have. Currently local authorities have a conditional duty to name the maintained school that the parent requests in their child's statement and parents can also make representations for non-maintained or independent special schools. The recommendation seems to hand the decision over entirely to a multi-agency panel with parents merely being kept informed and involved in the decision-making process as much as possible.

Local authorities determine their detailed arrangements for making decisions about statements and placements and many already have multi-agency panels. But whatever those arrangements, parents have rights under SEN legislation to meet the authority on more than one occasion to discuss the contents of proposed statements and, of course, to appeal to the SEN and Disability Tribunal if they disagree with the educational sections of the final statement.

The Government is encouraging multi-agency input into decisions about meeting children's needs. The Children Act (2004) established a statutory duty on local partners (including Strategic Health Authorities and Primary Care Trusts) to cooperate to improve children's well-being. Subsequently, statutory guidance on inter-agency cooperation and the Children and Young People's Plan gave more detail on what this should entail. In addition, the Department published a multi-agency toolkit offering practical advice and case studies. These are explicit about the need for joint assessments of need, planning and commissioning arrangements and for clear lines of accountability.

The Government is also encouraging the development of a range of local provision to meet children's needs.

45. *The Government should give careful consideration to the impact that key drivers such as league tables are having on admissions – particularly to the most successful non-selective state schools. There is strong evidence that the existing presentation of performance data in league tables does not reflect well on many children with SEN and consequently acts as a disincentive for some schools to accept them. This cannot continue. (paragraph 182)*

The Government is aware of the concerns that have been expressed about the effect of Achievement and Attainment Tables on schools' willingness to accept children with SEN. However we have no evidence that this is the case. Schools are under a statutory duty to accept children whose statements name them. In the case of children with SEN but without statements, research the Department commissioned from the National Foundation for Educational Research found that

there was no evidence that these children were disadvantaged in the normal admissions round.

We have long recognised that factors outside a school's control can affect schools' results. Now that good quality pupil level characteristic data is available, we have developed a more sophisticated value added (VA) methodology which takes account of factors other than just prior attainment. This is referred to as Contextual Value Added (CVA). In January 2006 we published the results of 430 schools in the *2005 Key Stage 4 Contextual Value Added (CVA) Pilot Tables* and Key Stage 2 to 4 CVA will be used in the AAT from 2006. Key Stage 1 to 2 and Key Stage 2 to 3 CVA will follow a year later.

Value Added measures are increasingly being viewed as the most important indicator of school effectiveness. They measure the progress made by pupils from one stage of their education to the next and do not exclude pupils below a particular threshold. Until now, Value Added in the Achievement and Attainment Tables measures the progress of pupils from one key stage to the next and is based solely on pupils' prior attainment.

The CVA methodology takes account of: SEN; prior attainment; gender; ethnicity; age in year; first language; pupil mobility; whether a pupil is or has been in care; Free School Meals (FSM) and a rating from the Income Deprivation Affecting Children Index (IDACI). CVA presents a much fairer indication of how a school performs compared to other schools with similar intakes of pupils. Schools with high proportions of SEN pupils welcome this change. It will reward those who do well with such pupils and hold those who do not to better account.

46. *The Government should do more to encourage the most successful non-selective state schools to take their fair share of children with SEN and disabilities. Admissions policies in this matter should be carefully monitored with a requirement to report back on progress to Parliament and to this Select Committee. Furthermore, the Government should ensure the protocol for hard to place children makes specific reference to children with SEN and disabilities. (Paragraph 183)*

The Government shares the aims of this recommendation. Although research published by the National Foundation for Educational Research in 2005 found no evidence that children with SEN are being discriminated against within the mainstream admissions process, we want to do more to promote fair access. The revised School Admissions Code was published for consultation on 8 September and subject to approval by Parliament will be in force in February 2007. The Code, which all admission authorities will have to act in accordance with, makes it clear that children with SEN and disabilities, but without statements, must be treated the same as other applicants and must not be treated less favourably. It reminds admission authorities about their duties under the Disability Discrimination Acts and makes clear that

it is not enough for them not to discriminate against a disabled child, they must actively promote equality of opportunity for disabled children.

Admission forums will be required in regulations to monitor admissions to ensure they are fair for all sectors of the local community, including children with SEN and disabilities. Where a forum finds that a school's admission arrangements are in any way unfair on children with SEN or disabilities, they will be able to object to the Schools Adjudicator about those arrangements. Forums are also expected to advise admission authorities on how they might improve their arrangements to promote the admission of these children. If the admission authorities do not take on board that advice, the Forum may object to the Schools Adjudicator.

The Code on Admissions will make specific reference to pupils with SEN and disabilities in relation to protocols for hard to place pupils.

47. *Where a special school is sought by a parent this must be given proper consideration. Where a mainstream school is sought by a parent, a local authority must consider whether reasonable adjustments could be made to ensure that their admission could be made compatible with the efficient education of other children in the school. (Paragraph 192)*

The law provides for this. Where parents request that a maintained special school is named on their children's statements local authorities are under a statutory duty to name that special school as long as the school is suitable for the child's age, ability or aptitude or the child's SEN and attendance at the school is compatible with the efficient education of the other children there and with the efficient use of resources. Parents can also make representations for non-maintained or independent special schools and local authorities must consider those representations.

If the parent asks for a maintained mainstream school the local authority is under the same conditional duty to name the school. If a maintained school is named on a statement the school is under a duty to accept the child and, under the Disability Discrimination Act, to make reasonable adjustments to prevent discrimination against the child. In the consultation which takes place before naming a school, in order for the school to argue that it should not be named because doing so would be incompatible with the efficient education of other children, the school would have to prove that there were no reasonable adjustments which could be made to prevent that incompatibility. In deciding whether naming the school would be compatible with the efficient use of resources the local authority would have to decide whether any adjustments needed at the school could be achieved within reasonable cost. Where parents ask for mainstream education for their child rather than a particular school the same considerations would apply when the local authority is in discussion with a particular mainstream school where the child might be placed.

48. *We recommend that in the new Code of Practice on School Admissions, children with SEN and disabilities should be given explicit priority in over-subscription criteria. (Paragraph 193)*

It is not necessary to give explicit priority to children with SEN and statements, as schools are required to admit a child with a statement naming the school, even if the school is full. The Government does not believe that there would be any benefit to children with SEN and disabilities without statements by giving them explicit priority. At present, the admissions system is blind to whether a child has SEN but without a statement, which ensures that these children are treated no less favourably than other children. The Code on Admissions (out for consultation) explicitly rules out the use of oversubscription criteria that would discriminate against or disadvantage children with SEN and/or disabilities.

53. *Local authorities should monitor admission of children with SEN to schools in their area, including academies and trust schools in England, and report publicly on this each year. (Paragraph 208)*

Subject to the passage of the Education and Inspections Bill, Admission forums will be required in regulations to monitor admissions to ensure they are fair for all sectors of the local community, including children with SEN and disabilities. Forums will have the power to produce an annual report on admissions in their area and to provide their reports every two years to the Schools Commissioner.

49. *There is a great deal more that could be done to increase involvement from parents: to seek their views and understand their choices more carefully, to work in partnership with them as much as possible, and to ensure they are fully informed at all stages of the process. Careful consideration should be given to parent-partnership schemes being funded independently of local authorities being trialled on a pilot basis. The system should not have to rely on an appeals process to achieve fair access for children with SEN. (Paragraph 194)*

The Government is ensuring, subject to the passage of the Education and Inspections Bill, that local authorities provide better advice to parents about the choice of school for their child. Local authorities will be providing access for parents to Choice Advisers who will be able to help them make fully informed decisions. Choice Advisers will be fully trained to enable them to provide the advice that parents need and this will include training on special educational needs and disability legislation. Choice Advisers will be expected to draw on the expertise of local SEN Parent Partnership Services.

