



# Lamb Inquiry

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## SPECIAL EDUCATIONAL NEEDS AND PARENTAL CONFIDENCE



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## Special educational needs and parental confidence

Dear Secretary of State,

In March 2008 you asked me to look at how parental confidence in the special educational needs system could be improved. Because of emerging issues during the period of the Inquiry you also asked me to look at: SEN and disability information; the quality and clarity of statements; inspection and accountability; and what impact the changes in the Tribunal system were having on parental confidence.

I have produced three Interim Reports and have written to you on a number of occasions. I am pleased at the progress that has already been made in addressing some of the issues that I raised in my interim reports. I am now able to give you my final report. This also incorporates my previous recommendations and updates them where relevant.

Through the Inquiry we have been privileged to hear from thousands of parents, children and young people as we went around the country. They shared with us their experiences, their insights into how the system currently works and their aspirations for the future. I am grateful for the time everyone gave us and the enthusiasm with which they supported our enterprise.

I have been fortunate in being supported by an Expert Advisers Group and a Reference Group who have all brought their vast experience of different parts of the system to the issues we consider in the report. We have also benefited from a number of research projects and eight local authorities have successfully piloted a number of new approaches for us. We have also had the benefit of visiting some of the best schools and local authorities who are already doing much of what I recommend here.

We have heard a clear message: parents need to be listened to more and the system needs to be more ambitious for their children. These two essential insights run through the whole report and we need to respond urgently if parental confidence is going to be increased and children's life chances improved. We need a radical overhaul of the system which ruthlessly refocuses its efforts on securing better outcomes for children and delivers the support they need in order to achieve. This will involve enhanced rights and a cultural shift in the way in which schools, local authorities and other professionals work with parents and children.

These recommendations, taken in their entirety, would achieve the goals that I intend. I hope the Government will be able to act on them.

With best wishes,



Brian Lamb OBE

# Foreword

In talking with parents of disabled children and children with special educational needs (SEN), we met some of the happiest parents in the country and some of the angriest. Many had children who are well-supported and making good progress. But we also met parents for whom the education system represents a battle to get the needs of their child identified and for these to be met. The crucial issue is that both experiences happen within the same system. While the aims of the SEN framework remain relevant, implementation has too often failed to live up to them.

The education system is living with a legacy of a time when children with SEN were seen as uneducable. Too often they are still set the least demanding challenges. We found many examples where disabled children and children with SEN were sidelined rather than challenged to be the best that they could possibly be.

My Inquiry has therefore concluded that there needs to be a major reform of the current system. We need to act urgently to ensure we do not let a generation of children leave school ill-equipped to lead an independent life and make a contribution to society.

There needs to be a radical recasting of the relationship between parents, schools and local authorities to ensure a clearer focus on the outcomes and life chances for children with SEN and disability. We have a unique opportunity now to make a real and lasting change for future generations of children. This will only be realised if everyone within the system works towards these ends. The cultural change required will not be straightforward to implement – or always immediate – but should deliver greater ambition for our most vulnerable children and much greater engagement with their parents.

We need to see change in four key areas:

## **Children's outcomes at the heart of the system**

Like all parents, those with children with SEN want their children to be safe, happy and achieve their full potential. Yet we know that educational achievement for children with SEN is too low and the gap with their peers too wide. This is a hangover of a system, and a society, which does not place enough value on achieving good outcomes for disabled children and children with SEN.

The culture and organisation of too many schools is still to focus the best teachers on those children with the highest abilities. However, we also need the best teachers and better-targeted resources to those most in need. Most of all we need to change the culture of low expectations for children with SEN.

We have sought to demonstrate how to achieve this change through the Achievement for All pilots, currently running in 10 local authorities and 460 schools. We recommended these pilots in December 2008 and they started earlier this year.

The benefits of early identification of difficulties and intervention on parental confidence are clear and we need teachers better equipped to respond to those most in need and specialists to support them in the task.

A consequence of the lack of expertise at school has been the inability to deal with more challenging children within the classroom. However we cannot accept a situation in which children with SEN are eight times more likely to be excluded than their peers. With more expert support in schools and with new guidance to help schools deal with issues better and earlier, we expect to see a steep decline in disproportionate exclusions.

Where there is commitment to positive outcomes for disabled children and children with SEN, schools and local authorities have developed imaginatively and creatively. Leadership at all levels has been the critical factor and our recommendations on school leadership should bring a more focused approach to SEN within the school.

### **A stronger voice for parents**

Parents have told us that *good, honest and open communication* is one of the important components of building confidence and good relationships. Face-to-face communication with parents, treating them as equal partners with expertise in their children's needs is crucial to establishing and sustaining confidence. Where things go wrong, the root causes can often be traced to poor communication between school, local authority and parent.

Parents should be able to access the information that they need, when they need it, in ways that are convenient to them.

In the most successful schools the effective engagement of parents has had a profound impact on children's progress and the confidence between the school and parent. Parents need to be listened to more and brought into a partnership with statutory bodies in a more meaningful way.

The Aiming High for Disabled Children Core Offer principles deliver a clear framework of expectations about good communication with parents. I expect that the introduction of the core offer to education will bring about a profound cultural change in the way schools and local authorities relate to parents. We also want parent partnership services to have a much clearer focus on children's and parents' entitlements. Parents also need to have access to independent advice and we want this to be readily available through a dedicated national advice line.

The projects commissioned to inform the Inquiry show that improving parental confidence is readily achievable through good communication, shared information and a change of approach. It is not overly demanding of expertise or resources and the mutual respect that develops can transform relationships between authorities and parents.

### **A system with a greater focus on children's needs**

The role of local authorities in relation to schools has changed radically since the SEN framework was established with greater delegation of responsibility and funding to schools. Although this has many benefits, including enabling those closest to the child to respond quickly to their needs, it has the risk that some local authorities are too far removed from how services are being delivered. The consequence can be a lack of strategic focus on this group of children and a

failure to ensure specialist skills are accessible across all schools and to all children that require them. Having a sustained focus on how well resources are being used is increasingly important and delegation of funds should bring with it added responsibly to invest in specialist skills and transparency about how resources are being deployed to secure better outcomes. Anything less compromises the quality of children's education.

There needs to be a strategic approach to the development and deployment of staff with the right skills to recognise and respond to children's needs. Local authorities, operating within Children's Trusts, need to do more in commissioning services to ensure that schools are able to provide the specialist expert support early, well before children's needs go unrecognised and confidence in the system slips away. Parents should not have to wait until their child fails for falls further behind before help is available.

The assessment process drives much of the controversy and dissatisfaction in the system. Many parents found the statutory assessment process stressful and difficult due to a lack of information, poor support and the negative attitudes they often encountered. Parents need to have confidence that their children's needs are accurately assessed and regularly reviewed as the child changes and develops. We found far too many examples of vagueness and a lack of specificity in the writing of statements and a reluctance to keep statements under review. This will be addressed through new guidance.

Although there has been some debate about the value of the statutory assessment and statement process, parents told us they value the security of a statement and the confidence it gives them to challenge the authority if the provision agreed is not forthcoming. Parents were crystal clear that they wanted the letter and spirit of law adhered to and the system made to work better.

Professionals who assess children's needs and recommend what provision should be put in place to respond to these must adhere to best professional practice so that parents can have confidence in their judgements. We came across examples where this was not the case and this led to a reduction in confidence in the assessment process. We also need to look more closely at whether ensuring a more independent and easily accessible assessment system, with transparent decision-making, will deliver a more secure view of a child's needs and heighten parental confidence. Direct access to specialist advice for parents is needed so that they can hear from professionals early in the process. At times the needs of children with SEN have been lost sight of by spending too much time assessing and providing for services that are easy to quantify rather than those which are most effective at delivering improved outcomes. Training for local authority officers will help address this.

### **A more accountable system that delivers better services**

In a system characterised by extreme variation we cannot – and should not – have to rely on parents to police the system. To do this we need to ensure that we build in accountability at every level, from what children tell us through to national systems of monitoring and redress.

We also need to have greater clarity and accountability from service providers and confidence that school inspections have an adequate focus on SEN. A school cannot be a good school unless it caters properly for all the children it is there to serve. Ofsted has a crucial role to play in driving improvements and providing

assurance to parents; inspectors need to be fully equipped and focused to carry out this task.

The voice of children needs to be strengthened within the system and progress routinely tracked and reported on as part of more general reporting requirements through the new schools report card. Governors also need to be encouraged to have a greater focus on SEN.

Government needs to know how the system is performing. Much information is produced but not enough action is taken as a result. The SEN (Information) Act 2008 is very welcome in this respect. Government needs to make more of the evidence it collects, and use data from other organisations such as Ofsted, the Local Government Ombudsman and the First-tier Tribunal (SEN and Disability), to drive up quality across the system and hold authorities to account where they are found wanting.

The system should not be designed around the presumption of failure but support parents in helping children succeed. When problems do occur, they should be dealt with quickly by professionals working with parents. However, there will be instances where this cannot or does not happen and parents need better forms of redress than the system currently offers. They need confidence that their complaints are going to be heard and acted on. This is relevant across a number of areas of the system but most commonly parents had concerns around the process leading to exclusions, implementation and review of provision in a statement and challenging authorities in relation to their decisions.

We also need to ensure that access to justice is possible, especially for those parents least equipped financially or in terms of personal resources. Routes for redress should be easily accessible.

The Disability Discrimination Act also has an important role to play in underpinning the SEN framework with a rights based approach to securing access to education and protecting children from discrimination. We found parents where unaware of the protections it offers and there were shortfalls in public bodies complying with their obligations. Importantly there are gaps in making practical provisions that would support children that need to be filled and there must be much better compliance with its requirements.

There has been debate that, over time, the focus of the SEN system would broaden to cover a wider range of needs. However we have concluded that to shift to a wider definition of SEN, at this point, would send the wrong signal to the system. It is not clear how the needs of these children would be better served by changing definitions or categories. There should be a greater focus on responding to those with SEN and disabilities. We need to ensure that the workforce has the skills and access to specialist support to improve children's outcomes and narrowing the large gap.

### **Looking to the future**

In conversation during the Inquiry with the parent of a young disabled man he reflected that while his son had achieved well and had received a good education it had only been at the cost of years of struggle and intensive promotion of his son's needs against a system that often did not seem on his side. He had only wanted his son to achieve the best that he was capable of and to have a normal family life. "I should not have to fight for everything that we need."

This is the real story of the SEN system. In many places and for many parents it can and does work well, but for too many parents it represents an unwarranted and unnecessary struggle. For some, what should be easy becomes hard; where there should be support there can be indifference; and when there should be speed there is delay. It is no wonder that confidence breaks down in these circumstances. The system needs to feel more like one where 'everyone is on the same side' as another parent put it, with everyone focusing on the best outcomes for all our children. These proposals are designed to put the system further on side of disabled children and children with SEN and the parents trying to do the best for them.

This vision I have outlined will only be achieved if my recommendations are taken as a whole. Each on its own will not work without the support of the others. It is the combination of action in different areas that holds the potential to make a difference for disabled children, children with SEN and their families.

Taken together these recommendations are a radical challenge to all who work in the system to change the culture and practice of the way they deal with disabled children and children with SEN. However, there is nothing I am recommending that is not being done by the best teachers, schools and local authorities across the country already. It is for this reason that I argue that it is not the current framework that is at fault but rather the failure to comply with both the spirit and the letter of the framework. We therefore need to ensure that what the best are doing today the rest can, and will, do tomorrow.

Brian Lamb OBE

# Recommendations

## Chapter 2: a clearer focus on outcomes

- Recommendation 1 SEN and disability are embedded in preparation for school leadership.
- Recommendation 2 Achievement for All is developed with a clear focus on how the work will be sustained beyond the pilot stage and with evidence and relevant materials from the pilot disseminated as it progresses.
- Recommendation 3 the pupil and parent guarantees show what disabled pupils and pupils with SEN can expect from their school and from local services, and how this fits with existing statutory requirements.
- Recommendation 4 parents should have direct access to the multi-agency teams based in schools or partnerships of schools.
- Recommendation 5 the Training and Development Agency for Schools (TDA) develops guidance on the effective deployment of teaching assistants.
- Recommendation 6 the DCSF commissions the TDA to develop materials to support training at an advanced level in each of the five main areas of SEN.
- Recommendation 7 the DCSF commissions the TDA to develop teachers with specialist SEN and disability skills across clusters of schools.
- Recommendation 8 preparation for working with parents of disabled children and children with SEN is included in initial and continuing training across the children's workforce.
- Recommendation 9 the DCSF reviews the effectiveness of a range of approaches to preventing and tackling bullying of children with SEN and disabilities and invests further in those with the most impact.
- Recommendation 10 the DCSF commissions the National Strategies to promote disability equality schemes as a vehicle for working with disabled pupils to identify and address bullying.
- Recommendation 11 the statutory guidance on the role of the Behaviour and Attendance Partnerships includes addressing the over-representation of disabled pupils and pupils with SEN in exclusions.
- Recommendation 12 the DCSF commissions the National Strategies to work with local authorities to reduce SEN exclusions focusing first on local authorities with highest levels of SEN exclusions.

## Chapter 3: a stronger voice for parents

- Recommendation 13 the core offer developed through Aiming High for Disabled Children is extended to provide a set of principles for engagement by schools and children's services with parents of children with SEN.

- Recommendation 14 current improvements in parent engagement should take full account of disabled children and children with SEN.
- Recommendation 15 the mandatory content of schools' SEN policies is simplified and schools should consult with parents on the content of the policy.
- Recommendation 16 the requirement to produce and publish an SEN policy is extended to pupil referral units.
- Recommendation 17 annual review meetings for children with a statement include a consideration of information needs of parents and children and young people.
- Recommendation 18 the DCSF re-launches parent partnership services to provide parents with expert, high-quality advice. They should be trained in the statutory framework and their role in advising parents of their rights should be reinforced.
- Recommendation 19 the DCSF commissions the National Strategies to work with local authorities to ensure that parent partnership services are appropriately deployed.
- Recommendation 20 the DCSF commissions and promotes a dedicated independent advice line for parents of disabled children and children with special educational needs.

#### Chapter 4: a more strategic local approach

- Recommendation 21 the National College for the Leadership of Schools and Children's Services incorporates SEN and disability into training for leadership of children's services.
- Recommendation 22 the Commissioning Support Programme works with Children's Trusts to improve the commissioning of services for disabled children and children with SEN and convenes an expert group to advise on the work.
- Recommendation 23 DCSF asks the Centre for Excellence and Outcomes (C4EO) to collect evidence of good practice where schools and clusters of schools are commissioning services for children with SEN.
- Recommendation 24 the National Strategies report to the DCSF on which local authorities have complied with the publication of the SEN information required in the 2001 Regulations.
- Recommendation 25 the National Strategies report to the DCSF in 2010 on which local authorities have complied with the requirements on disability equality schemes and on the extent of the compliance of schools in the area. The DCSF should publish this report.
- Recommendation 26 the findings from the parental confidence projects are disseminated and the wider benefits of strategic engagement with parents are promoted.
- Recommendation 27 a second round of parental confidence projects is commissioned on a regional basis.

- Recommendation 28 the DCSF commissions the National Strategies to:
- draft guidance on good practice in drawing up statements;
  - promote this guidance; and
  - provide training to support the development of a partnership approach.
- Recommendation 29 parents have a right of appeal where the local authority decides not to amend a statement following an annual or interim review.

### Chapter 5: a more accountable system

- Recommendation 30 the results of the Tellus survey are disaggregated to show the views of disabled children and children with SEN where possible.
- Recommendation 31 the DCSF develops an inclusive measure of progress for the school report card.
- Recommendation 32 new governor training gives a high profile to governors' responsibilities for SEN and disability, with a particular focus on progress and outcomes.
- Recommendation 33 all School Improvement Partners (SIP)s working with mainstream schools receive training in SEN and disability; and that, in reporting to the school governing body, the head teacher and the local authority, SIPs report on the extent to which the school has promoted good outcomes and good progress for disabled pupils and pupils with SEN.
- Recommendation 34 all inspectors receive training on SEN and disability.
- Recommendation 35 Ofsted and the inspection providers review the pool of inspectors with skills in particular areas of SEN and disability with a view to ensuring capacity to inspect special provision effectively.
- Recommendation 36 a duty is placed on the Chief Inspector to report on the progress of disabled pupils and pupils with special educational needs as part of school inspection.
- Recommendation 37 guidance is developed to support elected members in the local scrutiny of SEN.
- Recommendation 38 where the Secretary of State finds that a local authority has failed to fulfil its statutory duties towards disabled children or children with SEN or where a local authority has acted unreasonably, he should use his powers under the Education Acts to issue a direction to that local authority to address the failure.
- Recommendation 39 in determining where a local inspection should be triggered, inspectors have available a range of information that can inform them about outcomes for disabled children and children with SEN and about parental satisfaction.
- Recommendation 40 Ofsted keep under review the adequacy of the new arrangements for identifying the need for a triggered inspection of local authority planning, provision and outcomes for disabled pupils and pupils with SEN.

- Recommendation 41 the DCSF and the Local Government Ombudsman (LGO) work together to route SEN complaints against schools and local authorities to the LGO.
- Recommendation 42 statutory guidance to governing bodies and independent appeals panels on exclusions is strengthened to require a review of whether the headteacher had regard to the guidance on SEN and disability.
- Recommendation 43 SEN and disability training is provided for members of independent appeals panels.
- Recommendation 44 the First-tier Tribunal (SEN and Disability) provides guidance and training for Tribunal chairs on the conduct of both telephone and face-to-face hearings.
- Recommendation 45 the Tribunal issues guidelines on the provision of professional and expert evidence.
- Recommendation 46 the Tribunal reviews and develops the information that it gathers and publishes.
- Recommendation 47 the Government implements a right of appeal to the Tribunal for children and young people.
- Recommendation 48 the exceptional funding scheme for providing legal aid for Tribunal hearings is reviewed, with key stakeholders, and more widely publicised. If the re-launched scheme does not increase access, parents who meet the financial criteria should have legal aid for representation at a Tribunal hearing.

### **Chapter 6: the national framework**

- Recommendation 49 the professional bodies work with the Health Professionals Council to review their codes of conduct with a view to ensuring that the codes, or more detailed guidance, provide their members with clear guidance on the provision of professional advice.
- Recommendation 50 an evaluation of a number of different educational psychology service models is carried out. The impact on outcomes for children and on parental confidence should be a key part of the evaluation.
- Recommendation 51 the reasonable adjustment duty in the Disability Discrimination Act is amended to remedy the exclusion of schools from the requirement to provide auxiliary aids and services.

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## Parental satisfaction: messages from the research

Main themes:

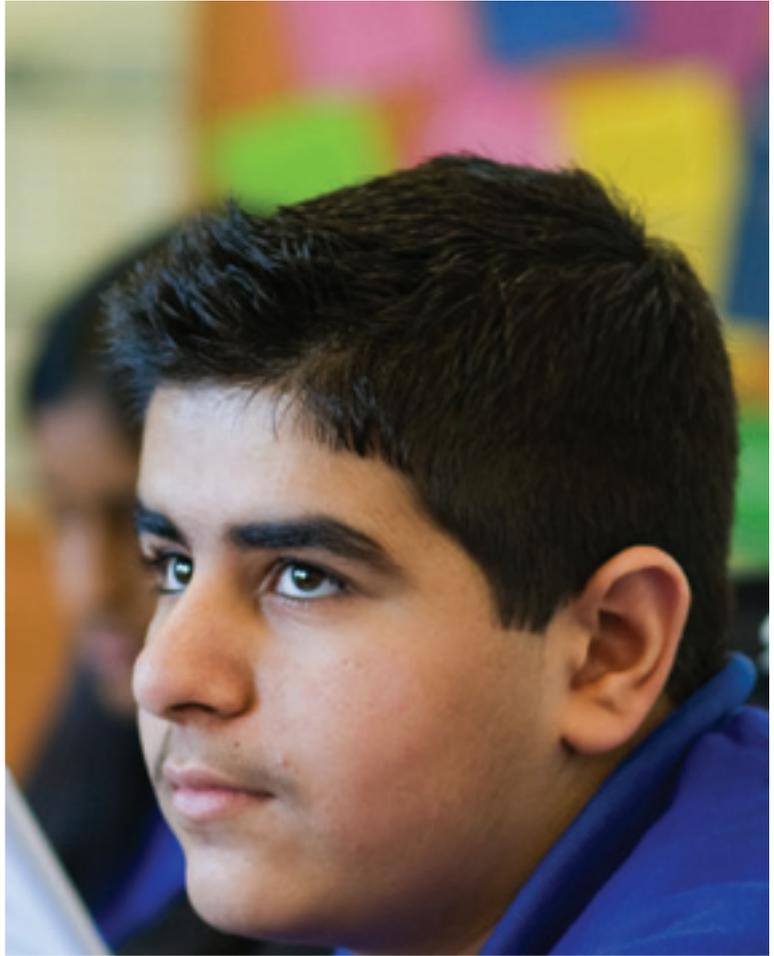
- most parents of children with special educational needs (SEN) are satisfied with their child's current school, whether special or mainstream, and favour the current school over an alternative;<sup>1,2</sup>
- 85% parents of children with SEN are satisfied with the current school placement for their child;<sup>3</sup>
- parents of children with SEN are less satisfied with their child's school placement than parents of children who do not have SEN.<sup>4</sup>

Where studies showed parents were not happy with either a particular aspect of provision or sometimes the overall type of provision, key factors were:

- the extent to which the school, teachers and support staff understood the nature of their child's disability or learning difficulty;
- the willingness of the school to listen to parents' views and respond flexibly to their child's needs.<sup>5</sup>

## Endnotes

- 1 Parsons S, Lewis A and Ellins J (2009) *The views and experiences of parents of children with autistic spectrum disorder about educational provision: comparisons with parents of children with other disabilities from an online survey*. European Journal of Special Needs Education
- 2 Lewis A, Parsons S and Robertson C (2007) *My school, my family, my life: Telling it like it is*. Disability Rights Commission/Birmingham: University of Birmingham
- 3 DCSF (2008) Survey of Parents in England (additional analysis) for the Children's Plan
- 4 *ibid*
- 5 Whitaker P (2007) *Provision for youngsters with autistic spectrum disorders in mainstream schools: What parents say – and what parents want*. British Journal of Special Education, 34(3), 170–8



# Chapter 1

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## BACKGROUND AND PROGRESS OF THE INQUIRY



- 1.1 In October 2007, the House of Commons Education and Skills Committee published *Special Educational Needs: Assessment and Funding*. The Report identified parental confidence in the special educational needs (SEN) assessment system as a key issue in making provision for children<sup>6</sup> with SEN. In its response to the Committee's Report,<sup>7</sup> the Government committed to setting up a group of expert advisers, under the chairmanship of Brian Lamb, the Chair of the Special Educational Consortium, to advise on the most effective ways of increasing parental confidence in the SEN assessment process.
- 1.2 The work of the Inquiry was also supported by a wider reference group which provided vital access to the networks represented by the members of that group. The membership of these two groups is listed in Appendices 1 and 2.

### Terms of Reference

- 1.3 In formulating their advice, the Inquiry would:
- consider whether increasing parental confidence could be best achieved by:
    - making the provision of educational psychology advice 'arm's length' from local authorities;
    - sharing best practice in developing good relationships between the authority and parents, through effective Parent Partnership Services and other local mechanisms;
    - effective practice by schools and local authorities in meeting the needs of children at School Action Plus;
    - developing the 'team around the child' approach in the school stages;
    - other innovative proposals;
  - commission and evaluate innovative projects, in the areas identified, that can demonstrate the impact on parental confidence of a particular approach;
  - draw on the evidence of other work currently commissioned by the Department;
  - take into account the evidence of the submissions to the two Select Committee Reports in 2006 and 2007.

