

# **The response of the Special Educational Consortium to the DfE consultation on the Green Paper SEND Review: Right support, right place, right time**

## **Introduction**

The Special Educational Consortium (SEC) is a membership organisation that comes together to protect and promote the rights of disabled children and young people and those with special educational needs (SEN). Our membership includes the voluntary and community sector, education providers and professional associations. SEC believes that every child and young person is entitled to an education that allows them to fulfil their potential and achieve their aspirations.

SEC identifies areas of consensus across our membership and works with the Department for Education, Parliament, and other decision-makers when there are proposals for changes in policy, legislation, regulations and guidance that may affect disabled children and young people, and those with SEN.

SEC has held a total of 14 discussions across its membership, some of these have been held with representatives from the DfE. In addition, individual organisations have held their own events to discuss the Green Paper and many representatives have attended open Council for Disabled Children consultation events. This response reflects those discussions.

SEC is committed to working with the DfE to contribute to the development of proposals throughout the consultation period and beyond.

## **Context**

SEC shares the broad ambition of the Green Paper that:

*The vast majority of children and young people should be able to access the support they need in their local mainstream setting, without bureaucratic processes, or the need for an Education, Health and Care Plan or a placement in special or alternative provision. They should have their needs identified promptly, with appropriate support put in place at the earliest opportunity.*

The Green Paper identifies three key challenges:

- Poor outcomes
- Difficulties for parents in navigating the system and getting timely support
- Inefficient allocation of resources

In SEC's view, these challenges are symptoms of problems which have been evident for some time. They were considered in 2009 by the *Lamb Inquiry – Special Educational Needs and Parental Confidence* and in Ofsted's 2010 report *A statement is not enough – a review of Special Educational Needs and Disability*, both of which informed the development of the reforms enacted by the Children and Families Act 2014 (CFA).

We are not persuaded that the Green Paper provides a clear analysis of the evidence for the problems with the current system. As a result, it does not offer soundly based practical solutions for achieving its ambition of a more inclusive system.

SEC's broad view of the proposals is that they bring risks that:

- new structures and frameworks proposed in the Green Paper, increase bureaucracy and tension in the system, rather than improving provision and outcomes;
- some of the proposals involve changes to the law that undermine the existing statutory framework provided by the Children and Families Act and the Equality Act, or at best serve as a distraction from addressing current problems;
- these proposals could make it harder for families with disabled children to get the support their child needs; and
- key areas of policy are overlooked, in particular in relation to the mainstream of early years, schools and further education and the specialist support available to them. By overlooking these, opportunities to make a significant impact on progress and outcomes for children and young people with SEN and disabilities are missed. These are the very areas where solutions lie.

Our analysis suggests that, for the reasons outlined below, schools and settings have diminished capacity to identify and respond to children's needs early and effectively and face disincentives to be inclusive. The areas identified here do not stand alone, they are inter-linked and have a cumulative impact on the provision made for children and young people and the outcomes they have. They are:

- the erosion of real terms funding for schools and other settings;
- the significant erosion of specialist expertise available to schools and settings to support them in developing and sustaining inclusive practice;
- the current curriculum and assessment arrangements are not inclusive and act as a disincentive to include the significant numbers of children and young people who perform outside national expectations;
- the high rates of exclusion, absence and unexplained exits from school among children and young people who have SEN or are disabled which frustrate inclusion and damage outcomes for children and young people;
- the significant variability in the understanding and skills of **all** class and subject teachers and teaching assistants. Inclusion is a whole school or setting issue requiring improvements to secure universal 'quality first teaching', particularly in supporting the development of children's language and communication skills, which underpin all

learning. Initial training and subsequent development must be more inclusive and there needs to be a long-term plan for the development of specialist teachers to support schools in improving their provision;

- the lack of awareness and poor implementation of the Equality Act duties in respect of reasonable adjustments and access planning which, if put into practice effectively, could ensure children and young people are included in the life of their setting, school or college and their local community;
- the inconsistencies in joint working including in local joint planning, commissioning and delivery of education, health and social care provision and services. These inconsistencies work against improving outcomes for children and young people with SEN and disabilities and their families;
- the lack of proper involvement of children, young people and families in decision making; and
- inadequacies in accountability for local decisions made for supporting children, young people and families. This erodes trust in the system.

In our response, we set out the evidence identifying these areas as the key problems preventing the development of a more inclusive system. Ofsted's report in 2021, identified the impact of the pandemic as having exacerbated long-standing problems in the system. Their report focuses, as SEC does, on the key principles of CFA and the need to identify and meet children's needs early, even before they become a special educational need.

*As recovery from the pandemic begins, we cannot underestimate the importance of good-quality universal services for children and young people with SEND across education, health and wider children's services, alongside more specialist health or social care support where needed. The availability and effectiveness of these universal services can prevent a child or young person from needing something additional or different. A child or young person should never be labelled as having SEND because of a poor-quality curriculum or ineffective teaching, or weaknesses in universal health or care services. This was something that we saw too frequently in 2010 and, worryingly, something we still too often find. (Ofsted (2021) SEND: Old issues, new issues, next steps)*

All problems identified above are key areas of wider education policy that are undermining inclusion and the achievement of better outcomes for children and young people with SEN and disabilities. These are not intrinsically related to the statutory SEN framework and will not change with changes to the SEN framework. They require broader practical changes that would support better implementation of that framework and the Green Paper's ambition of a more inclusive system; they would increase the capacity of schools and other settings to identify and support children with SEN and disabilities early and effectively. We make recommendations for action to bring about these changes later in this response.

We need to be clear: SEC's 20 recommendations for action provide a set of proposals without which we will continue to face the same poor outcomes; children and young people will continue to be excluded from education in a range of ways; parents will continue to be

frustrated by a new set of bureaucratic frameworks; and another Secretary of State will face a growing and wasteful gap in outcomes – wasteful in terms of the human potential of children and young people with SEN and disabilities, and wasteful in terms of the public purse.

## **How we have organised our response**

In light of the above we have organised this response as follows:

**Section 1:** sets out SEC's views on the main proposals in the Green Paper and sign-posts the evidence we have marshalled in section 2.

**Section 2:** sets out our evidence base and our analysis of the underlying reasons for the 3 challenges or symptoms identified in the Green Paper. It provides a set of recommendations for action which we are confident would address the key barriers to more inclusive schools and secure better outcomes for children, young people and their families. In the long-term, they will also relieve the pressures on high needs budgets.



## Section 1: Green Paper proposals chapter by chapter

In light of our analysis, it is not clear what evidence the Government has to show how the proposals in the Green Paper, including those for new frameworks and bodies such as the national standards and the matrix of needs and funding tariffs, will help to:

- address the underlying causes of the problems with the current system;
- result in the inclusion of more children and young people with SEN and disabilities in mainstream settings; or
- improve outcomes.

We believe that the best way to ensure that children and young people with SEN and disabilities get the right support, in the right place, at the right time is to take action to put the existing statutory frameworks into practice and support this with a range of practical measures in key priority areas backed by significant and sustained investment.

In this section we respond directly to the specific proposals in the Green Paper.

**Our fundamental test for any proposal is: *Will this lead to more inclusive schools and better outcomes for children and young people?***

### Chapter 2: A single national SEND and Alternative Provision system

#### A standardised and digitised Education, Health and Care Plan

SEC supports a standardised format and argued for this in 2014 at the time of the Children and Families Act. But we are clear that digitisation does not, in and of itself, reduce bureaucracy or improve quality. There needs to be a careful consideration of how a new format can support:

- a sharper focus on the voice of child, parents and young person not just in Section A but throughout the plan;
- an early conversation, see above, to inform the development and drafting of the EHCP;
- improvement in the quality of EHCPs;
- better planning for transitions at every phase and stage including post-school and into life after full-time education;
- accessibility for all parents, children and young people – including through use of appropriate software, hardware and through sound and reliable connectivity.

