

STATEMENTS OR SOMETHING BETTER?

PRELIMINARY CONSULTATION ON OPTIONS FOR
CHANGE TO THE FRAMEWORK FOR STATUTORY
ASSESSMENT AND STATEMENTS OF SEN

SUMMARY OF PARENTAL VIEWS

Additional Needs and Inclusion Division
SEPTEMBER 2007

Background

Following recommendations made in reports by ESTYN, the Audit commission and Cambridge Education Associates,* the Welsh Assembly Committee for Education, Lifelong Learning and Skills (ELLS) 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 with parents on these potential options for change was conducted in June and July 2007.

This report summarises the outcomes of this first phase of the preliminary consultation process.

Consultation Process

i) MODEL

Regional one-day events were organised in each of the 4 Local Authority Consortium areas. In North Wales it was decided to hold 2 events, (north east and north-west). In response to requests from local authority officers, LEAs were invited to organise their own consultation events in partnership with the Welsh Assembly. Eventually, only one LEA, the City and County of Swansea, took up this offer and the outcomes from their consultation event have been included in this report.

The regional consultation events were organised into 2 sessions.

LEAs were asked to select a small cross-section of parents to attend the morning session on each of the consortia events. They were asked to find a fair and equitable way of identifying a wide range of views. The cross-section was to include parents and carers of pupils with a range of disabilities, including both mainstream pupils (with a statement and those at School Action Plus), and those placed in specialist settings.

SNAP Cymru agreed to co-ordinate the afternoon sessions, to which parents identified from relevant voluntary sector organisations were invited to attend.

The City and County of Swansea was organised on the same basis as the consortia events with a cross-section of parents being invited.

LEAs and SNAP were invited to nominate personnel to join with WAG staff as facilitators for the consultation events. A training day for facilitators was organised to ensure consistency between events.

Storyboards outlining the 3 options for change were commissioned to provide a visual aid for facilitators and to help ensure a better understanding of how the alternative proposals would work in practice.

Parents were sent a copy of a document outlining the 3 options before the events.

At the consultation events, parents were organised into groups of 15-20 and given the background and context for the consultation followed by a detailed explanation of how the 3 options would work. Comments and views were elicited on how the current system was working and on the 3 proposed options. Finally, parents were asked to identify the most important features of an effective and appropriate statutory framework. They were invited to send any further comments in writing.

ii) OUTCOME

The attendance at the events varied considerably but overall, a good cross-section of parents attended and those that did, actively contributed to the consultation. The process for the organisation of the events was followed reasonably well.

There were delays in some instances in LEA consortia and voluntary organisations sending invitations to parents.

However, parents from only one LEA complained about the process of invitations. A few parents were unhappy about the timings of the events, finding the afternoon sessions difficult because of childcare responsibilities.

The format of the meetings worked well. The storyboards used in small group workshops proved highly effective in communicating the concepts involved in the 3 options and as a focus for discussion. Feedback from participants about the consultative process was extremely positive. All comments and views were recorded. SNAP Cymru collated the verbatim comments from the twelve meetings and those involved in facilitating the events met to review the outcomes.

Many parents expressed anxieties about potential changes but were reassured by the fact that the Welsh assembly Government was consulting before any decisions had been made. There was strong support for similar meetings during the formal consultation process.

Summary of Views

i) OPTION 1 - MINOR CHANGES

LIKES

There was strong support for:

- o The multi-agency panel providing there was effective parental representation.
- o The Lead Professional (accessible throughout the process), providing the person was sufficiently well

informed on disability/SEN issues and was able to be independent. (i.e. not just take the LEA line)

- o The School Improvement officer role providing this meant they were well informed about SEN and would monitor and support mainstream schools.

There was also support for:

- o The Individual Development Plan (IDP), which was seen as more practical and accessible.
- o The whole process, as it seemed more parent-friendly.