### The projects

- 1.4 The innovative projects provided opportunities for local authorities, working with partners, to explore ways of increasing parental confidence in the SEN assessment process. Projects had to be in one or more of the areas set out in the terms of reference (above) or other relevant areas that authorities proposed. Funding was offered to support the projects: between £10k and £40k per project.
- 1.5 Eight local authorities were selected from an initial fifty expressions of interest: Blackburn with Darwen, Durham, Kent, Newham, North Tyneside (working with Sunderland), Oxfordshire, Portsmouth and Wolverhampton. The projects ran for the school year September 2008 to July 2009, supported by the National Strategies SEN Adviser team, and were monitored and evaluated locally to pick up any changes in parental confidence and, where relevant, other benefits. Parents<sup>8</sup> had to be involved in this process. All the projects submitted an evaluation in August 2009.
- 1.6 The eight local authority projects provided an important insight into the range of ways in which parents' confidence can be increased. The projects all engaged with parents in different ways. Six of the projects were focused primarily on the school stages of assessment and provision, but chose different aspects: North Tyneside, working with Sunderland local authority, focused on schools' use of funding; Durham focused on the development of provision mapping; Oxfordshire

on provision at secondary transfer; Kent on improved communication with parents; Blackburn with Darwen and Newham focused on the use of enhanced funding at School Action Plus. The other two projects focused on the statutory stages of assessment and provision: Portsmouth trained parents to participate in the decision-making process for statutory assessments and statements; Wolverhampton focused on the development of the 'team around the child' approach, already successfully established in the early years, and extended it into schools. All the projects sought greater engagement with parents.

- 1.7 Each of the projects had different objectives and commissioned its own local, independent evaluation. In addition, the Institute of Education and the University of Warwick undertook a national study of the local authority learning from the projects. The projects that were most successful in improving parental confidence, actively engaged with parents in development work. The benefit seemed to arise from the very fact of engagement with parents as well as from the benefits that were more specific to the individual project.

### Interim reports

- 1.8 Over the period of the Inquiry there were a number of exchanges of letters between Brian Lamb and the Secretary of State. The Secretary of State requested additional advice on:
- SEN and disability information;
  - the quality and clarity of statements;
  - inspection and accountability.
- 1.9 The Inquiry produced a number of interim reports to address these issues. The Secretary of State responded to all of the reports. The interim reports and the exchanges of letters were published on the Lamb Inquiry website: [www.dcsf.gov.uk/lambinquiry](http://www.dcsf.gov.uk/lambinquiry).



## Further evidence

- 1.10** To support the Inquiry, a range of further evidence was commissioned, which is listed in Appendix 3. The key research commissioned included:
- independent research on SEN and disability information which was carried out by Capita Strategic Children's Services;<sup>9</sup>
  - a survey of statements was carried out by the National Strategies SEN Adviser team for the report on the quality and clarity of statements;<sup>10</sup>
  - the Institute of Education, University of London, and the University of Warwick carried out a review of the literature on inspection and other forms of accountability;
  - a survey of children's views was carried out by KIDS.
- 1.11** A number of key research projects commissioned by the DCSF was also published during the period of the Inquiry:
- research into parental confidence by the National Centre for Social Research;<sup>11</sup>
  - research into the deployment and impact of support staff in schools;<sup>12</sup>
  - research into local variation in service provision and support was in draft as the Inquiry reported in December 2009. With the permission of the authors and the DCSF, references are made to the draft report.<sup>13</sup>
- 1.12** The Inquiry commissioned a web-based survey. The survey ran for two months, to the end of June 2009. A total of just over 3,400 questionnaires were completed. Responses were received from 1,941 parents, 544 school staff, 516 other professionals working with children, schools and families and 400 students. The Institute of Education, University of London, with the University of Warwick, managed the web survey and analysed the responses for the Inquiry.<sup>14</sup>
- 1.13** A series of stakeholder consultation events was held during July 2009. Findings up to that point were discussed and a range of solutions explored.

## The final report

- 1.14** This report is the final report of the Lamb Inquiry. It sets out the final recommendations along with all the earlier recommendations from the interim reports and the exchanges of letters with the Secretary of State. This report supersedes the interim reports: it updates the findings and the recommendations in the light of the evidence gathered in August 2009. Where action has already been taken on earlier recommendations, that is recognised and welcomed.

## Special educational needs

Children who have a learning difficulty or disability that requires additional support, more than is normally offered in a classroom, have SEN. Just over 20% of children are identified as having SEN. Schools must do their best to meet the needs of children, calling on external advice and support if necessary. The needs of some children are such that the local authority sets out, in a statement, what support is required and they must provide this by law. Just under 3% of all children have a statement.

**SEN and disability:<sup>15</sup> key facts and figures<sup>16</sup>**

In 2009, the number of pupils identified as having SEN in England was 1,656,000, approximately 20% of the school population. Of these 222,000 had a statement and 1,434,000 were at School Action or School Action Plus.

The percentage of pupils with a statement has reduced in recent years, from 2.9% in 2005 to 2.7% in 2009. Over the same period the percentage of pupils at School Action and School Action Plus has increased from 14.9% to 17.8%.

**TYPE OF NEED**

For children below the age of 7, the most common type of need was speech, language and communication difficulties, 42% of all pupils at School Action Plus.

For children aged 7 to 11, the most common type of need was moderate learning difficulties, 34% of all pupils at School Action Plus.

For children aged 12–17, the most common type of need was behavioural, emotional and social difficulties, 38% of all pupils at School Action Plus.

**BOYS AND GIRLS**

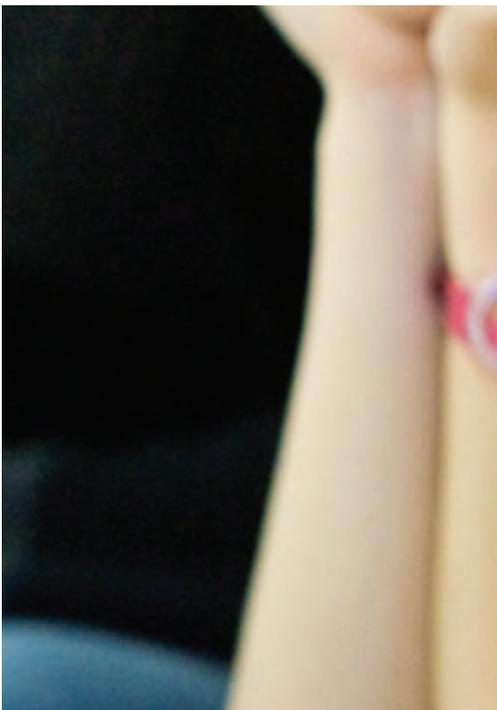
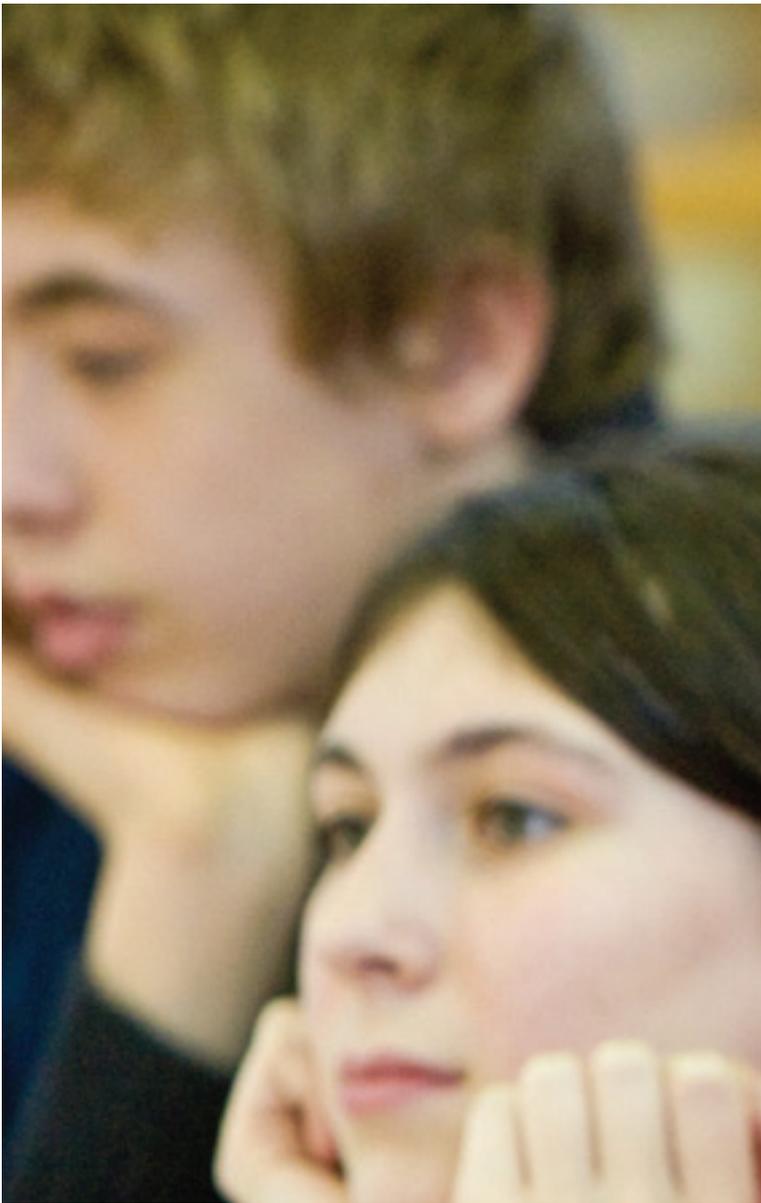
In 2009 2.4% of boys and 0.9% of girls had a statement. Boys were two and a half times more likely to have a statement than girls.

Boys with a statement were most likely to have an autistic spectrum disorder, just over a fifth of them. Girls with a statement were most likely to have moderate learning difficulties, just under a quarter of them.

**Endnotes**

- 6 Throughout the report we use 'child' and 'children' to refer to children and young people
- 7 Government's response to the Tenth Report from the Education and Skills Committee, Session 2006–07. HC 298, published 4 February 2008
- 8 Throughout the report we use 'parents' to refer to parents and carers
- 9 Capita (2009) *Children's Plan One-Year-On Commitments: Information for Parents of Children and Young People with SEN and Disabilities*
- 10 National Strategies (2009) *Writing Quality Statements of SEN: Issues*
- 11 Penfold C, Cleghorn N, Tennant R, Palmer I, Read J (2009) *Parental Confidence in the Special Educational Needs Assessment, Statementing and Tribunal System: a qualitative study*. National Centre for Social Research for DCSF
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- 15 Throughout the report we refer to disabled children and children with SEN. In some places we refer to either disabled children or children with SEN. This is where the particular statutory duties relate to one or other group
- 16 Except where otherwise stated, the data are taken from: DCSF (2009) *Children with special educational needs 2009: an analysis*



# Chapter 2

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## A CLEARER FOCUS ON OUTCOMES



- 2.1 From our first meetings with parents, the Inquiry has heard about what has helped children to learn and progress and what has given parents confidence in the SEN system.<sup>17</sup> We have also heard about what has hindered children's progress and undermined parents' confidence. We have had the opportunity to hear from parents about their hopes and ambitions for their child. However, many of the discussions that parents talked about having with schools and with their local authority, were focused on the provision of support, rather than what parents hoped their child would achieve.
- 2.2 In research commissioned by the DCSF nearly 20 per cent of parents of children with SEN reported that their school provided little encouragement for them to have high aspirations for their child.<sup>18</sup> Ofsted is clear about the importance of expectations in improving progress and outcomes:

*Until more is expected from the lowest-attaining pupils, improvement in provision for pupils with SEN and in the standards they reach will continue to be slow.*<sup>19</sup>

- 2.3 Ofsted was focusing on mainstream schools but in the stakeholder meetings in particular, the Inquiry also heard from parents of children in special schools who felt that there were low expectations of their child and that this was holding them back.

### Children with SEN: attainment<sup>20</sup>

For pupils aged 11 in 2008, 84.6% with no SEN achieved level 4 (expected level) of the national curriculum in English and maths. 33.7% of pupils with SEN achieved this.

At age 16 in 2008, 57% of pupils with no SEN achieved at least five GCSEs or equivalent including English and maths. 11.7% of pupils with SEN achieved the same standard.

#### **P SCALES**<sup>21,22</sup>

Pupils on one or more of the P-scales in 2008: at the end of Key Stage 1 (age 7) 26,584 pupils or 5% of the year cohort; at the end of Key Stage 2 (age 11) 2,339 pupils or 0.4%; at the end of Key Stage 3 (age 14) 2,469 or 0.4%.

There are fewer pupils on the lower P-scales (P1-3) for English, maths and science at each Key Stage: at age 7, 921 pupils or 0.2% of the cohort; at age 11, 300 pupils or 0.05%; and at age 14, 215 or 0.04%.

At age 7, a higher percentage of pupils on the P-scales is summer-born. At the age of 11, there is no noticeable summer-born effect for pupils on the P-scales.

- 2.4 In meetings with parents early in the Inquiry, it was apparent that, in many of the discussions between schools and parents and between local authorities and parents, there was little focus on outcomes for children. Rather the focus was on the type and amount of provision and often on agreeing a number of hours of support from a learning support assistant. What was apparent was that few of the parents the Inquiry met seemed to have been encouraged to have a discussion about the outcomes they expected, or aspired to, for their child or how best these outcomes might be achieved.

### Outcomes: what parents said<sup>23</sup>

Parents wanted success for their children in a wide range of outcomes: educational, emotional, social, behavioural.

Social outcomes were mentioned in 44% of parents' responses.

39% of parents said that their child's school had not discussed outcomes with them.

- 2.5 In these meetings parents were very willing to talk about what would really make the difference for their child and what their longer-term aspirations were for their child: many were concerned about their child's attainment, many saw the importance of wider achievements and their relevance to their child's life chances after school.

### Children with SEN: wider outcomes

#### ABSENCE

47% of primary and 42% of secondary persistent absentees are recorded as having SEN in 2006–07. This is more than double the rate observed across the school population, given that schools report that 20% of pupils have SEN.<sup>24</sup>

#### EXCLUSIONS

Pupils with SEN (both with and without statements) are over 8 times more likely to be permanently excluded than those pupils with no SEN. In 2007/08, 33 in every 10,000 pupils with statements of SEN and 38 in every 10,000 pupils with SEN without statements were permanently excluded from school. This compares with 4 in every 10,000 pupils with no SEN.

#### BULLYING

Pupils' self-assessment in the Tellus survey indicates that 48% of all pupils had been bullied and 61.4% of pupils with a learning difficulty had been bullied. Pupils themselves recorded whether or not they had a learning difficulty.<sup>25</sup>

#### GOOD RELATIONSHIPS

In the Tellus survey, 63.3% of all pupils and 58.9% of pupils with a learning difficulty said they had good relationships with friends and family.<sup>26</sup>

### Leadership

- 2.6 School leaders set the ethos that either welcomes or sidelines disabled children and children with SEN; and they create a culture where parents are either confident to engage with the school or feel they are a nuisance.

*Improving parental confidence in the SEN system was not simply a matter of confidence in the LA system: parents needed confidence in schools' contributions. Furthermore, it was at school level where ultimately the main basis for confidence lay, in the day-to-day experiences of the pupils.<sup>27</sup>*

- 2.7 Research on school leadership commissioned by the former National College for School Leadership (NCSL)<sup>28</sup> identified a core set of practices that form the ‘basics’ of successful leadership. More recently the NCSL has published research on how school leaders get the best out of people and improve learning for everyone. The philosophy, leadership approach and personal skills of the headteacher are critical to this.
- 2.8 In their 2006 report, Ofsted<sup>29</sup> identified the following key features of schools where disabled children and children with SEN made outstanding progress.

### Inclusion: Does it matter where pupils are taught?

Key features of schools where pupils with LDD<sup>30</sup> made outstanding progress:

#### ETHOS

- a commitment to good or better progress for all pupils
- teachers who challenged themselves and scrutinised data to drive improvement
- good relationships between staff and pupils

#### SPECIALIST STAFF

- specialist teachers who gave a high level of skilled support
- close liaison with other professionals and parents
- teachers with thorough subject knowledge and skill in assessing and planning for pupils with more complex needs

#### FOCUSED PROFESSIONAL DEVELOPMENT FOR ALL STAFF

- good, continuing, practical training, based on an assessment of needs
- training from specialist teachers and other agencies
- training that was regular
- access to specialist colleagues for advice

- 2.9 The encouragement of high expectations meant that:

***Pupils with even the most severe and complex needs were able to make outstanding progress in all types of settings. High quality specialist teachers and a commitment by leaders to create opportunities to include all pupils were the keys to success.***<sup>31</sup>

- 2.10 The National College for the Leadership of Schools and Children’s Services (the National College: the successor body to the National College for School Leadership) has brought together the key messages from the Ofsted work and their own research into effective school leadership. They identify four key elements relating to the effective leadership and management of SEN and disability:
- Shared vision;
  - Commitment;
  - Collaboration;
  - Communication.
- 2.11 These themes are explored and elaborated in the Achievement for All materials on school leadership.<sup>32</sup> Ultimately, the achievement and progress and the wider well-being of all children is a matter for the leadership of the school. School

leaders make all the difference; their importance in securing the progress of the most vulnerable children cannot be overestimated.

**Recommendation 1** **SEN and disability are embedded in preparation for school leadership.**

### **Achievement for All**

- 2.12** In the letter sent to the Secretary of State in December 2008, Brian Lamb identified a lack of focus on outcomes in discussions with parents of children with SEN:

*There needs to be a much clearer focus on both attainment and wider outcomes for disabled children and children with SEN at every level of the system: at school, local authority and national level; for children at School Action, School Action Plus and for children with a statement; in school and in the extended day. I think you could build on the Department's Making Good Progress pilots to explore both attainment and wider outcomes for children with SEN. Parents and children themselves should be central to this work.*

- 2.13** This proposal has now been translated into the Achievement for All pilot. Importantly, in the light of the points made in the previous section, the pilot is being run with the full involvement of the National College.
- 2.14** The pilot started in ten local authorities and 460 schools in September 2009. Parents and children and young people themselves are at the heart of the pilot. There are three main aims:
- to improve the attainment and progress of children with SEN and disabilities;
  - to improve the engagement of their parents with the school;
  - to improve the wider outcomes for this group.
- 2.15** The Inquiry welcomes the Achievement for All pilot. It has the potential to transform the life chances of disabled children and children with SEN. Materials developed for Achievement for All are already proving popular and the Inquiry welcomes the fact that schools and local authorities beyond those in the pilot are seeking to develop their approach alongside the pilot.

**Recommendation 2** **Achievement for All is developed with a clear focus on how the work will be sustained beyond the pilot stage, and with evidence and relevant materials from the pilot disseminated as it progresses.**

### **Accurate identification and early intervention**

- 2.16** Where a child falls behind in their learning, there needs to be a clear commitment to identify the nature of the barrier to the child's learning and to intervene. It is too easy to assume that children who have fallen behind in their learning have SEN.

## SEN facts and figures<sup>33</sup>

### MONTH OF BIRTH

At Key Stage 2 (age 7–11) pupils born in August (youngest in year) were 1.5 times more likely to have SEN than those born in September (oldest in year).

### ETHNICITY

At primary school, black pupils were most likely and Chinese pupils least likely to have SEN. At secondary, white, mixed race and black pupils were most likely and Chinese pupils least likely to have a statement. Black pupils were most likely to have SEN without a statement.

### ELIGIBILITY FOR FREE SCHOOL MEALS

Pupils with SEN were more than twice as likely to be eligible for free school meals than those without SEN.

- 2.17** The data shows that black pupils and pupils from more deprived backgrounds are much more likely to be identified as having SEN, as are pupils who are born late in the academic year. The identification rates are more likely to tell us something about the learning environment than something intrinsic to the pupils themselves. They tell us, for example, how easy it is for a teacher with 30 pupils to forget that some of the group may be a year, all bar a day, younger in their learning than their peers.
- 2.18** Being behind your peers in learning does not of itself mean that a pupil has SEN. The conflation of 'falling behind' and SEN is unhelpful and may have contributed to the growing numbers of pupils identified at School Action and School Action Plus, an overall increase of about 2.7 percent in the last four years.<sup>34</sup> The growing numbers overall mask significant variation: some schools identify far higher numbers of pupils with SEN than others. The excerpt from Sir Alan Steer's review of pupil behaviour summarises our concerns well.



### Sir Alan Steer's review of pupil behaviour

Accurate identification of children's special educational needs is essential if those needs are to be met and that child is to progress. While many schools display exemplary practice there is a lack of consistency of practice in the system as a whole and there are problems both with the over identification and under identification of SEN by individual schools. Some schools identify far higher numbers than found in other schools in a similar context. This might result from a desire to emphasise to the outside world and OfSTED the difficulties the school faces, but over identification as well as under identification can be damaging to the children and to good practice in the school. The high number of summer born children identified as having special educational needs is surprising and would appear to lack justification. The impact of erroneous identification on the expectations of the child and their teachers is a matter of concern and is likely to be a cause of subsequent problems. This includes problems around pupils' motivation, engagement and behaviour.

When very large numbers of children in a school are identified with special educational needs it can have an adverse effect on expectations for attainment. The SENCO, teachers and support staff can become overwhelmed, finding it difficult to prioritise and effect lasting change. In these circumstances children with real needs can be easily overlooked. I also fear that some schools with very high numbers of children with SEN may be failing to consider that the issue of pupil progression may relate to learning and teaching practice across the whole school, rather than 'within the child' barriers to achievement.<sup>35</sup>

- 2.19** Sir Alan suggests that identifying high numbers of children as having SEN may be unhelpful, may in some ways act as an excuse for low attainment and may draw attention away from what the school needs to do to enable those children to learn and progress. There are several things to be done.
- 2.20** First, children who have fallen behind in their learning need the best possible teaching, with teachers who have high expectations and use a range of strategies including:
- drawing on a detailed understanding of where children are in their learning – using assessment to inform learning;
  - using a range of approaches to engage children in their learning;
  - using opportunities for pupils to interact with their peers in learning;
  - using practical activities to support children's learning;
  - full engagement with children's parents.

### *Make it stuff I'm interested in*<sup>36</sup>

- 2.21** Then, with high quality teaching as a starting point, a range of interventions can build on this secure foundation. There is a growing body of knowledge about the impact of a range of interventions that can be used with children who have fallen behind their peers, for example: Every Child a Reader (ECAR) and the different strands of the Making Good Progress pilot.
- 2.22** The Making Good Progress pilot explores the importance of a number of key factors in identification and intervention. These include: the use of detailed termly tracking of pupils' progress to identify where children are falling behind in their learning; the use of short bursts of one-to-one tuition in maths and English

to target the development of particular skills; the use of single level tests, where children take the next national curriculum test when they are ready to do so.

### Monkspath Junior School, Solihull: impact of one-to-one tuition<sup>37</sup>

#### WHAT HAS BEEN THE OVERALL IMPACT ON PUPIL LEARNING?

- Tutoring has been well responded to. Children who took part in tutoring during 07–08 have said that they feel more confident and really enjoyed the sessions.
- Pupils' self esteem and self confidence has been boosted by participating in the tutor programme.
- Pupils have made marked progress against their subject specific targets.

#### FACTORS THAT ARE RELEVANT TO OVERALL IMPACT ON LEARNING

- Engaging parents in the process of children's learning is integral to them making good progress.
- The rates of pupils' progress are dependent on many factors. One of the most positive outcomes of tuition for pupils is that their self esteem has been boosted. This has been seen to lead to sustained improvement in pupils' performance and the progress they make.

#### QUOTES FROM THE CHILDREN

- *Mum felt proud of how I'd been taught to up-level work.*
- *Mrs 'tutor' gives us plenty of time to give our own opinions and answers and I feel listened to before we go through the best responses to questions.*
- *Mum thought my English had got better and I was using better language.*
- *The blue booklet where the tutor writes how well you've been doing is a really good idea.*

- 2.23** There is a risk that the use of the SEN label itself leads to lower expectations or less vigorous intervention. Equally it should not be assumed that children who are working at or near age-related expectations do not have SEN. There needs to be a greater awareness of the specific difficulties that may affect children's progress and attainment and, in particular, their profile of attainment, which may be uneven.
- 2.24** With accurate identification and early action there should be no need to move up through the stages of the Code of Practice. A clear commitment to intervene vigorously when children fall behind needs to be reflected in schools' responsibilities, through the pupil and parent guarantees.
- 2.25** Parents' concerns about their child's progress go beyond progress in the core subjects. It extends to concerns about their development across a wider range of outcomes: their transition to the next stage of education, the development of life skills and their chances of having a good life when they leave education. It should not be assumed that disabled children and children with SEN have the same access to opportunities to develop these wider skills and build positive relationships beyond the classroom.<sup>38,39</sup> A number of factors has been identified as restricting access to extended day provision, including: the fragmented nature of extended day provision for disabled children, a lack of information for parents, staff attitudes and assumptions about staffing.