#### National standards for how needs are identified and met across education, health and social care and a revised SEND Code of Practice to reflect the standards

The Green Paper proposes that National Standards would be prescribed in law, reflected in a revised SEN and Disability Code of Practice and would determine provision, placement and Tribunal decisions.

The idea of standards is naturally appealing but SEC is opposed to the national standards as they are set out in the Green Paper. As currently drafted, the proposals would replace the rights and entitlements and individual, person-centred decision-making processes set out in CFA, associated Regulations and the SEN and Disability Code of Practice to which we are firmly committed.

In addition to a commitment to retaining existing rights and entitlements and decision-making processes SEC wants to see:

- improvements in the capacity of schools, settings and colleges to respond to children's needs;
- the restoration of specialist services that support schools and settings in meeting needs;
- the development of a universal quality first approach to the improvement of provision for children and young people with SEN and disabilities;
- a funding strategy to support the above.

We are confident that, over time, this will deliver better outcomes.

### **New local SEND Partnerships and a Local Inclusion Plan**

SEC is concerned that the proposals for new SEND Partnerships would create significant duplication with existing duties. There are significant and relevant duties in CFA already in place:

- on all local parties to co-operate across education, health and social care;
- on local areas to keep local provision under review;
- on local authorities to publish a local offer of services and support available to children and young people with SEN and disabilities and their parents, including setting out provision which is expected to be 'ordinarily available' in schools and early years and post-16 settings;
- on Health and Wellbeing Boards and local authorities to carry out joint strategic needs assessments; and
- jointly commission services and support across education, health and social care to meet local needs.

In SEC there is a strong sense that ensuring the proper implementation of the current requirements would render the Green Paper proposals for SEND Partnerships unnecessary.

To be effective a Local Inclusion Plan would need to be comprehensive and involve children, young people and families in its development. It must consider and provide for action to build the capacity of mainstream settings to meet the needs of more children and young people with SEN and disabilities through stronger and more effective 'ordinarily available provision'

and improve their presence and participation in their school or setting and their community. It must also consider:

- the current and projected future pattern of needs and how provision required to meet those needs is to be developed and secured, including through co-operation between local areas;
- the specialist expertise and support services needed to support current and future needs across different types of setting and how they are to be secured;
- the professional development needs of staff across education, health and social care and how the training and development required to meet them will be developed and sustained over time;
- how the Local Inclusion Plan will be reflected in the local offer and kept under review.

Much of this would duplicate existing responsibilities. We are concerned that the imposition of new requirements would remove or undermine current provisions and, at best, serve as a distraction from action to improve provision and secure better outcomes for children and young people. We would wish to see a clearer focus and stronger public encouragement from Ministers on making the current system work effectively as intended.

### **Tailored list of settings to enable parents to express an informed preference for a suitable placement**

SEC is opposed to the proposed tailored list of settings since it would:

- restrict parental choice and cut across the individual decision-making process set out in CFA; and
- create a risk that local inclusion plans become focused on restricting parental choice, rather than improving local practice.

The Green Paper says that *'where it has been identified that a child or young person's needs require a placement in specialist provision'* parents and carers would be encouraged to only express a preference for a pre-determined list of schools that the local authority consider appropriate, and which have been identified in a Local Inclusion Plan *'signed off'* as being in accordance with proposed National Standards.

The tailored list appears to be designed to restrict access to special school provision. This is mis-guided and likely to lead to further tensions and further distrust of the system. Efforts should instead be directed towards improving the quality of provision in mainstream schools and settings in order to reduce the drivers of demand.

The proposals also subvert the current statutory provisions for an Education, Health and Care Plan to be completed in draft with the type of provision or specific placement left blank to enable a parent to express their own preference.

SEC supports the proposal that local authorities should have the power to direct an academy trust to admit a pupil, as they have with maintained schools.

## **Streamlined redress through mandatory mediation**

SEC is opposed to mandatory mediation. Mediation, by its very nature, requires the willing consent of both parties in order for it to work. Instead of *streamlining redress*, making it mandatory would create an additional hurdle for parents, increase delays in getting support to children and young people, further frustrate parents and increase distrust of the system.

This proposal focuses on battle lines, directs efforts in the wrong direction and does nothing to improve the provision that might obviate the necessity of going to the Tribunal.

More fundamentally SEC has concerns about what the Green Paper says about the basis for appeal to the Tribunal, and decision-making by the Tribunal:

*Appeals to the First-tier Tribunal SEND "should only need to be made in cases where parents feel that their child's needs or proposed provision arrangements are not in line with the new national SEND standards, and mediation has not resolved the dispute. Tribunal decisions would be made in line with the new statutory national SEND and alternative provision standards."*

The Tribunal currently hears appeals against the decisions of the local authority. SEC is very concerned that the proposals in the Green Paper fundamentally change the role of the Tribunal so that national standards determine the decisions it makes. SEC is firmly opposed to this.

## **Remedies for disability discrimination**

SEC is concerned that remedies for disability discrimination are weak, but there has been no systematic gathering of evidence of the impact of remedies currently ordered by the Tribunal. This is not just about what remedies are applied: there is currently no follow up to check whether remedies have been put in place and, if they have been, what the impact was. SEC would welcome a review of the effectiveness of remedies.

There is also a wider issue: the question of how much discrimination goes unchallenged because parents are reluctant to make a claim. In SEC's view, any exploration of the effectiveness of remedies should also explore easier routes of redress for parents and for children and young people themselves.

There are further issues about awareness of, and adherence to, the Equality Act duties in schools, settings and colleges. In section 2 of our response, SEC recommends that DfE commissions EHRC to report on how well schools, early years settings and colleges are following the Equality Act duties in relation to disabled children and young people.

More broadly, as more schools become Academies, Local Authority Accessibility Plans under the Equality Act 2010 should be developed in relation to **all** schools in the local area not only local authority-maintained schools.

### **Chapter 3: Excellent provision from early years to adulthood**

SEC welcomes the broad intention for more inclusive schools and settings and the proposals for:

- gaining a better understanding of the support that children and young people require from the health workforce
- funding an additional 10,000 respite placements
- building the capacity of the Supported Internships programme and improving transitions at further education.

However, we cannot see from the Green Paper how the broad intention for more inclusive schools and settings will be translated into the practical action required to build the capacity of the system to better identify and support children and young people with SEN and disabilities and improve parents' trust in the system.

#### **We will identify need at the earliest opportunity in high-quality early years provision**

SEC is concerned that there are no practical proposals here that will improve the quality of early years provision and improve the capacity of early years practitioners to identify and meet needs early. This is an urgent issue: there is ample evidence of less access to early years provision for young children with SEN and disabilities, low levels of staff skills and confidence in meeting the needs of young children with SEN and disabilities and low levels of parental confidence in the ability of early years provision to meet their child's needs. We refer to a range of data in Section 2.

Crucial to the improvement of the quality of response to young children with SEN and disabilities are levels of qualification in the workforce. In Section 2, SEC argues for a long-term programme of workforce development to increase skill levels at the start of a career in early years.

SEC welcomes the commitment to increase the number of settings with a SENCO trained to level 3, but, in a field where levels of qualification are in general low, this risks an undue focus on the role of the SENCO and detracting from the wider responsibilities of all staff. Responsibilities for young children with SEN and disabilities are best met, in the first instance, through a whole setting approach that sees SEN and disability as the responsibility of all staff.