### **Section 3 also responds to this recommendation**

50. *The Government should work with local authorities and schools to raise the level of detailed understanding amongst parents of the implications of disability rights in education. (Paragraph 195)*

The DfES funds the National Parent Partnership Network at the National Children's Bureau and supports its activities. Awareness raising events and training days have been held by the Network for local Parent Partnership officers to explain the Disability Discrimination Act duties and parents' rights of appeal. This is in addition to the work that local authorities are doing in their areas. Information about the Disability Discrimination Acts also appears on the DfES websites.

Consultation with parents by schools and local authorities in the development of their access plans and strategies and the involvement of disabled people and the parents of disabled children in the development of their Disability Equality Schemes will help to increase parents understanding of disability rights in education.

52. *To guard against the possibility that Academies could discriminate against children with SEN this Committee recommends that the Government take the relatively simple step of changing the funding agreement so as to put Academies on the same legal footing as all other schools with regard to children with SEN. (Paragraph 207)*

Academies cannot discriminate against disabled children or children with SEN. They are covered by the Disability Discrimination Act like other schools and the Academies model funding agreement is designed to mirror the SEN requirements that apply to maintained schools as far as possible. Academies must and do take children with statements where they are appropriately named on the child's statement.

Parents can make representations for a place at an Academy and the model funding agreement requires that Academies must consent to be named and admit the child unless to do so would be 'incompatible with the provision of efficient education for other children and no reasonable steps may be made to secure compatibility'. This position tracks the requirement on maintained schools set out in sections 316/316A of the 1996 Education Act.

If the Academy believes that it would not be possible to meet a child's needs alongside those of other children being educated at the Academy (i.e. the 'compatibility' criterion as outlined above), then it would make this clear to the LA and submit evidence to this effect during the consultation period. The LA would then take a view as to whether or not they concurred with the evidence submitted, and whether or not further support could be made available to ensure 'compatibility'. Discussions would then continue until a conclusion was reached.

To facilitate timely and satisfactory decisions being made at a local level about the naming of an Academy in a child's statement the Department has set up a free and voluntary dispute resolution service. In the vast majority of cases, Academies and local authorities successfully reach agreement locally as to whether or not the

Academy should be named in a particular statement of SEN. If no local agreement is reached, the Secretary of State can be asked to determine whether the Academy should be named in the statement before it is finalised.

Parents can also make an appeal to the SEN and Disability Tribunal where they wish their child to attend an Academy and the Academy has not been named in their statement. Although highly unlikely, should an Academy refuse to admit a child following a Tribunal ruling and seek support for their position Ministers have publicly stated that they cannot foresee circumstances where it would be appropriate for the Secretary of State to do other than direct the Academy to admit the child. We have made this explicit in guidance to Academies, local authorities and parents.

The evidence is that Academies take their responsibilities towards children with SEN very seriously. Academies on average admit more pupils with SEN (both with and without statements) than their predecessor schools and secondary schools in England.

## **SEN and disability appeals**

54. *Parents must have the right to appeal against decisions made regarding the education of their children. All parents and legal guardians must have equal access to the appeals process. Evidence suggests this is not the case at present. The Government is responsible for ensuring steps are taken to guarantee equal access to an appeals process for all parents and guardians; in doing so it should give particular attention to the access of parents from low socio-economic backgrounds, parents with SEN themselves, and the fair representation of looked-after children. The Government should start to collect data on the background of parents at tribunal, and on expenditure in relation to outcome. (Paragraph 220)*

The Government has guaranteed equal access to an appeals process for parents/guardians. The Special Educational Needs and Disability Tribunal (SENDIST) was established to handle SEN appeals and claims of disability discrimination. There are no direct costs in appealing to the Tribunal. The service is free and the Tribunal reimburses parents and their witnesses for travel expenses. Witnesses can also receive a standard allowance towards loss of earnings.

SENDIST aims to provide an accessible, supportive and helpful service to parents of children with special educational needs and to avoid formality in its proceedings as much as possible. Many parents do need help making and pursuing an appeal to SENDIST and the Tribunal provides details of some organisations that can help parents appear in their appeal booklet. It also provides information in a range of accessible formats, including Braille and large print, tape and video. The video seeks to dispel any notion that parents are coming



to a court, and reassure them that the panel will guide them through the process.

Although there are no data on the socio-economic backgrounds of parents appealing to SENDIST, its annual report includes a breakdown of appeals by local authority. There does not appear to be any clear link to economic circumstance between the local authorities with relatively high and relatively low levels of appeals.

The Tribunal's annual report for 2004/05 shows that nearly two thirds of all appeals were either conceded by LEAs or withdrawn by parents. The Tribunal has indicated that the great majority of withdrawals arise because parents are satisfied with their LEA's response to their appeals. A majority of the remaining 35 per cent of appeals resolved by tribunals were at least partly upheld.

In 2004/05 the Tribunal upheld 58 per cent of appeals against LEA refusals to carry out statutory assessments. In cases involving the contents of statements 87 per cent of appeals were upheld at least in part – that is, the resulting statements included some if not all of the provision parents were seeking. Given that only a quarter of parents retain a lawyer for the hearings, the high proportion of appeals upheld or settled in advance in favour of parents indicates that legal representation is not required for parents to be successful in their appeals.

Decisions about collecting further data on those using Tribunals are for the Tribunals Service itself.

57. *The Government should review whether SEN appeals should be part of a broader education appeal process as part of a strategy to reduce reliance on a separate system for SEN. (Paragraph 227)*

The Government is unsure of the intention behind the Committee's recommendation; whether it is suggesting that the appeal process be opened up to encompass children other than those with SEN or a reduction in reliance on SEN appeals as a means of resolving differences between parents and local authorities or both.

The Government does not see the case for extending appeals to other groups. The SEN and Disability Tribunal was established specifically for hearing SEN appeals (and disability discrimination claims) so that there can be a focus on children's individual needs and an independent route for parents to challenge the decisions of their local authority or school (in the case of disability claims). There are other mechanisms in place to help reduce reliance on appeals. The Dispute Resolution Arrangements which local authorities were obliged by law to establish following the Special Educational Needs and Disability Act 2001 provide an independent means of resolving disagreements with the local authority or the child's school on an SEN matter without recourse

to the Tribunal but also without the loss of any rights of appeal. The Government will evaluate the SEN Dispute Resolution Arrangements during the next year.

### **Planning role for local authorities – national framework with flexible provision**

43. *Local authorities must be allowed to continue to plan provision at the local level to meet need but this should be within guidance of a clear National Framework linked to minimum standards to ensure consistency of outcomes for children with SEN. (Paragraph 178)*
64. *The Government needs to develop an approach to SEN that is based on pupil-centred provision. This would require: a national framework linked to minimum standards; local flexibility within a national framework; a pupil-centred approach with SEN at the heart of personalisation; equipping the workforce (a major priority is to properly train and resource all staff); early intervention; partnership working; and a radical review of statementing. (Paragraph 252)*
65. *The Government need to take a lead and develop an overarching strategy for SEN in order to set minimum standards for children with SEN – whilst maintaining local decision-making powers – to give a clear lead on policy direction for the sector to follow. (Paragraph 255)*

Minimum standards could apply to individual children or children as a whole within a local authority's area. Either way the Government does not agree that this is the right way forward. For individual children the law and the SEN Code of Practice already requires a higher benchmark than minimum standards – that is that all children with SEN must have their educational needs properly identified and met. It would be impossible from the centre to set minimum standards which would cover every individual child and the complete range, complexity and combination of children's needs.