DISLIKES AND CONCERNS

Considerable concern was expressed that this option:

- o Did not extend to those on "School Action Plus." Particular concerns were expressed in relation to dyslexia, speech & language difficulties and social, emotional & behavioural difficulties.
- o Was not a speedier process than applies currently. A shorter timescale than 6 months is seen as important.
- o Has the same legal protection as the current "statement."
- o Has a shorter period than a year for the IDP, particularly if agreed strategies aren't working.
- o Is too reliant on mainstream schools to make it work. Specific concerns being:
 - o Resources deployed according to need.
 - o Availability of the SENCO.
 - o Expertise and training of SENCO and mainstream staff.
 - o The need to monitor mainstream provision for children with SEN.
- o To be applied consistently across Wales.

Other concerns included the need for:

- o The model to apply pre-school.
- o The model to apply to independent and Foundation schools.

- o Better/earlier identification of difficulties in Primary schools.

ii) Option 2 - Re-shaping our approach.

LIKES

There was strong support from parents/carers of children and young people with severe and complex needs. They universally felt this option represented much better provision due to:

- o The multi-agency approach.
- o The potential for "wrap around care" provision, including health and social service funded services eg. Respite care.
- o The potential for a single plan for individuals.
- o The provision of a key worker.
- o The role of the SEN/Disability manager.
- o Parents' involvement in the multi-agency panel.

DISLIKES AND CONCERNS

There was very strong opposition to this option from most parents. The principle reason was that they felt that, under this option, children with SEN beyond the "0.5% band" would not be appropriately provided for. Specific concerns were:

- o Provision for many of those currently with statements would not be guaranteed.
- o Provision for those currently at "School Action Plus" is generally seen as not working and this would make it worse.
- o Parents of these pupils would be even further excluded from decision making.
- o Specialist provision for children with autistic spectrum disorders (ASD) and those with social and emotional difficulties and other specific disabilities would not be made.
- o Funding for mainstream schools for pupils with SEN could be a difficulty.

In addition, the following concerns were expressed in relation to this option by both those who favour it and those who do not:

- o The reliance on mainstream schools to provide appropriately is a real concern. The same arguments were made as those for option 1 (see above).
- o There is a lack of voluntary sector involvement in this model and they are seen as very often having the specialist expertise that is lacking in schools and LEAs.
- o There is a need for consistent criteria and provision across Wales.
- o There are doubts that Health authorities and Social Services will participate and fund appropriately.

The statement for students with complex needs should be extended until they are 25 years of age.

iii) Option 3 - Passport approach

LIKES

There was considerable concern that this option would not have the legal protection currently afforded by "the statement". Assuming that legal protection was assured, some parents felt that this was the best option, highlighting the following positive aspects:

- o Potentially a much more inclusive approach, as pupils would not be labelled as they are now. It could apply to all learners with additional learning needs. A few parents suggested that every learner could have a passport outlining their learning requirements.
- o It would work well alongside option 2.
- o The continuing cycle whereby amendments and updates could be completed "at source" in schools, as and when necessary.
- o It assured the involvement of the headteacher.
- o Schools would be working together. This was seen as particularly beneficial if the clusters were not too large.

Potential benefits identified were:

- SENCOs from primary and secondary schools working together.
- Shared training to expand knowledge and skills.

- A more efficient use of resources, potentially a commonly managed pool of staff and learning resources.
 - Improved transition arrangements between schools
 - A wider range of specialists could be employed and specialist units.
- o It would cut out the LEA and speed things up.
 - o Possibility of an electronic version in the future.

DISLIKES and CONCERNS

The following were aspects of this that were strongly disliked:

- Almost all parents felt that the decision making process through the headteachers' panel was unrealistic. Parents felt that heads would fight for their own school's interests and compete with other heads to secure the most resources.
- Schools were seen as having too much control and could not be relied upon to spend the delegated resources on pupils with SEN.
- Health services would seem to be less involved.
- The model would lead to greater variations between schools; ie. Potentially, a greater "postcode lottery" than now.
- No parental or voluntary sector involvement on the panel.
- The model was seen to diminish parents' rights.
- It is very difficult to challenge school decisions.
- The term "passport".