An integrated review at 2 to 2½ would be a very good way of bringing education and health together. This is permitted now, but the practice is not widespread, in part because of the time demands. In some areas, an integrated review is undertaken for any child for whom the setting, the health visitor or the parents has a concern. To make the practice more widespread, it may need to be made a requirement.

However, alongside this, there are concerns about the levels of understanding of SEN and disability amongst health visitors, early years practitioners and the lack of availability of staff with specialist skills, for example specialist teachers for visual and hearing impairment, who need to be involved at the earliest possible stage to advise on strategies.

There are duties on health agencies to inform the local authority of a young child who has or probably has SEN or a disability, so local authorities will know about some children from birth. Others may be identified through the Healthy Child Programme checks. It is noticeable that in area SEND inspections Ofsted and CQC have praised local areas that have used the 2 to 2½ year checks as a backstop for identification and have been critical of local areas using this check as a starting point.

There needs to be a significant development in provision of support to the learning and development of children with SEN and disabilities in their home environment and before they go into any form of childcare and education. As well as supporting early learning and development, this could increase trust and confidence between families and group provision and increase the take-up of the free entitlement.

There are some assumptions in the Green Paper that do not seem to reflect current realities, for example:

- assumptions in the case study in this section are not based on practical realities about the skills of health visitors or the access and availability of speech and language therapists;
- assumptions that support provided to young children with SEN and disabilities will be 'time-bound'. Some children will, of course, respond to short term interventions, but the majority of children identified with SEN and disabilities before they go into school will need continuing, long-term support. For these children, the earlier that support starts and the higher the quality of that support, the more effective it will be and the less parents will be set at odds with the system.

### **We will support families at every stage of their child's journey**

The Green Paper places significant reliance on Family Hubs to provide support to children with SEN and disabilities and their families. Whilst SEC welcomes the potential for Family Hubs to play an important role, SEC would want to see the SEN and disability aspects of those hubs strengthened and improved in order to be able to fulfil this role. There are currently some risks:

- There is insufficient reference to the role of specialist support services for children with SEN and disabilities and their families in Family Hubs.
- We are concerned about the potential risk of action in this area being focused on 'parenting' rather than supporting early learning. Professionals and services based in Family Hubs need a very good understanding of SEN and disability. Too often parents approach services for support with their child with a special educational need or disability and are referred to parenting courses, on the assumption that they are struggling because of inadequate parenting. Some parents have even told us that they went through parenting courses in the hope that this would demonstrate that they needed more specialist or more tailored support, but sadly found no support available to them.

- Whilst the section sets out to address 'support to families at every stage of a child's journey', the needs of young people aged 16-25 have been overlooked. As part of addressing this gap, support might include a dedicated keyworker or 'neutral' person, which has been proposed by the Select Committee.

### **Fund more than 10,000 additional respite placements**

SEC welcomes recognition of the importance of short breaks in supporting families and welcomes the proposed additional respite placements. However, these improvements seem to be one-off and need to be accompanied by a longer-term strategy for better support to families.

### **Increase in total investment in schools' budgets**

The proposed increase in school funding reverses previous real terms funding cuts, but is insufficient to:

- decrease the reluctance of schools to admit children with SEN and disabilities
- increase the capacity of mainstream schools to identify and meet needs early
- decrease the demand for EHC plans

School funding pressures have been exacerbated by the significant erosion of local specialist services. This is not addressed in the Green Paper. Nor has the shortfall in funding for students with SEN and disabilities in FE colleges.

### **We will deliver excellent teaching and high standards of curriculum in every mainstream school**

SEC endorses the view in the Green Paper that:

*'with excellent teaching and improved identification of need in inclusive educational settings, fewer children and young people will need additional interventions as they will be getting the support they need as part of high-quality teaching within the classroom.'*

However, the proposals in the Green Paper and Schools White Paper combined will not lead to the improvements needed to achieve this ambition. There are no specific actions to make this a reality. There need to be changes in initial training and to professional development for staff in all settings and proper investment in specialist services to support mainstream settings if more children and young people are to have their needs met in inclusive settings.

There are many references to children who 'fall behind' and children who 'catch up'. SEC is aware that, over their school career, many children move onto *SEN Support* and out of it again, but the majority of children and young people need continuing support over the long-term.

Changes in Initial Teacher Training such as the removal of detail about the 4 areas of need in the specification for ITT providers are unhelpful and this; and other aspects of the teacher standards encourage too quick a resort to the SENCO and other specialists. If more children and young people are to have their needs identified and met *in inclusive educational settings... as part of high-quality teaching within the classroom*, practitioners, teachers and

everyone working with them needs to be properly trained and prepared for these responsibilities from the start of their career.

### **Consult on the introduction of a new SENCo National Professional Qualification**

The proposals for a new national SENCO professional qualification for school SENCOs and level three SENCo qualifications for early years practitioners are welcome. However, they risk an early and undue focus and reliance on the role of SENCOs, and do not address the need to equip all practitioners to take responsibility for children and young people with SEN and disabilities from the start of their career. Nor do they address the shortage of specialist services that supplement and complement what schools and other settings can reasonably be expected to make 'ordinarily available' from their own resources.

### **Improve mainstream provision through the Schools White Paper, excellent teacher training and development and a What Works evidence programme**

Insufficient attention is given to the need to develop the understanding of and skills in SEN and disability for the **whole** workforce including all class and subject teachers and teaching assistants and the importance of 'quality first teaching' and a strong focus on development of children's language and communication skills which underpin all learning.

In the introduction to this response, SEC outlined the wide range of ways in which the capacity of schools and settings to identify and respond to the needs of children and young people with SEN and disabilities is constrained. In Section 2 of our response we provide more evidence of these constraints.

In relation to teacher confidence, the Green Paper notes that:

*'...the level of confidence amongst teachers in supporting children with SEND is low. In 2019, 41% of teachers reported that there is appropriate training in place for all teachers in supporting pupils receiving SEN support. This is a significant decrease since summer 2018 when 59% of teachers agreed with this statement.*

We are concerned, therefore, that the Green Paper does not set out:

- how, at national level, the Government will assure itself that the Initial Teacher Training core content framework effectively addresses SEN and disability, that mentors and training providers have the understanding and skills to support trainees and ECTs in 'quality first' inclusive teaching;
- how to ensure that every Local Inclusion Plan, as well as identifying the range of children and young people's needs locally also assesses the training and development required by the workforce at different levels and includes a detailed plan for how those needs will be met, including measures for securing the provision of sufficient specialist services for supporting children and young people with SEN and disabilities;
- how *What Works* initiatives on SEN and disability will be developed at scale and disseminated/used in practice and how their impact will be assessed;



- how the Institute of Teaching will ensure that all schools and settings access the training and development they need to develop inclusive provision.

In SEC's view, there needs to be a long-term, comprehensive, coherent and systematic workforce development plan across education, health and care so that:

- all staff in schools and settings have the initial training – across the curriculum - and subsequent professional development they need to be able to identify and support children and young people with SEN and disabilities, including training on disability duties in Equality Act 2010;
- specialist expertise and support is available to schools and settings and to children and young people themselves, where and when it is needed;
- the range of specialist services can be fully identified, with an audit carried out of their capacity and availability to support schools, along with plans and funding to meet the shortfall;
- care and health, including social workers, health visitors are trained and engaged in supporting children and young people with SEN and disabilities and their families

Such a workforce development strategy needs to be set in the context of a framework of educational entitlement for all children and young people based on a set of values and principles which promote:

- a welcome for every child and young person
- high aspirations
- high quality teaching and support to meet individual needs
- recognition and celebration of every child and young person's progress and achievements
- participation in their school or setting and their communities, and
- proper accountability of all partners for support provided and outcomes achieved.