- 2.26** The DCSF should set out what the pupil and parent guarantees mean for disabled pupils and pupils with SEN and their parents. It should show:
- what pupils and parents can expect from the school;
  - what pupils and parents can expect to be provided from services beyond the school to support their child's learning and development.
- 2.27** This is a positive opportunity to build on statutory requirements, to show how one-to-one tuition and small group work will support disabled children and children with SEN and ensure that they are not left behind:

**Recommendation 3** **the pupil and parent guarantees show what disabled pupils and pupils with SEN can expect from their school and from local services, and how this fits with existing statutory requirements.**

- 2.28** We focus on communication and engagement with parents in the next chapter. In the context of responding early to children's needs, we need to recognise that many parents felt that their concerns about their child's progress were not acknowledged, that schools did not listen.
- 2.29** The White Paper proposes early intervention and access to multi-agency teams based in schools or partnerships of schools. To ensure that parents' concerns are addressed early:

**Recommendation 4** **parents should have direct access to the multi-agency teams based in schools or partnerships of schools.**

- 2.30** Some educational psychology services already provide direct access to their services for parents and for professionals. Buckinghamshire and Solihull are amongst those providing this service.

### Solihull helpline

In September 2008, Solihull Educational Psychology Service started providing direct access for the community through the provision of a helpline and a consultation request form. A flyer advertises the service to parents and carers.

Of 119 calls to the helpline in the first six months:

- 24% were made by carers;
- 60% were made by school staff;
- 12% were made by other professionals.

The calls were about a wide range of concerns. The largest percentage of calls (28%) were about children with emotional, behavioural and social difficulties, followed by children with complex needs (16%).<sup>40</sup>

- 2.31** It will be important for services to know who is using direct access in this way and whether there are groups of parents and carers who are not accessing the service. School based multi-agency teams should be developed in the light of this knowledge. The importance of access at this stage is its potential to address problems early and to promote a collaborative problem-solving approach. The early and positive engagement with parents can increase parents' confidence that schools and services are responsive to difficulties that children encounter.

## The early years and school workforce

- 2.32** All the evidence from work on leadership shows the importance of staff development in setting the ethos and in developing staff skills and expertise. The overwhelming message from parents is of the value they place on staff with the skills and expertise to enable their child to learn and progress: someone who understands my child's needs. Yet, for disabled children and children with SEN, there is evidence of significant amounts of teaching assistant time being used to substitute for teacher time.
- 2.33** There is a negative impact on children's progress from using support staff as substitutes for teachers.<sup>41</sup> There is a clear relationship between support from teaching assistants (TAs) and lower attainment and slower rates of progress for pupils with SEN. Further, there is a relationship between the amount of support received from TAs and pupil attainment: the more support, the lower the attainment.
- 2.34** The research refers to underpinning differences between teachers and TAs in subject knowledge and pedagogical knowledge; and in approaches to explaining to and questioning pupils. In addition the core understanding of how children learn, why they don't learn and what to do about it, which is at the heart of teacher training, is largely missing in the preparation that TAs receive.
- 2.35** The research reveals that, in the majority of cases, there is a lack of co-ordination between teachers and support assistants. This means there is less linkage into the curriculum and to the assessment of progress.
- 2.36** Teaching assistants have a useful role in supporting teachers in classrooms; in working with teachers to support a wide range of children in their learning; in providing targeted interventions for individuals and small groups of children, under the direction of a teacher, and on programmes and interventions for which they have been trained. To ensure that children benefit from the support of teaching assistants there has to be a ruthless focus on the impact of how they are deployed and on the skills they need to support children's learning. Underpinning this is a core principle that the teacher takes responsibility for the outcomes of every child, through planning and the monitoring of progress.

### **Recommendation 5** the Training and Development Agency for Schools (TDA) develops guidance on the effective deployment of teaching assistants.

- 2.37** The guidance should recognise the National Occupational Standards for supporting teaching and learning in schools.<sup>42</sup> There are two main issues: the skills and levels of qualification of TAs; and the appropriate deployment of teaching assistants and the substitution of teaching assistants for teachers. These are issues that need to be addressed by school leadership teams and in the training and preparation of teachers for the effective use of other adults in the classroom.
- 2.38** The guidance should make links to the professional standards for teachers and should draw on an understanding of what improves outcomes for disabled children and children with SEN and encourages their independence. It needs to be widely disseminated to schools, school leaders, support services, local authorities, institutes of higher education, voluntary organisations, parents and parents' groups, and other relevant bodies such as the First-tier Tribunal (Special Educational Needs and Disability), so that as wide a range of stakeholders as possible understands the evidence and the importance of teachers and of the effective deployment of support staff in securing good outcomes for pupils with SEN.

## Teacher skills and expertise

- 2.39** The research on teaching assistants shows that too many children with SEN are missing out on the core benefits of Quality First Teaching. Ofsted identifies the importance not just of teachers but of teachers with specialist expertise in securing the progress of children with SEN.<sup>43</sup> Yet much of the education of children with SEN has in practice been handed over to the least qualified staff, *the weaker teachers teaching SEN students*.<sup>44</sup>
- 2.40** The Inquiry visited schools that took the opposite approach: in a secondary school with setting for maths in Year 9, the head of the maths department took the lowest set; in the same school, when a pupil with learning difficulties fell behind in his science, the head of the science department provided extra tuition to help the pupil master a difficult concept.
- 2.41** Solutions to children's learning difficulties lie with teachers who are confident that they have or can access the skills and expertise that they need to promote children's progress and secure the best possible outcomes for them. We need our best teachers deployed to help those who are having the greatest difficulty in learning.
- 2.42** Just over 20 percent of the school population is now identified as having SEN and the SEN Code of Practice is clear that *All teachers are teachers of children with special educational needs*. We therefore need to build a better understanding of SEN and disability into every aspect of training: at every level of the system; in subjects and curriculum development; and for teachers with a range of different responsibilities.
- 2.43** We need to turn the system around and, instead of parents having to search for the skills and expertise, ensure that the skills and expertise are in the schools where their children are.
- 2.44** Schools need their staff to have a range of skills to reflect the range of pupils' needs. The Rose Review<sup>45</sup> identified the importance of having successive waves of provision, backed by increasing levels of expertise. The models informing the Rose review were drawn from a range of literacy and dyslexia specialist sources but linked back to both the National Strategies '3 waves' approach and the tiered framework in Removing Barriers to Achievement.<sup>46</sup> All of these approaches start with Quality First Teaching supported by Assessment for Learning and the use of Assessing Pupil Progress to inform teachers' understanding of where children are in their learning. This must be starting point for the development of further expertise.
- 2.45** The Inquiry recognises that there are significant developments under way in teacher training and that the full impact of these developments is not yet felt in schools. The SEN and disability resources for initial teacher training and the proposed resources for induction, build on Quality First Teaching and will significantly enhance the skills of new teachers at the start of their career. By the time there is a significant number of newly qualified teachers with this new training as part of their preparation, there will be a much greater awareness of SEN and disability and this will enhance the ability of schools to identify, assess and provide for children with SEN. In addition, as it is disseminated, the Inclusion Development Programme (IDP) will enhance the skills of teachers already in service. Taking into account initial training and the IDP, there will be many more teachers with the core skills in SEN and disability that all teachers need in all schools.

- 2.46** These developments provide an important foundation. The Government needs to build on this. All schools are likely to have children with learning difficulties, behavioural emotional and social difficulties, dyslexia, autism spectrum disorders, speech, language and communication needs. Schools have duties to promote the achievement of all children. They have particular duties towards disabled pupils and pupils with SEN: to make anticipatory adjustments for disabled pupils and to use their 'best endeavours' for pupils with SEN.
- 2.47** Schools need to be confident that they have teachers with the skills and expertise to fulfil these duties and enable children to learn and progress. In the five main areas of impairment, schools should plan to have at least one teacher with advanced skills. These teachers need to be able to identify children's needs; have a good understanding of a range of interventions and their effectiveness for different children; to be able to raise awareness amongst other colleagues and explain the importance of particular approaches and particular interventions. They also need to be able to recognise when the school needs to call on more specialist expertise. The SENCO has a key role in helping to identify both training needs and professional development opportunities in SEN and disability.
- 2.48** There is a range of training already available to schools from a range of different providers. Some is accredited; some is not. The availability of training across the country is variable.

**Recommendation 6** **the DCSF commissions the TDA to develop materials to support training at an advanced level in each of the five main areas of SEN.**

- 2.49** The training materials should build on the work already completed for initial teacher training and the IDP. The materials should be highly accessible and available as distance learning. They might be provided as an interactive on-line resource. The TDA should work with institutes of higher education, the regional hubs, local authorities, school clusters, schools and teachers to promote the training and to incorporate it into a range of different accredited training pathways. The training could also be free-standing.
- 2.50** There has been significant interest in SEN and disability amongst training providers and schools following the introduction of the initial teacher training resources and the IDP. Teachers themselves may follow up their interest in SEN and disability as part of their 'licence to teach'. The Masters in Teaching and Learning provides an opportunity for teachers to develop their SEN and disability skills.<sup>47</sup> Schools should review their SEN and disability expertise as part of their SEN policy and as part of the pupil and parent guarantees to identify and meet needs early. Local authorities have an interest in promoting training and the Inquiry is recommending that the 'staffing arrangements' set out in Part 3 of a statement are much more specific about staff skills and training needed to make particular provision.
- 2.51** All parties have responsibility for training: much of the funding for professional development has already been delegated to schools; specialist schools, including specialist special schools have a minimum of an additional £60,000 per annum for training and outreach work; and local authorities and Children's Trusts have an important role in developing the workforce as part of their commissioning role. Institutes of higher education have an important role in providing and accrediting training and developing critical, evidence-based approaches. The Trusts established with support from the DCSF: The Communications Trust, the Autism Education Trust and the Specific Learning Difficulties – Dyslexia Trust have expertise to contribute. Ofsted and school improvement partners have an

important role in challenging where outcomes are poor and schools and local authorities have not sufficiently developed their workforce.

- 2.52** The longer term aim should be for all schools to work with local training partners to ensure that they have at least one teacher with the advanced level training in their school in each of the five main areas of need and in any further areas where they have children with other needs.

### Specialist expertise

- 2.53** Nationally approved training for SENCOs who are new to the role will help to ensure that every school has a teacher to lead on teaching and learning for disabled pupils and pupils with SEN. It is crucial that the SENCO is able to identify children's needs; has a good understanding of a range of interventions and their effectiveness for different children; is able to raise awareness amongst colleagues and advise them on particular approaches or interventions; supports the professional development of staff; and is able to recognise when the school needs to call on more specialist expertise.
- 2.54** We need to build up the availability of specialist teachers. Some schools will have teachers with specialist knowledge in particular areas of need, or will have access to teachers who can provide advice. But there are significant gaps. The Rose Review<sup>48</sup> identified the importance of increasing levels of expertise and we welcome the Government's decision to fund places for 4,000 specialist dyslexia teachers.
- 2.55** At this level teachers need to be up-to-date with research evidence on the most effective practice in their particular area, need to be skilled in adapting and tailoring approaches for children who have not responded to the range of interventions promoted at earlier stages, need to be equipped to provide advice to colleagues and to provide training within and beyond their school.
- 2.56** Where there are centres of expertise, for example in special schools and units, there is also a need to nurture, develop and disseminate that expertise. This might be within the school, across a cluster of schools, or across an area. The TDA and the National College for Leadership of Schools and Children's Services are already sponsoring pilot clusters of schools to lead continuing professional development across schools. These clusters represent a good vehicle for developing specialist SEN and disability capacity across schools in the cluster.

**Recommendation 7** **the DCSF commissions the TDA to develop teachers with specialist SEN and disability skills across clusters of schools.**

- 2.57** Clusters would need to assess local needs and work with partners on proposals for developing the specialist skills required to meet the needs of children in the cluster. Proposals would need to take account of local access to expertise in support services and special schools, HEI and other training providers, and show how the cluster would secure specialist training in the relevant areas of need. Specialist special schools have a particular role to play with their commitment, and resources, to support training and outreach.
- 2.58** Schools, clusters of schools, local authorities, institutes of higher education and voluntary organisations need to work together to ensure that every child everywhere has access to teachers with the necessary skills and expertise to enable them to learn, progress and achieve good outcomes.

## Skills in working with parents

- 2.59** Engagement with parents is critical to children's progress. Training needs to be embedded in the preparation of everyone who works with parents. It is welcome that training for teachers in working with parents of disabled children and children with SEN is now included as a specific unit in the initial teacher training materials developed by the TDA.<sup>49</sup> The development of the Children's Workforce Development Council (CWDC) 'common core of skills and knowledge' should address communication and information needs and wider issues in working with parents of disabled children and children with SEN.
- 2.60** Training in working with parents needs to be available to those already in service who have regular contact with parents of disabled children and children with SEN, in particular:
- local authority officers working in SEN sections;
  - teachers in their induction;
  - SENCOs, through the training developed for them; and
  - a wide range of professionals who may fulfil the role of lead professional or keyworker.

**Recommendation 8** **preparation for working with parents of disabled children and children with SEN is included in initial and continuing training across the children's workforce.**

- 2.61** The training should draw on materials that have already been developed and, where possible, draw on input from parents themselves. The parental confidence projects, commissioned as part of the Inquiry, benefited significantly from parents' input:

*In Durham, for example, parents of children with SEN contributed to professional development meetings of the SENCOs within the Community of Learning (CoL) schools undertaking the project. These events were judged by participants to be much enhanced by parents' contributions providing personal accounts – the evaluation of school staff self perceptions indicated very positive and widespread increases in their own confidence. The decision to use parents from outside the CoL was found to be a success by 'taking the tension out' as no SENCO was directly linked to any parent's narrative.<sup>50</sup>*

- 2.62** The evidence shows that improving parental confidence is dependent on a number of factors. Key amongst them is honest, open communication and a culture that values listening to parents are vital. Everyone working with parents of disabled children and children with SEN needs to be prepared to be part of that culture.
- 2.63** Training for a structured conversation with parents is an important element of the new SEN outcomes pilot, Achievement for All. The materials for Achievement for All should be made widely available, not just to the pilot schools and authorities.

## Children safe and happy to learn

- 2.64** Equally important to raising achievement is ensuring that children are safe and happy at school and in their wider community, can participate and are aiming for employment and independent living.
- 2.65** There are two issues that particularly affect children with SEN significantly more than their peers: being bullied and being excluded from school.

## Bullying

- 2.66** Bullying has a damaging effect on every aspect of children's learning. Yet bullying of disabled children and children with SEN is more prevalent than it is for their peers. On children's own assessment 48% of all pupils had been bullied and 61.4% of pupils with a learning difficulty had been bullied.<sup>51</sup> Bullying is not restricted to pupils in schools: a survey reported by Mencap found that nearly 90 percent of people with a learning disability experience bullying, with two thirds of respondents being bullied on a regular basis and nearly a third being bullied on a daily or weekly basis.
- 2.67** Bullying damages children's self-esteem. It undermines the potential for them to feel safe and secure enough to be able to learn. It can have long-term effects on their mental health:

*We moved him at the end of year five because of the bullying, which had resulted in physical injury. The bullying in secondary school was classified by the staff as 'regular teasing' and was therefore ignored. When he reacted to it, first by school refusal, then by minor acts of violence, then by significant self-harm issues, he was classed as having emotional and behavioural difficulties and was excluded.<sup>52</sup>*

- 2.68** Bullying can mean that disabled children and children with SEN miss out on their education. They learn and progress less well. They may miss school through illness or school refusal, they may change schools to move away from the bullying. Bullying is one of the reasons cited for some parents withdrawing their child from school and home educating them, not as a positive choice but 'home educating by default'.<sup>53</sup> This cannot be acceptable.
- 2.69** There are many strategies that are well tried and tested that can combat bullying. There are many examples of the successful application of these strategies in the DfES and DRC materials, Implementing the DDA in schools and early years settings<sup>54</sup> and in the DCSF Guidance.<sup>55</sup> Many of the approaches rely on the 'intentional building of relationships'<sup>56</sup> and the development of peer support.
- 2.70** There are also many new approaches: in September 2009 the DCSF published a DVD Make them go away<sup>57</sup> for pupils and a resource pack for schools to help prevent and tackle bullying of young people with SEN and disabilities. The Inquiry was impressed by the possibilities of a web-based mentoring scheme. This is a new form of support in a medium that is accessible to children. It has potential benefits for mentors as well as mentees. We were keen that disabled children and children with SEN benefited from the mentoring role as well as from the support provided.
- 2.71** The DCSF should monitor the impact of different approaches to preventing and tackling bullying of disabled children and children with SEN.

**Recommendation 9** **the DCSF reviews the effectiveness of a range of approaches to preventing and tackling bullying of children with SEN and disabilities and invests further in those with the most impact.**

- 2.72** As well as these positive strategies available to schools, the disability equality duty requires all schools to 'have regard to the need to' eliminate disability discrimination and harassment related to a disability. Schools should be actively involving disabled pupils in identifying bullying and other issues affecting their participation in school life. They should also be collecting information to inform the priorities in their disability equality scheme.

- 2.73** All of these strategies rely on a whole-school approach, a clear anti-bullying policy understood and operated by all staff, strong leadership from the head teacher and senior managers and a positive, inclusive ethos that values diversity. The benefits are recognised and valued:

*In September it was all a bit of a shock, the size of the children and the bullying – but the school were straight on to it and put loads of processes in place and over the course of the year she has become happier and now has a little group of friends.<sup>58</sup>*

**Recommendation 10** **the DCSF commissions the National Strategies to promote disability equality schemes as a vehicle for working with disabled pupils to identify and address bullying.**

### Exclusions

- 2.74** The latest figures from the DCSF show that children with SEN are eight times more likely than their peers to be permanently excluded from school. In 2007/08, 33 in every 10,000 pupils with statements of SEN and 38 in every 10,000 pupils with SEN without statements were permanently excluded from school. This compares with 4 in every 10,000 pupils with no SEN.
- 2.75** The figures show a small decrease in the rate of fixed period exclusions in secondary schools for those pupils with SEN compared with the previous year. In 2007/08, the rate of fixed period exclusion for those pupils with statements was 30.8 per cent; the rate for those with SEN without statements was 28.9 per cent. This compares to 5.1 per cent for those pupils with no SEN.<sup>59</sup>
- 2.76** These figures do not include ‘informal exclusions.’ The DCSF guidance is very clear about these exclusions:

*Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents or carers.<sup>60</sup>*

- 2.77** However, some parents told us that such exclusions were routinely used to manage their child’s behaviour. Sometimes ‘informal’ exclusions were used when support staff were absent, when staffing was stretched or to avoid the child being in school for a specific event. For some parents, it affected their reliability at work and some lost their job or gave up work because of it.

### Exclusion record form<sup>61</sup>

Parent groups who work with TreeHouse, the national charity for autism education, devised an exclusion record form which they ask teachers to fill in each time they ask parents to take their children out of class.

The exclusion record form has proven effective in making teachers aware that this informal exclusion is illegal, and by asking the teacher to fill in the form, they are encouraging the teacher to question the practice.

At the same time, parents are able to compile data and submit it to their local authority to make them aware of the issue. Several local authorities have now taken action to curb this practice, while this constructive approach to campaigning has helped the parent groups develop a productive working relationship with their local authority.

- 2.78** Exclusions overall have reduced but exclusions of children with SEN have not reduced as much. About 70% of permanent exclusions are of children with SEN. There is massive variation in SEN exclusion rates. In different local authorities SEN exclusions vary between 43% to 92% of all permanent exclusions in that authority.<sup>62</sup> We know that the identification of children with SEN also varies massively, and so does the overall rate of permanent exclusions, so there needs to be some care in the conclusions we draw.
- 2.79** The fact remains that children with SEN are disproportionately excluded both permanently and for fixed periods. The Inquiry wants to see the issues addressed through:
- schools;
  - behaviour and attendance partnerships;
  - local authorities.
- 2.80** The Inquiry also wants to see a sound understanding of SEN and disability in the independent appeal panels that hear appeals against permanent exclusions. We consider appeals processes in chapter 6: A more accountable system.
- 2.81** In his report of February 2009, Sir Alan Steer has a particular focus on behaviour and the relationship between SEN and disability and behaviour. In general he says that:

*Learning, teaching and behaviour are inseparable issues for schools.*<sup>63</sup>

- 2.82** More specifically in relation to pupils with SEN, Steer says that:

*Where the needs of pupils are not addressed at an early stage, frustration, alienation and poor behaviour can result.*

- 2.83** We confidently expect that with a clearer focus on progress and outcomes for disabled children and children with SEN there will be a reduction in exclusions.
- 2.84** Statutory guidance to implement Steer's recommendations on Behaviour and Attendance Partnerships will be published in 2010. Following advice from the Inquiry, the Secretary of State gave an assurance that the role of the Partnerships would include the identification of and work with others to reduce the over-representation of disabled pupils and pupils with special educational needs in exclusions from school.

**Recommendation 11** **the statutory guidance on the role of the Behaviour and Attendance Partnerships includes addressing the over-representation of disabled pupils and pupils with SEN in exclusions.**

- 2.85** Work carried out by the National Strategies identifies key protective factors in schools and local authorities that can keep SEN exclusions low. These include: an ethos within and across schools and local authorities that focuses on high expectations for all pupils, provides opportunities to develop social and emotional skills, focuses on early intervention, engages parents and draws on the partnerships between schools and services.
- 2.86** Many schools are committed to no exclusions, many more have very low levels of exclusions. There need to be more schools like these and more local authorities supporting schools in achieving these low levels of exclusions.

**Recommendation 12 the DCSF commissions the National Strategies to work with local authorities to reduce SEN exclusions focusing first on local authorities with highest levels of SEN exclusions.**

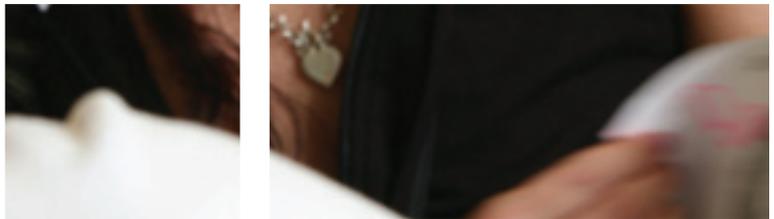
- 2.87** Overall levels of exclusion have reduced by about a third over the last ten years.<sup>64</sup> However, levels of exclusion for children with SEN remain unacceptably high. The DCSF statutory guidance on exclusions<sup>65</sup> is widely held to be good: it recognises the interactions between difficult behaviour and underlying learning difficulties, the requirement to identify special educational needs and the requirement to ensure disabled pupils are not discriminated against. The guidance maps out the particular considerations that head teachers need to take into account in any exclusion of a disabled child or a child with SEN. The procedures are designed to check that reasonable adjustments have been made and everything done to seek advice on how best to meet needs.
- 2.88** The Inquiry heard of too many instances of children being excluded for reasons linked to the nature of their difficulties, instances where, for example, staff had not had relevant training in children's communication needs and a communication difficulty was at the heart of the incident that led to an exclusion. The focus needs to be on developing staff skills to make sure children are not excluded but, where they are, we need to be confident that checks in the system put right the underlying problem and do not confirm any failure to address needs.<sup>66</sup> We address checks in the system in chapter 5: A more accountable system.
- 2.89** Both bullying and exclusions are symptoms of underlying difficulties that have not been addressed. The greater focus we propose on early intervention should mean that we address underlying causes before they become problems.

