



House of Commons

Children, Schools and Families
Committee

**Special Educational
Needs: Assessment and
Funding: Government
Response to the Tenth
Report from the
Education and Skills
Committee, Session
2006–07**

**Second Special Report of Session
2007–08**

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The Children, Schools and Families Committee

The Children, Schools and Families Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Children, Schools and Families and its associated public bodies.

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Second Special Report

On 25 October 2007¹ the Education and Skills Committee published its Tenth Report of Session 2006–07, *Special Educational Needs: Assessment and Funding* (HC 1077). The Government's response was received on 23 January 2008, and is published as Appendix 1 to this Report.

Appendix 1

Government's response to the Tenth Report from the Education and Skills Committee, Session 2006–07

Introduction

1. The Education and Skills Committee published its report *Special Educational Needs: Assessment and Funding* on 25 October 2007.

2. This is the Government's response. It is structured as follows:

- Section 1 responds to the Committee's proposals to separate the role of local authorities in the assessment of children's special educational needs (SEN) from the funding for any resulting SEN statement;
- Section 2 responds to the Committee's recommendations on "Wider issues".

3. Getting provision right for children with SEN and disabilities is a priority for this Government. The Government welcomes the Committee's report and the interest the Committee has taken in this area. We are aware that members of the Committee were disappointed with the Government's response (October 2006) to its previous report on SEN (July 2006). The Government's October 2006 response was not intended to give the impression that there were no genuine concerns about the operation of the SEN framework or that we felt we had all the answers. However, as the responses to the Committee's current report on SEN show, there can be honestly held differences of view about how best to improve provision for children with SEN and disabilities and parents' experience of the 'SEN system'. What the October 2006 response aimed to do was to set out how a range of initiatives within the overall framework of *Every Child Matters* would lead to the improvements that both we and the Committee want to see. The decision to carry on implementing the policies and initiatives that were set in train by the Government's long-term SEN policy document *Removing Barriers to Achievement* rather than "consider a completely fresh look at SEN",² as the Committee called for, was supported by others, most notably Ofsted and the Special Educational Consortium.

¹ Tenth Report from the Education and Skills Committee, Session 2006–07, *Special Educational Needs: Assessment and Funding*, HC 1077.

² House of Commons Education and Skills Committee, *Special Educational Needs*, Third Report of Session 2005–06, Volume I, The Stationery Office (HC 478–I), 2006, page 15.

4. The Government did not, however, suggest that the SEN framework would not need to be looked at critically in the future. We remain committed to Her Majesty's Chief Inspector (HMCI) reviewing progress in 2009 in the light of how these policies are being implemented. We reiterate our intention to consider, following 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".³

5. The Children's Plan, published on 11 December 2007, sets out the next steps for achieving world class schools with an excellent, personalised, education for every child, including every child with SEN. It puts families at the centre of high quality, integrated services that put their needs first, regardless of traditional institutional and professional structures. It reinforces the Government's commitment, and announced £18 million of new funding over 2008–11, to improve outcomes for the 20 per cent of children in England with SEN and disabilities through:

- implementation of personalised learning and a focus on progression;
- equipping schools with the data they require to assess whether children with SEN are making good progress;
- improving provision for children with dyslexia through the Every Child a Reader programme; and
- increased investment in the skills of the workforce in responding to children's individual special educational needs.

In addition to the £280 million of revenue funding allocated under *Aiming High for Disabled Children* to improve short breaks, the Children's Plan also announced a further £90 million of capital funding to improve equipment, transport and facilities for short breaks. The Children's Plan also announced £8.4 million of additional funding to enable the Family Trust Fund to provide grants to 16- and 17-year-old disabled young people. We expect up to 16,200 grants to be provided over 2008–11.

