



## **Additional Response to Consultation on SEND Review**

from the Centre for Studies on Inclusive Education (CSIE)

CSIE's response to this consultation is included in the response from the collective voice of the Special Educational Consortium. In this additional submission, CSIE wishes to draw particular attention to the following issues:

CSIE welcomes the overall ambition to offer children and young people the right support, in the right place, at the right time, but is concerned that the proposals set out in the Green Paper do not seem to be based on any evidence which supports them. In addition, the Green Paper does not make it clear how its proposals are expected to deliver on this ambition and improve educational outcomes for children and young people with labels of SEND.

The SEND Review set out to explore how the Children and Families Act 2014 has affected the education of children & young people with labels of SEND. It concluded that there are three main issues causing concern: frustrated parents and young people; poor outcomes for children & young people with labels of SEND; and unsustainable financial strain on the system.

This, alone, is a major cause for concern. The Children and Families Act 2014 was introduced in order to address the failings of the previous statutory framework (SENDA 2001). In 2009 the Lamb Inquiry into parental confidence in the (then) SEN framework had concluded that the previous system was not fit for purpose and had put forward 51 recommendations, which broadly asked for: a clearer focus on outcomes; a stronger voice for parents; a more strategic local approach; and a greater degree of accountability. It seems clear that the Children and Families Act has not solved the problems it was supposed to address and, instead, seems to be riddled with alarmingly similar failings.

CSIE is in complete agreement with the Review's identification of key issues causing concern, and is thrilled that the existence of a postcode lottery is acknowledged. CSIE has been regularly reporting, since the 1980s, information on school placement trends of all local authorities in England (i.e. the proportion of children and young people sent to special schools by each local authority). These research reports have repeatedly demonstrated the existence a postcode lottery for inclusive education: some local authorities consistently rely more on mainstream settings, while others regularly send high proportions of children to special schools. Most recent findings are available at <https://sen-england.shinyapps.io/csie-trends> and show a tenfold difference between the local authorities which send the highest and lowest proportions of pupils to separate special schools.

The Green Paper seems to leap to suggesting solutions, without due exploration on the reasons behind the issues causing concern. Frustrated users and poor outcomes, however, seem to be matters of implementation and, therefore, do not call for amendments to the law or guidance.

CSIE is particularly alarmed by proposals to introduce a new set of National Standards. We applaud the aspiration for consistency of provision throughout the country, so that

there is no longer any sign of a postcode lottery. At the same time, however, we believe that the framework for achieving that level of consistency already exists, in the form of the Children and Families Act and associated regulations. We would expect any new recommendations to be clearly evidence-based in order to justify their introduction. We have seen no evidence for the introduction of the proposed National Standards. To the contrary, we believe they could do more harm than good. The Children and Families Act provides a clear and detailed structure for the education of children with labels of SEND. There are no gaps in the existing framework which a new set of guidelines could plug, so a new set of National Standards would either duplicate or contradict current law. The former would be unnecessary and the latter dangerous, as it could lead to breaches of children's rights. Instead of introducing a new set of National Standards, or any type of new guidelines to be followed, we suggest that it would be much more effective to put systems in place to monitor implementation and ensure that the existing statutory framework is implemented consistently throughout the country. Only in this way can it be certain that all children with labels of SEND, wherever they live, can receive the good quality inclusive education they are legally entitled to.

The final concern identified by the SEND Review is the unsustainable strain on finances. Here, too, CSIE agrees with the government's evaluation: in a system set up to fund individual children's needs, costs can spiral out of control. Instead of inventing new rules intended to have a cost-cutting effect, we strongly suggest that the entire model of financing inclusive education is thoroughly reviewed. Recent evidence<sup>1</sup> suggests that: a) changing systems of financing inclusive education is a key lever for achieving more widespread inclusion; and b) countries which implement a financing model based on funding services provided, have greater success compared to countries where funding is based on some aspect of individual need (e.g. types or categories of need). The same report also mentions the imperative to increase incentives for inclusive education. It seems important to recognise the standards agenda as a barrier to the development of inclusive education. CSIE suggests that only in a thoroughly restructured system, with a financing model focussed on generating services rather than attempting to meet individual need, which offers sufficient incentives and removes barriers to inclusion, will it be possible for children to receive the right support, in the right place, at the right time.

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The Centre for Studies on Inclusive Education (CSIE, [www.csie.org.uk](http://www.csie.org.uk)) is a national charity, established in 1982, working to promote equality and eliminate discrimination in education. We deliver talks and training, support schools to advance equality, engage in research, offer consultancy nationally and internationally, and produce a wide range of resources. Among our recent achievements is an international award (Innovative Practice Award 2016) for our equality toolkit for schools.

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<sup>1</sup> Cor J. W. Meijer & Amanda Watkins (2019) Financing special needs and inclusive education – from Salamanca to the present, *International Journal of Inclusive Education*, 23:7-8, 705-721, DOI: 10.1080/13603116.2019.1623330