

Welsh Assembly Government

STATEMENTS OR SOMETHING BETTER?

**SUMMARY OF PROGRESS TO DATE &
THE NEXT STEPS**

May 2008

Background

Following recommendations made in reports by ESTYN, the Audit Commission and Cambridge Education Associates, the former national Assembly for Wales Education, Lifelong Learning and Skills (ELLS) Committee conducted a policy review relating to the framework for statutory assessment and statements of special educational needs (SEN), (part 2 of a 3 stage review of SEN). The review report* made 28 recommendations for change.

A Welsh Assembly task group contributed to the policy review and produced seven options for change. Following key stakeholder discussions these were reduced to three. The first recommendation of the ELLS Committee policy review is to:

“.....carry out a wide-ranging consultation with parents and other key stakeholders to build consensus and confidence before any fundamental changes are made to the statutory assessment framework.”

Accordingly, a preliminary consultation on these potential options for change was conducted with parents in June and July 2007 (see report September 2007). This was followed by a second phase of consultations during the autumn with relevant professionals and the voluntary sector. (see report January 2008)

Recommendation 2 of the ELLS Committee Policy Review calls for the Assembly Government to:

" ...seek the necessary powers to have full legal competence for statutory assessment arrangements for children with special or additional educational needs."

Under the Government of Wales Act 2006, the Assembly Government has now secured such powers and has obtained Legislative Competence to reform in relation to the statutory framework for Additional Learning Needs (ALN).

Introduction

The aims of the preliminary consultation with key stakeholders were to:

- o Build confidence and a consensus about the way forward.
- o Explore possible options for reform emerging from the work of the National Assembly's ELLS committee review of Statutory Assessment and Statementing and the related work outcomes from the WAG Task Group.
- o Seek views about the effectiveness of the current system and
- o Elicit essential features of a reformed framework.

The consultation, which is now complete, would seem to have successfully fulfilled these aims and reports have been prepared on both the consultation

with parents & carers, voluntary sector organisations and with relevant professionals.

Feedback on the consultation process has been very positive. This serves to endorse the care taken and the resources involved in producing the storyboards describing the options and to facilitate the extensive range of consultation meetings arranged across Wales.

This paper seeks to draw some initial conclusions following the preliminary consultation and to suggest possible aspects that might be usefully subject to some pilot work.

Essential Features arising from the consultation

The following is a brief summary of the main desirable features of a reformed system that were identified through the consultation:

Any system would need to have the rights of the child and the following key principles underpinning it. The following is a summary of those rights and principles identified either explicitly or by implication during the process.

KEY RIGHTS & PRINCIPLES FOR CHILDREN & YOUNG PEOPLE WITH ALN

- o To benefit from an inclusive education in whatever setting they are educated.
- o To have the rights and entitlements afforded to all other children and young people. These are embodied in the Welsh Assembly's aims for children in *Rights to Action*. These core aims require every child to:
 - Have a flying start to life.
 - Have a comprehensive range of education & learning opportunities.
 - Enjoy the best possible health and are free from abuse.
 - Are listened to, treated with respect, and have their cultural identity recognised.
 - Have a safe home and community, which supports physical and emotional well-being.
 - Are not disadvantaged by poverty.
- o To benefit from a high quality broad and balanced education.
- o To be able to make good progress towards achieving their potential and an independent life.
- o To have assessments and planning of provision based upon an holistic view of individual needs.
- o To have individual ALN identified and assessed early and appropriate provision made promptly.
- o For those who are registered as *Looked After*, to benefit from effective corporate parenting.
- o For those with differing ethnic and cultural backgrounds to have their special educational needs identified, assessed and met appropriately.