Section 1: Separating assessment and funding for statements

1.1 The Government agrees with the Committee on the importance of increasing parental confidence that their children's SEN will be provided for and that they will be treated fairly by schools and local authorities when decisions on provision are being taken. The Government has previously addressed this issue through the Special Educational Needs and Disability Act 2001. It obliged local authorities to give parents access to unbiased information from Parent Partnership Services and to dispute resolution arrangements. We have also addressed the issue through guidance, *The management of SEN expenditure* (May 2004). The Department for Children, Schools and Families has recently published an exemplification of the minimum standards set out in the SEN Code of Practice for Parent Partnership Services, aimed at increasing the independence of the

3 Government Response to the Education and Skills Committee report on *Special Educational Needs* (October 2006), The Stationery Office (Cm 6940), 2006, page 6.

services from local authorities,⁴ and has also commissioned research into the disagreement resolution services.

1.2 There continue to be parents who are dissatisfied by how the SEN system has dealt with their children's cases and this is a matter of serious concern for the Government. It is clearly of the utmost importance in an area such as SEN provision, which is crucial to the development and life chances of children, that parents see that their child has been dealt with properly and fairly.

1.3 We need to understand better why:

- some parents feel schools and local authorities have not properly identified their children's needs and arranged suitable provision to meet those needs while others feel they have;
- some parents appeal to the SEN and Disability Tribunal (SENDIST);
- many of those who appeal withdraw their appeals before the hearing; and
- others carry on through to the hearing and engage legal representation.

At the time the Committee's report was published we announced that, with the Tribunals Service, an executive agency of the Ministry of Justice, we would be commissioning research to look at parents' experience of the process and to identify how schools, local authorities and the SEN and Disability Tribunal can increase parental confidence.

1.4 In addition to this research, the Government is open to practical suggestions as to how to bring about a position where all parents of children with SEN feel confident that the SEN system is acting fairly by their children and operating in a transparent way. The Committee's July 2006 report on SEN suggested that one way of increasing parental confidence was to break the link between assessment for statements and the funding of those statements by taking the assessment function away from local authorities. The Government's response to the Committee raised concerns about this suggestion in relation to local accountability and raised a number of questions about how the system would operate.⁵ However, in a subsequent exchange in the House of Commons, the Minister of State for Schools said he would consider any proposals the Committee put forward which took account of the practicalities of implementing the separation of assessments from funding.

1.5 The Committee's current report *Special Educational Needs: Assessment and Funding* gave three options:

- assessments commissioned by local authorities or children's trusts;
- delegating assessment to schools; and
- making educational psychology services more independent.

4 *Parent Partnership Services — increasing parental confidence; Exemplification of minimum standards for PPS and Local Authorities*, DCSF, 2007.

5 Cm 6940, The Stationery Office, 2006, pages 4 and 5.

Option two also suggested that SEN funding could entirely become the responsibility of schools but with assessments remaining with the local authority. Option three suggested two ways of making educational psychology services more independent. One was for the Department for Children, Schools and Families to give clear guidance to local authorities that educational psychologists must be allowed to make an unfettered professional judgement in each case. The second was that the Department should fund local educational psychology services directly or clusters of authorities should pool their resources.

1.6 A number of respondents to the Committee's consultation exercise, such as the Audit Commission, doubted whether there was an inherent conflict of interest for local authorities in both assessing for statements and funding them, and doubted whether there would be any benefit from their separation. The Committee also received a number of responses from local authorities including, for example, one from Warwickshire⁶ which set out how the local authority is working with parents to improve confidence in the decisions taken on children's assessment and statementing. We want to build on examples like this.

Option 1

1.7 The first of the Committee's options, that assessments should be commissioned by local authorities or children's trusts, is in line with the Government's encouragement of commissioning. Generally Government sees the role of local authorities as commissioners of services, making impartial decisions about which service, whether internal or external, can best meet the needs of children and families. In the delivery of SEN services this is compatible with the law if the local authority contracts out the service. Local authority SEN assessment functions under section 323 and Schedule 26 of the Education Act 1996 are the subject of an Order⁷ made under section 77 of the Deregulation and Contracting Out Act 1994, and so the option of contracting out assessments is already available to local authorities. As the Committee says, commissioning would allow the local authority to set a specification, tender on the basis of the specification and then performance manage the subsequent contract. A clear specification from the local authority will mitigate the dangers of spiralling costs.