### **We will improve timely access to specialist support**

SEC recognises and welcomes:

- the intention to improve access to specialist support and the action being taken to focus on some areas of expertise including educational psychology and mental health support;
- the greater engagement of health and social care in a range of important ways, including ensuring a wider understanding of SEN and disability and development of the DSCO role alongside the role of DHOs;
- the investment in multi-disciplinary teams of specialists in alternative provision, and the overall intention to improve the quality of AP.

Our deep concern is that this section of the Green Paper does nothing to acknowledge and address:

- the very significant shortage of specialist services for children with SEN and disabilities, including the shortage of CAMHS services, and the shortage of skilled professionals in supporting transition planning beyond full-time education, see above and in Section 2 of our response;
- the impact this shortage has had in terms of the way specialist services deploy their time, with a forced retreat away from the preventive work with schools, groups of children in schools and individual children, and into 'statutory' work;
- the impact of this withdrawal from preventive work has had on schools and settings and their ability to respond to groups of children and individual children, which has been recognised by Ofsted; and
- the impact on teacher skills and confidence in making provision for CYP with SEN and disabilities.

In Section 2 of our response we set out the need for a comprehensive long-term workforce development programme.

### **Commission analysis to better understand the support that children and young people with SEND need from the health workforce**

SEC supports the proposed analysis of the support children and young people with SEN and disabilities need from the health workforce, but would want to see proposals brought forward swiftly to increase the capacity of the health workforce to meet need.

### **Invest over the next three years to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision**

It is not clear whether the additional revenue costs of the increased number of special school places and place-funded AP have been taken into account in projections. These will put additional pressures on High Needs Budget and reduce the capacity to respond to the intention of the Green Paper that more children and young people should have their needs met in inclusive provision.

The underlying pressures on special school places are identified in the Green Paper, but the root cause of these pressures is not identified. Our recommendations for action provide a different perspective and provide a route to increased capacity in mainstream schools. Unless the Government invests heavily in this route, demand for special schools will continue to grow, the pressures on high needs funding will continue to grow, and some children and young people who could have been educated alongside their peers in local mainstream schools, will be placed in special schools.

### **By 2030 all children will benefit from being taught in a family of schools**

SEC is not clear what the evidence is for stronger practice in SEN and disability in families of schools, and would welcome sight of the evidence on this. SEC is aware of cases where children have been moved between schools and alternative provision within a family of schools without the proper decision-making processes being used and SEC would want to

see measures in place to prevent trusts by-passing these processes and moving children with SEND around within the trust.

In SEN and disability, legal obligations rely on local co-operation in identifying the needs of children and young people, putting support in place and keeping its effectiveness under review. The proposal for increasing the capacity of families of schools will not of itself facilitate the cooperation across schools and with other services, including health, social care and specialist support services required to secure better outcomes for children and young people with SEN and disabilities. The framework for this co-operation is itself set out in the Children and Families Act 2014. It is important that developments in relation to families of schools support, and do not cut across, the duties to co-operate.

### **Invest over the next three years to build the capacity of the Supported Internships Programme**

SEC welcomes the increased investment in Supported Internships. However, there are concerns about the low number of Supported Internships available and, while welcoming the intended increase, wonder if there may be disincentives for providers to engage. There would be benefit in understanding why the number of Supported Internships remains low and ensuring this understanding informs the intended expansion.

However, we have concerns about the focus on one route to training and employment when we need to develop a wider range of routes that allow young people to capitalise on skills gained while in education. SEC would welcome a join up between the increased investment in Supported Internships and the work of DHSC and DWP to help ensure that there are post-college progression routes and support systems for all young people leaving education.

## **Chapter 4: A reformed and integrated role for alternative provision**

SEC agrees that there is a need to improve Alternative Provision but has major concerns about the proposals in the Green Paper:

- they appear to build AP into the place-funded special school estate and this may work against the broader intentions of the Green Paper for a more inclusive system with a requirement to create and distribute an alternative provision-specific budget;
- they seem to be planning for the failure of mainstream;
- AP seems to be constructed as the source of specialist support to mainstream schools, but is not well placed to fulfil this role: support needs to be provided to schools and to children and young people with SEN and disabilities before any unidentified or unmet need turns into something that turns into a behaviour problem;
- AP does not always have appropriately qualified staff, suitable premises or well-founded links with other services such as social care, mental health services and youth justice.

Our greatest concern is that AP is already a 'dumping ground' for children and young people with a range of SEN and disabilities for whom schools have failed to make reasonable adjustments, special educational provision or differentiated behaviour policies, and whose behaviour, in consequence has been labelled as 'challenging'. Increased availability of place-funded AP could be seen to relieve schools of their responsibilities in the expectation that AP is default provision for those children and young people. We have not seen in the Green Paper how AP will be equipped to offer a package of support to schools and settings to address behavioural or other needs that present barriers to learning; how AP will work with parents and with other services and agencies to ensure coordinated packages of support to children and young people across agencies; or how accountability for provision and outcomes, including re-integration into mainstream provision will be secured.

SEC has concerns that the views of children and young people and their parents/carers are frequently not included in the decision-making about a move to AP, and that it is often presented as a "fait accompli". In any revision of the role of AP, SEC would want to ensure that the views of children and young people and their parents/carers were properly threaded through the process.

SEC welcomes the focus given to progress, re-integration into mainstream education or sustainable post-16 destinations and the proposal for improving oversight and transparency of pupil movements into and out of AP. It is essential that data and evidence is used to inform and improve support, special educational provision and reasonable adjustments at an earlier stage and **before** AP is considered as an option

Improving AP should not be seen as a priority over measures to equip mainstream schools and settings with:

- the understanding and skills to adapt their provision to better support a wider range children and young people, and
- the support of specialist services who can supplement and complement what schools and settings can do on their own.

SEC welcomes the proposal for local authorities to be able to direct academies to admit children and young people with SEN.

## **Chapter 5: System roles, accountabilities and funding reform**

### **Roles and responsibilities**

SEC believes that, other than changes to terminology to reflect the establishment of new bodies such as Integrated Care Boards for example, roles and responsibilities are currently well set out in the Children and Families Act. In principle SEC supports the proposal for guidance for Integrated Care Boards on supporting children and young people with SEN and disabilities but consider that this would be best achieved through the SEN and Disability Code of Practice.

## **Inclusion dashboards**

SEC supports the development of national and local inclusion dashboards providing data across education, health and care but we are opposed to narrow metrics on funding and attainment. A much broader set of data is required to reflect how inclusive arrangements are at national and local levels and the longer-term outcomes for young people leaving education.

We support better sharing of data across education, health and care with appropriate safeguards.

SEC wishes to be involved in the consultation proposed for the development of both these proposals.

## **DfE's Regions Group**

It is not clear how the new DfE's Regions Group will work in practice, in particular how it will support local areas in developing Inclusion Plans, promote best practice as envisaged and what the role of these Groups will be in strengthening accountability. SEC would welcome further discussion of this.

## **OfSTED/CQC Local Area SEND reviews**

SEC supports the continuation of OfSTED/CQC Local Area SEND reviews in order to provide a more in-depth view of local systems and provision and is engaging with Ofsted in the discussion of the new framework.

## **Banding and price tariffs**

The Green Paper proposes the introduction of a '*Framework of banding and price tariffs matched to levels of need and types of education provision set out in the new national SEND standards.*'

SEC is opposed to the proposed national framework of banded funding linked to national standards since it:

- cuts across the individual decision-making process set out in the Children and Families Act 2014
- ignores the DfE letters sent to local authorities reminding them that a funding matrix cannot be used to determine the provision or funding for an individual child, precisely because it cuts across the statutory duties
- appears to imply that Education Health and Care Plans could specify bands of funding rather than provision.