In order to fulfil the rights and meet the needs of children & young people with ALN there needs to be a continuum of high quality provision and support from

a range of agencies, including Welsh medium provision, available in all parts of Wales. Such provision needs to:

- o Be equitable, fair and transparent.
- o Be consistently applied within and across LEAs in Wales.
- o Be flexible and responsive to individual needs.
- o Foster effective partnerships with parents / carers and the voluntary sector.
- o Have effective protection of entitlement.
- o Make efficient use of resources.
- o Ensure rigorous evaluation and monitoring to assure consistent high quality.
- o Listen empathetically and take account of the views; of children, young people and their parents or carers are in planning provision.
- o Have short timescales that are adhered to, from the point of identification to the making of provision.

KEY IMPROVEMENTS NEEDED TO THE CURRENT SYSTEM

Improvements are needed to ensure consistent and appropriate implementation of the current statutory framework and the SEN Code of Practice for Wales. The principal areas where change is needed are as follows:

- o A consistent, transparent and equitable approach to the funding of SEN / ALN provision.
- o Improved consistent approach to assessment and intervention between schools and LEAs.
- o Monitoring of the implementation of regulations and the Code of Practice.
- o Improvements to the capacity of schools and other educational provision to provide for pupils with ALN.
- o Much improved arrangements for professional development at all levels and contexts.
- o Greater clarity and structure in relation to the role of the SENCo / ALNCo within mainstream schools.
- o Improved and effective protection afforded to pupils currently provided for those not subject to a statement of SEN.
- o A more empathetic and open partnership with parents and carers.
- o Inter-agency implementation around 14+ Transition plans and an extension of entitlement to include the more needy students up to age 25.
- o Improved primary / secondary transition.
- o Better involvement of young people in the processes.

KEY POINTS CONCERNING THE OPTIONS

Elements of the three options promoted through the consultation that were widely supported were:

- o A system of assessment and planning that is less “medical” in its approach and recognises the need for planning a child’s learning environment along with any inherent individual needs. (all options)
- o A consistently applied system across Wales (all options)

- o The school based *Individual Development Plan (IDP)*. (option 1)
- o The provision of *Advocacy support*. (all options)
- o The appointment of a *Lead Professional* (all options).
- o *The School Improvement Adviser*. (all options)
- o *The complex needs panel*. (option 2)
- o The interdisciplinary “waking day” or 24 hour curricular provision for those with more complex needs. (option 2)
- o The flexible entitlement statement (passport) for those who do not have complex needs. (option 3).

Conclusions

1. Responses from parents and carers consistently identified the same concerns and issues. Similarly, there was a high level of consistency in responses from professionals involved in the process. Perhaps more surprisingly, the views emerging from both phases of the consultation were also very similar. This means that it is possible to report a fairly high level of consensus about the way forward across Wales.
2. Strengths and weaknesses were consistently identified with each of the three options. None of them were seen as providing a complete blueprint for future policy. However, aspects from all of them were seen as potential improvements on the current arrangements.
3. The general consensus was that the current framework offers most of what is desirable in a statutory framework for children and young people with SEN and with some improvements it could be made to be “fit for purpose” and less bureaucratic and less “medical” in its approach. There was general agreement that a less bureaucratic approach could be adapted for the wider group of learners with additional needs.
4. However, there is an overwhelming and very strong belief throughout Wales that the current system is not working as it should and there are major inconsistencies in its implementation within LEAs and mainstream schools. Those parents and carers who attended the consultation events had generally low levels of trust that they will be dealt with fairly and that their children’s needs will be appropriately met. Probably as a result there was a strong feeling that the most valued aspect of the current arrangements is the legal protection afforded by a statement. Those parents whose children were protected by a statement want to keep it and those whose children don’t currently have a statement wanted one.
5. Again, there is a high degree of agreement over the desired essential features of the system and what needs to be put in place to improve it.
6. Overall, given the clarity emerging from this consultation, it is difficult to envisage either making no change or not tackling any of the key issues identified. It would also seem difficult to embark on wholesale radical change before making the current system work more effectively and building the trust of parents and carers. Whilst some voluntary sector

organisations still have concerns about the intention to reform the system, the consultation was well received and has allayed many of the fears about change. However, it has also raised expectations that improvements will be made.