1.8 The statutory assessment process obliges local authorities to seek, in addition to parental advice, educational, medical, psychological and social services' advice as well as any other advice the local authority considers desirable. In practice, the medical advice will normally be channelled from local health professionals through the designated medical officer, all of whom are independent of the local authority. Regulations⁸ make clear that in normal circumstances the educational advice must come from the head teacher of the school the child is currently attending, although there are circumstances where the advice should come from others. The Government's view is that the classroom teacher who knows the child best should provide the advice for the child's assessments, supported by other educational professionals as necessary. They may come from the child's school or from a support service. Although the social services arm of children's services departments,

6 Memorandum submitted by Warwickshire Local Authority to the Education and Skills Committee, SEN41, <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmmeduski/memo/specialedneeds/contents.htm>

7 The Contracting Out (Local Education Authority Functions) (England) Order 2002.

8 The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001.

who supply the advice for statutory assessments, are part of the local authority, the social services advice best comes from social workers who have had previous contact with the child and family. Where children are already known to services we would not advocate requiring children and parents to repeat information for assessments by different professionals just to ensure the ‘independence’ of those assessments.

1.9 So the Government is not persuaded, like the Audit Commission and others who responded to the Committee, that requiring commissioning or contracting out of assessments is in the best interests of the child, as those providing the advice will not have had continuing contact. But we agree with the Committee that there is a need to build the confidence of parents in the assessment process. **Therefore we will set up a group of experts, under the chairmanship of Brian Lamb,⁹ to investigate the most effective ways of increasing parental confidence.** The group will look at whether increasing parental confidence could be best achieved through:

- making the provision of educational psychology advice “arms length” from the local authorities (as this is the element of advice for the assessment process which sometimes proves contentious with parents, making them feel they need to engage their own educational psychologists);
- sharing best practice in developing good relationships between the authority and parents, through effective Parent Partnership Services and other local mechanisms; and
- effective practice by schools and local authorities in meeting the needs of children at School Action Plus.

We would also welcome bids from local authorities with innovative proposals to increase parental confidence, in these three areas and others. The group led by Brian Lamb would be responsible for the design and conduct of this work and the research project in paragraph 1.3 will evaluate the outcomes formally.

1.10 We also believe that the current framework for assessments could be carried out in a more holistic way. **So we propose to also carry out a pilot based on a “team around the child” approach to SEN Statutory Assessment that more closely reflects and builds on the principles that underpin the Common Assessment Framework.** This approach puts the child or young person and his or her family at the heart of the assessment. It would see the local authority working through the children’s trust or integrated Children’s Service arrangements to complete the assessments. A lead professional would contact the family before the assessment; a dedicated team of professionals, reflecting the sources of advice local authorities have to statutorily contact, would work together, sharing expertise through the assessment process. A clear plan to address needs and support progress would be developed and recommended to the local authority. We believe this would increase parental trust by engaging them from the start as key partners in the assessment process. In this way they will be better placed to contribute their views and increase their understanding of the process in a meaningful way.

9 Brian Lamb is Chair of the Special Educational Consortium, a broad consortium of voluntary and local government organisations and professional associations.

Option 2

1.11 The Government has decided not to pilot either of the two parts of the Committee's second option. The Government does not believe delegating assessments to schools is the right way forward. Schools would vary widely in their capacity and their capabilities to undertake these assessments and there would be a danger that this would increase the 'post code lottery' of provision to which the Committee refers. As the Committee itself suggests, there would need to be some form of quality assurance by local authorities which would weaken the clear separation which is being sought between assessment and funding. As the memorandum and subsequent article on which this option is based make clear, this proposal would require the establishment of a National Funding Agency. Where parents appealed against the level of support being provided by their child's school this would trigger an assessment carried out by the local authority and so this proposal would not entirely take the assessment process away from local authorities.¹⁰

1.12 The second arm of the Committee's second option was that funding for SEN becomes entirely the responsibility of the schools with the assessments remaining with the local authorities. This option raises the risk that the child will be assessed for provision which schools say they cannot fund from delegated resources, resulting in the parents being caught in a dispute between the local authority and the school. By leaving assessments with the local authorities it does not fulfil the Committee's primary aim of taking assessments away from the authorities and having them carried out 'independently'.