### Endnotes

- 17 When we talk about the SEN framework we are referring to the legislation, primarily the Education Act 1996, and the guidance in the SEN Code of Practice
- 18 DCSF (2008) *The Children's Plan: One year On*
- 19 Ofsted (2004) *SEN and disability: towards inclusive schools*
- 20 The data in this section are taken from: DCSF (2009) *Children with special educational needs 2009: an analysis*
- 21 The P (performance) scales are a set of attainment descriptions for recording the performance of pupils aged 5–16 with special educational needs (SEN) who are working towards the first level of the National Curriculum (level 1). The P scales are split into eight different levels with P1 being the lowest and P8 the highest. Level P8 leads into national curriculum level 1
- 22 The data in this section are from: DCSF and National Strategies (2009) *Progression Guidance 2009–10: improving data to raise attainment and maximise the progress of learners with special educational needs, learning difficulties and disabilities*
- 23 Peacey N, Lindsay G, Brown P and Russell A (2009) *Increasing Parents' Confidence in the Special Educational Needs System: Study Commissioned to Inform the Lamb Inquiry*
- 24 DCSF & National Strategies (2009) *Guidance on the attendance of pupils with special educational needs (SEN)*

- 25 Tellus is an annual self completion survey which collects pupils' views on their life, their school and local area. The survey includes a question that asks the pupil if they have a learning difficulty. No definition of learning difficulty is provided. The survey quoted was completed in the academic year 2007/08
- 26 *ibid*
- 27 Peacey N, Lindsay G, Brown P and Russell A (2009) *Increasing Parents' Confidence in the Special Educational Needs System: Study Commissioned to Inform the Lamb Inquiry*
- 28 National College for School Leadership (2007) *What we know about School Leadership*. Nottingham: NCSL
- 29 Ofsted (2006) *Inclusion: Does it matter where pupils are taught?*
- 30 Learning difficulties and disabilities (LDD) is Ofsted's terms for referring to disabled pupils and pupils with SEN
- 31 Ofsted (2006) *Inclusion: Does it matter where pupils are taught?*
- 32 National College for the Leadership of Schools and Children's Services with the National Strategies and DCSF (2009) *Achievement for All: characteristics of effective inclusive leadership – a discussion document*. Nottingham: NCLSCS
- 33 DCSF (2009) *Children with special educational needs 2009: an analysis*
- 34 See Key facts and figures, p17
- 35 Sir Alan Steer (February 2009) *Review of pupil behaviour: Interim report 4*.
- 36 Pupil responding to the web survey
- 37 Wild D (2009) *One-to-One Tuition – Making Good Progress Pilot*. [whatworkswell.standards.dcsf.gov.uk](http://whatworkswell.standards.dcsf.gov.uk)
- 38 Mason P, Loveless L, Lewis A, Morris K and Clarke H (2008) *Opportunities for Fun and friendship for disabled children and young people: A focused review of the literature*. London: BBC Children in Need/University of Birmingham
- 39 Stobbs P (2008) *Extending Inclusion*. Council for Disabled Children
- 40 Solihull Metropolitan Borough Council (2009) *Educational Psychology Service Guide 2009–10*
- 41 Blatchford P, Bassett P, Brown P, Koutsoubou M, Martin C, Russell A & Webster R, with Rubie-Davies C (2009) *The deployment and impact of support staff in schools: The impact of Support Staff in Schools: Results from Strand 2 Wave 2* (DCSF Research Report 148). London: Department for Children, Schools and Families
- 42 Training and Development Agency for Schools: <http://www.tda.gov.uk/support/nos.aspx>
- 43 Ofsted (2006) *Inclusion: Does it matter where pupils are taught?*
- 44 Response to web survey
- 45 Sir Jim Rose (2009) *Identifying and Teaching Children and Young People with Dyslexia and Literacy Difficulties*
- 46 DCSF (2004) *Removing Barriers to Achievement*
- 47 SEN is a key element in Phase 2 of the MTL and in Phase 3 teachers can choose to specialise in SEN and disability.
- 48 Rose J (2009) *Identifying and Teaching Children and Young People with Dyslexia and Literacy Difficulties*
- 49 TDA and DCSF (2008) *Working in partnership with parents/carers*
- 50 Peacey N, Lindsay G, Brown P and Russell A (2009) *Increasing Parents' Confidence in the Special Educational Needs System: Study Commissioned to Inform the Lamb Inquiry*
- 51 Tellus3 survey: survey data collected in the academic year 2007/8. In the Tellus survey the pupils themselves stated whether they had a learning difficulty

- 52 Batten A and others (2006) *make school make sense: Autism and education, the reality for families today*. London: National Autistic Society
- 53 Badman G (2009) *Report to the Secretary of State on the Review of Elective Home Education in England*
- 54 Department for Education and Skills and Disability Rights Commission (2006) *Implementing the Disability Discrimination Act in schools and early years settings*. London: Department for Education and Skills
- 55 DCSF (2008) *Bullying Involving Children with Special Educational Needs and Disabilities: Safe to Learn: Embedding anti-bullying work in schools*
- 56 Newton C and Wilson D (2003) *Creating circles of friends: a peer support and inclusion workbook*. Inclusive Solutions
- 57 DCSF (2009) *Make them go away*: [http://clients.mediaondemand.net/take1flv/dcsf/send/send\\_online/index.htm](http://clients.mediaondemand.net/take1flv/dcsf/send/send_online/index.htm)
- 58 Parent in: Lamb Inquiry: Oxfordshire Project Report, July 2009
- 59 DCSF (2009) Permanent and fixed period exclusions from schools and exclusions appeals in England, 2007/8. Statistical First Release 18/2009
- 60 DCSF (2008) *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*
- 61 the form can be downloaded from: [http://www.treehouse.org.uk/files/treehouse-corp/files/D\\_16\\_Parent\\_s\\_exclusion\\_record.pdf](http://www.treehouse.org.uk/files/treehouse-corp/files/D_16_Parent_s_exclusion_record.pdf)
- 62 Data brought together for the National Strategies detailed study of exclusions
- 63 Sir Alan Steer (February 2009) *Review of pupil behaviour: Interim report 4*
- 64 DCSF (2009) *Permanent and fixed period exclusions from schools and exclusions appeals in England, 2007/8*. Statistical First Release 18/2009
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- 66 Lamb B (2009) *SEN and exclusions policy – time for a review?* Education, Public Law and the Individual, Vol 13 Issue 3



# Chapter 3

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## A STRONGER VOICE FOR PARENTS



- 3.1** Good, honest and open communication is key to the development of positive working relationships and requires practitioners who listen to parents and are trusted by them. Parents' confidence in the SEN system and in schools and local authorities in particular, is significantly coloured by the quality of communication with them.<sup>67</sup> Personal contact is a key factor for parents of children with SEN<sup>68</sup> and no information system will be valued that does not make provision for face-to-face communication.

***Personal contact is the beginning and end of confidence.***<sup>69</sup>

- 3.2** The quality of communication both affects and is a reflection of the working relationships between professionals and parents. The worst communication generates significant levels of hostility:

***Both our daughter and us were treated as a nuisance and dislike was obvious.***<sup>70</sup>

- 3.3** The best communication engenders impressive levels of confidence and a sense of partnership:

***I have a lot of confidence in the school; knowing that contact is easy makes for confidence.***<sup>71</sup>

***... if communication exchange is handled well this can improve parents' confidence as they are treated as real partners with an important contribution. As one parent interviewee said: 'It gives you a sense of input...you feel like you do have some influence.'***<sup>72</sup>

- 3.4** Importantly for many parents of disabled children and children with SEN, good communication was often as much about the capacity of the school or service to listen to them as to talk to them:

***Parents need to have much more input into the process...I'm often asked to accept things by professionals who do not seem to take my opinions and observations into account. There needs to be more listening to the parent, and less leaping to conclusions about parenting skills, especially regarding behaviour.***<sup>73</sup>

- 3.5** Good communication is not just better for parents and professionals, it is better for children. In the most successful schools, the effective engagement of parents has an impact on children's progress.<sup>74</sup>
- 3.6** A significant shift is required to improve the interaction between parents and carers on the one hand and schools and children's services on the other. Aiming High for Disabled Children sets out a 'core offer', a set of expectations for how disabled children and their families will be informed and involved as their needs are assessed and provided for. Early Support provides a good example of how the principles of the core offer can be implemented. The core offer covers:
- information and transparency;
  - assessment;
  - participation and feedback.
- 3.7** The elements of the core offer provide a secure foundation for engaging with parents and a set of expectations that are central to improving parental confidence. This is crucial to the wider objectives of the Inquiry.

- Recommendation 13** **the core offer developed through Aiming High for Disabled Children is extended to provide a set of principles for engagement by schools and children's services with parents of children with SEN.**
- 3.8** The DCSF will need to work with the National Strategies, the Local Government Association (LGA), Association of Directors of Children's Services (ADCS) and schools to identify the best way to promote the core offer amongst schools and to exemplify and disseminate good practice. North Tyneside and Sunderland have done some work on this as part of their parental confidence project: they have started to translate the core offer into practical implications for themselves and for schools.<sup>75</sup>
- 3.9** The core offer should be widely promoted through parent partnership services, parents' groups and parent networks. It should inform developments in policy on mainstream parent engagement, including the parent guarantee proposed in the White Paper.<sup>76</sup>
- 3.10** The intention is that the extension of the core offer to all schools and children's services will create a major cultural shift in the way schools and services interact with parents. Many of the subsequent recommendations are framed in the context of this new contract with parents. They do not work without it.

### Information

- 3.11** Communication is underpinned by written, publicly available information. A public service, funded to meet public objectives must share, publicly, information on how it goes about its work. We need to ensure that parents can access the information that they need, when they need it, in ways that are convenient to them and that include face-to-face discussion with those who are working with their child.
- 3.12** The Inquiry found many shortfalls in the provision of information. There was a pattern in the gaps and some statutorily required information on both SEN and disability was missing.
- 3.13** That statutorily required information is not published is unacceptable; the nature of the missing information is of particular concern: information on the respective responsibilities of schools and local authorities<sup>77</sup> is critical to parental confidence.<sup>78,79</sup> Yet research and surveys reports that this critical information is missing from many local authority websites.<sup>80,81,82</sup>
- 3.14** At a school level, there are equivalent concerns about statutorily required information on schools' SEN policies: information that is critical to parents' understanding of what they can expect from the school.
- 3.15** It is also clear that there are shortfalls in compliance with requirements for published policies on disability: accessibility plans and strategies and disability equality schemes. Many disability equality schemes are not published. Of those that are published, many do not meet the requirements of the DDA.<sup>83, 84</sup>
- 3.16** The involvement of disabled people is one a significant requirement of a disability equality scheme. The Inquiry has seen the benefits. Where schools have involved disabled pupils in the development of their scheme, pupils provide insights into what makes school life difficult for them, what helps or hinders their learning

and participation. Pupils' solutions are often practical, simple proposals for how the school might improve anti-bullying procedures or access to learning.

- 3.17** Since highlighting these shortfalls in the April report of the Inquiry on the *Review of SEN and Disability Information*, the National Strategies have worked with local authorities and schools on compliance with the disability equality duty. They report improved rates of compliance with the requirements on disability equality schemes.<sup>85</sup>

### Disability equality schemes<sup>86</sup>

#### LOCAL AUTHORITY DISABILITY EQUALITY SCHEMES

In 2008, MENCAP examined the DESs of nine local authorities and found that only one that referred to schools in their area.<sup>87</sup>

In 2009, 139 local authority Disability Equality Schemes were checked for two of the key requirements. Of the 139 local authority schemes analysed, 84 (60%) complied with the key statutory requirements considered in this survey. 55 (40%) council DESs did not meet the requirements, and in several there was no mention at all of education, schools, or children.

#### SCHOOL DISABILITY EQUALITY SCHEMES

Of 40 schools surveyed across 9 LAs in the MENCAP report, only 7 had produced a DES and only one of these met the requirements.

In 2009, the National Strategies visited 138 schools which were recommended as schools working well with disabled pupils and pupils with SEN. 132 (95%) had published schemes. Of these, 101 schemes (77%) met three key requirements. Of these, 47% were secondary schools, 53% primary.

- 3.18** We return to the issue of disability equality schemes later in this chapter.

### Improving information

- 3.19** The survey carried out for the Inquiry identified the need for face-to-face meetings and for a range of information for parents. Overall it identified the need for a *more consumer focused* and more personalised approach to the provision of information.<sup>88</sup>
- 3.20** A more tailored approach to sharing information has to recognise how parents' information needs change over time. When a school identifies a child as having a special educational need, the school needs to make clear what this means, for the child, for the parents, what the school will do, what parents can expect. At other stages, parents may need information from different services and information about support from the voluntary sector. Parents have particular information needs at times of transition.
- 3.21** Parent partnership services have an important role to play here, as does web-based information. However, different needs at different times mean that personal contact with professionals, who recognise changing needs, is critical to maintaining parental confidence. The core offer shifts responsibility: it means that parents can expect to be provided with relevant information, rather than having to find it out for themselves.

- 3.22 Parents want the system to work for their children, *'the way it does for everyone else'*.<sup>89</sup> Current developments in parent engagement and information sharing for all parents should include parents of children with SEN and disability.

**Recommendation 14** **current improvements in parent engagement should take full account of disabled children and children with SEN.**

- 3.23 In particular:
- the school report card should provide an inclusive measure to reflect the progress and attainment of pupils with special educational needs;
  - online reporting should include the more detailed reporting on the progress of children with SEN;
  - the principles of the core offer for parents of children with SEN should underpin the development of future requirements on schools in their relationship with parents.
- 3.24 The SEN and disability information required in the school prospectus should be reviewed alongside the development of the school report card and in the light of the relationship between the school prospectus and the school report card. Parents' priorities suggest that the most important information at this level would be the name of the person who can give parents more information about the school's approach to SEN.
- 3.25 Where SEN and disability information can be provided in a more mainstream and more public place, it should be. It is more visible, more likely to be provided and can signpost more detailed information. So, for example:
- school teaching and learning policies, recommended by Sir Alan Steer, should explicitly include how disabled pupils and pupils with SEN are taught and how they are included into all the educational opportunities of the school;
  - information on extended day provision should specifically show how disabled pupils and pupils with SEN are included.
- 3.26 To the extent that policies on how the school works with pupils with SEN can be incorporated into 'mainstream' policies, the requirements of an SEN policy can be reduced and streamlined with other requirements. Most schools the Inquiry asked did not know what the requirements were. There is benefit in simplifying them to a minimum core and securing greater parental involvement in determining the detail of the published policy.

**Recommendation 15** **the mandatory content of schools' SEN policies is simplified and schools should consult with parents on the content of the policy.**

- 3.27 There is information that is essential for parents. Parents must be told if their child has been identified as having special educational needs. At the point at which they are told, they need to know what this means, what they can expect the school to do, what their statutory rights are. They need to know how to complain if things go wrong. They should know what outcomes the school seeks to achieve for disabled children and children with SEN.
- 3.28 There is a minimum core of information that should be included in schools' SEN policies:
- information about the school's policies for the identification, assessment and provision for all pupils with special educational needs;
  - the name of the person parents can contact for more information;
  - information about outcomes for children with special educational needs;
  - how parents can complain about the school's SEN policy or practice;

- information about the local authority's SEN policy and where that is published;
- information about parents' statutory rights.

- 3.29** This level of information is modest. In addition, some of the requirements can be met by using already published information, for example, information about parents' statutory rights can be met by providing the DCSF parent booklet on SEN. Some of this information may be covered elsewhere, for example, where a school provides a policy on complaints and this includes complaints about SEN issues, this should serve the purpose.
- 3.30** However, crucially, schools should discuss with parents what they should helpfully include in their policies. The project work in North Tyneside focused initially on information for parents on funding but found that, in practice, parents were more interested in what the funding translated into: the 'entitlements' that the funding could buy. Information was adjusted accordingly. This engagement with parents and the responsiveness to what they have said is a good reflection of the principles of participation and transparency embodied in the 'core offer.'
- 3.31** Schools should consult with parents on their SEN policy, review it at least every three years and revise it as necessary. The policy should be made widely available. The policy should be published on the school's website with a link from the local authority's website. There is significant benefit in schools publishing a version of their SEN policy as a leaflet for parents. This leaflet should also be widely available.
- 3.32** The DCSF should work with schools and the Social Partnership to determine how best to support them in meeting the streamlined requirements: what would be helpful in terms of supporting guidance or examples of good practice.
- 3.33** Special schools and hospital schools are also required to publish details of their SEN policies. There should be an equivalent simplification of the SEN policy requirements on special schools and hospital schools. Because of the high numbers of pupils with SEN in pupil referral units (PRUs), 18,964 out of a total



PRU population of 25,288 or 75% the policy requirements should also apply to PRUs.

**Recommendation 16 the requirement to produce and publish an SEN policy is extended to pupil referral units.**

- 3.34** Times of transition are particularly stressful for children with SEN and their parents. It is important that parents' information needs should be recognised and considered in regular meetings with parents. In particular:

**Recommendation 17 annual review meetings for children with a statement include a consideration of information needs of parents and children and young people.**

### School disability equality schemes

- 3.35** The involvement recommended above in respect of school SEN policies is already a requirement for a disability equality scheme. Schools are already required to involve in the development of the scheme, *'disabled people who appear to them to have an interest in the way they carry out their functions'*. In the interests of supporting schools to streamline the requirements, DCSF should promote their guidance encouraging schools to publish their accessibility plan as part of their disability equality scheme.
- 3.36** The Inquiry has continuing concerns about the level of non-compliance with the requirement to publish a disability equality scheme. All school disability equality schemes should both be made available as currently required and published on schools' websites with a link from the local authority website.
- 3.37** The Equality Bill, currently before Parliament, changes the equality duties. Crucially, the better schools are meeting their disability equality duty and the duty to have a disability equality scheme, the better they will be able to meet their duties towards disabled children under any new requirement.
- 3.38** The Inquiry welcomes the fact that compliance with SEN and disability requirements is included in the self-evaluation form for schools and that Ofsted checks on compliance with statutory requirements.

### Local authority information on SEN and disability

- 3.39** SEN information on the respective responsibilities of schools and the local authority<sup>90</sup> is critical to relationships between parents, schools and local authorities. Yet the statutory requirements are not reliably met.
- 3.40** Likewise a number of local authority disability equality schemes do not meet the statutory requirements in respect of disabled children and education. There are many schemes that address housing, democratic and leisure services well, but do not address disability equality in respect of children and schools.<sup>91,92</sup>
- 3.41** The local authority has both a significant interest in and responsibility for promoting good communication between parents of disabled children and children with special educational needs and schools. It is in their interests to ensure that school SEN policies and disability equality schemes are published and widely available.

- 3.42** We pick up issues about the content and development of SEN information and disability equality schemes in chapter 5 in connection with local authorities' responsibilities. Here we focus on the publication of the information and access to it.
- 3.43** Each local authority should bring together the required information on SEN and disability, along with other information for parents on a single local authority website. Parents should be involved in agreeing what is most important, but this might include information on, or links to, the parent partnership service, voluntary organisations that provide support to children and families and links to relevant social care and health services. The site should be readily accessible.
- 3.44** The DCSF should work with the LGA and the ADCS to identify the best ways of bringing together this information, for example, where appropriate, this information might be hosted by the Families Information Service.
- 3.45** In addition, to promote access to and the availability of information, local authorities should provide links to school websites and to schools' SEN and disability policies. Schools in turn should link to local authority websites and their SEN and disability policies. Mutual links should promote the availability of and access to information.

### Parent Partnership Services

- 3.46** Local authorities are required to provide a parent partnership service (PPS). Some services are provided 'in-house', with staff directly employed by the local authority; some are 'outsourced' and, while still funded by the local authority, are provided by the voluntary sector.
- 3.47** Some local authorities provide a very limited case work service, with as little as two days a week provided by one part-time member of staff;<sup>93</sup> others have a strong management group with voluntary sector involvement, involve parents in improving the service, support parents in taking cases to the Tribunal, and play a key role in influencing the local authority policy. There are excellent services and poor services amongst both the local authority 'in-house' services and the 'outsourced' services.<sup>94</sup> Services based in the voluntary sector have the benefit of being more clearly at arm's length from the local authority but, overall, are less well-resourced and have less strategic involvement in influencing the development of children's services.<sup>95</sup>
- 3.48** The Inquiry has seen the best and the worst. During different meetings the Inquiry has heard different messages about PPSs from parents: some, particularly those at the stakeholder meetings, felt that all services should be independent of the local authority; others spoke highly of their PPS and of the range of support that they had received. Some voluntary organisations felt strongly that some services do not have an adequate understanding of the statutory requirements and do not differentiate adequately between what is statutorily required and what is local policy.
- 3.49** Parent partnership services are dogged by the notion of 'neutrality'. This is problematic: it can convey a notion of standing in territory between two other parties and not taking either side; it suggests that resolution could be achieved by bringing the two parties to a compromise without necessarily having regard to statute and guidance. The SEN Code of Practice uses 'neutrality' in the sense of avoiding bias or undue influence in advising parents, and in the sense of standing fairly and squarely with the legislation and the Code of Practice.

- 3.50** Parent partnership services need to be re-cast with a much tighter focus on the statutory requirements. There is a cultural issue: PPSs should review how they use the term 'neutrality' and how this affects their work; and there is a practical issue: all PPSs must fully understand the SEN legislation and the difference between statutory requirements and local policy.

**Recommendation 18** **the DCSF re-launches parent partnership services to provide parents with expert, high-quality advice. They should be trained in the statutory framework and their role in advising parents of their rights should be reinforced.**

- 3.51** The DCSF has published clear expectations of parent partnership services.<sup>96</sup> The 'exemplification materials' illustrate practice, from the 'non-compliant' to 'best practice,' across a range of aspects of parent partnership work. The materials need to be revised with a much higher profile to what the legislation requires and the Code advises.

- 3.52** There needs to be a more robust approach to the implementation of the materials. All services should be aiming to reach at least 'good practice.' A local authority not using the materials to improve the quality of their service and not putting their service at arm's length, risks undermining the good reputation of other services and parents' confidence in them. The focus should be on service improvement.

**Recommendation 19** **the DCSF commissions the National Strategies to work with local authorities to ensure that parent partnership services are appropriately deployed.**

- 3.53** This work needs to be undertaken in the context of clarity about the respective roles of the local authority and the PPS, as set out in the SEN Code of Practice. Some services undertake jobs which should be done by local authority officers, in particular by the 'named officer.' Using a parent partnership service to carry out local authority work may provide parents with a friendly face representing the local authority, but it leaves parents without a separate source of advice and information, it compromises the core function of the PPS and puts at risk not only the reputation of that service but the reputation of other services as well. The work of the National Strategies must start by ensuring that the right people doing the right job.

- 3.54** Parent partnership services reach only a fraction of the parents who may want or need support. In addition there is a need for a service which is more widely accessible, independent of the local authority, not funded by the LA, not monitored or commissioned by the LA.