For children as a whole in an area, it would be difficult to define workable minimum standards which would necessarily have to apply in general to the range and quality of local provision. These are properly matters for elected local authorities to determine. It would not be appropriate for the Secretary of State, for example, to order local authorities to build more special schools where they had established through local discussion and consultation support from local schools and parents a range of resourced provision within or attached to mainstream schools and parents were happy with this. Nor would it be appropriate for him to set approaches and amounts of provision to meet different types of need.

The Government believes that in *Removing Barriers to Achievement* and associated guidance it has given a clear lead on policy direction for the sector. The Government will, however, issue guidance on the

local organisation of special educational provision to assist local decision making.

**Section 2 also responds to these recommendations.**

66. *We back the SEN Audit's recommendation that "there is currently a range of standards for provision and services (for example, within the SEN Code of Practice, Removing Barriers to Achievement, Ofsted, National Service Framework (Disabled Children), Every Child Matters and Quality Protects). The DfES should bring these together within a unitary framework that is accessible to all relevant providers."* (Paragraph 258)

While developing as much consistency as possible is a laudable aim and, indeed, the five outcomes of *Every Child Matters* set the aims for all children's provision, it has to be recognised that these documents have different purposes. The SEN Code of Practice is statutory guidance to schools, local authorities and others for making educational provision for children with SEN in particular. *Removing Barriers to Achievement* is a policy document setting out a programme for developments over the coming years rather than standards which apply now. Ofsted's Framework for the Inspection of Children's Services is designed to support inspectors in the job of inspecting children's services. The National Service Framework sets standards for the provision of health and social services and at the interface with education. It would be extremely difficult to bring this into one framework which met all these different purposes without making it so general that it failed to do so or so comprehensive that it became unworkable.

67. *The Minister assured us that "we (the Government) would look very carefully at anything you recommend to us in this area". This Committee adds its voice to the recommendations in the SEN Audit for the Government to introduce a "clearly articulated national framework, linked to quality standards". There is now wide consensus on the need for the Government to produce a national framework with local flexibility.* (Paragraph 259)
70. *We recommend that parents and children are given a clearly defined entitlement that is described in a (statutory) guidance framework that sets out the expectations that schools and other providers should meet in terms of a "provision map". One of the key benefits would be to ensure that every local authority maintains broad range of flexible provision – including special schools.* (Paragraph 267)
71. *The Government should provide much clearer guidance on minimum standards and implement a statutory requirement for local authorities to maintain a broad ranging and flexible continuum of provision which should then be monitored on a regular basis.* (Paragraph 268)

## **Section 2 responds to these recommendations**

61. *Local authorities should be required to maintain a proportion of SEN funding to resource specialist services and services to meet low-incidence needs. The Committee supports the recommendations made in the recent SEN Audit on low-incidence needs. (Paragraph 242)*
72. *Any national framework must allow for local flexibility. Local authorities must continue to have the capacity to plan and re-organise provision to meet the needs identified locally – including support, services and provision for low-incidence needs. (Paragraph 269)*
86. *We recommend that SEN regional partnerships are given increased and guaranteed funding for their role in planning provision for low-incidence SEN. (Paragraph 325)*

## **Section 3 responds to these recommendations**

87. *Local authorities should take action towards achieving the standards set out in the National Service Framework for children, young people and maternity services in respect of disabled children and speech and language therapy. (Paragraph 326)*

The National Service Framework for Children, Young People and Maternity Services 2004 (the NSF) is a 10 year strategy that, for the first time, sets standards for health, social care and education services. The Government has supported implementation of the NSF for disabled children through three documents published jointly by the DfES and the Department of Health:

- *A Guide to promote a shared understanding of managed local networks*: shows how linked groups of professionals and organisations, using clear governance arrangements, could come together from across health, social care and education to work in a coordinated way to deliver services for specific groups of children, such as those with complex disabilities, across specific geographical areas and organisational boundaries;
- *Commissioning Children's and Young People's Palliative Care Services*: is a practical guide for primary care trusts and practice-based commissioners and their partners on developing child and family-centred services for children and young people with life-limiting conditions; and,
- *Complex Disability Exemplar*: offers best practice guidance for professionals across all statutory and voluntary agencies. It illustrates how to provide coordinated care and support for children with a complex disability. Specific guidance has also been published on the delivery of services to children with

particular needs, such as autism and children on long-term ventilation.

The Government has commissioned further work to look at what actions are needed to support local implementation of the NSF standards for disabled children and young people and those with complex health needs.

## **Funding**

58. *The Government should radically increase funding for SEN in order to achieve a range of appropriate, high-quality provision across every local authority with a fully equipped and resourced workforce. The Committee hopes that the Treasury review of funding for children with complex needs, which we welcome, will provide an opportunity to do just this. (Paragraph 232)*

Substantial funds are already spent on SEN and expenditure has increased substantially in recent years. It is important that local authorities and schools get the best value for money out of this investment and improve outcomes for children. The Government will consider the deployment of funding for education when the present Comprehensive Spending Review has concluded.

59. *The Government should stop and think before further increasing the level of delegated funding to schools without other necessary conditions first being in place and without improved accountability for school spending. Delegated funding should enable more early intervention, in theory, but it needs to be implemented hand in hand with other key factors – a clearer national framework linked to minimum standards, a broad range of suitable provision, and a workforce that is fully equipped and resourced to identify and meet the needs of children with SEN. Without these other conditions in place further delegation of funding is a high-risk approach, particularly in light of evidence from Ofsted that some delegated funding to schools is not being spent on SEN. (Paragraph 236)*

The school funding regulations allow for delegated funding but also for central retention of funding for SEN (other than in special schools and units). It is a matter for local decision by authorities and their Schools Forum whether there should be greater delegation of funding. The Government does think that in general it makes for a more efficient and effective use of resources for schools to be able to make decisions about their precise deployment.

But we do not think that it is realistic to expect schools to keep detailed accounts of what they spend on particular pupils; or that it would be particularly valuable for them to do so. We collect material on school spending annually but this is about what items they spend money on (eg teachers, support staff) rather than which pupils or types of pupil they spend it on.

However, this does not mean there is no accountability for the way funds are spent. We expect schools to be accountable for the outcomes of all their pupils, including those with SEN.

**The accountability and improvement framework is described in detail in Section 3.**

60. *We believe there would be much merit in reserving part of central government's funding to encourage flexible access and cooperation between special and mainstream schools, the Minister himself having said in evidence that it was "crucial to see that money intended for SEN is spent on SEN". (Paragraph 237)*
41. *For many children with SEN and disabilities, special schools are invaluable. The issue should not be their closure but how to progress to a system based on a broad range of high quality, well resourced, flexible provision to meet the needs of all children. More schools should be positively encouraged to form federations including both mainstream and special schools. (Paragraph 171)*

The Government believes that collaboration between schools and other providers improves children's and young people's outcomes. Successful models of collaboration between schools have shown that all schools benefit from a wider range of teaching expertise and a shared commitment with other establishments to raise the quality of leadership, teaching and learning. All children, including those with special educational needs, are benefiting from this shared purpose, the dissemination of good practice and the efficiencies of shared services and resources.