Option 3

1.13 The Committee's third option focuses on making educational psychology services more independent of the local authorities. The Committee emphasised that it is not questioning the integrity of the professionals involved in assessments,¹¹ including educational psychologists, and the Government believes that local authority educational psychologists do provide professional, independent advice. However any call to make educational psychology services more independent does necessarily call into question the way local authority educational psychologists are carrying out their role. In its response to the Committee, the Association of Educational Psychologists pointed out that it represents over 93 per cent of educational psychologists in England and Wales and went on to say:

Although there is a *potential* conflict of interest [when the local authority is both assessor and funder] reference to "an inbuilt conflict" questions the integrity of the professionals working to meet the needs of children and young people. We would argue that there is an implied understanding within Local Authorities that psychological advice is not contaminated by budgetary constraints, but rather first and foremost reflects the needs of the child or young person and how best they can be met. As with any 'good' assessment, contextual factors and what can realistically

10 Memorandum submitted by Jonathan Rix to the Education and Skills Committee, SEN 2. *Statutory assessment of the class? Supporting the additional needs of the learning context*. Jonathan Rix. International Journal of Inclusive Education 2007, pages 1-20.

11 House of Commons Education and Skills Committee, HC 1077, page 10.

be achieved are taken into account, but do not have a bearing on the conclusions and recommendations given on what a child's needs are and how they can be met.¹²

1.14 In a letter to the Secretary of State following publication of the Committee's report, the Association expressed concern about the weight given by the Committee to the views of independent educational psychologists as against the view of the Association. It suggested that if educational psychologists employed by local authorities are criticised for lacking independence then those whose advice is paid for by parents can equally be criticised. It went on to say that most parents of children with special educational needs are satisfied with the assessment made of, and the provision made for, their children.¹³

1.15 Educational psychologists work within the guidance given in the SEN Code of Practice on providing advice to local authorities for statutory assessments (original emphasis):

7:79 "LEAs should make clear that the Regulations require that the advice **must** relate to the educational, medical, psychological, or otherwise features that appear relevant to a child's current and future educational needs. The advice **must** also set out how those features could affect the child's educational needs and the provision that is considered appropriate in the light of those features. Those giving advice may comment on the amount of provision they consider appropriate. Thus LEAs should not have blanket policies that prevent those giving advice from commenting on the amount of provision they consider a child requires.

7:80 However, the advice provided by all professionals should **not** be influenced by consideration of the name of the school at which the child might eventually be placed. Specific schools must not be suggested. Placement will be determined by the LEA at a later stage and in the light of any preference stated by or representations made by the parents. But discussions between advisers and parents about the child's needs may include consideration of various options, including the scope for mainstream education for the child and the type of school in which the child's needs might best be met, for example mainstream, special or residential. But such discussions should not commit the LEA, nor pre-empt the parents' statement of a preference, any representations they might make or the LEA's eventual decision."¹⁴

1.16 Educational psychologists play an important role in assessing children's needs, contributing to statements, working with schools and parents and making a central and key contribution to multi-agency teams. In general, parents value their contribution. The SEN Code of Practice assumes that educational psychologists will be allowed to give unfettered professional advice and we believe that they do so. As noted above, it is true that some parents express concern about the impartiality of advice from local authority employed educational psychologists and this colours the likelihood of their accepting the eventual statement if one is produced, and could increase the likelihood of appeal to the SEN and Disability Tribunal.