**Recommendation 20** **the DCSF commissions and promotes a dedicated independent national advice line for parents of disabled children and children with special educational needs.**

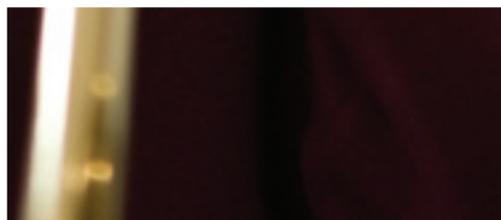
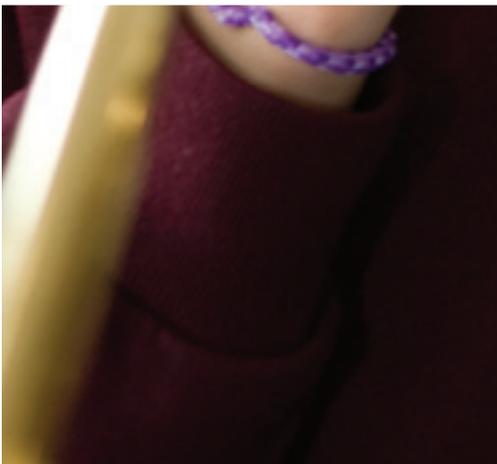
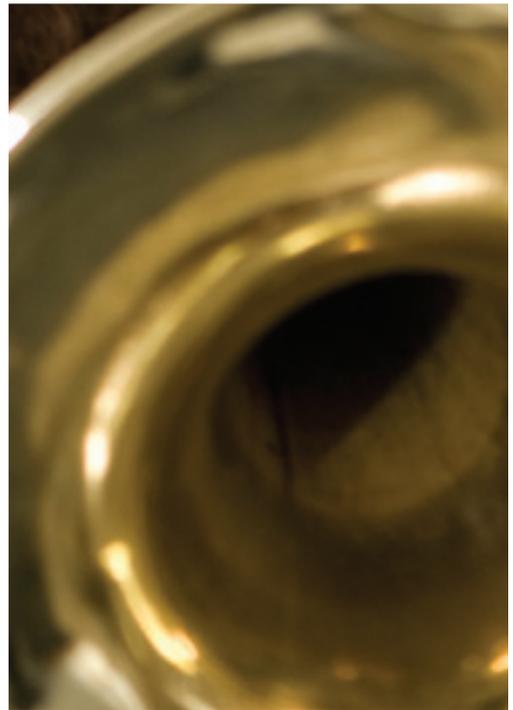
- 3.55** The DCSF currently funds a number of advice lines. These are not widely known as a source of information on SEN and current lines do not have sufficient capacity to respond to all the calls on SEN. The DCSF should review the profile and the capacity of the current advice lines and the web-based support for parents of children with special educational needs, to determine the best way of extending them and making them more accessible.

## Endnotes

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- 69 Parent quoted in: Capita (2009) *Children's Plan One-Year-On Commitments: Information for Parents of Children and Young People with SEN and Disabilities*
- 70 Parent evidence to the Lamb Inquiry
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- 72 Peacey N, Lindsay G, Brown P and Russell A (2009) *Increasing Parents' Confidence in the Special Educational Needs System: Study Commissioned to Inform the Lamb Inquiry*
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- 77 The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 SI 2218, published in the back of the SEN Code of Practice
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- 79 Wilkins L (2008) *Learning the hard way: a strategy for special educational needs* Policy Exchange/Centre Forum
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- 81 MENCAP (2008) *Just not a priority: schools and disability equality*
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- 83 MENCAP (2008) *Just not a priority: schools and disability equality*
- 84 House of Commons Education and Skills Committee (2006) *Special Educational Needs: Third report of Session 2005–06*
- 85 National Strategies (2009) *A survey of Disability Equality Schemes in LAs and Schools*
- 86 It is important to note that the two surveys quoted here are not directly comparable: methodology, criteria and other aspects of the surveys were different
- 87 MENCAP (2008) *Just not a priority: schools and disability equality*
- 88 Capita (2009) *Children's Plan One-Year-On Commitments: Information for Parents of Children and Young People with SEN and Disabilities*
- 89 Capita (2009) *Children's Plan One-Year-On Commitments: Information for Parents of Children and Young People with SEN and Disabilities*
- 90 The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 SI 2218, published in the back of the SEN Code of Practice
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- 94 Rogers R, Tod J, Powell S, Parsons C, Godfrey R, Graham-Matheson L, Carlson A and Cornwall J (2007) *Evaluation of the Special Educational Needs Parent Partnership Services in England*
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# Chapter 4

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**A MORE STRATEGIC  
LOCAL APPROACH**

### Local variation

About 70% of permanent exclusions are of children with SEN. Locally, rates of permanent exclusions of children with SEN vary between 43% and 92% of all permanent exclusions in that authority.<sup>97</sup>

91% of final statements of SEN are issued within 26 weeks (excluding exception cases). Locally, rates of completion within 26 weeks varied between 54% to 100%.<sup>98</sup>

- 4.1 Throughout the Inquiry one of the most striking features of the SEN system has been the variation we have seen. We have seen widely varying levels of parental confidence and there is variation at local authority level in a wide range of different indicators: from overall levels of SEN and the SEN-non-SEN attainment gap, to levels of exclusions, the number of statements issued and the time in which they are issued.

### Why the Difference?<sup>99</sup>

The researchers found that across different local authorities:

- higher levels of deprivation were associated with higher levels of pupils with SEN;
- there was little or no association between deprivation and the rate of pupils with a statement;
- higher rates of disability were associated with a lower percentage of pupils with SEN having a statement.

The researchers expected that appeals would be more frequent where there were low numbers of statements. In fact there was no correlation between levels of statements and levels of appeals.

The rate of pupils with a statement depends much less on the level of disability in the area. It suggests it is more influenced by local policy and practice.

- 4.2 The *Why the Difference?* research attributes some local variation to the very nature of the local authority area: the size and structure of the authority and the nature of the population it serves. Variation is also attributable to aspects of local policy: the quality of strategic planning, way the authority works in partnership with other agencies and with parents. Local leadership is a key factor in the development and maintenance of a positive approach to meeting SEN.
- 4.3 The evidence provided to the Inquiry shows that local authorities can and do make a difference to outcomes for disabled children and children with SEN and to parental confidence.

***Where strategic planning for SEN is effective there is strong leadership, a shared understanding of local needs based on detailed research and a clear strategy to develop in-house provision to meet this, including an effective inclusion strategy with local schools.***<sup>100</sup>

- 4.4 The Children Act 2004 sets out the requirements for children's services, led by a Director of Children's Services and a Lead Member for children, both roles required by the legislation. The arrangements are designed to provide clear lines of accountability for children's well-being, a more holistic and better co-ordinated approach for all children, and for vulnerable groups of children in particular. The legislation also sets out the co-operative arrangements that underpin Children's Trusts and the Children and Young People's Plan and the power to pool budgets and share other resources. These arrangements are now consolidated with the statutory Children's Trust Boards. The structure of Trusts puts them in a better place to plan a range of services to deliver better outcomes for children who need support from more than one agency and to make the specific provision needed for individual children.
- 4.5 However, the research suggests that the re-organisation to meet the requirements of Children's Services has been a factor affecting the quality of local authority SEN strategy.<sup>101</sup> There is some evidence from local authority officers themselves that before re-organisation, the oversight of SEN was normally led by a second-tier officer, usually at assistant director or equivalent level, and SEN was the most challenging resource management issue for local education authorities. After re-organisation, in many local authorities, the oversight of SEN is more likely to be led by third-tier officer who may have more operational responsibilities than their more strategic predecessor and the arrangements for the safeguarding of children have been a key focus for local authorities.
- 4.6 It is crucial that there is an understanding of SEN and disability in the leadership of children's services.

**Recommendation 21** **the National College for the Leadership of Schools and Children's Services incorporates SEN and disability into training for leadership of children's services.**

- 4.7 Senior leaders of children's services have indicated to the Inquiry that there is a lack of equity in that parents with the greatest resources, both human and financial, seek access to better provision. The Inquiry sees the other side of the same coin: the importance of local authority strategy and the deployment of resources as the key to ensuring greater equity in access to provision for all children at the earliest stage and, where possible without recourse to the statutory procedures.
- 4.8 Where a range of provision is developed and, in particular, a range of specialist expertise is deployed in response to need, parents do not have to go in search of it. Where relevant provision and expertise are not available locally, parents do go in search of it. This is where personal and financial resources enter into the equation: parents with the greatest resources will undertake the most arduous search. Parents should not have to embark on this search in the first place.
- 4.9 The Inquiry met with parents who, seeing nothing suitable locally, had embarked on the search for the relevant expertise to meet their child's needs. They had moved their child from one mainstream school to another, had sought a statement or a special school in the expectation that they would find the necessary skills. Research identifies a similar effect: searching through the system to find the staff skills that would meet parents' modest expectation of 'someone who understands my child's needs.'<sup>102</sup>

- 4.10 We did find examples of the positive sharing of expertise:

### Two non-maintained special schools working in partnership

At a non-maintained special school a grant funded outreach project had just come to an end. Maintained primary schools in a local 'confederation' with a shared budget had clubbed together to buy in continuing support from the school: a combination of teacher and speech therapy time.

Another non-maintained special school had developed a number of possible options for deploying skilled staff to support a 'menu of services.' They had offered it to the local authority for discussion.

- 4.11 These approaches hold the potential to increase the range of facilities locally; nurture, develop and disseminate specialist skills; and better meet the needs of children attending local schools in the area. The two examples quoted involve sharing concentrations of expertise in non-maintained special schools, but the crucial element is the deployment of skills and expertise in such a way as to benefit the greatest number of children.
- 4.12 A more thorough-going approach to commissioning services for children with special educational needs should lead to a better fit between needs, skills and provision, and ultimately to better outcomes, less tension and greater equity in the system.<sup>103</sup>
- 4.13 The DCSF and Department of Health sponsored Commissioning Support Programme (CSP) is working with Children's Trusts to support more effective commissioning. CSP is already working with the Autism Education Trust to provide support to local authorities and primary care trusts in commissioning autism services. A similar partnership approach across the whole of SEN and disability is needed.

**Recommendation 22** **the Commissioning Support Programme works with Children's Trusts to improve the commissioning of services for disabled children and children with SEN and convenes an expert group to advise on the work.**

- 4.14 Commissioning needs to focus on early intervention and take account of the growing capacity of schools, or partnerships of schools as commissioners of services. It should also draw on the work of the Special Schools Working Party<sup>104</sup> to explore the potential for regional commissioning with groups of local authorities coming together to commission services for children with low incidence needs.
- 4.15 There also needs to be a tighter focus on outcomes for children and value for money. This needs to be informed by what is known about the most effective approaches in securing children's progress.

**Recommendation 23** **DCSF asks the Centre for Excellence and Outcomes (C4EO) to collect evidence of good practice where schools and clusters of schools are commissioning services for children with SEN.**

## The deployment of resources

- 4.16** The majority of local funding for SEN is delegated to schools along with their core 'head count' funding. That is as it should be: schools need the SEN funding to enable them to identify and respond to children's needs swiftly. However, it is crucial that it is clear what schools are expected to deliver with their delegated budget before approaching the local authority for additional resources through a statement; and that it is clear how schools will be held to account for those delegated resources.
- 4.17** The statutory requirements<sup>105</sup> in respect of SEN information to be published by local authorities cover a range of aspects of local authority policy. The focus here is on the part of the regulations that requires the local authority to set out what schools are responsible for from their delegated budget and what local authorities are responsible for from their retained budget. The Inquiry found that this requirement is not reliably met.
- 4.18** The research tells us that the publication of this policy is critical to relationships between parents, schools and local authorities.<sup>106</sup> It has a high impact. Where the policy is not published, or is not clear, it undermines relationships. Where it is published, shared and understood it brings clarity to parents' expectations of schools.
- 4.19** The local authority has both a responsibility for and a significant interest in ensuring that this policy is published and widely available. The work of the parental confidence projects<sup>107</sup> highlights the importance of the three-way engagement of schools, parents and the local authority in the development of this policy. Where parents are involved and understand what schools are expected to do, additional funding can be delegated to schools without triggering additional requests for statutory assessment or appeals to the Tribunal.<sup>108</sup>
- 4.20** It is important that this policy is clear about where responsibility sits for schools' use of support services. With access to specialist skills and expertise at a premium in the workforce, it is vital that the expertise that is available is targeted in the places where it is needed and is having the intended impact on outcomes for children. Schools' Forums have a key role in determining whether and how services are delegated. Some schools have decided that they value being able to draw on support services 'free at the point of delivery' and have chosen not to delegate funding. In some authorities services have been delegated to secondary schools but not to primary.

### Support services

The delegation of funding for support services had a negative effect on the provision for some pupils with SEN. It diminished the capacity of many local educational authorities to monitor the progress of pupils with SEN and reduced the range and quantity of specialist staff available to provide advice and support.<sup>109</sup>

- 4.21** It is crucial that there is a shared understanding between schools, local authorities and parents about who has responsibility for what. Without this, parents find themselves falling into the gap between the school and the local authority.

**Recommendation 24** **the National Strategies report to the DCSF on which local authorities have complied with the publication of the SEN information required in the 2001 Regulations.**

- 4.22** The DCSF should publish the report from the National Strategies,<sup>110</sup> remind local authorities and schools of their responsibilities and, where necessary, the Secretary of State should direct local authorities to publish the information.
- 4.23** It is important that the local authority publishes the required information. It is also crucial that the local authority holds the school to account for the delegated resources. They should know what has been achieved with the resources, how well children have progressed, whether a further interventions are required.
- 4.24** To achieve this, a number of authorities hold an annual review of the progress of children for whom they have delegated additional resources at School Action Plus. They have found it an effective way of monitoring how and how effectively delegated resources are being used.

### Using the annual review to monitor delegated resources in Somerset

Somerset delegates £12,000,000 to schools through the School Action Plus budget. The Annual Review Report is central to the monitoring of this budget. The Annual Review Report is used for all statutory reviews of children with a statement of SEN, for all those at School Action Plus and for those young people attending resource bases without a statement. It is central to the monitoring of children and young people with severe and complex special educational needs and to the annual audit of funding for pupils at maintained special schools.

### Local authority disability equality schemes

- 4.25** A number of local authority disability equality schemes do not meet the requirements in respect of disabled children and education. There are many schemes that address housing, democratic and leisure services well but do not address disability equality in respect of children and schools.<sup>111,112</sup>
- 4.26** In the development of their scheme, local authorities must meet the same requirements on involvement as schools. Disabled children have a clear interest in the way the local authority carries out its functions and we heard of positive examples where local authorities consulted directly with them.
- 4.27** The local authority has both a significant interest in and responsibility for promoting good communication between parents of disabled children and children with special educational needs and schools. It is in their interests to ensure that school SEN policies and disability equality schemes are published and widely available.
- 4.28** The Inquiry welcomes the work of the National Strategies in improving the availability of LA and school disability equality schemes and the current focus on the quality of schemes.

**Recommendation 25** the National Strategies report to the DCSF in 2010 on which local authorities have complied with the requirements on disability equality schemes and on the extent of the compliance of schools in the area. The DCSF should publish this report.

- 4.29** To support local authorities, the National Strategies should be commissioned to promote examples of good practice in the development and publication of:
- the information required in the 2001 Regulations;
  - local authority disability equality schemes, in particular, as they apply to disabled children.
- 4.30** Each local authority should bring together the required information on SEN and disability, along with other information for parents on a single local authority website. Parents should be involved in agreeing what is most important, but this might include information on, or links to, the parent partnership service, voluntary organisations that provide support to children and families and links to relevant social care and health services. The site should be readily accessible.

### Parent engagement at strategic level

- 4.31** There is evidence from the parental confidence projects and from a range of work between local parents groups and local authorities that constructive engagement with parents can lead to improved strategy, policy, provision and practice.
- 4.32** A group of parents has been involved in a project to develop approaches to working with local authorities to improve provision for children with autism.

### Jigsaw Group in Staffordshire

Jigsaw engages actively with the Council and provides targeted input to different panels and boards, including the Children's Trust Board. Parents also give presentations on working effectively with children with autism for all newly qualified teachers, all secondary headteachers, police and community support officers, and schools across the county, as they request them.

Machita Denny, chair of Jigsaw, considers the group has established their credibility with officials, firstly because they speak from real life experience, but also because they are 'positively negative', praising the Council for the work they do well, not just criticising the areas that need improvement. And where they do criticise, they set out ideas to solve the problems. The Council in turn fully acknowledges the expertise that parents bring to the table and their vital role as 'critical friends.'

Parents feel that their contribution is valued, they have strong support from the Council's leadership, they are able to participate at a level that suits their family commitments and their work with Jigsaw, and they know that their direct interface with officials and school staff is slowly helping to broaden their understanding of autism and how to get services right for children with autism.<sup>113</sup>

- 4.33** It is important that the learning from this work, and from similar work in different parts of the country, informs the development of better working arrangements

between parents, schools and local authorities across the country, for the benefit of children.

### Learning from the parental confidence projects

- 4.34** The eight projects commissioned for the Inquiry provided opportunities for local authorities to explore ways of increasing parental confidence in the SEN assessment process. The application process was competitive. Local authorities were offered up to £40k to support development work and the local evaluation of the project.
- 4.35** The projects ran for the academic year from September 2008 to July 2009. They were developed and evaluated with parents and most of the projects also involved working with schools and/or voluntary organisations. The National Strategies provided both support and challenge to the project authorities and there was an element of peer support provided through a series of seminars. The seminars brought together the participating authorities and their parents three times over the year.
- 4.36** The Inquiry was impressed by what was achieved by the projects in a relatively short period of time. The commitment of the local authorities, schools and parents working with them showed us positive ways forward and ways of making SEN systems work and work well to the benefit of children and their parents' confidence. For us, they demonstrated the art of the possible.
- 4.37** The national study of the local authority learning from the projects identified the importance of a real commitment to working together to improve parental confidence:

*Fundamental to success was the commitment of LAs to true, not tokenistic or paternalistic, parental engagement and a clear aim to improve confidence.*<sup>114</sup>

### Parental confidence projects

#### INFORMATION FOR PARENTS

Information for parents was a feature of a number of the projects. In North Tyneside, parents were engaged with the authority in determining what information was necessary and most helpful to them. In particular, North Tyneside worked with parents to explore what the 'core offer,' developed in the context of social care, see chapter 4, might look like in an educational context. At the start of the project the focus was much more on the details of delegated funding but, early on, parents.

#### COMMUNICATION

Communication between parents, schools and local authorities was a feature of many of the projects, even where this was not the main objective of the work. Kent focused on improved communication with parents at the time of a request for a statutory assessment and at the point of a request being turned down. One focus of Durham's project was home-school communication. A key element in the work was the use of parents' personal accounts as part of professional development for SENCOs. This had the multiple benefits of providing insights for the SENCOs, boosting the confidence of both parents and SENCOs, improving the professional understanding of parents' perspectives and improving communication.

## Parental confidence projects

### PROVISION

Newham evaluated parental confidence in provision made at School Action Plus and through a statement. Oxfordshire and Blackburn with Darwen used parents' views to contribute to the development of provision at School Action and School Action Plus. In both authorities a range of packages was explored: some included the use of one-to-one time with a teaching assistant or a teacher, others the use of small group work for targeted skills, support for extra-curricular activities, therapeutic interventions, key worker systems, the provision of 'sanctuary' (withdrawal) places, alternative curriculum packages or packages commissioned from outside the school. Both authorities explored the role of professional development in the provision of support packages.

### TRANSITION

Oxfordshire and Wolverhampton explored provision at a time of transition: a time that was seen as having the potential to erode parental confidence. Wolverhampton supported parents through transition from early years provision into school; Oxfordshire in relation to primary-secondary transfer in the context of increased delegation of funding to secondary schools.

### TEAM AROUND THE CHILD APPROACH AND THE USE OF KEY WORKERS

Wolverhampton's project extended the Team Around the Child approach from the early years into the school stages. This included the extended use of key workers, their support through statutory assessment and the extension of the multi-agency approach.

### DECISION-MAKING

Portsmouth focused on the development of the panel that advises the local authority on whether or not to proceed to a statutory assessment or a statement for individual children. Parents were trained to take part in the sessions alongside professional groups already represented on the panel.

- 4.38** The national study also identified the benefit of the learning from the content of the projects: the development of information, the engagement with parents on the development of support at School Action Plus, communication with parents, transition arrangements, the Team Around the Child and the use of key workers, and local authority decision-making processes. However, there was a wider benefit to parents, schools and local authorities arising from the process of engaging with each other on a practical project that was jointly agreed, jointly delivered and jointly evaluated. The study suggests that this engagement may be as important as the particular focus of the project itself:

*It is important that each LA considers priorities, ..., but perhaps the key issue is the active engagement with a project. The focus is, of course, important – it needs to be important and manageable – but so too is the nature of the learning from the engagement, for LAs, parents and schools. Experience of these LAs suggests that there were some common experiences and gains from undertaking a project per se, in addition to any project-specific benefits.<sup>115</sup>*

- 4.39** Each project had its own distinctive focus, selected from a menu that reflected the terms of reference for the Inquiry. There was a range of practical outcomes from the work. These included developments in:
- information for parents;
  - communication with parents;
  - provision for children;
  - transition arrangements;
  - the Team Around the Child and the use of key workers;
  - local authority decision-making processes.

**Recommendation 26** **the findings from the parental confidence projects are disseminated and the wider benefits of strategic engagement with parents are promoted.**

- 4.40** There is still a range of aspects of local policy and practice in need of development. These have been identified throughout this report. Many of these will have a greater impact on parental confidence if developed collaboratively by schools and local authorities working with parents. The study of the local authority learning from the projects identified the approach as representing good value for money. So we recommend a second round of projects with similar levels of financial support.

*The financial input is an important factor, not only in real terms to enhance resources but also to support commitment and accountability.*<sup>116</sup>

**Recommendation 27** **a second round of parental confidence projects is commissioned on a regional basis.**

- 4.41** A further round of projects should be used to test out the impact on parental confidence of a number of approaches that we have outlined in this report. It is an important opportunity to test out approaches to regional commissioning of services for children with low incidence needs; an opportunity to test out greater transparency in decision-making processes.
- 4.42** In the bids for projects in 2008, the Inquiry did not receive any bids for a project to explore parental confidence in relation to making the provision of educational psychology advice arm's length from local authorities. With a growing range of models for the provision of educational psychology services, an 'arm's length' project should be included as a priority in a second round of projects to test out the impact of greater independence on parental confidence.
- 4.43** The projects should be explicit about the impact on both children's progress and parents' confidence. Though it may not be possible to discern improvements in children's progress over the period of a year, this needs to be monitored as there are risks inherent in looking at parental confidence in isolation from children's progress.
- 4.44** Local authorities should be invited to bid for modest funding to develop projects that they believe will have an impact on parents' confidence. The projects should be developed and evaluated with parents. The projects should be supported by the National Strategies SEN Advisers and through the mutual support of other LAs and other parents working on other parental confidence projects. To facilitate the dissemination of the learning from the projects, one project should be selected in each region.

## Statutory assessment and statements

- 4.45** Overall the research messages on parents' experiences of the statutory assessment process are negative and stressful. However, the vast majority of parents' complaints are about lack of information, lack of support, the way they have been spoken to and the attitudes they have encountered. This is not the fault of the system. This is how it is operated.
- 4.46** Where it works well, parents value the careful gathering of evidence to inform next steps for their child. Where it doesn't work well, parents' experiences are of an unthinking, uncaring system that doesn't listen to them or take their concerns seriously, that blames them for their child's difficulties and makes them:

### *jump through hoops to satisfy local authority bureaucracy.*<sup>117</sup>

- 4.47** Some of the parents who are most angry about their experiences are also those who are ardent in their support of the statutory framework and the guidance in the SEN Code of Practice. They wanted schools and local authorities to abide both by the letter and the spirit of the legislation. Parents value the security of a statement. It gives them confidence and, in particular, confidence to challenge where a school is not making the provision that has been agreed in the statement.<sup>118</sup> Parents who have discovered the Code of Practice value the approach it maps out and the principles that underpin it: a partnership approach with good information and support. Provided early on, this approach can make all the difference to parents' experiences of the statutory stages of the SEN system.

## Statutory assessment

- 4.48** Many of the information and communication issues explored in Chapter 4 are relevant both to the school and the statutory stages of SEN. The recommendations on information and communication are designed to address both the cultural issues that frustrate good communication with parents and the specific issues of compliance with the requirements of published information.



- 4.49 The Inquiry also heard both negative and positive messages from parents about the benefit of the detailed assessment of their child's needs. Where parents felt that the professional assessing their child's needs knew their child or had spent sufficient time with their child, they were positive.

***Knowing that everyone involved with their child is communicating well with one another to build up a clear picture of the child's strengths and needs regardless of whether they work in the LA, NHS etc<sup>119</sup>***

- 4.50 Parents were less confident where they felt that the educational psychologist did not know their child before the assessment, had not spent long enough with the child to make an assessment, or had not spent long enough with the parent discussing the child's development and current progress.

### **Quality of advice**

- 4.51 The NatCen report identifies problems with the quality of the advice provided, in particular where parents felt they could not recognise their child.