The SEN and disability Code of Practice currently explains the statutory requirements in this way:

*9.16 Local authorities may develop criteria as guidelines to help them decide when it is necessary to carry out an EHC needs assessment (and following assessment, to decide whether it is necessary to issue an EHC plan). However, local authorities must be prepared to depart from those criteria where there is a compelling reason to do so in any particular case and demonstrate their willingness to do so where individual circumstances warrant such a departure. Local authorities must not apply a 'blanket'*

*policy to particular groups of children or certain types of need, as this would prevent the consideration of a child's or young person's needs individually and on their merits.*

Imposing a national banded funded system would cut across this individual consideration.

Children's needs are identified and met locally in schools and settings, by local services and with local authorities. SEC acknowledges that this is done variably, but the focus needs to be on improving local processes not a bringing in new set of requirements that, by their design, undermine the individual consideration of needs and provision.

The imposition of a new 'top-down' system would undermine local decision-making and ownership and lead to major national tensions about the nature of the framework.

## **Chapter 6: Delivering change for children and families**

### **Safety Valve and Delivering Better Value**

SEC welcomes funding for local authorities in difficulties. However, SEC is concerned that these approaches focus on driving down demand rather than managing the drivers of that demand. In effect, they are designed to address only the third symptom that the Green Paper identifies, high cost, and not the poor outcomes and parental dissatisfaction that are driving the high costs.

If the additional sums of money were invested in long-term improvements in provision for children and young people in schools and settings, in workforce development and in the other proposals in our 20 recommendations for action, below, the pressures would diminish over time. The current downward spiral could be transformed into a virtuous cycle.

SEC agrees that change programme is needed but does not support the focus on national standards that would cut across duties in the Children and Families Act. We would support a funded quality first improvement programme informed by research and shared learning. This is urgently needed to inform the improvement of the system.

## Section 2: Recommendations for action

SEC's recommendations for action are based on the 20 Asks that we submitted to the SEND Review. We summarised these under four broad headings:

- Keep it early: early action to identify and meet needs
- Keep children in school: focus on the quality of universal provision in settings, schools and colleges
- Keep children local: an integrated approach, locally delivered
- A recovery programme for all

We set out our 20 Asks again here with the evidence on which they are based. We set them out as a series of recommendations for action, grouped into the broad areas where practical action is required to achieve more inclusive provision and better outcomes for children and young people:

- Values and principles
- Accountability
- The quality of universal provision in settings, schools and colleges
- A comprehensive, long-term workforce strategy
- A funding strategy supported by a joined up local approach
- Phases and stages
- A recovery programme for all

Under each of these sections we set out a range of evidence and a set of recommendations for action. We summarise the recommendations for action at the end of Section 2. There are many ways in which the different sections overlap, for example, the quality of provision is very dependent on the skills of the workforce. However, SEC presents the different elements in this section as a package; we do not envisage that different elements would work on their own.

### Values and principles

Section 19 of the Children and Families Act 2014 (CFA) sets out the principles that local authorities must have regard to when supporting children and young people with SEN and disabilities. By extension, the principles inform the work of all the partners required to co-operate with the local authority under CFA. The principles place a greater emphasis than before on the importance of children and their parents, and young people participating fully in decision-making and on local authorities helping children and young people to achieve the best possible educational and other outcomes.

The principle is written into the United Nations Convention on the Rights of the Child:

*Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.*

Not only is it a fundamental principle, but where ideas, proposals and solutions are created with children and young people, they are more likely to be owned by them and more likely to be effective.

In practice these principles are not being respected consistently. A comparative study of data from 122 local authorities found evidence that co-production with children, young people and their families was consistently ineffective, with discrepancies between perceived levels of involvement and the reality (*The Co-production Illusion, Boddison and Sloan 2021*).

The abiding principle of the social model of disability which underpins the Equality Act 2010 is "Nothing about us, without us". It is a principle that informed CFA and the SEN and Disability Code of Practice 2015. Yet despite the emphasis in the Code of Practice (2015) on involving children and young people in decision making, Education, Health and Care Plans and reviews, the evidence is that the process itself is prepared by adults and not owned by young people themselves, who remain unempowered to make meaningful choices about how and when support and services are to be provided. (*Sharma, P (2021) Barriers faced when eliciting the voice of children and young people with special educational needs and disabilities for their Education, Health and Care plans and Annual Reviews. British Journal of Special Education, 48: 455-476*)

There is a range of evidence that we rehearse in the next section on accountability, that indicates that children and young people with SEN and disabilities do not have the same access to education as their peers; and, for some, access is compromised before they are admitted to a school:

Children and young people with disabilities and SEN are less likely to be welcomed into schools. In a report entitled, '*It might be better if you looked elsewhere*', the Office of the Children's Commissioner (OCC) heard from parents of children with SEN about their experiences (*NFER (2014) It might be best if you looked elsewhere: an investigation into the school admission process*). Despite a statutory code of practice on admissions requiring schools to give equal opportunities to children at key points of transition in their schooling, a small minority of schools acted in ways that went against the spirit of the code.

*'Their stories differ markedly from the very positive general picture of schools complying with statutory requirements. These parents describe, often in upsetting terms, school staff acting dismissively towards them and their children. They describe schools failing to respond to phone calls, emails and personal approaches or telling parents they did not think the child would 'fit in' at the school. The results are not fair on the child and we need to acknowledge the denial of rights involved'.*

The report also compares Year 7 admissions into neighbouring secondary schools in the same council area. It found that in some localities, in spite of having identical admissions criteria and supposedly comprehensive intakes, neighbouring schools had very different intakes. High achieving children in these areas were clustered in one or two schools, with others taking



more low achievers. None of the schools concerned overtly state in prospectuses or other materials that selection is in operation. But as the Commissioner said '*given everything else about them is equal, it is clear that something is amiss.*'

SEC believes that the starting point for change must be a clear, public articulation of a national entitlement of all children and young people to an education based on a set of values and principles providing for:

- a welcome for all children and young people
- their wishes, views and feelings respected and taken into account
- high aspirations
- high quality teaching and support to meet individual needs
- recognition and celebration of every child and young person's progress and achievements
- participation in their school or setting and their communities, and
- proper accountability of all partners for support provided and outcomes achieved.

This gives a clear guide and purpose to proposals for improving inclusive practice and should be clearly communicated to all schools and settings.

This is not a fanciful or ambitious aim and it would not incur additional costs. The European Agency for Special Needs and Inclusive Education, of which the UK is a member country, has developed a set of key principles for an inclusive education system. This provides a helpful model on which to base our own national entitlement. (*Key Principles Policy Brief: Supporting Policy Development and Implementation for Inclusive Education, 2021*).

## **Recommendations for action**

### **1. A Clear statement of educational entitlement for all**

High level, public ministerial commitments on educational entitlement of all children; including setting out actions to recognise and enable:

- all schools, colleges and settings to be for children and young people with SEN and disabilities
- support and training for all teachers as teachers of pupils with SEN and disabilities
- local implementation of children's legal entitlements under education legislation, the Children and Families Act, the Equality Act and the UNCRC.

### **2. Co-production at national and local level**

No national or local SEN and disability policy to be developed or agreed without widespread engagement/coproduction with parent carers and children and young people themselves.

## Accountability

Children and young people with SEN and disabilities are disproportionately excluded from schools and over-represented in absence and unexplained exits figures. Poor attendance needs to be seen in context of a range of ways in which mainstream schools have become less-welcoming places for them, with more children and young people with SEN and disabilities being excluded, educated in special schools and alternative provision, electively home educated and lost to the system by being 'off-rolled' or subject to 'unexplained pupil exits'.