12 Memorandum submitted by Association of Educational Psychologists (AEP) to the Education and Skills Committee, SEN 51.

13 Letter from the Association of Educational Psychologists to Ed Balls, Secretary of State for Children, Schools and Families, dated 14 November 2007.

14 Special Educational Needs Code of Practice, DfES November 2001, page 91.

1.17 The Government does not believe that either funding educational psychology services centrally or local authorities pooling services would achieve the result of improving parental confidence in the system. Under central funding, some parents would still consider the educational psychologist as subject to national rather than local government guidance and influence on securing effective use of resources. Under the cluster model the educational psychologist would still be employed by a local authority. But we do believe there is merit in taking forward the Committee's suggestion that **DCSF provides guidance to local authorities about the role of educational psychologists in the form of non-statutory guidance from the Department to the Directors of Children's Services in each local authority. We will work with the Local Government Association and the representative bodies of educational psychologists on this.** This guidance will remind local authorities that educational psychologists must be allowed to exercise their professional judgement freely.

Section 2: Wider issues in relation to special educational needs provision and particularly in relation to parental confidence

2.1 The Committee also raised a number of other points, some of which refer back to its previous report on SEN, in addition to the recommendation on separating assessments and funding. What follows are responses to the Committee's individual recommendations.

"We ask the Government to tell us how it anticipates the increased use of the Common Assessment Framework and the continued development of Children's Trusts will impact on assessment of special educational needs, what advice it is giving on the use of the Common Assessment Framework for assessing special educational needs, and what implications it considers this will have for the statementing process." (Paragraph 27 of the Committee's report.)

2.2 The Government agrees with the Committee that assessment is a process and not an event; that assessments for statements must be seen in the wider context of meeting all children's needs; and that assessment for some children will involve a range of practitioners.

2.3 The Common Assessment Framework (CAF) offers an important process for identifying the needs of children who may require extra support. It has a role to play for children with SEN although it cannot replace specialist assessments such as SEN statutory assessments. The CAF is appropriate for use at an earlier stage than a specialist assessment, ideally enabling issues to be resolved before they require specialist assessment. In some cases, use of the CAF may highlight the need for a specialist assessment. It is unclear what the overall impact of the use of CAF will have on the number of statutory assessments that are undertaken. We have already given guidance on the use of CAF for children with SEN in particular. The CAF Managers' Guide (April 2006) states that:

"CAF is designed for use at lower levels of need than statutory Special Educational Needs (SEN) or child protection. Children requiring statutory SEN assessment by definition have complex needs that require in-depth specialist examination. However, there are a number of children who have lower level (non-educational) needs. For these children a common assessment may be the best route to targeted and, if necessary, specialist services that they are not already receiving. The CAF

would enable schools to identify any factors outside school that may be impacting on the child's learning which would benefit from discussions with other professionals from other services. Where a CAF indicated that the child might require further (specialist) assessment, for example under statutory SEN procedures, the core data from the common assessment can be used to feed into that process.”¹⁵

Support for implementation of the CAF locally is now the responsibility of the Children's Workforce Development Council (CWDC.) We will consider working with CWDC to decide whether publicising the CAF's interface with the SEN Code of Practice more widely might be beneficial.

2.4 *In Pathways to Success: Good practice guide for children's services in the development of services for disabled children* the Council for Disabled Children (CDC) showed how the pathfinder children's trusts were making multi-agency assessments and information sharing more responsive to the needs of families. CDC concluded:

“Developing a systematic approach to gathering and keeping information across key agencies will lead to a better, more coordinated response, it gives families more control as they can access records when they want and have a degree of control over who sees which information. The new systems will also hopefully improve things like: clashing hospital appointments, reasonable notice of SEN reviews and planning meetings, and more transparency in how services are allocated.”¹⁶

We have set out in paragraph 1.10 of part 1 to this response that we will set up a pilot where local authorities will work through children's trusts to assess children's SEN using the “team around the child approach”. We will monitor carefully the success of this pilot and it will feed into our thinking.