The Government supports federations of schools, recognising that such formal collaborative arrangements have great potential to enhance the quality of teaching and extend learning opportunities for young people through schools sharing expertise and resources. Guidance is available with examples of federations which include both mainstream and special schools.

The DfES organised a series of road shows in February 2006, which promoted federation and collaborative working. The road shows provided the opportunity to hear from existing federations, such as the Darlington Village Federation, about how working collaboratively has benefited their schools and area. Other federations involve both mainstream and special schools including the West Sussex Federation, which operates with a single governing body and is a federation of two special schools, which work in loose partnership with one other mainstream school and the Waverley Consortium, Surrey, which is a collaborative of six schools – five mainstream schools and one special school.

However, the Government does not think that small specific grants to promote initiatives such as collaborative working are usually cost-effective: local authorities should be able to make their own decisions about spending money on collaboration. The regulations allow such funds to be held centrally.

Flexible access and cooperation between special and mainstream schools can certainly be achieved through shared use, or co-location, of facilities and buildings and this is already happening across the country, assisted by the Government's substantial capital investment programme, particularly from its larger-scale programmes such as the Targeted Capital Fund, the Private Finance Initiative, Building Schools for the Future and the new Primary Capital Programme. The Government always makes clear in the guidance for such programmes that special schools and facilities for children with SEN are eligible and a high priority. The Government does not, however, believe that reserved or ring-fenced capital funds would be more effective in encouraging such projects. Indeed, we have frequent representations from local government that ring-fencing of funds hinders effective joining up. We are satisfied that the current range of programmes, which have been developed in consultation with stakeholders, allows local authorities and schools the flexibility to join up capital funding from various sources to undertake such projects.

Collaboration between 14-19 providers will open up new opportunities for young people to move around the system to meet their needs. This has already been demonstrated through 14-19 pathfinders that have worked collaboratively with special schools and good practice from these areas is now being shared more widely. We are providing some pump prime funding to help meet the costs of getting collaboration going, although over time the costs of 14-19 provision will increasingly need to be met from mainstream funding. We have allocated £15m in 2006-07 and £14.5m in 2007-08 for local capacity building to local authorities to help meet these costs.

62. *Non-maintained and independent special schools (NMIS) provide invaluable provision for many pupils – including some children with low-incidence special needs. The Committee notes with some concern the rapid increases in expenditure on NMIS places in recent years. NMIS places must remain an essential component of a broad range of flexible provision within all local authorities but we recommend that fees for NMIS places should be monitored by the DfES. (Paragraph 244)*

The cost of placements at Non-maintained and Independent Schools is being monitored within the Department. Evidence gathered by the DfES Team of National SEN Advisers indicates that the majority of local authorities now have expenditure on out-area placements under control. They have been drawing on our guidance, *The management of SEN expenditure*, and have improved budget planning and control mechanisms.

Although planned expenditure on placements in NMSSs and independent schools (as reported in local authorities' financial returns (Section 52 planned expenditure 2006-07) continues to increase – up to £506m in 2006-07 – there has been a slowing in the year-on-year percentage increase – down from 27.45% three years ago to 5.35% this year.

The number of children placed out-area remains broadly static in many local authorities and some authorities have experienced a slight decline in the number of placements.

The DfES National SEN Advisers have already worked successfully to reduce costs, with a number of local authorities which had high annual expenditure on out-area provision. Together with Children's Services Advisers they will continue to focus efforts on challenging authorities with a significantly higher than average proportion of children placed out-area with significantly higher than average costs.

In some local authorities there continues to be scope for improving the way in which they relate commitments to expenditure and for improving strategic infrastructure planning. A number of Government Offices, together with their partners are seeking to develop regional commissioning arrangements which could in the longer term help to control costs.

There are also some 90 local authorities and a high proportion of non-maintained special schools, which are using the National Contract for the placement of children and young people in day and residential non-maintained and independent schools. The Contract which was developed by the National Association of Non-maintained and Independent Special Schools, the Regional Partnerships, individual local authorities, and the Association of Directors of Social Services, with the support of the Department of Health and the DfES, was launched in 2004. This was the first contract to link fee increases in NMSS to teacher pay awards.

There is evidence of success where local authorities have built on the National Contract to develop regional systems of collaboration and systems to challenge proposed fee increases. For example, 15 of the 18 authorities in the South East and South Central regions made savings last year based on the average fee increase for placements, compared to the national average increase.

73. *The Government should do a great deal more to enable greater flexibility at the school level. Funding arrangements for dual-placements and other sharing of facilities, specialist resources and expertise should not be a barrier. More needs to be done to enable children to attend both specialist and mainstream provision. To encourage and reward local authorities and schools to do so, Government should give more practical and financial incentives to cooperation, as the Minister indicated was their desire in evidence. (Paragraph 272)*



The Government already provides a framework for flexibility at school level. The school funding and the pupil registration regulations allow for dual placements, and the school funding regulations for locally determined weighting for pupils with SEN. In addition, the Further Education White Paper promotes, where appropriate, multi-site provision to meet young people's learning needs and the funding arrangements to support this. The DfES is not aware of anything in the framework that stops sharing of facilities and resources. We do not think that it should be necessary for the Government to give authorities and schools financial incentives to cooperation. This is a matter for local decision. Nor does the Government believe that small specific grants are usually cost-effective.

### **Personalisation and standards**

74. *Regardless of the theory, in practice the evidence clearly demonstrates that SEN and the raising attainment agenda sit very uncomfortably together at present. Furthermore, it is clear from the Education and Inspection Bill that the standards agenda still remains the much greater priority for the Government. It is the standards agenda, not SEN, that is at the heart of the existing personalisation agenda. As a result, it is difficult to see how personalisation can be the key to the Government's strategy on SEN as the Minister claims. Again, we recommend that the Government clarifies its strategy for SEN and gives SEN sufficient priority so that it might indeed sit at the heart of personalised learning as promised in the SEN strategy. (Paragraph 282)*
90. *To achieve real progress in terms of early intervention the Government needs to change the premise on which SEN is provided to one in which literally every child matters. This would mean a radically new approach to SEN provision where a system of assessment of learning and intervention takes place for every child on a spectrum of provision that can be geared up for children that require high levels of support. A swifter and more intelligent system of assessment is required. The Government should deliver on their promise to put SEN at the heart of the personalisation agenda. (Paragraph 336.)*

Raising standards and meeting children's SEN are not incompatible. They go together. The Government seeks better outcomes for all children. Schools should have high and realistic expectations for children with SEN as much as for other pupils and are expected to enable all pupils to make progress in their learning. As part of the school improvement cycle School Improvement Partners will provide support and challenge to schools in relation to how all pupils are achieving.

The Government agrees that children "exist on a broad continuum of needs and learning styles" and that they require early intervention to meet their individual needs. Through the National Strategies we are supporting schools to improve their use of assessment for learning:

ascertaining where each pupil is in their learning, giving quality feedback to promote further learning and planning the next steps with shared objectives. It requires a range of skills including: using data to plan learning; setting clear targets; providing oral and written feedback; having a clear understanding of subject progression; carefully framing questions, and involving pupils in peer and self assessment. Where assessment is used in this way, pupils can make more progress, because teaching is being tailored accurately to their needs. Some £990m is being provided to support personalisation up to 2008.