7. Although there is an understandable resistance to change on the part of parents and carers, there is an imperative to make improvements to the current system arising from the reports from Estyn, the Audit Commission and the ELLS committee.

Summary and way forward

It is probably safe to say that if you were designing a system for protecting the entitlement of children and young people with ALN and their parents and carers, you wouldn't start from where we are now. There is a need for a holistic child-centred and family centred approach, which incorporates planning to ensure that the learning environment is appropriate.

It is clear that a much greater emphasis needs to be placed upon ensuring that the educational system better provides for children and young people with ALN. It is also essential that there is a high level of consistency across Wales.

The legal protection afforded by a statement, or its equivalent, would seem still to be necessary for the time being. However, there is a good case for reducing the proportion of those subject to a statement. This would mean issuing statements just for those with more complex needs. At the same time, it is essential to ensure that the statement provides for all of the child's or young person's needs and those of their parents or carers.

It would therefore seem appropriate to continue to run a two-tier system, which includes those with a statement and those without. Entitlement protection would need to be assured for those without a statement.

Whilst the two-phase consultation has successfully elicited the views of a wide range of stakeholders, there is a need to continue the process of dialogue with all concerned, regarding any future changes. It is important to consult with stakeholders with whom we have not yet engaged, e.g. elected members, school governors and young people with ALN. It is also important to further consult with stakeholders who have proved difficult to engage, e.g. Senior Social Care managers and Children and Young Peoples' Partnerships (CYPP).

The strategic priorities for change should be to initiate pilot schemes that:

- o **build the capacity of all providers, and especially mainstream schools**, to identify, assess and meet needs of learners with ALN (training strategy, support for SENCos / ALNCos, whole-school/LEA training programmes, specific guidance);
- o **clarify criteria and funding routes for ALN provision** in order to deliver equality of access to additional support and resources across Wales;
- o build in **monitoring and evaluation of outcomes for learners with ALN** as part of an inclusive self-evaluation framework;
- o **improve the quality of partnership working with parents and learners**, including the provision of clear, accessible and low-stress mechanisms for expressing concerns and complaints about provision and practice at all levels (mediation, advocacy, complaints procedures); and
- o work with a wide range of stakeholders to **ensure that high-level policies in all agencies are informed by ALN / inclusion issues**.

AREAS FOR FUTURE DEVELOPMENT WORK

There is a need for further development work in a number of key areas. These are outlined below.

1. Quality assurance

The development of effective quality assurance measures could include the following:

- o A common self-evaluation and monitoring framework. The development of current work on the All Wales Inclusion Quality Mark to ensure compliance with DDA requirements and incorporating whole school approaches such as *Dyslexia / ASD / Speech & Language Friendly School* frameworks. Ideally this would secure a merging of disability, SEN, ALN and inclusion frameworks.
- o A comprehensive range of quality standards, guidance and self-evaluation support materials.
- o To produce a framework of outcome measures and other data that could help evidence quality assurance and monitoring systems, including evaluative feedback from parents and young people.
- o To explore the involvement of voluntary sector organisations in the quality assurance processes.
- o To explore the development of learning disability forums to seek the views of young people with a range of differing ALN.
- o To develop a moderating system to monitor consistency across Wales.
- o To develop reporting mechanisms locally and nationally.
- o To develop a joint inspection process.

The Funding & Outcomes Task Group is already carrying out some aspects of this development work and would need to be involved in shaping further development work in this area.

2. Capacity building

There is a need to develop and trial the role of the *school improvement adviser* as outlined in the *Options for Change* paper.

One obvious area to pursue through pilot work is the development of the role of existing LEA School Improvement / Effectiveness Advisory Services. However, there would be a need to ensure staff within these services have the requisite knowledge and expertise to be able to both monitor and to help build schools' capacity relating to ALN. School Effectiveness services and Inclusion / ALN services often do not always work closely together and there is a clear need for this to be addressed.

The current *Unlocking the Potential* programme is already proving of value to LEAs using their special schools to enhance their framework of SEN support services. Greater use of special schools and other specialist provision could be usefully deployed to empower mainstream schools.