***[The] language used [was] much too vague and flowery! It certainly didn't feel like it had been written about my boy. It could have been written about any boy with special educational needs. It's so vague; the wording is just so vague<sup>120</sup>***

- 4.52 The work of the National Strategies<sup>121</sup> focused on statements but makes it clear that some of the difficulties with statements, for example: lack of specificity and inaccessible, technical, complex and sometimes confusing language, stem from the advice provided and are simply replicated in the statement. The impact of the lack of specificity and the lack of clarity in the language is not only that the advice provided may be difficult to understand for parents but also that it is difficult for teachers to translate into practice in classrooms. In addition the evidence base for advice is not always made clear.
- 4.53 The advice of the professional bodies would helpfully address these wider issues of the quality of the advice provided.
- 4.54 'Team around the child' (TAC) involves a more collaborative approach and one that is more responsive to the child's and the family's needs. The approach has been successful in the early years and widely welcomed by parents. The Wolverhampton project highlighted both the benefits and the challenges of extending into the school stages. The project showed that not all parents need to continue with the level of support that they received in the early years.
- 4.55 For children with complex needs, Early Support promotes a collaborative approach, one that is more responsive to the child's and the family's needs. It operates in partnership with parents, with a TAC and a keyworker working with the child's family and co-ordinating services. A TAC is demanding of human resources and not all parents want or need this approach. However, there are some important lessons from the Wolverhampton project<sup>122</sup> and the principles they explored at the school stages. Identification and assessment should involve parents and children and young people themselves and build on the person-centred approach developed through Early Support. Early Support is widely welcomed by parents and for its family-centred, multi-agency approach and the support of a key worker. The Inquiry recommends a collaborative approach to assessment at the statutory stages, but this needs to start at the school stages: at the youngest age and the earliest stage.

- 4.56 A collaborative approach to the submission of statutory advice should be trialled through the second round of parental confidence projects that we have recommended.

### Statements

- 4.57 From our earliest meetings with parents, they have told us that if everyone followed the Code the SEN system should work well. One parent told us of the day she discovered the Code. She had read it through from cover to cover with tears in her eyes, because what it described sounded so wonderful.
- 4.58 The report from the National Strategies identifies a number of specific problems and practices that fall short of the guidance in the Code. The analysis of a sample of statements led them to conclude that:

*...whilst several met basic requirements, the majority of statements raised a range of issues about their general quality and the extent to which they were fully compliant with the requirements. There were also significant concerns about their overall intelligibility.*

#### *Clear unambiguous statements*

- 4.59 The language used in statements is often vague, non-specific, complex and full of jargon.

*Vague 'regular...' remarks with no comment as to frequency. Halley's comet is 'regular', after all. Not frequent though.*

- 4.60 The importance of the statement being clear and precise should not be underestimated. The clearer and more explicit the statement is, the greater its potential to affect educational decision-making for a pupil.<sup>123</sup>

#### *Individual statements for individual children*

- 4.61 The report from NatCen highlights the importance of the accuracy of the statement and the extent to which parents could recognise their child's individual needs:

*Parents who felt the statement included specific detail about the level and type of support their child should receive reported feeling reassured that there was now a shared understanding about their child's special educational needs, the type of support they required and, in practical terms, what this support would be like at school for example.<sup>124</sup>*

- 4.62 Parents were less likely to be satisfied where the statement was more formulaic and less clearly tailored to their child's circumstances and needs. They criticised the use of template documents and were understandably annoyed by basic mistakes:

*Most statements are 'cut and paste' affairs written to fit LA criteria rather than to describe the child.*

*Taken from a template, I had to insist they personalise it to reflect my son.<sup>125</sup>*

*The LEA consistently sending me updates with the wrong child's name at the top of it.*

- 4.63** A number of parents of children in special schools told the Inquiry that the provision in their child's statement did not set out tailored provision, rather it set out a general description of what the schools offers. In effect, the statement says that the provision is made simply by attending the school.
- 4.64** In the web survey, school staff as well as parents referred to the authors of statements who did not appear to be fully conversant with either the child or the type of special educational need the child had.

### *Objectives and outcomes*

- 4.65** Parents and professionals alike told the Inquiry that the objectives in many statements were too broad, too vague and sometimes even unreachable:

### ***Objectives can be very broad and unSMART***

#### ***Targets can often be too vague with no clear impact measures.***<sup>126</sup>

- 4.66** Discussions between parents and local authorities are focused primarily on the provision to be made in a statement and, in particular, on the number of hours of support assistant time to be allocated to their child. There is little, and in many of the instances brought to the attention of the Inquiry, no consideration of the outcomes parents are seeking for their child or of the objectives that need to be agreed in the statement.
- 4.67** Too often the way that objectives are set out in a statement does not readily permit the school and local authority to subject them to review. There needs to be a much tighter focus on outcomes and a much more rigorous approach to setting out objectives in a statement. The objectives should relate both to attainment and to wider outcomes for children.

### *The staffing arrangements*

- 4.68** The description of the staffing arrangements in the statement should include a description of the staff skills needed to support the achievement of the objectives set out in the statement. Careful consideration needs to be given to: the range of skills that will be needed; the balance of teacher time and support assistant time; the deployment of any teaching assistant and the skills that the teaching assistant needs; and, more widely, any skills, training and guidance that might be required for all staff working with the child in the school.
- 4.69** Particular care is needed in setting out how support assistants will be deployed: the allocation of undifferentiated hours of support assistant time is unlikely to be the most effective form of provision in securing good outcomes. Crucially, the deployment of support assistant time needs to be linked back to the objectives for the individual child and under the direction of the teacher; and the child's progress must be monitored by the teacher.

### *The participation of children and parents in the process*

- 4.70** A number of submissions identified the participation of children and young people in the process as being rare. Where it did occur, it tended to be tokenistic. The National Strategies<sup>127</sup> identified the same problem:

***...few of the statements made reference to any advice received from the child. There was little evidence of the child's view in almost all of the statements.***

- 4.71** Yet, through meetings with children and young people, the experience of the Inquiry is that their insights into what can help them learn and what hinders their learning is critical in informing statutory assessment and the drawing up a statement.
- 4.72** Parents' views are often not reflected in the statement.<sup>128</sup> This undermines parental confidence in the process.
- 4.73** The National Strategies SEN advisers working with local authorities and the Advisers to the Inquiry have said that in recent years there has been little focus on the complex work of drafting high quality statements and there is little scrutiny of it, except where parents appeal to the Tribunal. This work has not been given a high enough priority and some of the staff carrying out this complex work have not been sufficiently well prepared for it.

**Recommendation 28** **the DCSF commissions the National Strategies to:**

- **draft guidance on good practice in drawing up statements;**
- **promote this guidance; and**
- **provide training to support the development of a partnership approach.**

- 4.74** The report from the National Strategies repeatedly refers back to guidance in the SEN Code of Practice and the SEN Toolkit. Both still offer sound advice on statements. Both provide guidance on the systematic problems identified above.
- 4.75** The recommended guidance should include support for local authority staff in describing the objectives to be achieved and the provision to be made in a statement, drawing on the advice provided during statutory assessment and available evidence of effective approaches. It should also provide support to local authorities on the description of the staffing arrangements in the statement, particularly on how support assistants are allocated through a statement.
- 4.76** The guidance should address all these issues. The promotion and dissemination of the guidance should be accompanied by:
- training for staff who draft statements;
  - support to local authorities in developing appropriate quality assurance of statements.
- 4.77** This recommendation needs to be set alongside recommendations in Chapter 3 for training for all staff working with parents of disabled children and children with SEN.

### **The review process**

- 4.78** The analysis of responses to the web survey identifies difficulties with the review system as being one of the most significant factors in both parent and professional responses to the survey:

*The wording which was written when he was 3 and now he is 13 and the LEA still wanted to use it!*<sup>129</sup>

*Time taken for amendments to be made so can be working with an outdated document because the student has made progress and it is not reflected quickly enough in the new document to boost the student's self-esteem.*<sup>130</sup>

- 4.79** Not all schools systematically monitor the progress and attainment of pupils with SEN.<sup>131</sup> This leaves the annual review without some of its crucial infrastructure and undermines its core function.
- 4.80** There is evidence that annual reviews are not conducted with the rigour necessary to assure everyone that children are making the anticipated progress.

***My child's statement was first written when she was approx. 4 years old and is written about her as a toddler. The LEA have refused to re-write it to show her as a 9 year old at a mainstream school. It is an outdated document.***<sup>132</sup>

***It's a statement for life.***<sup>133</sup>

- 4.81** The SEN Code of Practice says that the objectives in a statement '*should generally be of a longer-term nature than the more specific, short-term targets in the child's Individual Education Plan.*' Nonetheless, the annual review meeting is charged with asking itself whether the statement remains appropriate and whether any amendment is required. The review process is designed to allow for change as the child's needs change and develop over time.
- 4.82** Currently, if the local authority proposes an amendment to a statement following an annual review, there is a parental right of appeal. However, there is no right of appeal if the local authority decides not to amend the statement following an annual or interim review, even when the school's report to the local authority following the review meeting recommends amendments. The statement continues as it is, but may no longer reflect the child's changing needs. Where parents want to press for changes, their only route is to request a re-assessment. This is a cumbersome, protracted and resource intensive procedure.
- 4.83** A more responsive approach to setting objectives and to checking progress at annual review needs to be backed by a right of appeal for parents where the local authority decides not to amend the statement following the review meeting and the submission of the report.

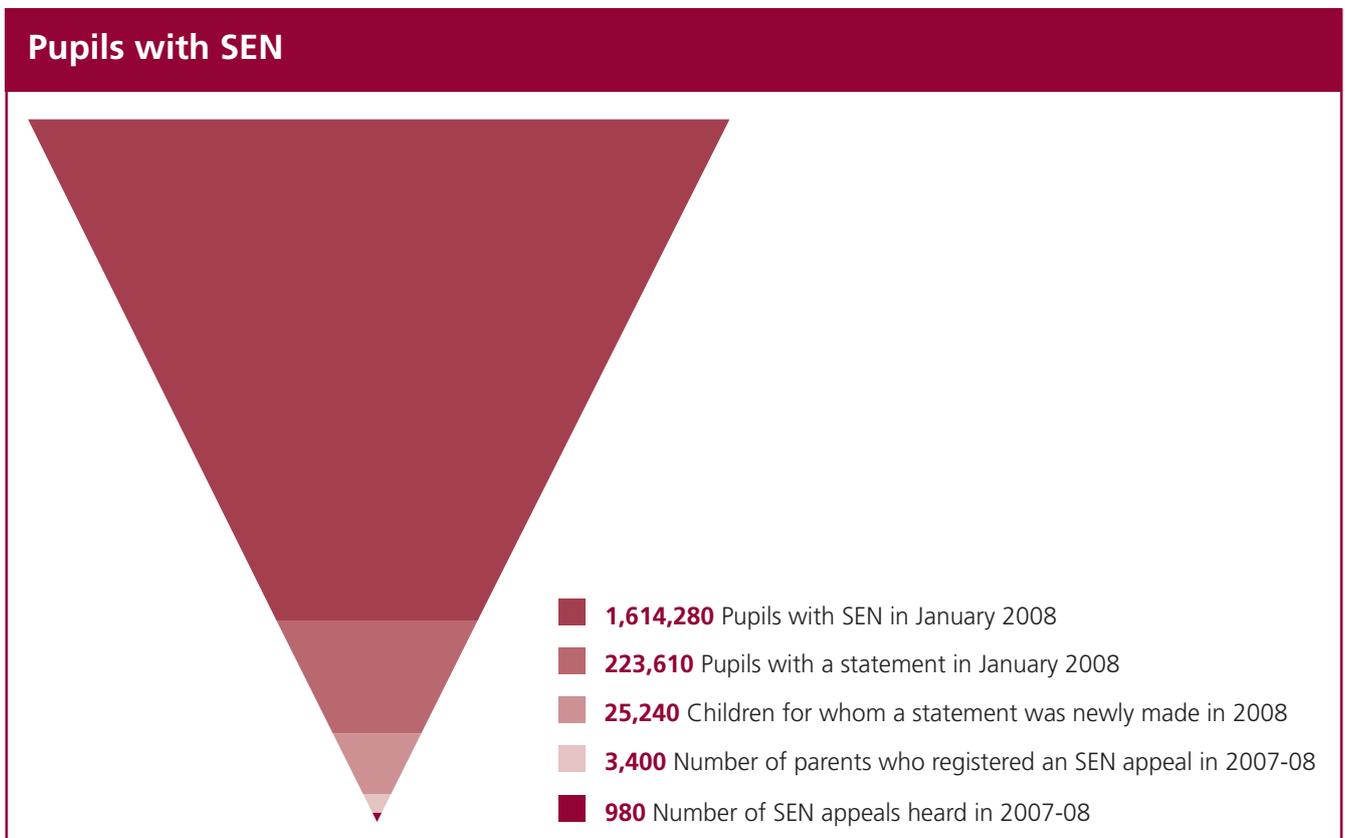
**Recommendation 29** **parents have a right of appeal where the local authority decides not to amend a statement following an annual or interim review.**

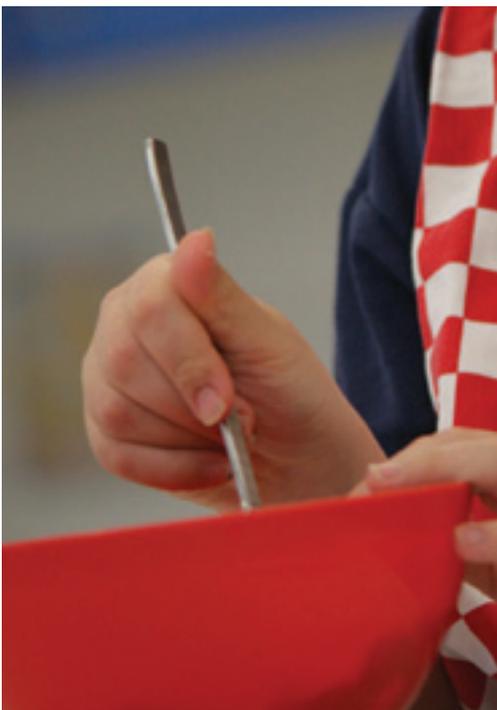
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# Chapter 5

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## A MORE ACCOUNTABLE SYSTEM



- 5.1 In a system which is in so many ways characterised by variation, parents need an objective view of the quality and effectiveness of different forms of provision. Accountability needs to be robust enough to give parents confidence that, where standards fall short, they will be challenged. Yet many feel that they are left to police the system for themselves, that outcomes for their child matter less than for other children, and that they themselves are made to feel they are a 'nuisance' when they ask questions or challenge.
- 5.2 There needs to be the tightest accountability for children who are not making good progress or are not achieving good outcomes: our best data, our best challenge through governors, school improvement partners and elected members, and our best and most highly qualified inspectors judging the quality of provision and outcomes for the nation's most vulnerable children.

### Voice of children and young people

- 5.3 The Inquiry recommends strengthening of the involvement of children and young people in individual decision-making, see previous chapter. It is important that the views of children themselves are also taken into account in forming a view about quality. Tellus is an online survey of the views of children and young people. It asks questions about their life, their school and their local area. The revised Tellus survey, Tellus4, is more accessible to all children and young people and is being completed in 5,000 schools in autumn 2009. It will provide information at school, local and national level.

**Recommendation 30** **the results of the Tellus survey are disaggregated to show the views of disabled children and children with SEN where possible.**

- 5.4 In hearing the views of disabled children and children with SEN it will be important to know which groups of children are responding to the survey and whether the views of the most vulnerable groups are adequately reflected in the findings. The views of children and young people give us an important user perspective on quality and equality. We need to take account of the views of children and young people and use their feedback to inform the development of schools and services.

### Data

- 5.5 Systems of accountability depend significantly on the analysis of data. But key data systems omit significant numbers of disabled children and children with SEN. Many disabled children and children with SEN are not visible in the key stage threshold measures because they are working below these levels. Reporting and analysis for Improvement through School Self-Evaluation (RAISEonline)<sup>134</sup> does not currently include teacher assessment data on children with SEN who are working below the level of the test at each key stage.
- 5.6 The Inquiry welcomes the guidance recently published by the National Strategies and the DCSF<sup>135</sup> to support schools, local authorities and others in judging the progress made by pupils. The Inquiry also welcomes plans to develop improved data on pupils with SEN within RAISEonline. These plans should be pursued vigorously so that the same interactive analysis is available to support our understanding of the progress of all of our children.
- 5.7 However, in the mean time this leaves a hole in wider systems of accountability as both school improvement partners and Ofsted inspectors use data in RAISEonline to inform their discussions with, and their inspections of schools. This leaves

greater reliance on historic data, on the skills, knowledge and understanding of those operating the systems of accountability, and on a range of other forms of accountability.

- 5.8 The school report card will be an important new form of accountability and will provide information on attainment and progress. This should include a measure of the school's success in promoting the attainment and progress of pupils with SEN.

**Recommendation 31 the DCSF develops an inclusive measure of progress for the school report card.**

- 5.9 This measure should not separate pupils with SEN from their peers: the SEN label is too variably applied and perverse incentives may arise from so doing. Work would need to be done to establish the feasibility of such a measure.

### Governors

- 5.10 Governing bodies have significant responsibilities for disabled pupils, under the Disability Discrimination Acts, and for pupils with SEN, under the Education Act 1996. They receive complex information from SIPs and from reports of school inspection. They need to know enough to be able to act as 'critical friend' to their school, examining the data critically and challenging the school where outcomes for children fall short.

- 5.11 Yet we know that many governors find it difficult to fulfil the role of critical friend:

*Although government guidance expects governors to act as critical friends to head teachers and as strategic leaders of their schools, the reality is more complex than this. By and large, the governors in our study felt happier offering support rather than challenge, and relied on heads to set a strategic direction for the school.<sup>136</sup>*

- 5.12 Many governors have little training and preparation for the complex job of holding their school to account, in particular for the progress of pupils performing below expectations. The 21st Century Schools White Paper envisages a more highly skilled governing body and new training is being developed to support this role.

**Recommendation 32 new governor training gives a high profile to governors' responsibilities for SEN and disability, with a particular focus on progress and outcomes.**

- 5.13 Many governors find it hard to identify time to set aside for training so training should be supported by guidance on SEN and disability. Guidance should focus on key questions governors need to ask their school.
- 5.14 SEN and disability needs to be woven into governor training at every level: in training for new governors and in training for chairing. It is important that evidence is gathered about the impact of the new training and guidance on governor confidence in meeting their SEN and disability responsibilities.
- 5.15 However, this is not just about training. Head teachers and senior managers have an important role in briefing their governors and ensuring that they are informed about school systems for SEN and disability.

- 5.16 Later in this chapter we make recommendations about governors and their responsibilities in relation to the exclusion of disabled children and children with SEN.

### School improvement

- 5.17 School improvement partners (SIPs) support schools in their self-evaluation and report to school governing bodies, the head teacher and the local authority. National information on the progress of and outcomes for children with SEN who are working below age-related expectations is now available<sup>137</sup> and the National Strategies have provided training on this guidance for SIPs working with special schools.
- 5.18 All SIPs working with mainstream schools should receive training focused on SEN and disability. This should include a focus on outcomes for disabled pupils and pupils with SEN and how these are addressed in SIP reporting but should also include an understanding of schools' statutory responsibilities for disabled pupils and pupils with SEN.

**Recommendation 33** **all School Improvement Partners (SIP)s working with mainstream schools receive training in SEN and disability; and that, in reporting to the school governing body, the head teacher and the local authority, SIPs report on the extent to which the school has promoted good outcomes and good progress for disabled pupils and pupils with SEN.**

- 5.19 This is not just about training. The White Paper envisages the role of the SIP becoming more significant and more independent. As the role develops it becomes all the more important that new frameworks for accreditation include a focus on SEN and disability; that additional time allocations reflect schools' responsibilities for disabled pupils and pupils with SEN; and that the role of the SIP becomes both more transparent and more visible to governors, parents and to the wider school community.

### School inspection

- 5.20 This section of the report draws on a review carried out for the Inquiry by the Institute of Education, University of London and the University of Warwick.<sup>138</sup> Much of what the Inquiry heard relates to a small number of instances that raise questions for parental confidence in the school inspection and reporting arrangements.
- 5.21 Under the inspection and reporting arrangements that applied between 2005 and 2009, a number of school inspection reports lacked information on the quality of provision for and outcomes for disabled pupils and pupils with SEN. This left parents with little information on which to base decisions about choice of school.
- 5.22 A number of parents reported difficulty in finding reliable information on the quality of school provision. More damaging to parental confidence is the discovery that concerns about provision at their child's school have been overlooked, or dismissed in a positive judgment in the inspection report on the school. Parents feel they are left 'policing the system.'
- 5.23 The Inquiry was made aware of particular examples of Ofsted reporting a broadly positive view of provision where local support services felt there was,

in different instances: poor leadership, a lack of focus on outcomes for pupils, and inadequacies in the quality of the acoustic environment for pupils with a hearing impairment. In other examples, local authority advisers had concerns about provision for pupils with SEN in a school or unit and were working with the school to improve provision and outcomes. Local advisers felt that a positive Ofsted judgment had undermined their work. The review for the Inquiry points out:

***Of course, there are two sides to any story like this: for example, we have been told anecdotally of situations where Ofsted inspectors are known to have had substantial concerns about local authority staff's judgements about SEND provision in a school.***<sup>139</sup>

- 5.24** Schools, parents and the wider public should be able to expect a shared view about provision that is either outstanding or, at the other end of the scale, judged to be inadequate. If different parts of the accountability chain are arriving at alternative views about quality, this is unhelpful to both parents and providers and reduces confidence in the system.
- 5.25** In meetings with professionals, the Inquiry found that schools welcome secure judgments of their performance: they want to be properly evaluated and see it as an opportunity to consider how they can do better. They wanted the same rigour in inspection for disabled pupils and pupils with SEN as for other pupils.
- 5.26** Twenty percent of the children in our schools are identified with special educational needs and the SEN Code of Practice states clearly that *All teachers are teachers of pupils with special educational needs*. Yet systems for inspection, accountability and school improvement have had historic and structural weaknesses on SEN and disability. There needs to be confidence for parents and for the wider public that those who are charged with making a judgment about the quality of the education provided for pupils with SEN can do so on the basis of a good understanding of what good progress is or how best to secure it. The most recent developments in inspection have the potential to trigger the necessary changes to achieve this.
- 5.27** The inspection framework, introduced in September 2009, gives a new priority to the quality of education offered to vulnerable pupils including disabled pupils and pupils with SEN and has been welcomed by the Inquiry. The new arrangements reflect the recommendations from the Inquiry in April 2009: that the views of parents of disabled children and children with SEN should be identifiable in the pre-inspection parental questionnaire; that the school self-evaluation form should be strengthened to reflect compliance with statutory requirements on SEN and disability; that progress and outcomes for disabled pupils and pupils with SEN should be a significant consideration in judging achievement.
- 5.28** In addition, the Inquiry understands that, under the new arrangements as before, parents can complain to Ofsted where they have concerns about provision at their child's school. It is important that parents are encouraged to make their views known to Ofsted and that Ofsted investigates and considers whether there is a case for an early inspection of the school.
- 5.29** The new framework and inspection arrangements provide an opportunity to address concerns about and confidence in school inspection. But these concerns will only be addressed if Ofsted inspectors provide consistent and effective school inspections.

- 5.30** The new framework demands higher levels of knowledge, skills and understanding of SEN and disability. The Inquiry welcomes the training on SEN and disability already provided for HMI who are not SEN specialists.

**Recommendation 34 all inspectors receive training on SEN and disability.**

- 5.31** There needs to be a continuing programme of training for both HMI and inspectors working for the inspection providers. The training needs a strong focus on judging schools' expectations of and outcomes for disabled pupils and pupils with SEN. It is vital that robust quality assurance mechanisms are in place to give all interested parties, not least Ofsted itself, confidence that the highest standards are being met in making SEN and disability judgements in the new inspection arrangements.

- 5.32** Where an inspection is of a special school, resourced provision or unit for a particular group of pupils, there must be an expectation that inspectors have the specific skills necessary to inspect that provision effectively. It is crucial that Ofsted has accurate information in order to fulfil this expectation. Local authorities should as a matter of course tell Ofsted about the nature of specialist provision in their area and of any changes.