High quality assessment for learning will help teachers identify children who are having difficulty in their learning and enable early intervention to support them. It will also help teachers to decide which children need specialist assessment because they might have SEN, and provide information to inform that specialist assessment. The SEN Code of Practice with its graduated approach of identification, assessment and provision to meet children's individual learning needs already provides a structure through which this can be achieved for children with SEN and embodies a personalised approach to assessment and intervention.

The National Strategies have established a framework for developing personalized learning in early years settings and schools in consultation with a wide range of practitioners. The framework defines the essential ingredients that need to be in place in a small group, classroom, whole school or setting for personalized learning to be successful and to raise the achievement of all children, including those with SEN and/or disabilities.

### **Equipping the workforce**

30. *We recommend that the Government urgently address the feeling of both parents and teachers that there is inadequate training and resourcing for dealing with SEN children in mainstream classrooms. We would give the highest priority to the need to radically improve SEN and disability training in initial teacher training, induction, and in the continuing professional development of all staff. (Paragraph 133)*
77. *It is unrealistic to expect teachers and other members of the workforce to be able to meet the needs of children with SEN if they have not received appropriate training. Particular concerns have been raised with regard to both initial teacher training and continuing professional development for all staff. (Paragraph 294)*
89. *The Government should follow through the proposals of Every Child Matters to their logical conclusion and fully implement an assessment for learning for every child. The workforce must be equipped and resourced to achieve this. (Paragraph 336)*
81. *We recommend that the Government prioritises the training of its workforce (teachers, TAs, and early-years professionals), across a*

*broad range of provision, to equip them with the skills and support they need to effectively teach children with SEN. (Paragraph 316)*

82. *More specifically, we recommend that the Government fully implements its own strategic approach to training outlined in the SEN Strategy: putting into practice the “triangle of training needs” in order to achieve the proposed three tiers of specialism in every school; making SEN training a core, compulsory part of initial training for all teachers; and ensuring appropriate priority and quality of continuing professional development to equip all of the workforce. There is a broad consensus of agreement on these proposals and yet little progress has been made since 2004. This is not acceptable. (Paragraph 317)*
83. *The Government should make training and equipping its workforce a top priority and re-start its talks with the TDA on far more ambitious grounds. (Paragraph 318)*

### **Section 3 responds to these recommendations**

#### **Initial Teacher Training**

78. *One of the key issues is that the DfES have asked the Training and Development Agency (TDA) to develop optional modules within initial teacher training. Unless the intention is for these optional modules to be followed rapidly by assessment and then rolled out on a compulsory basis, this is unacceptable – particularly in light of the bold commitment to improve staff skills in the 2004 SEN Strategy. (Paragraph 299)*
79. *Based on evidence that demonstrates the level of need, and demand from teachers for training on SEN, SEN training should become a core, compulsory part of initial teacher training for all teachers. The Government should re-start negotiations with TDA on these grounds and in conjunction with the three-fold strategy of SEN training as part of initial teacher training, induction and continued professional development that we have advocated. (Paragraph 301)*

### **Section 3 responds to these recommendations**

#### **Continuous professional development**

80. *Professional expectations through the General Teaching Requirements are no replacement for training and equipping teachers. Teachers cannot be expected to properly fulfil requirements such as differentiating the curriculum for all children, including those with SEN, without receiving the appropriate training to enable them to do so. In some cases, this may require a detailed knowledge of child development psychology to equip them to do so to the greatest effect. Good quality, appropriate continuing professional development should be made available for all teachers and schools should be resourced to fund them. Compulsory*

*in-service training should include SEN if it is to be given sufficient priority in schools. (Paragraph 309)*

### **Section 3 responds to these recommendations**

#### **Special educational needs coordinators**

84. *Special educational needs coordinators (SENCOs) should in all cases be qualified teachers and in a senior management position in the school as recommended in the SEN Code of Practice. Firmer guidelines are required rather than the Government asking schools to “have regard to” the SEN Code of practice. The role and position of a SENCO must reflect the central priority that SEN should hold within schools. (Paragraph 322)*
85. *Special educational needs coordinators (SENCOs) should be given ongoing training opportunities to enable them to keep their knowledge up to date as well as sufficient non-teaching time to reflect the number of children with SEN in their school. These baseline standards for SENCOs to be given training both on and off the job should apply to all schools, including academies and trust schools. Schools should set out in their SEN policy action to ensure that all SENCOs are adequately monitored and supported in their vital roles. (Paragraph 323)*

### **Section 3 responds to these recommendations**

#### **Educational psychologists**

88. *The Government should re-consider how the new training route for educational psychologists is funded to ensure that a sufficient number and calibre of professionals are being supported in their training. The Government urgently needs to take additional steps to ensure that the shortfall of educational psychologists is not exacerbated in the two year transition period up to 2008. (Paragraph 330)*

Educational psychologists play an important role in assessing SEN and in helping to formulate support arrangements for children with a wide range of needs, including those with behavioural, emotional and social difficulties. The value of their contribution was confirmed by a recent independent study conducted by the School of Education, University of Manchester, published by DfES on 31 August. This looked at the distinctive contribution of EPs in the specific context of *Every Child Matters: Change for Children*.

Whilst, as noted by Select Committee, some funding uncertainties have arisen in the context of a move to a new pattern of entry training, discussions are still proceeding with regard to future funding arrangements. Given that EPs are employees of local, not central, government it would be inappropriate for the DfES to intervene in these discussions. We do not do so in the case of other groups of

employees. The local authority employers and relevant professional interests must arrive at arrangements which secure the supply of trained EPs to match anticipated vacancies.

### **Key transitions/post-16**

91. *In terms of both availability and quality, post-16 is currently failing to meet the needs of young people with SEN and disabilities. (Paragraph 344)*

The Learning and Skills Act (2000) gives the Learning and Skills Council (LSC) specific responsibility for helping young people and adults with learning difficulties/disabilities. The LSC must ensure that arrangements are in place for this group of learners to access suitable provision which meets their learning needs, and where appropriate, the additional support they require to undertake it.

The Government welcomes Peter Little's report "Through Inclusion to Excellence" into the planning and funding of provision for learners with learning difficulties and/or disabilities across the post-16 sector. This area remains a priority for the DfES and the LSC and we will be working with our partners to respond to the challenges and recommendations in the report. The LSC funds 579,000 learners with learning difficulties and/or disabilities which accounts for around £1.3 billion. Continuing investment in this provision remains a priority as was stated in the LSC's 2006/07 grant letter. The report recognises that the continued investment needs to be accompanied by more partnership working, including shared budgets with other agencies. This is particularly true of the current LSC spend on health/care costs and we will be taking this forward with other government departments to find a joined up solution.

92. *Many children with SEN and disabilities are being let down in transition phases across the education system from early years to post-16 and into adulthood. There needs to be much greater collaboration between schools, special schools and children's service providers working with parents and children to reduce the negative impact of transition between key stages such as the transition between primary and secondary education. (Paragraph 348)*

The SEN Code of Practice gives advice on the transitions between early years and primary school, primary and secondary and between secondary and post-16 provision and promotes collaboration between parents, local authorities, schools and other providers. For children moving between primary and secondary it sets out that school records must be transferred within 15 school days of the child ceasing to be registered at the primary school and for those children with statements it gives advice on the year 5 annual review of the statement (the penultimate year in primary school) to facilitate the advance planning which is essential for successful transitions. The Code also advises that it is good practice for the SENCO of the receiving secondary

school to attend the final review of a child's statement held at the primary school so that provision in the new school can be prepared.