### *Exclusions:*

The permanent exclusion rate for pupils with an EHC plan is 0.10 and for pupils on *SEN Support* is 0.20 – this compares to a rate of 0.04 for those with no identified SEN. A similar picture applies in relation to suspensions where the rates are 11.70 for pupils with an EHC plan, 10.98 for those on *SEN Support* compared to a rate of 2.43 for those with no identified SEN. The highest rates are amongst those whose primary type of need is identified as Social, Emotional and Mental Health (*DfE Permanent Exclusions and Suspensions in England 2019-2020*).

For our very youngest children, in 2018-19, there were 7,230 suspensions (fixed term exclusions) of five year-olds and 3,355 suspensions of four year-olds and younger. In the same year, 104 five year-olds and 30 four year-olds and younger, were permanently excluded from school. The 7,230 suspensions related to 2,794 five year-olds, so, on average, those five year-olds were suspended 2.6 times. These exclusion rates reflect a shocking erosion of entitlement to a suitable education for some of our youngest children. Exclusion at this stage is likely to start young children on a pathway to costly provision; costly in terms of human potential and costly in terms of the public purse.

### *Absence:*

Data for 2020/21 shows that pupils with an EHC Plan had an absence rate of 13.1% - three times that of those with no identified SEN (4.5%); those on *SEN Support* had an absence rate of 6.5% compared to 3.9% for those with no identified SEN (*Pupil Absence in Schools in England – Academic Year 2020/21*)

### *Unexplained pupil exits:*

There is growing evidence of unexplained pupil exits from schools in research data for Y11 pupils in 2017. As many as 1 in 10 pupils (10.1 per cent of all pupils in the cohort) experienced exits at some point during their time at secondary school that cannot be accounted for. As many as 4 in 10 of those failed to return to the school system. The overwhelming majority of unexplained exits are of vulnerable pupils, including around 1 in 6 (15.7%) of all pupils with identified special educational needs (SEND) (*Unexplained pupil exits from school Education Policy Institute and National Education Union - Hutchinson, J and Crenna-Jennings, W. (2019)*)

### *Elective Home Education:*

In addition to these high rates of unexplained pupil exits from school Ofsted identified a rapid increase in the number of children of secondary age being educated at home. In their 2019 report, Ofsted found that:

- As at autumn 2018, there were an estimated 58,000 children known to be educated at home, an increase of approximately 27% from the previous year. In particular, many children moved to home education from secondary school.
- Evidence suggests that, overall, a disproportionate number of children who are removed from the school roll of a secondary school and do not move to another setting have special educational needs, are from disadvantaged backgrounds or are known to social care services, or have a combination of these characteristics.
- Schools face some pressures that can encourage decisions to be made in the interests of the school. A few school leaders commented that the pressures of the accountability context for secondary schools are a barrier to meeting the needs of some pupils.

### *Behaviour policies:*

There is much encouragement for schools and settings to have policies that are applied consistently to all children in the interests of fairness. However, treating everyone the same and applying the school's rules and procedures on behaviour management regardless of disability, discriminates against a pupil whose disabilities call for a proportionate response, or adjustments, to be made. Approaches to behaviour are particularly prone to the application of rigid rules and policies and the absence of reasonable adjustments. Ofsted has identified a lack of understanding of the disability duties in the Equality Act 2010 in this context and made clear that inspectors had seen examples of schools

*giving parents an ultimatum – permanent exclusion or leave – or pursuing fines when a reasonable adjustment for a disability would have been more appropriate (Ofsted, 2019).*

Despite these challenges, the Challenging Behaviour Foundation in 2015 reported a lack of local behavioural support when children were small and professionals with little or no training or expertise in challenging behaviour (*Paving the Way: How to develop effective local services for children with learning disabilities whose behaviour challenges -The Early Intervention Project, Challenging Behaviour Foundation and Council for Disabled Children (2015)*)

### *'Additional or different' provision and reasonable adjustments*

Duties in the Children and Families Act 2014 require schools and others to make 'additional or different' provision for pupils with SEN; and the Equality Act 2010 requires schools and others to make reasonable adjustments for disabled pupils. Adjustments to the school environment can improve attendance and a sense of 'belonging' in school. Behind these duties is a social model of disability which focuses on the need for the environment to adapt to accommodate individual children. This is best implemented as part of a whole school approach.

SEC's concern is that, in particular, reasonable adjustments for disabled pupils are not being applied to the process of supporting attendance, improving attendance and supporting the return to school for children and young people who have been out of school for prolonged periods of time. The lack of focus on reasonable adjustments leads to two unintended consequences:

- An attitude to parents that is insufficiently focused on analysis, adjustments to the school environment, careful planning and the voice of the child and family; and is instead too focused on escalation and sanctions; and
- A punitive approach towards schools who may be doing good work to bring children and young people back into school, but will be judged to have poor attendance figures.

In their 2022 report on school attendance and persistent absence Ofsted make clear that school leaders who have improved attendance have seldom focused on attendance in isolation. Leaders emphasised the importance of making school a safe place where pupils really want to be, with the right ethos, a curriculum worth studying and lessons that are worth attending. Making sure that pupils feel that learning is worthwhile is important. Many leaders in these schools have also worked on behaviour in lessons, anti-bullying measures and the wider school culture as part of this. (*Securing Good Attendance and Tackling Persistent Absence- Ofsted, 2022*)

With a sharper focus on the progress of different groups of pupils, the 2019 Education Inspection Framework has enabled Ofsted to identify variability between schools and the positive impact on school results of the removal of pupils with SEN and disabilities from the register:

*This is a school where the provision for vulnerable pupils and pupils with SEND is far from good enough.*

*Senior leaders and trustees have failed in their statutory duty to ensure that the school provides an inclusive education. They have not made the necessary reasonable adjustments to ensure that provision meets the needs of all pupils, including those with SEND.*

*Senior leaders have engaged in taking some pupils off the register by encouraging some parents to home-educate or to seek different schools for their children. Ofsted (2019)*

Researchers examining the data on pupils removed from secondary school rolls have pinpointed the flattering impact this can have on school results:

*Pupils leaving can have a very flattering impact on the league table results of a school – with GCSE pass rates up to 17 percentage points lower in some cases if league tables are re-weighted to include all pupils who received some of their education there, in proportion to how much time they spent there;*

Nye, P. and Thomson, D, (2019)  
*Who's left 2019, part two: How do you lose 6,700 pupils? FFT datalab*

High exclusion and absence rates and the rise in unexplained exits are indicators of the diminished capacity of mainstream schools to identify and support children and young people whose behaviours are linked to their SEN or disabilities and reflect the lack of effectiveness of measures taken so far to address this issue. The Timpson Review made extensive recommendations for tackling the disproportionate exclusion of children and young people with SEN and disabilities from school including investing in multi-disciplinary teams around schools; providing better guidance for parents about their rights in the exclusions process as part of the Local Offer; updating statutory guidance on school exclusions to include a stronger focus on putting reasonable adjustments in place and improving training for SENCOs – what is needed now is a clear plan to put those recommendations into practice. (*The Timpson Review of School Exclusions – Command Paper 92 (May 2019)*)

The Children and Families Act (2014) sets out schools' duties to support pupils with medical conditions, so that they '*can have a full and active role in school life, remain healthy and achieve their academic potential*'. This duty applies to both physical and mental health conditions, and local authorities are expected to work with schools to support pupils with medical conditions to attend full-time, wherever possible. However, the Health Conditions in Schools Alliance has found that only 46% of schools (from a sample of 200) have a policy in place for supporting pupils with medical conditions. Further, many children with long-term conditions would be considered disabled under the Equality Act 2010 and entitled to expect schools to make reasonable adjustments for them. (*Health Conditions in Schools Alliance (2017) Investigation into schools' compliance with Department for Education statutory duty for supporting pupils with medical conditions in school*)

These pressures and the lack of incentives for schools to be inclusive argue for tighter accountability for the progress of pupils with SEN and disabilities.