We ask the Government to make an early statement on how the money from the 2007 Comprehensive Spending Review will be used to improve services for all children and young people with special needs, and the guidance that it will be giving to local authorities and schools to ensure that money provided for special needs is spent on special needs. (Paragraph 31 of the Committee's report.)

2.5 The Government has made available through the Dedicated Schools Grant (DSG) an additional £912 million over the CSR period for personalisation and SEN: this additional funding is to support universal roll out of a personalised offer to all pupils, including those with special educational needs. Over the CSR period capital investment of £345 million (£115 million a year between 2008–11) will support the School Access Initiative, which provides funding to mainstream and voluntary aided schools to make them more accessible for disabled children. This is in addition to the existing substantial resources in the DSG baseline: in 2007–08 authorities budgeted to spend over £4.5 billion on funding for pupils with SEN. All this funding adds to the resources local authorities have used over the years to improve SEN provision. Since 1997–98 local authorities have: built or rebuilt 100 new special schools; significantly refurbished by more than 50 per cent

15 *The Common Assessment Framework Managers' Guide*, DfES, (April 2006), Annex B.

16 *Pathways to Success: Good practice guide for children's services in the development of services for disabled children: Evidence from the pathfinder children's trusts*. Helen Wheatley. Council for Disabled Children, Department for Education and Skills, Department of Health, 2006, page 32.

of the total floor space a further 125 special schools; delivered more than 430 new SEN units at mainstream schools; and funded SEN improvements at more than 500 mainstream schools. The Government is also committing substantial additional capital investment for special schools and SEN provision in mainstream schools through Building Schools for the Future (BSF) and the Primary Capital Programme (PCP), due to be rolled out nationally from 2009–10. To date, around 140 special schools are included in BSF waves 1–6. We have included in the forthcoming national indicator set for local government three SEN/disability-related indicators, including indicators focused on narrowing the gap in attainment between children with and without SEN at key stages 2 and 4. We expect the attainment indicators to encourage local authorities and schools to focus on the achievements of children with special educational needs.

2.6 As part of the Comprehensive Spending Review (CSR) settlement, the DCSF received £340 million over 2008–11 to implement the recommendations from the *Aiming High for Disabled Children: better support for families* report (May 2007) which followed the DfES/HM Treasury review of children’s services. At the heart of *Aiming High* is the Government’s commitment to establish a core offer of services based upon the principles of information, transparency, participation, assessment and feedback. This will help disabled children and young people and their parents better understand their entitlements within their local areas and increase transparency about any variations of provision. Funding is phased in—£31/93/220 million over the three years—of which £280 million over the period is for increasing short-breaks/respite care for disabled children. Additionally, as referred to in paragraph 5 of the Introduction, the Children’s Plan announced a further £90 million of capital funding for short breaks to improve equipment, transport and facilities.

2.7 Understanding how schools, in particular, and local authorities use funds to meet children’s SEN, is a vital issue for parents. Increased clarity about SEN funding needs to be led by the local authorities, through challenge to schools about how they are using funds to provide for children with SEN, supported by School Improvement Partners. The 2004 guidance *The management of SEN expenditure* advised local authorities, when delegating funds to schools, to work with schools and other stakeholders to ensure that respective responsibilities are clear and to build parental confidence. It said that in developing monitoring and accountability arrangements the local authorities should:

“provide parents with clear information about the progress and attainments of their child, the arrangements that are being made and who is responsible for making the provision”.¹⁷

2.8 That guidance also refers to local authorities’ duty, under The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 to provide an explanation of what special educational provision for children with SEN but without statements they would normally expect to be met from maintained schools’ budgets and what from funds held centrally by the local authority. The National Strategies team of SEN National Advisers works with local authorities to provide support and challenge on their implementation of the SEN strategy and on how well they meet their statutory duties. **The DCSF will emphasise the importance of local authority compliance**

17 *The management of SEN expenditure*, DfES, 2004, page 2.

with these duties in the work of the National Strategies. In some local authorities the information provided for parents in literature and on their websites could be improved and the SEN National Advisers will continue to support improvements at these authorities.