In order to assist the transfer between phases of education for children with statements, the SEN Regulations stipulate that the new secondary school should be named on the statement by the 15th February of the calendar year in which the child transfers. This gives parents enough time to appeal to the SEN and Disability Tribunal if they disagree with the decision.

The transition between primary and secondary school can be one of the most difficult times for families and children and most parents and carers recognise the critical importance of getting a place in a secondary school that will meet their child's academic and developmental needs. Many families use the information available to them on their local schools successfully to choose a school that meets all their needs; others find the system more difficult to navigate. Subject to the passage of The Education and Inspections Bill, an extended duty will be placed on local authorities in England to provide information and advice to all parents when expressing a preference of school for their child. As part of fulfilling this duty, local authorities will be funded to provide a Choice Advice service to target practical assistance at parents who need the most help, to ensure they make a fully informed choice of secondary schools that meets their child's needs. Advisers will have knowledge of special needs and disability policies and how the local schools can provide for children with special educational needs, drawing on the experience of the local parent-partnership service. Indeed, many local authorities have chosen to provide their Choice Advice service through the local Children's Information Service or SEN Parent Partnership.

Transition information sessions offered to parents by the child's new school at the beginning of the school year have a valuable role to play in building a firm foundation for effective partnerships between parents and schools. £10m is allocated by DfES in 2006-8 to fund transition information sessions for parents of children starting primary and secondary school, including the development of materials. The sessions will commence this autumn, 2006, with demonstration projects in up to 50 schools in each of 10 local authorities.

93. *For young people with a statement, transition planning for post-16 provision should start when the child reaches year 9 (aged 14 years) and should involve inputs from a range of agencies. Young people without a statement should also be offered guidance and support with post-16 transition. (Paragraph 349)*

The Government agrees. Transition planning arrangements must by law start at the year 9 annual review of the statement, which the Connexions Service must attend and to which the social services must and others can be invited (SEN Code of Practice 9:45 – 9:69). The

Connexions Service is given responsibility by the Code to oversee implementation of the young person's transition plan and the Connexions Service is also available to give information, advice and guidance to young people with SEN but without statements when making the transition from school.

Under the Learning and Skills Act 2000 (section 140), the Connexions Service, on behalf of the Secretary of State, has a duty and a power to help young people with or without statements who want to move from school to further education or training. For young people with statements in the last year of compulsory schooling who want to move from school to further education or training Connexions must arrange an assessment of their needs and the provision they will require in the new setting to meet those needs. Connexions can also do these assessments for other young people with SEN in other circumstances who are thinking of going into further education or training. The Learning and Skills Council must have regard to these assessments.

Despite these statutory arrangements, however, the Government recognises that many young people with SEN and/or disabilities do not make successful transitions. This was shown by the Prime Minister's Strategy Unit's report *Improving the Life Chances of Disabled People*. There is a lot of good work in this area and plenty of local good practice guidance available. In order to help professionals working in this area the Government has commissioned the Council for Disabled Children and Skill (the National Bureau for Students with Disabilities) to draw up national guidance, based on existing good practice, which will set out clearly people's roles and responsibilities in the process and standards which local agencies should be expected to achieve. The guidance will give examples of how people have overcome barriers and emphasise the need for a coordinated, multi-agency approach based on a person-centred planning.

In order to improve transition for all young people, the LSC is working with providers to ensure that across each area, there is a wide range of appealing post-16 provision that meets young peoples' needs. In addition, the 'September Guarantee' will be in place in most LSC areas by September 2006. The Guarantee will ensure young people receive the offer of a training/ learning place. We will review the success of the September Guarantee in meeting the needs of all learners.

94. *There needs to be an urgent examination of how to boost practical links over SEN between schools and post-16 colleges, drawing on some of the successful examples such as the Darlington experience. The emphasis by Government in developing 14-19 vocational qualifications make this particularly urgent if children with SEN and disabilities are not to be discriminated against in this process. (Paragraph 350)*

Work has already been undertaken looking at this issue. As part of the 14-19 Pathfinders, set up to test different models of delivering 14-19 education and training, some local partnerships have focused on learners with SEN. Their experiences, together with best practice from other pathfinders, are now available as a Manual of Good Practice. This is available in hard copy or at The 14 – 19 Gateway. For example, the South Gloucestershire (Kingswood Partnership) Pathfinder involving six participating schools, an FE college and Connexions, developed Individual Learning Plans to support access to entry level qualifications, which can be a first rung to accessing further vocational qualifications. There is evidence that this good practice is spreading: in Cumbria George Hastwell special school is a fully involved member of the partnership, using imaginative ways to give all young people access to broader opportunities. This included young people from the special school attending the further education college where the Health and Social Care students were working with them.

These successful experiences will be shared with all local authority and LSC areas through a programme of structured learning visits. The visits will enable strategic planners and practitioners to visit Pathfinder and Increased Flexibility Programme areas so that they can learn, at first hand, about what has and has not worked. They can then adapt and implement replicable policies and practices in their own areas.

### **Partnership working**

95. *Collaborative working is required across schools and across agencies to achieve the sharing of provision, facilities, expertise, and support for the benefit of children with SEN. Communities or clusters of schools should be working together where all children feel they belong. These should include special schools, which have a great deal to offer to such collaborations with regard to specialist facilities and expertise. (Paragraph 351)*
96. *The focus in the Education and Inspection Bill on creating autonomous, independent schools seems to contradict the aim of creating clusters and communities of schools. (Paragraph 357)*
97. *The Government should provide specific funding to local authorities to increase the extent to which they are able to facilitate and encourage collaborative arrangements where communities of schools work together, sharing facilities and professional expertise, to improve the outcomes for children with SEN. (Paragraph 360)*

The Government does not accept that there is an inherent contradiction between giving greater autonomy to individual schools and collaboration. Collaboration can and does arise naturally from schools having strong and self-confident identities and a desire to be involved and helpful in their communities. Schools of all types will want to benefit from working in partnership with others to deliver better outcomes for their pupils, including pupils with SEN.



The proposals in the White Paper for Trust schools create new opportunities for collaboration between schools with a single Trust, appointing governors to a number of schools to support a common ethos. There has been considerable interest in the Trusts pathfinder programme, and a number of the proposals involve both mainstream and special schools working together. Special schools may become Trust schools, and may share a Trust with mainstream schools.

The DfES sees strong schools and collaboration as the two main forces for raising standards and driving improvement in teaching and learning. We know that schools work best when they tailor their curriculum to meet their pupils' needs and take responsibility for their own school improvement, working closely with other schools and external partners. We anticipate this will happen most often through clusters of schools; indeed most local authorities are promoting the use of clusters to facilitate delivery of children's services.

98. *Every Child Matters agenda with its emphasis on five broad outcome measures (being healthy, staying safe, enjoying and achieving, making a positive contribution to society, and achieving economic well being), inter-agency working, establishing lead professionals, and using the extended services agenda to bring sectors together has the capacity to achieve a great deal for children with SEN. The potential benefits of implementing this key Government agenda for children with SEN should be fully realised. (Paragraph 364)*
99. *The Government should seek to resolve issues with regard to partnership working with health professionals. A national strategy should include minimum standards in terms of access to therapy provision and other health provision for those children that need it. The DfES should work with the Department for Health to achieve joint-service working and ensure that children's needs are being met. (Paragraph 368)*
76. *We also believe that to fulfil the objectives of Every Child Matters it is important that social care and out-of-hours family support augments and is integrated within the educational provision during school hours and that at local level those objectives are delivered as seamlessly as possible. (Paragraph 288)*

The DfES, in conjunction with the Department of Health, has already published a joint commissioning framework which sets out how partners spanning local government, local health services, the police etc. should work together to commission and deliver integrated services. From this autumn we will be promoting this as children's services continue re-organise themselves at local level to deliver outcome focussed services. We have published two detailed case studies on how this can work in practice and will be publishing up to twenty more, on improving different aspects of the commissioning process, over the course of the coming year.