Making SEN and disability more central to periodic Ofsted and CQC reports and in high level scrutiny at national and regional levels are important in getting a high-level picture of how well the system is supporting children, young people and families and improving outcomes. But the mechanisms for holding individual schools, settings and local authorities to account for their responsibilities towards children and young people with SEN and disabilities are insufficient in relation to, for example, providing *SEN support* for individual children and young people, making the provision specified in EHC plans, and implementing the Equality Act 2010 duties, including the anticipatory duty to make reasonable adjustments to policies and practice and the access planning duties.

At present parents and carers and young people have no effective, independent route of redress (other than judicial review) when SEN Support is not being delivered, when children are 'informally,' that is, unlawfully excluded or when provision in an Education, Health and Care Plan is not being delivered as prescribed in a school or setting. To remedy this SEC believes that the jurisdiction of the Local Government and Social Care Ombudsman (LGSCO) should be extended to include the power to investigate complaints relating to schools, including Academies.

## Recommendations for action

### 3. Increased accountability for SEN and disability responsibilities

Better mechanisms for holding 'responsible bodies' to account for their responsibilities under the Children and Families Act and the Equality Act, including:

- No school, college or setting to be graded 'good' or 'outstanding' unless their SEN and disability provision is also 'good' or 'outstanding'.
- Ofsted to carry out a thematic review of SEN and disability in schools, settings and colleges and to inspect all high needs funded provision
- The LGSCO is given the power to investigate SEN complaints relating to schools and academies.
- Equality Act responsibilities including, in particular, the anticipatory duty to make reasonable adjustments
- DfE to commission EHRC to report on how well early years settings, schools and colleges are meeting their Equality Act responsibilities.

### 4. Presence, participation and learning for all

A national programme to increase participation of children with SEND in mainstream school-based education, including:

- Challenge to schools that operate exclusive admissions practices
- An evidence informed plan, including recommendations from the Timpson Review, is developed to eliminate the disproportionate exclusion of disabled children and young people and those with SEN
- tailoring provision to support pupils with medical needs and mental health needs currently over-represented in persistent absence figures.

## The quality of universal provision in settings, schools and colleges

Much of the quality of universal provision in settings, schools and colleges is linked to the training and skills of the workforce. Recognising the significant overlap, we nonetheless focus on workforce in the next section and other aspects of quality here.

In the early years, research from the *Effective pre-school, primary and secondary education project* informs our understanding of the importance of high-quality pre-school provision and provides a robust evidence base for the key features of that high-quality provision. There are consistent themes in the research:

- the association between high quality settings and a higher proportion of trained teachers (*Taggart, B., Sylva, K., Melhuish, E., Sammons, P. and Siraj, I. (2015) Effective pre-school, primary and secondary education project (EPPSE 3-16+) How pre-school*

*influences children and young people's attainment and developmental outcomes over time. DfE Research Brief (pp19-21))*

- the same research also identified the importance of strong leadership and long serving staff with a good knowledge of the early years curriculum, child development and young children as learners;
- research evidence analysed by the National Audit Office (2016) indicates that a better educated early years workforce, leads to better outcomes for children;
- the Ofsted overview of research highlights the benefit of a trained teacher as a leader or manager (*Ofsted (2019) Education Inspection Framework: overview of research*)
- in the same research overview, Ofsted also found *evidence of the importance of creating a language-rich environment, teacher sensitivity, smaller child-adult ratios and lower staff turnover.*

SEC considers insufficient attention is given to the need to develop the understanding and skills of all practitioners, class and subject teachers and teaching assistants, and recognise the importance of universal 'quality first teaching' in all settings. In particular, there is insufficient focus on supporting the development of children's language and communication skills, which underpin all learning. This is an acute problem in relation to children and young people who do not have an Education Health and Care Plan but require *SEN Support*. Research by the Communication Trust tells us that teachers recognise the importance of this but feel under-confident in assessing children's speech, language and communication and in identifying and supporting their needs, see next section.

The present structure of the curriculum acts as a disincentive to schools to include the significant numbers of children and young people who perform outside the national expectations. DfE data for 2019 shows that the proportion of pupils who do not achieve expected standards are 28% for the Early Years Foundation Stage; and 30% at Key Stage 2 with very similar data for Key Stages 3 and 4.

The structure of the 2014 national curriculum does not support an inclusive approach. With specific content for each year cohort, children who have not met expected levels at the end of the previous key stage have no obvious curriculum entitlement as they move into the next key stage. Without proper links or clearly articulated pathways, these need to be constructed by schools and teachers. This makes it harder to tailor provision for each child and harder to teach inclusively.

These challenges often lead to a more restricted curriculum for children and young people with SEN and disabilities, often accompanied by reduced relevance to their life beyond school. With less relevance and a less bespoke offer, this, in turn, makes it less likely that children and young people with SEN and disabilities engage in learning and more likely that they will show disruptive behaviour. The data on exclusions shows that persistent disruptive behaviour is the most common and fastest growing reason given for fixed period exclusions and within the data, we can see the disproportionate representation of children and young people with SEN and disabilities in both exclusion and absence figures.

These challenges sit long side wider unease about the breadth and relevance of the curriculum in preparing children and young people for the future. (Pearson (2022) School Report).

Current assessment arrangements are narrow and do not provide a meaningful ladder of curriculum entitlement and assessment against which to measure progress made between key stages.

The system should assess, recognise and celebrate the progress and achievement of all children and young people. Progress 8 does not allow for a broad enough measure of achievement. At the end of Key Stage 4 all young people should be able to leave school with a wide range of qualifications that have a proven track record in supporting young people with SEN and disabilities to progress to further education, training or a range of employment options.

Beyond school, there needs to be a more sophisticated approach to destination measures that allows for the recognition of non-qualification achievements and captures data about longer term, sustained outcomes for young people moving beyond school and college.

## **Recommendations for action**

### **5. Curriculum continuity and progression for all**

National articulation of curriculum entitlement provides relevance, continuity and progression:

- from early years through to adulthood
- including for children 'falling below national expectations' in national tests

### **6. Increased focus on language and communication skills**

Increased focus on language and communication skills as key to learning:

- including strategies through quality first teaching to support all children to develop skills in speaking and understanding language
- by strengthening SEN support for children and young people with speech, language and communication needs.

### **7. The achievement of all children and young people counts**

Statutory assessments at key stages and qualifications at key stages 4 and 5 recognise the achievements of all children and young people; and all young people have their achievements recognised when they leave school.

### **8. The progress of all children counts**

The progress of all children counts towards school progress measures.



## A comprehensive, long-term workforce strategy

We wanted to start this section with some quotes from children and young people themselves about the importance to them of the staff who work with them having the right skills and attitudes. The quotes are from children and young people (in their own words) brought together by the Participation team at the Council for Disabled Children, specifically to review the proposals in the Green Paper:

*Certain teachers are really helpful, listen and help me concentrate*

*Sometimes it's great and sometimes it could be improved. Good support in educational setting. Not happy that people still have to fight for their voices to be heard.*

*At primary school had a lot of support but lacked support in secondary school. Could have had better communication during exams*

*Support staff need to be more understanding. They could get better training to support me better*

*[It works] because everyone works as a team*

*Because sometimes it can be really useful and sometime you have to explain things to people over and over again and their not really understanding my needs and not taking the time to understand my needs. Some support very well to support our voices and help us have reedim of expression*

*Sometimes staff are understanding, sometimes they're not. Different people help. Teacher is better. Trained staff are more understanding. Feel new staff coming in and feel they're strangers.*

*Not all teachers totally understand what support I need*

*Some people don't give enough respect. I could use more support. I've got a laptop in school to help me do my work*

*Most people have help but I'm on my own a lot and sometimes I struggle. I not really sure why i don't get the help that other people do*

*There isn't much awareness, it isn't spoken about, people could be a lot more informed. It's like we are the ones who have to explain it every time. Needs better communication*

These points from children and young people themselves focus on the importance of the skills of teachers and those working with children and young people, but also their attitudes and the way that they co-ordinate with each other as a team to provide continuity, good communication and consistency in their support. It is vital that we build these skills and qualities into staff training.