2.9 All maintained schools, other than special schools, have a "notional SEN" budget which is recorded on the annual "section 52" budget form and shows what this budget is. (This information is available on the Department's website at www.dfes.gov.uk/localauthorities/section52/). Any money given under specific SEN factors is also identifiable on section 52. It is for the schools themselves to decide how to use all the funding available to them to meet all of their duties, including their duty to use their best endeavours to make the special educational provision a child's learning difficulties call for.

2.10 Under The Education (Special Educational Needs) (Information) (England) Regulations 1999 the governing bodies of maintained schools have to publish information about the school's special educational provision, about its policies for the identification, assessment and provision for all pupils with SEN and information about the school's staffing policies and partnership with bodies beyond the school. For local authority maintained mainstream schools the information needs to include how resources are allocated to and amongst pupils with special educational needs. The provision of this information helps to reassure parents that schools are clear about how they address children's SEN and meet their 'best endeavours' duty.

2.11 **More assistance will be available to schools to help them identify their annual budget and expenditure for SEN and additional educational needs and how that funding is being used to meet children's needs.** As the Audit Commission mentions in its submission to the Committee, the Commission, in association with the Department and the National Strategies, is developing a Value for Money Resource Pack for schools which will help them to better plan for the use of SEN resources and to evaluate the impact on outcomes for children and young people. This will be published in April. The website based resource pack will include a seven-stage model for Special Educational Needs/Additional Educational Needs self review, covering budgets and spend, needs assessment, provision and evaluation. The questions will prompt information gathering so that schools completing the review can bring together all relevant management information and build a picture of their current practice in one place. This will help to improve transparency in the use of funding by schools and help focus on value for money. Achieving value for money is important to schools as it will help them to improve outcomes for their pupils, if they are spending their money and using their resources in the most efficient manner.

2.12 Parents are more likely to feel confident that their children's needs are being properly addressed if they feel their voice is being listened to. Even for the parents of children with statements most of their contact with the system will be with the schools where their children are educated. And Ofsted has reported that schools in a survey it carried out were particularly good at working with the parents of children with learning difficulties and/or disabilities and that:

"Parents and carers of pupils with learning difficulties and disabilities were more closely involved than those of other groups of pupils. In the best schools, successful

work with these families was used as a model for improving parental involvement across the whole school.”¹⁸

We want to see the good practice that Ofsted reports spread so that the parents of children with SEN throughout the country will benefit from a close relationship with their children’s schools.

We ask the Government to revisit its response to our previous report and to make explicit commitments to provide a national framework for special educational needs and to require local authorities to publish provision maps for each area. (Paragraph 36 of the Committee’s report.) and

Making the requirements that are placed on authorities and providers explicit, easily accessible and easily understandable in a single document, and requiring each authority to set out in one document what support and services it provides for children who have special needs, and the reasons for that pattern of provision, would mark a substantial improvement in the provision of services for children with special educational needs. It would also allow comparisons of provision in different local areas. (Paragraph 36)

2.13 The Government’s response to the Committee’s first report on SEN set out how, through a focus on outcomes, integrated planning, joint commissioning, partnership in the delivery of services and improved accountability for the progress children make, all within the context of *Every Child Matters*, a national framework is being built.

2.14 However the Committee recommends that the requirements that are placed on local authorities and providers are made explicit, easily accessible and understandable within a single, national framework, document. The Government believes that such a document exists already, the SEN Code of Practice. This is statutory guidance to which local authorities, schools and others must have regard and it sets out what the legal duties for SEN provision are on these bodies and gives guidance on how to carry out those duties. The Government believes that the SEN legislation in the Education Act 1996 and the SEN Code of Practice provide the national framework, within which there can be local flexibility.

2.15 The Committee also suggests that each local authority should be required to set out in one document what support and services it provides for children who have special needs, and the reasons for that pattern of provision.