There would also seem to be potential for development work to be linked in with the proposed School Effectiveness pilot schemes.

3. Professional Development

Most of the needs identified through the consultation for better professional development throughout the system have also been identified in the report from WAG ANID Empowering Teachers Task Group. This report identifies that improvements need to be made to the training programmes for ITT, NQT, EPD, NPQH, and LPSH (?) programmes. Much of the development work in these areas is already underway. However, there would be merit in developing other aspects, such as:

- o A mandatory course for SENCoS/ALNCoS.
- o A standard course for School Improvement Advisers.
- o A framework of courses for teaching assistants.
- o Governor Training.
- o Specialist Learning coaches (14-19).
- o Elected Members awareness training.

4. Interdisciplinary model for those with complex needs

There is a need to explore the development of a genuinely interagency model for the identification, assessment, planning and review of children and young people with severe and complex SEN whose needs require the input of more than one agency.

It would seem sensible to explore the potential for linking this with *Flying Start* initiatives and by tying in with the WAG pilots already underway relating to the *Common Assessment Framework, (CAF)*. It would seem essential to ensure that any developments in this area come under the framework of the Children's and Young People's Plan (CYPP).

Pilot work would need to explore the potential for:

- o Joint assessments and review processes.
- o A legally binding single individual plan.
- o "Waking day" / 24 hour curricular provision.
- o Common definitions, criteria and terms.
- o A more effective framework for time limits.
- o A common framework for joint funding and commissioning arrangements.
- o Common performance and strategic targets relating to this client group.
- o Provision for students in the transition to adulthood phase, aged 14 - 25.
- o The Lead Professional role.

5. The role of the ALNCO.

Given the pivotal role within the statutory system of the SENCo and the overwhelming level of concern about the effectiveness of the SENCo in many schools further work is needed to:

- o Determine how an ALNCo system can be made to work, particularly through clustering arrangements for small schools.
- o Explore potential for developing a shared ALNCo role between the teacher and school support staff.
- o The ALNCo's role in the management of the school, including in relation to delegated funding.
- o Producing a structure and minimum requirements for schools.
- o

6. The framework for those with non-complex needs.

There is a need to develop the following:

- o Effective entitlement protection for all those identified with ALN.
- o Arrangements for advocacy and mediation services.
- o The IDP.
- o A simple, flexible assessment, planning and review system that can be managed in schools. (passport).

7. Involvement of young people in the assessment, planning and appeal processes.

There is a need to develop systems for ensuring the appropriate involvement of young people in the assessment, planning and appeals processes. *Person Centred Planning* approaches have been successfully introduced in a few contexts in Wales and would seem to provide a good basis for the involvement of young people in expressing views or preferences and making choices affecting their lives. However, as yet, there is a limited understanding of the techniques and approaches involved.

8. The funding for ALN provision.

There is a need to carry out further analysis and to explore the potential for improvements in the following areas:

- o The perceived shortfall in funding of ALN provision.
- o The protection of ALN funding within mainstream school budgets.
- o The protection of LEA ALN budgets to enable identified needs to be met.
- o The separation of LEA processes for identification / assessments of needs from those of resource allocation.
- o Improved accountability about how resources are distributed and spent in all contexts.

The SEN Funding and Outcomes Task Group is already exploring many of these issues and would need to be involved in shaping further development work.

9. Advocacy Support

The role of the advocate within any reformed system needs to be further developed and then piloted. Careful role definition between services providing advocacy and conflict resolution services needs to be made.

PILOT SCHEMES

The Welsh Assembly Government has made provision to enable the piloting of some key aspects of a potentially reformed framework, from September 2008.

Following discussions at the Welsh Assembly Government conference of LEA Inclusion Officers in March it has been decided to establish developmental pilot schemes in the following four areas:

- Quality Assurance.
- An inter-agency model for pupils with severe and complex needs.
- A mainstream school model for pupils with non-complex ALN.
- The model for the ALNCo in mainstream settings.