**Recommendation 35 Ofsted and the inspection providers review the pool of inspectors with skills in particular areas of SEN and disability with a view to ensuring capacity to inspect special provision effectively.**

- 5.33** The recent changes in the inspection framework have provided a much sharper focus on and a specific judgment on outcomes for vulnerable groups including disabled children and children with SEN. However, future pressures on the inspection system could put this focus and this judgment at risk. The Inquiry wants to guard against this. To secure the confidence of parents and other stakeholders the Inquiry believes it is necessary to underpin the school inspection framework with a specific statutory commitment.

**Recommendation 36 a duty is placed on the Chief Inspector to report on the progress of disabled pupils and pupils with special educational needs as part of school inspection.**

- 5.34** Given the importance of high quality provision in the early years in both identifying and addressing SEN early and in preventing difficulties later, consideration should be given to extending this duty to cover the inspection of early years provision.

### **Local authority scrutiny**

- 5.35** Public scrutiny is a key part of ensuring that local government is effective and accountable. Scrutiny monitors the activity of the local authority, examines some activity in detail and should be focused on the improvement of services; it should hold the executive to account for its decisions.

*Scrutiny ensures that executives are held accountable for their decisions, that their decision-making process is clear and accessible to the public and that there are opportunities for the public and their representatives to influence and improve public policy.*<sup>140</sup>

- 5.36** The impact of a scrutiny review can be significant: a recent review in Camden led to the establishment of resource bases for pupils with speech, language and communication needs in three Camden primary schools.
- 5.37** With such wide variation in parental confidence and variation in the quality of outcomes, public scrutiny has an important part to play in securing improvements. Local councillors should actively engage with parents and with children and young people themselves through the process of scrutiny. To support this:

**Recommendation 37** **guidance is developed to support elected members in the local scrutiny of SEN.**

### **Accountability at a local authority level**

- 5.38** The variation in the operation of the SEN system is one of the most notable factors that the Inquiry has identified to date. The variation has its impact, both positive and negative, on the progress of children and on parental confidence: the Inquiry has met some of the happiest parents in the land and some of the angriest parents in the land. How then is this variation for disabled children and children with SEN identified, celebrated where it is working well and challenged where practice is poor or where there are breaches of statutory duties?
- 5.39** Much of the information is already available within the system. The DCSF already gathers a significant amount of information about how different parts of the system are working. It holds a wide range of data, including the National Indicators, which show attainment, absence and exclusions for children with SEN (and, from 2011 for disabled children). Much of this information has been brought together in the SEN (Information) Act publication, 8th October 2009.<sup>141</sup> The DCSF also receives a number of letters and complaints each year.
- 5.40** The DCSF should regularly bring together information on the effectiveness of provision and parental satisfaction from a wider range of sources including: the First-tier Tribunal (SEN and Disability); complaints to the Local Government Ombudsman; the National Strategies; and evidence from voluntary organisations, particularly those who can provide such evidence as the pattern of calls to help lines.
- 5.41** The Secretary of State should use the information that has been gathered together to decide whether there is evidence of a failure on the part of any local authority to fulfil its statutory duties or whether any local authority has acted unreasonably.

**Recommendation 38** **where the Secretary of State finds that a local authority has failed to fulfil its statutory duties towards disabled children or children with SEN or where a local authority has acted unreasonably, he should use his powers under the Education Acts to issue a direction to that local authority to address the failure.**

- 5.42** In April 2009 the Comprehensive Area Assessment (CAA) replaced the comprehensive performance assessment and most other rolling programmes of inspection for local authorities. The CAA process involves a consideration of a range of outcome measures, including measures for children and young people against relevant Every Child Matters indicators from the National Indicator Set and progress against targets in local area agreements. An annual performance rating by Ofsted of the council's children's services also draws on the outcomes of Ofsted's inspection of local services, including schools.

- 5.43 Under the new arrangements the only planned programmes of inspection will be on safeguarding and looked after children, and a separate programme of Inspecting Youth Offending. Other inspections can be triggered where there are concerns about outcomes, performance or improvement levels.

**Recommendation 39** **in determining where a local inspection should be triggered, inspectors have available a range of information that can inform them about outcomes for disabled children and children with SEN and about parental satisfaction.**

- 5.44 Much relevant information is already gathered at a local authority level, and published, for example data on absence and exclusions. Ofsted itself gathers a range of information through inspections including the views of parents, through the pre-inspection questionnaire. Inspection information should be aggregated to a local authority level and set alongside information that DCSF gathers. A protocol needs to be agreed with Ofsted about the evidence that the DCSF will provide to Ofsted on a regular basis.
- 5.45 This evidence needs to be brought together and analysed by HMI with SEN and disability expertise and used to inform:
- the need to trigger an area inspection;
  - the inspection questions that need to be asked;
  - any training needs for inspectors;
  - any focus for thematic review by specialist SEN and disability HMI.
- 5.46 Any triggered inspections in local authorities based on issues for disabled children and young people or those with SEN should be carried out by specialist inspectors to mirror practice when inspecting schools.
- 5.47 The Inquiry has heard a growing number of concerns about disabled children and children with SEN who are out of local schools in a number of ways: children who are:
- absent from school and 'persistently absent' from school;
  - excluded from school, sometimes through 'unofficial' and unlawful exclusions;
  - being educated at home;
  - receiving their education through a Home Tuition Service;
  - in alternative provision run by independent providers;
  - out of school while there are delays in making provision for them – the summaries of decisions by the Local Government Ombudsman make significant reference to delays and 'lost' education; or are
  - in a unit that is run by the local authority rather than by a school.
- 5.48 Many of the children in these circumstances will be on the roll of a school, but are unlikely to be present at the time of an inspection. These are children who have fallen out of the provision inspected by Ofsted under the school inspection arrangements. Provision for them could only be inspected at a local authority level. If a significant number of children are out of school in this way and a local authority is not inspected, it leaves a worrying lack of accountability for some of our most vulnerable children.
- 5.49 Given the significant responsibilities that local authorities retain for disabled children and children with SEN, and given the concerns identified through the Inquiry, it could be anticipated that a number of local authorities would have a triggered inspection for SEN and disability. If this does not transpire, at the next opportunity the inspection of services for disabled children and children with

SEN should become part of the planned programme of inspections along with safeguarding and looked after children.

**Recommendation 40** **Ofsted keep under review the adequacy of the new arrangements for identifying the need for a triggered inspection of local authority planning, provision and outcomes for disabled pupils and pupils with SEN.**

### Complaints

- 5.50** Having a complaints procedure and receiving complaints is an important part of the accountability of any public service. Publicising a complaints procedure can help any organisation to hear about something that is not working well, before it gets to the point where it is beyond local resolution. Listening to and learning from complaints contributes to service improvement.
- 5.51** An important part of working well with all parents is ensuring that they know where to complain and making that process accessible and easy to use. The Inquiry has recommended that a published complaints procedure should be part of the requirements of schools' SEN policies. Local authorities are also required to have complaint procedures, under the Children Act 1989, and to publicise and monitor them at least annually.
- 5.52** Many parents don't know how or where to complain. Parents are often reluctant to complain particularly to their child's school as they worry that there will be a negative impact on their child.
- 5.53** Where the local resolution of a complaint is not possible, parents can currently complain to the Secretary of State under Sections 496 and 497 on the Education Act 1996, and to the Local Government Ombudsman (LGO) in respect of complaints about local authorities and some other authorities, including education admissions appeal panels. In 2008 the DCSF consulted on possible changes to the complaints procedures including possible new independent arrangements to consider complaints that cannot be resolved at school level by the governing body or at local authority level by officers of the local authority.
- 5.54** The Inquiry supports the move for individual complaints to go to the independent LGO rather than to the Secretary of State. The LGO represents the potential for a unified route for individual complaints about SEN at both a school and local authority level, with more appropriate forms of redress available to parents. Where local and informal procedures have failed to resolve a complaint, parents and children and young people themselves should be able to take complaints against both schools and local authorities to the LGO.

**Recommendation 41** **the DCSF and the Local Government Ombudsman (LGO) work together to route SEN complaints against schools and local authorities to the LGO.**

- 5.55** Being positive about putting matters right and learning lessons to improve services in the future are key elements in a successful complaints procedure. More regular forms of feedback from service users should be sought so that patterns of difficulty can be picked up and put right before individual matters get to the point where a complaint is necessary. The message that customer feedback is very important to us should be widely promoted.

- 5.56** The LGO publishes decisions and the current pattern of issues that the LGO addresses is informative. Many of the recent decisions about SEN complaints include the recognition of delays that resulted in the loss of education for children with SEN.
- 5.57** The LGO should alert the DCSF where a complaint, or a pattern of complaints, indicates that a particular school or authority is systematically failing to fulfil its duties or is acting unreasonably. Where appropriate the Secretary of State should then use his powers of direction.

### **Representations to governors and appeals to Independent Appeals Panels against a permanent exclusion**

- 5.58** In too many exclusions there are underlying SEN and disability issues which have not been addressed at an earlier stage: a failure to make reasonable adjustments or a failure to make provision to meet a child's SEN. In Chapter 3 the Inquiry considered the over-representation of pupils with SEN in the exclusions figures and made recommendations on measures to reduce exclusions.
- 5.59** Where a school permanently excludes a pupil, the DCSF guidance<sup>142</sup> is clear about the checks and reviews in the system for disabled pupils and pupils with SEN. It is crucial that governors reviewing an exclusion and Independent Appeals Panels (IAPs) hearing an appeal against an exclusion have a good understanding of what these SEN and disability checks and reviews entail. Otherwise there is a risk of compounding earlier failures.
- 5.60** We need to be confident that where a parent makes representations to the governing body of the school or appeals to the IAP, that checks have been rigorous, that the guidance has been followed and that SEN and disability factors have been adequately addressed.

**Recommendation 42** **statutory guidance to governing bodies and independent appeals panels on exclusions is strengthened to require a review of whether the headteacher had regard to the guidance on SEN and disability.**



## Exclusion Appeals

In 2007/08 there were some 780 appeals lodged by parents against the permanent exclusion of their child. This represents a decrease of 25 per cent since the previous year.

710 appeals were heard. Of these, 180 (26%) were determined in favour of the parent, an increase of 1.3 percentage points since the previous year.

Of the 180 appeals determined in favour of the parent, reinstatement of the pupil was directed for 60 pupils (35% of cases) a decrease of almost 5 percentage points since the previous year.<sup>143</sup>

- 5.61** Earlier in chapter 6, we recommended training on SEN and disability for governors. We recognise that, since the report of the Council on Tribunals in 2003,<sup>144</sup> training has been provided for IAPs, but the experience of parents does not give us confidence that training has been adequate.

**Recommendation 43** **SEN and disability training is provided for members of independent appeals panels.**

## Appeals to the Tribunal

- 5.62** The messages from the research are clear: parental confidence in the SEN system, and in schools and local authorities in particular, is significantly coloured by the quality of communication and working relationships. This can also affect parents' decisions about whether or not to appeal to the Tribunal:

*A lack of trust for some parents had its roots in the quality of communication they had experienced with local authority SEN staff previously, for instance how easy or difficult they had found accessing staff and the extent to which they felt the nature of communications so far had been constructive and demonstrated empathy on the part of the local authority. Those who felt frustrated by previous exchanges reported that this was a contributing factor in their decision to lodge an appeal with SENDIST. Similarly, it was also the case that constructive and collaborative relationships between local authority staff and parents impacted on decisions not to lodge an appeal.*<sup>145</sup>

- 5.63** Many parents decide not to lodge an appeal and seek other means of resolving disagreements. Many local authority officers are also committed to resolving disagreements. A commitment to face-to-face discussions is important in achieving resolution:

*... officers reported that they preferred to undertake meetings with parents themselves and were keen to retain this willingness to work with parents to resolve disagreements collaboratively.*<sup>146</sup>

- 5.64** Where agreement is not reached parents can appeal particular decisions of the local authority to the Tribunal. Discussion aimed at seeking a resolution can, and usually does, continue following the lodging of an appeal.
- 5.65** Appeals against the decision of the local authority are now heard by the First-tier Tribunal (Special Educational Needs and Disability). On the 3rd of November

2008 the SEN and Disability Tribunal (SENDIST) became part of the new two-tier Tribunal structure administered by the Tribunals Service. The First-tier Tribunal (Special Educational Needs and Disability) sits within the Health, Education and Social Care Chamber of the new First-tier Tribunal. The new Upper Tribunal, rather than the High Court, is now the route for any appeal, on a point of law, following a decision of the Tribunal.

- 5.66** In the period of changeover to the new system, user groups had a number of concerns about the new arrangements and the Secretary of State asked the Inquiry to hear and investigate those concerns. The Inquiry received a paper from user groups and held a series of meetings with the Tribunal.
- 5.67** The period of the changeover was a difficult time for everyone: a time of anxiety for users and a time of getting used to new systems within the Tribunal. There were challenges in respect of the administrative arrangements that have taken a while to bed down, and the changeover could have been better communicated to interested groups and the wider public. The Tribunal arrangements are now more settled and new steps have been taken to streamline the process. The Inquiry welcomes the commitment of the Tribunals Service to keep the arrangements under review with user groups.

### Tribunal appeals<sup>147</sup>

In 2007–08, 3635 appeals were received and 3392 were registered.

6 local authorities had no appeals registered against them; 10 local authorities had more than 10 appeals per 10,000 of school population registered against them.

The highest number of appeals was against the local authority's refusal to conduct a statutory assessment: 1257 or 37% of appeals registered.

38% of appeals were withdrawn, 30% were conceded by the local authority and 30% were decided by the Tribunal.

944 appeals, 28% of the total, related to a child with an autistic spectrum disorder.

- 5.68** Through meetings with parents and with the Tribunals Service, the Inquiry heard that some local authorities regularly concede appeals late in the process, sometimes the day before or even on the day of a hearing.

***The situation regarding the Statementing process highlights the unfairness of the situation, with LEAs using the SENDIST process as a means to dissuade all but the very committed parents into accepting a compromise settlement. Our own costs of referring my daughter's case amounted to over £20,000 before the case was aborted 5 days before the tribunal was due to be held.***<sup>148</sup>

- 5.69** Sometimes a late withdrawal can be a positive sign that local authorities and parents are continuing to talk but their regular use suggests, at best a lack of early and constructive engagement with parents by local authorities and at worst a cynical form of rationing that relies on testing parents' resources, both human and financial. In the past, annual reports from SENDIST have reported concerns

about the issue of late withdrawals. The Tribunals Service should gather and record data on late withdrawals.

- 5.70** The Tribunal's new case management system is specifically designed to improve the way the Tribunal works, in particular to achieve the earlier settlement of cases in the interests of the child. It is designed to ensure that the right evidence is before the Tribunal, that the key issues are identified and that hearings are conducted within the timescales. All of these factors are designed to contribute to improved decision-making. They should also reduce the number of hearings that get cancelled at the last minute.
- 5.71** The Tribunal told the Inquiry that it is committed to hearing the views of users and it is important that it continues to do so. A small scale survey carried out by the Tribunals Service identified a broadly positive response to the new arrangements:

***Generally finding the new case management system works well – far better to have this stage included, so that we know the panel will have all they need in order to come to a decision when the hearing takes place.***

- 5.72** However, there were concerns about the conduct of some telephone hearings. Some parents had felt marginalised or had not been able to follow the conversation between the judge and the local authority representative, but had not felt confident to admit this at the time. It is crucial that views such as these are regularly gathered by the Tribunals Service and used to inform improvements to the service.
- 5.73** There are other issues that are not new or related to the changeover in the arrangements. The NatCen report identifies parents' experiences of attending the Tribunal hearing as being broadly positive.

***Parents described a professional environment without animosity, where there were clear ground rules for how all parties should behave.***<sup>149</sup>

- 5.74** The same environment was experienced differently by other parents who felt it was too formal. Other parents again described an antagonistic and aggressive meeting. The NatCen report points out that parents with these experiences also tended to be those who attended the hearing with a legal representative which, some recognised, may have contributed to the formal atmosphere. The report recommends:

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

**Recommendation 44** **the First-tier Tribunal (SEN and Disability) provides guidance and training for Tribunal chairs on the conduct of both telephone and face-to-face hearings.**

- 5.75** The NatCen report also recommended the commissioning of a new DVD for parents to give them a more realistic idea of what will happen at Tribunal and to enable them to prepare better for attending a hearing. The Inquiry welcomes the fact that this work has been agreed and that the Tribunals Service will involve user groups in commenting on the material.

- 5.76** The Tribunal reports the variable quality of evidence that it receives. We have recommended strengthened guidance from the professional bodies. This will help to improve the advice provided by a range of professionals to local authorities. There is a significant overlap in the principles informing the provision of advice to the local authority and the provision of evidence to the Tribunal. The Royal College of Speech and Language Therapists has already issued guidance to its members specifically on the provision of evidence to the Tribunal. It would be helpful to have further guidance from the Tribunal on the provision of high quality evidence by professionals.

**Recommendation 45** **the Tribunal issues guidelines on the provision of professional and expert evidence.**

- 5.77** It is important to understand patterns of use of the Tribunal both to inform the development of policy and provision and to ensure that any short-comings in the way the Tribunal is being used are identified and addressed. The Tribunal already gathers and publishes information and data on the use of the Tribunal, by LA, by type of appeal, by area of need, by type of provision. It is important to develop the data to provide better information about areas of SEN policy, practice and provision, for example to be able to see some of the interactions between the factors on which the Tribunal already reports. This could show for example where there are high levels of appeal against a particular type of provision for particular groups of pupils. Published information should also show patterns in the late withdrawal or concession of appeals.

**Recommendation 46** **the Tribunal reviews and develops the information that it gathers and publishes.**

**Children and young people: appeals and claims in their own right**

- 5.78** The Government has already consulted on giving children and young people the right to appeal exclusions decisions, decisions about a statutory assessment or a statement and to make a claim of disability discrimination under the DDA in their own name. The Inquiry believes that the Government should implement this right of appeal and make this right a reality. Recognising that there are outstanding issues to be addressed, such as how support will be provided to children and young people:

**Recommendation 47** **the Government implements a right of appeal to the Tribunal for children and young people.**

**Legal aid**

- 5.79** Currently legal aid is available to support parents in the preparation of their case but not for representation at a hearing. The NatCen report identifies how parents who could not afford legal representation, and those who could, felt about this:

*...parents who could not afford to hire legal help and were approaching a date for a Tribunal hearing expressed concern that they would not be able to represent themselves adequately and suspected that legal representation would stand them in better stead to achieve a successful outcome. Indeed, those parents who were able to employ a solicitor, and perceived it to be a necessary part of preparing for a Tribunal hearing themselves, questioned the parity of a system where this was the case.*<sup>150</sup>

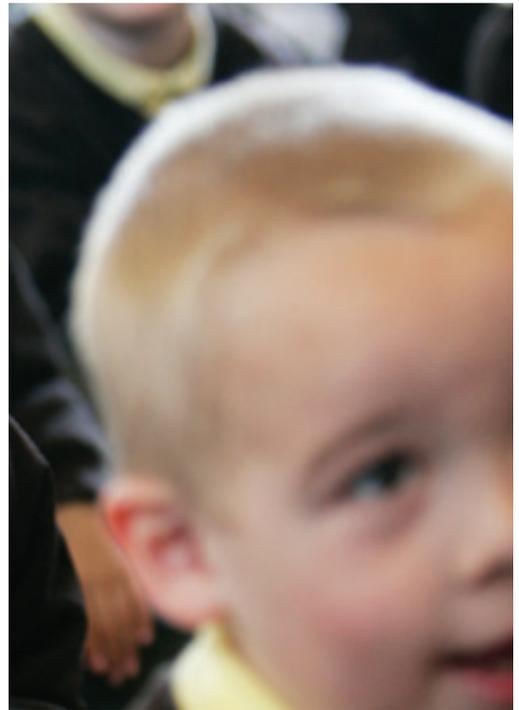
- 5.80** It is better for everyone if provision is made for children without recourse to the Tribunal. However, the cases going to a hearing are becoming more complex and issues under contention are more likely to be matters of law to be decided, rather than matters of fact to be established. Despite changes in the Tribunal system, many parents are finding appeals too difficult and complex and feel unable to pursue their claim without legal support. This leaves only those with considerable personal and financial resources able to afford representation.
- 5.81** With increasing complexity and in the interests of equity legal aid should be available for parents attending a Tribunal hearing. This is a matter with direct consequences for parental confidence. However, subject to financial qualification, there is already provision, for 'exceptional funding' where a case meets a criterion of overwhelming importance to the client or a threshold for complexity. This scheme has been little used, is not well publicised and the procedures for accessing the funding are reported as being slow and complex.
- 5.82** The Ministry of Justice should review the procedures and the timescales for accessing funding with representative legal advisers working with parents of children with SEN. The scheme should be re-launched by March 2010. If a re-launched scheme does not increase access to legal aid in complex cases, all parents who qualify should be entitled to legal aid for representation at Tribunal.

**Recommendation 48** **the exceptional funding scheme for providing legal aid for Tribunal hearings is reviewed, with key stakeholders, and more widely publicised. If the re-launched scheme does not increase access, parents who meet the financial criteria should have legal aid for representation at a Tribunal hearing.**

### Endnotes

- 134 RAISEonline is the software that provides an interactive analysis of school and pupil-performance data
- 135 DCSF and National Strategies (2009) *Progression Guidance 2009–10: Improving data to raise attainment and maximise the progress of learners with special educational needs, learning difficulties and disabilities*
- 136 Dean C, Dyson A, Gallannaugh F, Howes A and Raffo C (2007) *Schools, governors and disadvantage in England*. Joseph Rowntree Foundation
- 137 DCSF and National Strategies (2009) *Progression Guidance 2009–10: Improving data to raise attainment and maximise the progress of learners with special educational needs, learning difficulties and disabilities*
- 138 Peacey N, Lindsay G, Brown P and Russell A (2009) *Increasing Parents' Confidence in the Special Educational Needs System: Study Commissioned to Inform the Lamb Inquiry*
- 139 Peacey N, Lindsay G, Brown P and Russell A (2009) *Increasing Parents' Confidence in the Special Educational Needs System: Study Commissioned to Inform the Lamb Inquiry*
- 140 Centre for Public Scrutiny
- 141 DCSF (2009) *Children with Special Educational Needs 2009: an analysis*
- 142 DCSF (2009) *Permanent and fixed period exclusions from schools and exclusions appeals in England, 2007/8*. Statistical First Release 18/2009
- 143 *ibid*
- 144 Council on Tribunals (2003) *School Admission and Exclusions Appeal Panels*

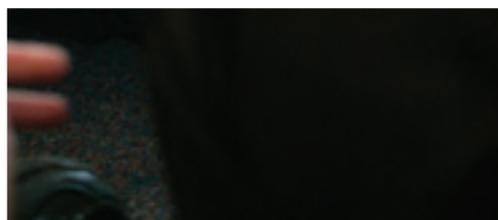
- 145 Penfold C, Cleghorn N, Tennant R, Palmer I and Read J (2009) *Parental Confidence in the Special Educational Needs Assessment, Statementing and Tribunal System: a qualitative study*. National Centre for Social Research for DCSF
- 146 Tennant R, Callanan M, Snape D, Palmer I and Read J (2008) *Special Educational Needs Disagreement Resolution Services: National Evaluation*
- 147 The data in this section are from: *Tribunals Service, First-tier Tribunal Health Education and Social Care Chamber, Special Educational Needs and Disability, Statistical Information 2007–2008*
- 148 Parent of a young secondary school aged pupil with a range of difficulties including multisensory impairments and epilepsy, response to web survey
- 149 Penfold C, Cleghorn N, Tennant R, Palmer I, Read J (2009) *Parental Confidence in the Special Educational Needs Assessment, Statementing and Tribunal System: a qualitative study*. National Centre for Social Research for DCSF
- 150 Penfold C, Cleghorn N, Tennant R, Palmer I, Read J (2009) *Parental Confidence in the Special Educational Needs Assessment, Statementing and Tribunal System: a qualitative study*. National Centre for Social Research for DCSF



# Chapter 6

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## THE NATIONAL FRAMEWORK



- 6.1 The Inquiry was charged with exploring a number of ways in which parental confidence in the SEN system of assessment and provision might be increased.<sup>151</sup> Throughout the report we have made recommendations to Government on how to achieve this. We were specifically charged with exploring whether making the provision of educational psychology (EP) advice 'arm's length' from the local authority would increase parental confidence.
- 6.2 Questions about parental confidence in professional advice were raised in the Parliamentary Select Committee report of 2006<sup>152</sup> and were addressed in detail in the Committee's report of 2007.