*Removing Barriers to Achievement* shares the aims of *Every Child Matters* and sets out how multi-disciplinary working and full service extended schools can improve services and outcomes for children with SEN and/or disabilities and their families. The statutory guidance on inter-agency working states that “Local authorities and local health partners with responsibility for strategic planning will wish to ensure that school and practice based commissioning is shaped by the children’s trust, so that children’s services are joined up to meet the needs of children and young people in a coherent way.”

The benefits of *Every Child Matters* are being realised in practice with the development of 150 local change programmes focused on improving the five outcomes for all children. Some 2500 Children’s Centres will be open by 2008 and this will increase to 3,500 by 2010, enabling families to have access to one stop support with childcare and other services. Currently 2,500 schools provide dawn to dusk extended services – we aim to extend that to all schools by 2010. These developments benefit children with SEN and/or disabilities and their families who often need access to a range of services, including social care.

In relation to speech and language therapy, the DfES and the Department of Health are currently supporting a scoping study by Christ Church University, Canterbury, to identify good practice in the provision of speech and language therapy services to children 0-19 in different settings. The research will identify the key features which need to be in place to contribute to effective and responsive delivery of SLT services, and a good multi-agency approach, and consider how lessons from the study might be replicated elsewhere. Factors which facilitate or inhibit good practice will be clearly identified and the work is designed to be of practical use to both education and health staff. Fieldwork is currently under way and a final report will be submitted to both Departments in January 2007.

100. *The Government need to re-think their approach to involving parents. The Government should set out clear expectations for parents in terms of minimum standards of provision and access to a broad and flexible range of appropriate provision. The Government should seek to actively involve parents as part of their early intervention strategy and keep them involved as much as possible at all stages. The Government should try to ensure that local councils and schools do their utmost to cooperate in this process. It is essential that mechanisms are in place to ensure that parents are well informed throughout the whole process. (Paragraph 373)*

The SEN Code of Practice emphasises the key role that parents play with schools in helping them to identify their children’s needs and supporting their learning. It also sets out local authorities’ statutory duties to provide SEN Parent Partnership Services and Dispute Resolution Services and minimum standards for those services. The

Code makes clear that local authorities need to be welcoming of parents and their views and involvement. It encourages them to work in partnership with local parent and voluntary organisations and the local SEN Parent Partnership Service to provide comprehensive, factual and neutral information and advice.

The Government is working with local authorities to promote a strategic continuum of support and services for parents. Ministers wrote to Chief Education Officers and Directors of Children's Services in July 2006 encouraging them to ensure a strategic approach to parents in their Children and Young People's Plans. Policy guidance, a best practice report and a commissioners toolkit will be launched during October 2006 to promote a more strategic response on supporting parents by local authorities.

Parent Support Advisors (PSAs) will be piloted in 20 local authorities and 600 schools at a cost of £40m over the next two years to offer early intervention, through universal support and low-level targeted support to parents in schools. PSAs, by working in partnership with families, parents, carers and the school, enable pupils, particularly the most disadvantaged, to have full access to educational opportunities and overcome barriers to learning and participation. PSAs will deliver parenting support and information and will help to build parental engagement with their child's learning. PSAs will be expected to signpost parents and help broker access to other sources of help locally, including SEN Parent Partnership Services. A comprehensive evaluation of the pilot will yield case studies and models of good practice for wider dissemination.

It is expected that these services would provide assistance to parents of SEN children and have the capacity to signpost them to specialist sources of information

29. *We recommend that the Government continues to increase the role of children and young people in reviewing, planning and designing services. (Paragraph 117)*

The Government is committed to designing policies and services around the needs of children and young people, and we agree that an ongoing dialogue with children and young people is essential to ensuring that policies and services that we develop meet the needs of those they are designed to support. This in turn is likely to achieve better outcomes for children and young people. For children and young people with SEN, the Code of Practice devotes a chapter to Pupil Participation and there is further advice on enabling this in the non-statutory SEN Toolkit.

Through the Participation Fund (approximately £0.9m in 2005-06) we have supported the development of more opportunities for *all* children and young people, no matter what their background, age or ability, to

have a real say, by actively promoting their participation in decision-making, supporting mechanisms through which their voices can be heard, sharing good participation practice and funding the development of innovative approaches to participation. Examples of work done to date include supporting the UK Youth Parliament and establishing a Children and Youth Board to advise Ministers on policymaking.

User involvement in decision-making about the services they access is a central principle of the DfES and Department of Health Joint Planning and Commissioning Framework and specifically referred to in statutory guidance on inter-agency cooperation “[Local partners] should ensure that children and young people participate in decision making about their own lives, and in designing and developing services. A personalised approach is required and partners should develop innovative and creative methods for involving children and young people, drawing on national and local toolkits.” We will continue to promote good practice and case studies in the years ahead and we will look for examples of successful local involvement in decision-making on SEN services.

### **Behaviour, emotional and social difficulties and autism**

24. *It is widely recognised that there is a strong correlation between exclusions and children with SEN – particularly those with social, emotional and behavioural difficulties and autistic behaviour. The Committee finds it unacceptable that such a well known problem continues to occur. The Government should enhance existing, and improve alternative, forms of provision, training and resources rather than using an increasingly punitive approach for these children and families involved. (Paragraph 95)*
  
25. *Schools need better guidance and staff training in dealing with disruptive behaviour by children with Autistic Spectrum Disorder, particularly Asperger’s Syndrome, and social, emotional, and behavioural difficulties. Schools should give careful consideration to these children in their behaviour strategies and make appropriate adjustments in disciplinary responses especially when considering exclusion. This needs to be backed up by closer DfES guidance and local authority monitoring, details of which could be collated by either Ofsted or the Schools Commissioner, with a view to urgent and substantial reduction in the numbers of exclusions. (Paragraph 96)*

There have been very significant improvements in the numbers of exclusions from schools in recent years. Permanent exclusions fell from 12,300 in 1997 to 9,440 in 2005 – a reduction of 25%. Exclusions of children with statements of special educational needs fell from 2,250 to 857 over the same period – a reduction of 61%. The percentage of permanent exclusions of children with special educational needs has halved over that period – from 18% to 9%. The Government believes that these improvements are due to the increasing seriousness with

which schools take their responsibilities towards children with special educational needs.

The exclusion levels of children with Autism or Behavioural, Emotional and Social Difficulties cannot be discerned from the Department's published statistics as they are not broken down by different types of SEN. However, the Government takes the exclusion of **all** children with special educational needs, including those with Autistic Spectrum Disorders or Behavioural, Emotional and Social Difficulties, very seriously. That is very clear from the Department's guidance on exclusions from schools and pupil referral units. The guidance makes clear that, **other than in the most exceptional circumstances**, schools should avoid permanently excluding pupils with statements and that schools should make every effort to avoid excluding pupils who are being supported at *School Action* or *School Action Plus* under the SEN Code of Practice. The guidance emphasises that:

"Schools should try every practicable means to maintain a pupil in school, including seeking a local authority and other professional advice and support at *School Action Plus* or, where appropriate, asking the LEA to consider carrying out a statutory assessment. Where a child is permanently excluded, the head teacher should use the period between his or her initial decision and the meeting of the governing body to work with the local education authority to see whether more support can be made available or whether a statement can be changed to name another school. If either of these options is possible, the Head Teacher should normally withdraw the exclusion."