The following concerns were expressed about this model, which if addressed, would lead to a greater level of acceptance:

- The need for/lack of:
 - Legal protection.
 - Minimum timescales.
 - Transparent funding arrangements.
 - Much improved professional development.

- Rigorous monitoring of school provision. (Would school improvement staff have sufficient expertise and clout?)
- Schools are already over-loaded and resistant to extra work.
- It would lead to an increase in special school placements.
- Pupils with SEBD would lose out.
- What happens if the cluster runs out of money?

iv) The Current System.

The majority of comments made by parents/carers were not specifically about the 3 options for change but related to the current system. Parents from one LEA were generally happy with current arrangements and in another there was a mixed response. However, overall, there was widespread criticism and anger expressed, based upon their experiences.

LIKES

A few parents felt that, with minor improvements, the current system of statutory assessment and provision of statements was adequate and should not be changed. In all cases these parents had statements of SEN for their children. They liked:

- The legal protection afforded by the statement.
- The recourse to the SEN Tribunal.
- Provision made in special schools.

The minor changes identified by these parents were the need for:

- Shorter timescales.
- A greater use of disability specialists.
- A more open and empathetic process.
- More stringent monitoring of mainstream provision to ensure needs are being met.
- A comprehensive programme of training of mainstream staff.

DISLIKES

The malcontent expressed about the current situation relates not only to the statutory processes of producing and amending the statement, but also to the provision for children and young people with SEN in mainstream schools. These are dealt with separately.

i) Statutory assessment and statements:

- Health provision, particularly therapy services are not inclusive and frequently are not provided.
- Lack of legal protection for those on "School Action Plus".
- Lack of use/availability of disability specialists and a lack of knowledge about some specific disabilities (eg. Asperger Syndrome).
- Lack of openness and transparency, particularly access to reports and assessments during the process.
- Lack of empathy, responsiveness and professionalism of some LEA staff. (Considerable variations between LEAs).
- An "us and them" culture.
- Length of time taken to respond to concerns and to produce a statement.
- Review processes inadequate, statements out of date.
- Huge variations between LEAs.

ii) Provision made by mainstream schools

There were one or two parents who expressed satisfaction about the provision made by their mainstream schools, but the overwhelming majority of parents, in all of the meetings, were extremely unhappy about provision made for their children.

The criticisms most commonly made included the following:

- A lack of knowledge and skills of mainstream teachers and support assistants.
- A lack of commitment and empathy of school staff to meeting the SEN of pupils.
- Inadequate resource allocations.
- Some schools are diverting SEN funding elsewhere.
- Schools are poor at dealing with complaints or concerns.

- SENCOs :
 - do not have enough time to carry out their role,
 - are frequently not trained,
 - are not always teachers,
 - are sometimes headteachers (seen as not working).
- Frequently do not deliver what the statement specifies.
- Do not give sufficient priority to those on "School Action Plus" and "School Action".

v) Essential aspects of provision

In the final, plenary part of the consultation events, parents/carers were invited to make general observations and identify features that they felt were important in any future system. Key features emerged, with remarkable consistency, in the twelve meetings. The need was expressed for:

- Legal protection for all those identified with SEN.
- A single system for the whole of Wales with common criteria and systems.
- Inter-disciplinary provision outlined and guaranteed wherever it was needed.
- A single plan covering all individual needs.
- "Wrap around care" packages for those with severe and complex needs.
- Closer partnership working with the voluntary sector.
- Availability and use of disability specific professionals for assessment, and on-going advice and training.
- An effective key worker system.
- Independent advocacy support.
- An upper age limit of 25, where necessary.
- A comprehensive professional development programme for mainstream staff.
- SENCOs properly trained and with adequate time to carry out their role, ideally full-time.
- A rigorous, informed monitoring system that ensured needs were being met in mainstream provision.
- Effective involvement and independent parental representation on panels determining provision. (A large number of parents felt that they should be able to attend themselves).

- Empathetic and partnership approach with parents by all agencies and schools.
- Sufficient resource allocation.
- A mechanism for listening to parents' views on how the system is working.