***One of the key issues in making provision for children with special educational needs is ensuring that parents have confidence that professionals are genuinely seeking to provide appropriate support for their children, a point that was made by many of those who submitted evidence. That was the basis for our previous recommendation on separating funding from assessment. This does not mean that we are questioning the integrity of the professionals involved; it is rather that tensions in the system can give rise to mistrust, unfounded as it may be, which helps no one.***<sup>153</sup>

- 6.3 The Inquiry heard from parents who did question the integrity of professionals and did mistrust them.

***The people who have to pay for the additional needs are also the ones employing the specialist advisers – a massive conflict of interest.***<sup>154</sup>

- 6.4 The Inquiry heard extensive anecdotal evidence from a variety of sources of a range of ways in which professional opinion was fettered. This extended across a number of different professional groups; from professional advice given before or during the statutory assessment process, to advice given to the Tribunal; from professionals being expressly instructed not to make specific recommendations, to having reports altered by managers after they had made such recommendations. Such professional conduct is corrosive of parental confidence. Parents detect it very quickly and it destroys trust.
- 6.5 By contrast, in one authority EPs were robust in their advice to the local authority. EPs told the Inquiry:

***I could get struck off if I changed my advice.***

***I have said to the authority that if they followed a particular route and went to the Tribunal on it, I would not be able to support them.***<sup>155</sup>

- 6.6 The Inquiry met education psychologists from different parts of the country and met them in local authority visits. Some were very clear that their local authority had never sought to fetter their advice. However some also described a settled professional culture where it is expected that they will not make specific recommendations, or will not recommend provision that they know the local authority cannot immediately provide.
- 6.7 This more subtle form of fettering nonetheless frustrates the process of decision-making and the proper development of provision in response to needs. Professionals providing advice to the local authority must be able to say that for a particular child a particular approach is needed. If one child needs it, there may be others who will also need it. Professionals should be advising their local authority, or their primary care trust, of shortfalls in provision, not short-changing children.

- 6.8 The guidance of the professional bodies is critical to enabling professionals to steer a clear path through these issues and provide advice to the local authority with confidence.

**Recommendation 49** **the professional bodies work with the Health Professionals Council to review their codes of conduct with a view to ensuring that the codes, or more detailed guidance, provide their members with clear guidance on the provision of professional advice.**

- 6.9 A collaborative approach to this work, shared with parents and with the Association of Directors of Children's Services (ADCS) would achieve both wider awareness and a wider consensus. The Inquiry has already met a number of the professional bodies and welcomes the commitment to work on this together.
- 6.10 The Inquiry did not receive a bid for a project to explore the impact of an 'arm's length' service. However, since the Inquiry started its work there has been a greater interest in different ways of providing services and there is a wider range of service models being implemented in practice. We agree with Sir Robert Balchin<sup>156</sup> that new arrangements should be piloted. We have therefore recommended, see chapter 5, that a new set of parental confidence projects should include opportunities to pilot service models that place EP services at arm's length from the local authority and we anticipate that there would be interest in doing this. For the Inquiry, the importance of piloting new arrangements through the parental confidence projects is the requirement for parental involvement in the planning, delivery and evaluation of the project. The national study<sup>157</sup> was clear about the importance of this aspect of the first projects.
- 6.11 In addition to this, we think that there should be an evaluation of some of the different models of service provision that are already in operation. Some services are already established as a separate business unit within the local authority. We understand that one of these services is likely to become an independent organisation. Some services are line managed by a different part of the local authority to put distance between them and the local authority's SEN section. A number of services function as a 'mixed economy,' that is they are managed by and provide statutory functions to the local authority and trade additional services to schools. Services themselves have indicated that a benefit of this arrangement is that there is usually some flexibility to subsidise early intervention work through any additional capacity in the statutory allocation.
- 6.12 At the same time a number of EP services now provide direct access for parents, carers and others. This facility, available to the parents of any child, provides a much earlier access to a 'second opinion' and the potential to resolve a difficulty before it becomes an entrenched problem. It helps towards meeting the recommendations in chapter 3 on providing access to services at the earliest stages, before children's progress has slowed and parental confidence has eroded.
- 6.13 With a number of different approaches developing, it is important to evaluate different service models and their impact on outcomes for children, on parental confidence and, in particular, how well different models support early intervention with children, schools and families.

**Recommendation 50** **an evaluation of a number of different educational psychology service models is carried out. The impact on outcomes for children and on parental confidence should be a key part of the evaluation.**

- 6.14** The Parliamentary Select Committee report of 2007<sup>158</sup> focused on the question of whether responsibility for the assessment of children's needs should be separated from responsibility for the funding of provision. We think our recommendation above, along with our recommendation for a pilot, provides a positive way to explore the impact of different models of EP service provision on parental confidence.
- 6.15** However, the concerns raised with us were not just about EP advice. Concerns were raised with us about assessment by other agencies as well. So, for the purposes of increasing parental confidence, it is important that the evaluation and the pilot do not sit on their own; they sit alongside a range of other measures throughout our report but, in particular, alongside our recommendations on guidance provided by professional bodies to their members: a proposal that has been accepted and even welcomed by the professional bodies.
- 6.16** In their report of 2007, the Parliamentary Select Committee identified those who had responded to their call for evidence who were wholeheartedly in favour of the separation of funding and assessment and those who were opposed to it. They also identified a third position, which:
- *accepts that there are problems in the current relation between assessment and provision functions, but does not see their total separation as a solution;*
  - *places emphasis on confidence-building measures, especially with parents;*
  - *places emphasis on improving the quality of what is provided by schools to build confidence and reduce the need for statements as protection; and*
  - *argues that assessment processes can be made more transparent and independent within the overall framework of local authority responsibility.*
- 6.17** This helpful analysis takes us into wider concerns. The Inquiry wants to respond to two key concerns identified to the Committee, those relating to:
- confidence building; and
  - improving the quality of what is provided by schools to build confidence and reduce the need for statements as protection.
- 6.18** These two concerns lie at the heart of the reasons for setting up the Lamb Inquiry and of our purposes throughout the Inquiry. We think that the following recommendations, in particular, are key in addressing the concerns identified to the Committee:
- sharper focus on outcomes for children, recommendation 2;
  - significant development of skills and expertise in schools and across a range of SEN, recommendations 5, 6 and 7;
  - early access to multi-agency teams, recommendation 4;
  - improvements in information and communication, recommendations 13, 14 and 17;
  - improved compliance with statutory requirement, recommendations 24, 25 and 38;
  - improved access to help and support for parents, recommendations 18 and 20;
  - the development of professional codes of practice and guidance, recommendation 49;
  - training LA professionals in working with parents, recommendation 28;
  - the learning from the parental confidence projects, recommendation 26.

## Alternative national models

- 6.19** The changes the Inquiry has recommended are designed to re-balance the SEN system and to bring about fundamental and far-reaching changes to culture and behaviour in the way the system is operated. The Inquiry is clear that this is where efforts need to be directed in order to secure better outcomes for children and to inspire parents with greater confidence. Our recommendations are designed to address the problems identified long ago: that statutory assessments and statements are unnecessarily bureaucratic and time consuming.<sup>159</sup> A further key question for the Inquiry is whether changing the architecture of the system itself might reduce bureaucracy and promote parental confidence. With recent changes in Scotland, we were encouraged to consider this model.
- 6.20** In 2004, the Scottish Parliament passed the Education (Additional Support for Learning) (Scotland) Act 2004. This moved away from the definition of special educational needs, to a definition of children requiring additional support, for whatever reason, to benefit from education.<sup>160</sup> The Code of Practice, issued in 2005, envisages a range of factors which may lead to the need for additional support: learning environment, family circumstances, disability or health need, and social and emotional factors.<sup>161</sup>
- 6.21** Children with longer term difficulties arising from one or more complex factors or multiple factors and requiring significant additional support from education and other agencies qualify for a Co-ordinated Support Plan (CSP), a statutory plan. Other children with additional support needs have their needs recorded in an individualised educational programme or other plan, for example a behaviour support plan. Parents and children and young people themselves are entitled to participate in decision-making and have rights of appeal to a Tribunal or to independent adjudication. Mediation is also available. Education authorities in Scotland are required to identify and make 'adequate and efficient provision' for children with additional support needs and to keep their arrangements under review.



- 6.22** Two of the key intentions of the changes were to broaden the nature of the needs covered by the statutory definition and to improve the co-ordination of support to children who need support from more than one agency.
- 6.23** The Inquiry visited Scotland and met the Minister for Children and Early Years, officials, local authorities, voluntary organisations, parents and organisations supporting them.
- 6.24** The commitment of both professionals and voluntary organisations to the concept of additional support needs and to improved multi-agency co-ordination was impressive. There were indications that improvements had been made.<sup>162</sup> There was a clear commitment to resolve difficulties without recourse to the Tribunal, with mediation available before during and after disputes. There were also parents, as there were in England, who had had poor experiences of the system, and who were upset and angry about the way they had been treated. However, the Scottish system is still evolving: the legislation has been revised and the overall impact on parental confidence is not yet clear.
- 6.25** There are significant differences between the English and Scottish systems, in both culture and organisation but there are also some fundamental similarities:
- the identification of children’s needs;
  - an assessment of the nature and degree of those needs;
  - an agreed plan for what the child should achieve and how they should be supported to achieve it, including a description of what resources might be required;
  - the participation of children and parents in decision-making at each stage; and
  - a right of appeal for parents and children against decisions made about the child.
- 6.26** If we look at what would be needed in any system designed to identify and address needs and to allocate public funding to meeting those needs, these key elements would seem to form the core. Though there are significant differences between the two systems, England and Scotland share this core.
- 6.27** There are differences of definition and the level at which statutory protection is triggered: the Scottish definition is broader: it includes additional support needs arising from the learning environment, family circumstances, disability or health need, and social and emotional factors; the Scottish trigger for statutory protection is different in that it provides for a smaller group of children: those with longer term difficulties arising from one or more complex factors or multiple factors and requiring significant additional support from education and other agencies.
- 6.28** There are other differences in culture and the approach to the provision of children’s rights of appeal in Scotland, and we pick these up elsewhere in the report, see chapter 6. The two key questions for the Inquiry are whether changes in the definition and the trigger would lead to greater parental confidence in England.
- 6.29** In terms of the definition, the Inquiry recognises the arguments for a broader approach. However, broadening the definition doesn’t alter the nature of the needs to be addressed and there is an accompanying risk of losing the focus on the particular issues for disabled children and children with SEN.<sup>163</sup> Our evidence shows that without a clear focus on SEN, children’s needs can get overlooked in a more general approach. At this stage we need targeted action to address shortcomings, not a change in definition that risks a dilution of effort.

- 6.30** In terms of the point at which there should be a statutory trigger, we need to recognise, as we did in chapter 5, the significant local variation in the point at which statements are triggered and hence in the number of statements issued. We explored, in the same chapter, some of the benefits of providing additional resources at School Action Plus and obviating the need to request a statutory assessment. The Inquiry is clear that, whilst it is desirable to meet children's needs without having to go through statutory procedures to get a statement, many parents do have more confidence where their child has a statement. In particular, having a statement gives parents confidence to ask questions and challenge when things are not happening for their child or when something is going wrong.<sup>164,165</sup> We would not therefore recommend any change to statute or any target to reduce the number of children with a statement. Where children are progressing well and parents are confident then it is serendipitous that statements may also reduce. However, we need to focus on the pre-conditions: children's progress and parental engagement, not the by-product: the reduction in the number of statements.

### **Blackburn with Darwen: Individual Pupil Resourcing Agreements, IPRA's**

In September 2004, Blackburn with Darwen began using a panel to approve additional funding for pupils at School Action Plus whose needs would previously have been likely to require a statement of SEN. The criteria for submitting an application for IPRA's were exactly the same as those for a statutory assessment. The high quality of evidence presented allowed the IPRA to be issued within 28 days. Funding for IPRA's is delegated to schools and an annual review is held for all pupils with an IPRA.

IPRA's have the confidence of schools and parents. There has been only one appeal to the Tribunal and only 2 permanent exclusions for pupils with IPRA's in the past 5 years.

The Authority now uses statutory assessment only in exceptional circumstances: where a special school placement is called for or where the panel feels that further evidence of the child's special educational needs is required. Parents are made aware of their legal rights, including their right to request a statutory assessment of their child's special educational needs.

- 6.31** Northern Ireland is currently reviewing their approach to SEN and the proposals appear similar to the Scottish model with coordinated support plans for a smaller group of children and a wider range of needs.
- 6.32** The Welsh Assembly Government now has powers to make legal changes to their statutory framework for additional learning needs (ALN) and is setting out to make improvements to their system:
- to build the capacity of all providers, and especially mainstream schools to identify, assess and meet the needs of learners with ALN;
  - to clarify the criteria and funding routes for ALN provision in order to provide equality of access across Wales;
  - to build in monitoring and evaluation of outcomes for learners with ALN as part of an inclusive self-evaluation framework;

- to improve the quality of partnership working with parents and learners, including the provision of clear, accessible low-stress mechanisms for expressing concerns and complaints about provision and practice at all levels;
- to work with a wide range of stakeholders to ensure that high-level policies in all agencies are informed by ALN/inclusion issues.

- 6.33** Work commissioned by the then Disability Rights Commission,<sup>166</sup> in England, Scotland and Wales found higher levels of satisfaction amongst parents of children with SEN in Wales than in England and Scotland. There may be some lessons for England in this: Wales is proceeding on the basis of a significant degree of consensus over the analysis of what needs to be improved in the system. To explore possible ways forward, pilot projects are proposed.
- 6.34** In holding up the mirror to reflect on how the English system might learn from the sister nations, there is also a sense that there are broad similarities in many of the key challenges for all the nations:
- information for and communication with parents;
  - the development and deployment of specialist expertise to meet children's needs;
  - the co-ordination of services;
  - clarity about where a statutory plan should take over from a non-statutory plan and significant variation in how education authorities implemented this.
- 6.35** Overall, reflections on how the other nations are developing have helped to confirm the priorities that the Inquiry has identified: to improve the experiences of children and their parents we must address these underlying challenges. Amending the definition of SEN now will not bring about the changes we seek and could risk diverting energies away from the more fundamental changes we seek to bring about in behaviour, attitudes and in the priority given to outcomes for disabled children and children with SEN.
- 6.36** It was also put to the Inquiry that personalisation could provide an alternative to the current SEN framework. With everything personally tailored, the argument is that there should be no need for a separate SEN system. It is entirely desirable that children should learn, progress well and achieve good outcomes with support from the mainstream of educational support. The implementation of the pupil guarantee may help to achieve this, see chapter 2.
- 6.37** The thrust of developments in personalisation is to make an appropriate individual response through the universal service. Early intervention is an important part of responsive services and lies at the heart of what we want to achieve through the recommendations in this report. The Inquiry welcomes the current focus on early intervention and the consultation on an early intervention framework that the Government is proposing in 2010.
- 6.38** However, if there are difficulties in achieving good outcomes and making appropriate provision now, it is hard to imagine that, by removing statutory protection, good outcomes and provision would become more readily available. Nonetheless, personalisation is another important strategy for meeting needs at a younger age and at an earlier stage. The more effective it is in doing that, the fewer children should need to rely on the statutory stages of the SEN framework.
- 6.39** The Disability Discrimination Act 1995 (DDA) provides a rights based model and the Inquiry sees it as an important part of future developments. However,

awareness of the DDA, and of the rights and responsibilities it sets out, is low. This is reflected in:

- the small number of parents who currently seek redress through the DDA; and
- the number of schools that do not have a disability equality scheme.

### Disability discrimination claims<sup>167</sup>

In 2007–08, 180 claims of disability discrimination were received and 145 were registered.

Of those registered, 74 claims (51%) related to education and associated services, 54 (37%) to a temporary exclusion from school.

111 claims (77%) related to pupils with a learning impairment.

- 6.40** Over the period of the Inquiry, the work of the National Strategies has significantly raised awareness of disability equality schemes at both local authority level and at a school level. There is improved awareness of both the significance of disability equality schemes and of the requirements of schemes, particularly the involvement of disabled people, that make them a powerful tool for improvement in equality of opportunity for disabled pupils, staff, parents, carers and other disabled people.
- 6.41** There needs to be greater awareness of duties towards disabled pupils. The Inquiry has recommended significant changes in the way professionals communicate with and share information with parents. Changes in the culture of communication and improvements in information sharing between parents, schools and pupils, will improve awareness of and a collaborative approach towards making reasonable adjustments for disabled pupils.
- 6.42** There is more work to be done in raising awareness of DDA but there is strengthening to be done too, particularly in the way it relates to schools' SEN duties. Most funding for children with SEN is now delegated to schools, yet, under SEN legislation, schools have a relatively weak duty to 'use their best endeavours' and are exempted from the duty to provide auxiliary aids and services as part of the reasonable adjustments duty under the DDA. Removing the schools' exemption from the provision of auxiliary aids and services would better reflect schools' front line role in anticipating and making adjustments for disabled children and will fill gaps in meeting the practical needs of disabled children.

**Recommendation 51** **the reasonable adjustment duty in the Disability Discrimination Act is amended to remedy the exclusion of schools from the requirement to provide auxiliary aids and services.**

### Endnotes

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- 166 Lewis A, Parsons S and Robertson C (2007) *My school, my family, my life: Telling it like it is*. Disability Rights Commission/Birmingham: University of Birmingham
- 167 The data in this section are from the Tribunals statistical information

# Appendix 1: Expert Advisers Group

Brian Lamb	Chair of the Special Educational Consortium and Executive Director of Policy and Advocacy at RNID
Nick Armstrong	Matrix Chambers
Virginia Bovell	Parent, adviser to TreeHouse and trustee of the National Autistic Society
Colin Diamond	Director of Children and Young People's Services for North Somerset Council
Dr Fiona Hammans	Principal of Banbury School, Oxfordshire
Professor Ann Lewis	Birmingham University
Jane McConnell	Parent, legal adviser to the Independent Panel for Special Education Advice (IPSEA) and the Down's Syndrome Association

# Appendix 2: Reference Group

Jo Campion	The Communications Trust (2009)
David Congdon	MENCAP
Claire Dorer	National Association of Independent and Non-Maintained Special Schools
Kate Evans	National Parent Partnership Network
Tara Flood	Alliance for Inclusive Education
Malcolm Garner	Sensory support services
Lynn Greenwold	Specific Learning Difficulties – Dyslexia Trust
Felicity McElderry	Association of Occupational Therapist and National Association of Paediatric Occupational Therapists
Sue Kirkham	Association of School and College Leaders
Anita Kerwin-Nye	The Communications Trust (2008)
Barbara Knowles	Social Emotional and Behavioural Difficulties Association (sebda)
Andy Lusk	Scope
Ros McNeil	National Union of Teachers
Jan Myles	National Association of Head Teachers
Brahm Norwich	SEN Policy Options Group and the University of Exeter
Nick Peacey	Special Educational Needs Joint Initiative on Training (SENJIT) The Institute of Education, London
Lorraine Peterson	nasen

Richard Rieser	Disability Equality in Education
Patrick Roach	NASUWT
Christopher Robertson	SENCO Update
Alison Ryan	Association of Teachers and Lecturers
Srabani Sen	Contact a Family
Kate Sibthorp	Partners in Policy-making
Ann Tinklepaugh	Advisory Centre for Education
Ian Townsend	National Network and Association of Teachers of Physically Impaired Pupils
Edward Waller	UNICEF: Rights Respecting Schools Award
Charles Ward	Association of Educational Psychologists
Gillian Windass	National Governors Association
Susan Woodgate	National Association of Advisers and Officers for Special Educational Needs
Mike Wilson	Association of Directors of Children's Services (2008)
Ian Wylie	Autism Education Trust

# Appendix 3: Acknowledgements

The Inquiry would like to thank all those who gave evidence during our visits and in meetings, conferences and workshops, through the web survey and through the research and surveys carried out to support our work. This includes: parents, teachers, pupils, SENCOs, governors, headteachers and senior school leaders, teachers in support services, professionals from a range of other services and agencies, researchers and academic staff, educational psychologists, local authority officers, elected members, directors of children's services, representatives of the professional bodies and associations.

The parents, teachers and local authority officers who ran the eight local authority projects. A study of the local authority learning from the eight local authority projects is published in the report from Nick Peacey and others (2009) see below.

- Blackburn with Darwen
- Durham
- Kent
- Newham
- North Tyneside
- Oxfordshire
- Portsmouth
- Wolverhampton

All those who responded to the web survey. The analysis of the responses is summarised in the report from Nick Peacey and others (2009) see below.

- 400 students
- 1,941 parents
- 544 school staff
- 516 professionals working with children, schools and families

Parents and professionals, from a range of services, who attended the three stakeholder meetings in summer 2009. The events are summarised in the report from KIDS (2009) see below.

The children and young people who responded to the KIDS survey, summarised in the report from KIDS (2009) see below.

Parents, teachers, pupils, local authority officers and representatives of other services who met the Inquiry on visits to:

Parents' groups convened in:

- Bristol
- Greenwich
- Haringey
- Leeds
- Romford

Local authorities:

- North Somerset
- Hull
- Blackburn with Darwen

Schools:

- Holland Park School, Kensington and Chelsea
- Hall Mead School, Havering
- Churchill College, North Somerset
- Primary School, North Somerset
- Kingsley High School, Harrow
- Spring Cottage School, Kingston-upon-Hull
- St Nicholas School, Kingston-upon-Hull
- Darlington Education Village, Darlington
- Meath School, Surrey
- Ingfield Manor School, West Sussex

SENCOs and support services in:

- Derbyshire
- Haringey
- Luton
- Medway
- Westminster

Scotland:

- President of the Additional Support Needs Tribunals for Scotland
- Scottish Government Officials and Her Majesty's Inspectorate of Education, representatives of education authorities Parents at the Govan Law Centre, Glasgow
- Representatives of mediation and adjudication services
- Adam Ingram, Minister for Children and Early Years

Meetings, workshops, conferences with:

- Association of Directors of Children's Services
- Association of Educational Psychologists
- Association of School and College Leaders
- Birmingham University
- British Psychological Society
- British Stammering Association
- Capita
- College of Occupational Therapists
- Council for Disabled Children
- Health Professionals Council
- Local Government Association
- Michael Palin Centre for Stammering
- NASEN
- NASUWT
- National Autistic Society parents' group
- National Parent Partnership Network
- National Union of Teachers
- Northumbria University
- Ofsted
- Royal College of Speech and Language Therapists
- SENCO Update
- SOS!SEN
- Special Educational Consortium
- Thompsons Law and John Ford Solicitors
- TreeHouse
- TreeHouse Constructive Campaigning Parent Support Project
- Tribunals Service

Research commissioned to inform the Inquiry:

- Capita (2009) *Children's Plan One-Year-On Commitments: Information for Parents of Children and Young People with SEN and Disabilities*
- KIDS (2009) *KIDS report of stakeholder meetings & consultation with disabled children*
- National Strategies (2009) *A Survey of Disability Equality Schemes in Local Authorities and Schools*
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- Peacey N, Lindsay G, Brown P and Russell A (2009) *Increasing Parents' Confidence in the Special Educational Needs System: Study Commissioned to Inform the Lamb Inquiry*
- White R, Macleod S, Jeffes J and Atkinson M (2009) *The Lamb Inquiry: Parental Confidence and SEN – local authority perspectives. NFER research commissioned by the LGA*

Papers, emails and letters from parents, professionals and organisations, listed separately on the website: [www.dcsf.gov.uk/lambinquiry](http://www.dcsf.gov.uk/lambinquiry)

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