The Guidance also makes clear that schools must make reasonable adjustments to their policies and practice to ensure that disabled children are not discriminated against in respect of exclusions.

While there has been a fall in the number of exclusions generally, the reported percentage of children with ASDs who are temporarily or permanently excluded is too high. The Government wants to see reductions in such exclusions and will continue to promote earlier identification of children's needs and work to develop understanding amongst school staff of the nature of ASDs so that schools are better equipped to meet children's needs and therefore may have less cause to consider exclusion.

The law and guidance on exclusions are strong and clear. The Government is backing that with action through its SEN strategy *Removing Barriers to Achievement* to steadily improve support to schools to enable them to identify and address children's special educational needs earlier and more effectively and to make reasonable adjustments for disabled pupils. The whole school approach to promoting equality of opportunity for disabled people required by the Disability Equality Duty under the Disability Discrimination Act 2005 provides further impetus in this area.

The Government is taking action to improve behaviour through:

- behaviour management training materials and consultancy provided by the National Strategies. All schools now have access to high-quality behaviour management training materials that cover SEN as well as other relevant issues. Secondary schools also have access to expert behaviour and attendance consultants (there is at least one in every local authority).
- guidance on school behaviour policies related to the school discipline chapter of the Education and Inspections Bill. The Bill explicitly provides for school staff to take account of any special needs or disabilities a pupil may have in applying disciplinary penalties. The guidance associated with the Bill will provide practical advice on how to adapt school behaviour policies and how they are applied to vulnerable pupils, including those with SEN and/or disabilities.

The Government is also already acting to improve alternative forms of educational provision. Such measures focus particularly, though not exclusively, on pupil referral units (PRUs). A number of PRUs have substantial numbers of pupils with SEN within them, including pupils with behavioural, social and emotional difficulties or autism.

Three current drivers for improvement of PRUs are school partnerships, management committees, staff training (especially leadership training); and the introduction of School Improvement Partners. The Government is introducing measures to reform the governance arrangements for PRUs, through statutory management committees from September 2007, and developing new guidance on the curriculum and accommodation in PRUs to be available later this term.

The Education and Inspections Bill, subject to enactment, sets out in legislation our commitment to turning around all poorly-performing schools quickly, in order to secure better outcomes for pupils. As institutions catering for highly vulnerable children, it is vital that PRUs are supported to improve quickly when they are found to be failing. We are currently exploring more dynamic solutions to bring support to failing PRUs, including collaborations with BESD Special Schools, mainstream schools, and the voluntary sector, and will shortly be introducing regulations to ensure that such collaborative arrangements can be secured.

In advance of these regulations, and with more immediate effect, we intend to enact shortly (subject to consultation in the Autumn) regulations that will allow the Secretary of State to direct an authority to engage specified advisory services (including, say, voluntary providers) for the purposes of school improvement. This will allow the Secretary of State to require a failing PRU to seek the advice of nominated persons/organisations in order to improve on the areas

of weakness identified in Ofsted reports. The requirement will be a fallback power, as we would hope that local authorities would seek the advice about PRUs that make no improvement after an initial adverse Ofsted report without being required to do so. We will also be trialling voluntary intervention in two long term failing PRUs this coming term.

More generally, the DfES has conducted a survey of local authorities to understand better needs and gaps in respect of alternative provision and commissioned work through the National Foundation for Educational Research to identify and document good practice. We are meeting with providers to review market developments and dynamics, and to get a better understanding of how we can help stimulate the market. Work is being done to raise the quality of Alternative Provision by:

- sharing information on provider performance amongst commissioners;
- creating more intelligent commissioners of AP services by helping them become more aware of available providers, their suitability and costs;
- embedding this knowledge in school partnerships (who will become the main group of AP commissioners); and
- creating more responsive providers by helping them to become more aware of commissioners and their needs.
- This should help improve the development, targeting and effective delivery of provision – benefiting pupils in alternative provision, including those with SEN.

**Further details of action to improve provision, guidance and staff training in respect of children with BESD and Autism are set out in Section 3 of this response**

Finally, the Committee also highlighted in paragraphs 17 and 43 of its report concerns that the SEN statutory framework was struggling particularly to deal with children with Autism and children with BESD. A response to issues concerning the framework is contained in section 1 and earlier in this section.

68. *We support the recommendation made by the National Autistic Society that “local authorities should ensure that every child with autism has local access to this diverse range of mainstream and specialist educational provision, and report publicly on the range of provision that is provided” and would extend the requirement to all children with SEN and disabilities. (Paragraph 262)*

The recommendation is consistent with The National Autistic Society's call in its report *Autism and Education: the reality for families today (make school, make sense)*, which the Committee refers to, for local authorities to have a duty laid on them in law to ensure that every child with autism has access to a diverse range of provision in a range of settings. Having access to a range of provision is a desirable goal. The DfES/Department of Health guidance on Autistic Spectrum Disorders (2002) says local authorities should aim to develop a range of provision and promotes a regional approach to achieving this. It is not realistic to expect every local authority, including very small ones and large shire counties with geographically spread centres of population, to offer a complete range of provision locally. However, it is realistic, through cooperation between local authorities, voluntary and independent organisations, to develop a system where every child with autism has access to provision which meets his or her needs.

**Sections 2 and 3 also respond to the issues raised by these recommendations.**

69. *We believe early diagnosis of children with autism and particularly Asperger's Syndrome is likely to be a preferential route, as witnesses have suggested, rather than statementing. We urge that local authorities be given a statutory responsibility to consult and work with autism groups, both locally and nationally to forward this objective. (Paragraph 263)*

We are unclear as to the precise nature of the Committee's recommendation. If the Committee is saying that children with diagnoses of autism or Asperger's syndrome would be able to do without a statement or some form of assessment of their educational needs then we would disagree. A diagnosis in and of itself will not tell you what special educational input a child needs. Autism and Asperger's syndrome form part of a wide spectrum where children will have individual profiles of need very frequently in combination with other difficulties such as dyslexia or conduct disorders. A diagnosis will not provide a template for educational intervention – that can only be decided by some form of assessment.

We welcome earlier diagnosis for children with autism and Asperger's syndrome in particular. We understand that the average age of diagnosis of Asperger's syndrome continues to fall from the 11 years identified in research in 1999 (Howlin and Asgharian, *The diagnosis of autism and Asperger syndrome: findings from survey of 770 families*, *Developmental Medicine and Child Neurology* 1999, 41: 834-839). However, we feel it would be unacceptable for children with Asperger's to have to wait for a diagnosis before any attempt is made to meet their special educational needs. The diagnosis, if and when it arrives, will help focus provision for children with Asperger's but that provision should not be dependent on the diagnosis.



We would encourage local authorities to work with autism groups but we fail to see why a statutory duty to do so should be laid on authorities to take forward this recommendation about diagnosis, which is a matter for properly qualified professionals who may or may not be allied to autism groups but who when making diagnoses are acting in their professional capacity rather than as members of voluntary groups.



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