2.16 In addition to the duties set out in paragraph 2.10, local authorities have continuing duties, under the same Regulations, to publish information on the broad aims of their SEN policy and the general arrangements made for SEN provision, including arrangements for auditing, planning, monitoring and reviewing provision for children with SEN in their area, both generally and in relation to individual children. Local authorities must make this information available on their websites and provide a written copy of the information to any person on request. In addition, under the Education Act 1996 local authorities must keep the arrangements made by them for special educational provision under review.

18 *Parents, carers and schools*, Ofsted, July 2007, page 6.

2.17 In 2007 the DCSF published *Planning and Developing Special Educational Provision: a Guide for Local Authorities and Other Proposers*.¹⁹ This encourages local authorities through planning and commissioning to develop a range of special educational provision, giving access to specialist support and developing regional and sub-regional provision for low incidence needs. It provides guidance on applying the statutory SEN improvement test whereby when proposing any reorganisation of SEN provision, including any which involves the closure of special schools, local authorities, and all other proposers for new schools or new provision, need to demonstrate to parents, the local community and decision makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with SEN. The guidance also reminds readers that parents and families should:

- be provided with good information as and when they need it on the range of SEN provision in the area through local Parent Partnership Services and other routes;
- be provided with good information about the progress of their children and the plans and interventions used to address their learning and other difficulties; and
- always be involved when decisions about specialist provision or a change of placement are being considered with support from local Parent Partnership Services where appropriate.

2.18 The Committee specifically called on Government to require local authorities to publish provision maps for each area. The National Strategies, working with the DCSF, have recently developed a framework to help local authorities to evaluate the impact of their SEN strategies and to plan for future developments. The framework has been published on DCSF's Standards Website (www.standards.dfes.gov.uk/primary/features/inclusion/sen/self-eval) and information about it has been disseminated to local authorities. Updated data sets will also be made available to local authorities on an annual basis. The Local Authority Self-Evaluation Framework and the Audit Commission's Value for Money Resource Pack draw attention to provision management and support the implementation of the proven Waves Model of intervention. This has been developed by the National Literacy and Numeracy Strategies as a model for children experiencing difficulty in these areas based on three waves—Wave One, the effective inclusion of all children in the literacy hour and daily mathematics lesson by differentiating learning objectives; Wave Two, small group intervention for children who can be expected to catch up; and Wave Three, specific targeted intervention for children who require SEN support.

2.19 The information that is available to parents on SEN provision will be augmented by the information on local services delivered as part of the Core Offer which is being developed through the *Aiming High for Disabled Children* programme. If service providers deliver services in line with the principles contained in the Core Offer, parents and young people will better understand their entitlements within local areas. There will also be increased transparency about variation in provision across areas. Parents' experience of services for their disabled children and delivery of the Core Offer will be measured through

¹⁹ *Planning and Developing Special Educational Provision: A Guide for Local Authorities and Other Proposers*, DCSF, 2007, www.dcsf.gov.uk/schoolorg

a national indicator. **In promoting the core offer the Government will encourage local areas to consider the information they provide to parents of children with SEN.**

Conclusion

The memoranda submitted to the Committee display a wide range of opinions on the best way forward for children with special educational needs—the Committee gives an outline of the range of these views in paragraphs 10 to 12 of its report. Some organisations' views are that there is no conflict of interest for local authorities in their assessment and funding role and that it is not the SEN framework itself which is at fault but the way in which it is implemented. While the Government believes that the current framework provides well for a large majority of children with SEN we are not complacent. We realise that some parents have genuine concerns about how their children's needs have been assessed, how their cases have been handled and the provision that is made for their children. Our willingness to investigate the most effective ways of increasing parental confidence, to develop guidance for local authorities about the role of educational psychologists, and to conduct research with the Tribunals Service into a parent's path through the assessment, statementing and appeal to SENDIST process shows that we are responsive to those concerns.