In the previous section we reviewed evidence on how quality in the early years and better outcomes for young children are dependent on higher levels of staff qualifications, strong leadership, long serving staff with a good knowledge of the early years curriculum, child development and young children as learners, and lower staff turnover.

In this context, an Early Years Alliance survey in 2021 found high levels of turnover, and significant difficulties in recruitment and retention. Respondents, mostly setting managers, identified a lack of applicants; applicants without relevant early years qualifications; and high levels of staff losses, with 62% of respondents aware of staff who had left their setting in the past six months who had left the early years sector completely. (*Early Years Alliance (2021) Breaking Point: The impact of recruitment and retention challenges on the early years sector in England*)

In Section 1, we referred to the need to focus on a whole setting approach and the skills and responsibilities of all staff for children and young people with SEN and disabilities.

The findings from studies of early career teachers/NQTs show that teachers need the resources to be able to address and identify the learning and behaviour needs of the children and young people they teach. The most recent DfE Annual Survey of NQTs published in 2018 found that only 40% of respondents gave a positive 7-10 rating for assessing the progress of pupils with SEN. The 2018 TALIS (Teachers in Primary and Secondary Schools) report for England reported that just under 40% of primary and lower secondary school teachers felt they had a moderate or high need for additional continuing professional development in teaching pupils with SEN – one of the highest priority needs identified (*Teachers in Primary and secondary schools TALIS (2018)*)

The NASUWT 2018 SEN Survey found that two thirds of teachers either never, rarely or sometimes receive the support they need to teach children with SEN effectively. Increased workload was a barrier to teachers meeting learners' needs as were increasing challenges in accessing specialist support, with thresholds being raised and significant delays in getting assessments of need and receiving support. The 2019 SEN Survey found that 41% of teachers reported that there is appropriate training in place for all teachers in supporting pupils receiving SEN support. This is a significant decrease since summer 2018 when 59% of teachers agreed with this statement. (*NASUWT SEN Surveys 2018 and 2019 -NASUWT.org.uk*)

School staff have also identified barriers in eliciting the views of children and young people in a meaningful way due to lack of appropriate training on appropriate methods for doing so. (*Sharma, P (2021) Barriers faced when eliciting the voice of children and young people with special educational needs and disabilities for their Education, Health and Care plans and Annual Reviews. British Journal of Special Education, 48: 455-476*)

As noted above, insufficient attention is given to the need to develop the understanding and skills of all class and subject teachers and teaching assistants, and the importance of 'quality first teaching', particularly in supporting the development of children's language and communication skills, which underpin all learning. We referred, above, to the research by the Communication Trust that tells us that teachers recognise the importance of this but feel under-confident in assessing children's speech, language and communication and in identifying and supporting their needs.

In addition to the evidence of a lack of understanding of the disability duties in the Equality Act 2010 identified by Ofsted in its reports, research carried out by Dr Armineh Soorenian

(2019) for the Alliance for Inclusive Education reviewing the availability and quality of school accessibility plans identified some key issues:

- Notwithstanding regional differences, it appeared that schools attended by Disabled young participants had made little effort to publicise Accessibility Plans.
- Disabled young participants with an ongoing need to receive information in alternative formats felt that such provision was not standard practice in their schools.
- Lack of disability support within mainstream schools was a great concern for parents, and brought about dilemmas concerning their children's educational, social and emotional needs.
- When advocating for their children with regard to the removal of access barriers, parents were met with staff non-compliance and inflexible attitudes.
- Disabled young participants reported that support received in relation to exams was unpredictable and inconsistent.
- Disabled young people encountered social barriers when trying to feel included in the social community of their school.

Many of the disability duties in the Equality Act require different treatment for disabled pupils including reasonable adjustments to prevent discrimination. There is a significant overlap between disabled pupils and pupils with SEN and SEN legislation requires *additional and different* provision to be made for children with SEN. The Equality Act duties and those in the Children and Families Act 2014 relating to SEN are anticipatory and require schools and settings to think ahead and act to include disabled children and young people and those with SEN. This lack of awareness of the Equality Act duties acts as a brake on the development of a more inclusive system.

Developing more inclusive provision requires concerted action to develop a better trained and supported workforce from initial training to induction and on to continuous professional development. A comprehensive workforce strategy needs to be long-term and focused on:

- the skills to support children and young people at all ages and stages;
- the need for the right attitudes, in line with the principles set out above, to accompany the right skills;
- the wide range of professionals across health, social care and education who work with children and young people. Often missed out of thinking about workforce development are the local authority staff who work with children and young people and their families through the EHC needs assessment process and the drafting of an EHC plan;
- periods of high risk, particularly at transition between stages and beyond school and college to suitable employment, accommodation, adult education supplemented, where it's needed, by ongoing care packages.

This workforce strategy needs to be underpinned by a long-term funding strategy.

## **Recommendations for action**

### **9. Improved qualifications across the early years workforce**

A long-term plan to improve qualifications across the early years workforce, with a key focus on:

- a detailed understanding of child development
- language and communication
- understanding of SEN and disability responsibilities.

### **10. All staff trained and supported**

All staff trained and supported in their initial training and throughout their career in:

- identifying and addressing the different learning, communication, behaviour and wellbeing needs that underlie SEN and disabilities
- ensuring the views of children and young people are central to the way their needs are met
- understanding of effective practice to prepare and support young people with SEN and disabilities at transitions and into adult life
- understanding statutory responsibilities to children and young people with SEN and disabilities.

## **A funding strategy supported by a joined up local approach**

There are three key elements in a funding strategy to support a more inclusive approach:

- ensuring that schools and settings have the funding to increase their capacity to be more inclusive;
- having a clearly articulated agreement about what provision is expected to be made 'ordinarily available' in schools, early years and post-16 settings;
- ensuring the availability of specialist services that support schools and settings and supplement and complement what schools can do on their own, from their delegated budget.

Ensuring a long-term funding strategy, designed to ensure these elements, is key to identifying and meeting needs at the earliest possible point. Shortfalls in funding have a deep and fundamental impact across the system, where they affect the capacity of schools and settings to identify and meet needs early; and where they affect the availability of services and support across education, health and social care.

In 2019 the National Audit Office noted that: 'Pressure such as incentives for schools to be less inclusive - increased demand for special school places, growing use of independent schools and reductions in per pupil funding - are making the system less, rather than more

sustainable.' (Support for Pupils with Special Educational Needs and Disabilities in England – National Audit Office,2019).

In its survey of school leaders on the state of school funding in 2021 the National Association of Head Teachers (NAHT) reported school leaders' concerns about funding for pupils with Special Educational Needs and Disabilities. Almost all school leaders (97 per cent) responding to the survey reported that funding for pupils with SEND in their school was insufficient, and similar numbers (95 per cent) reported that top-up funding for pupils with education, health and care (EHC) plans was insufficient. Some four in five (79 per cent) said they had to fund the purchase of additional services because they were not available or accessible from health and social care. (*A Failure to Invest – the state of school funding in 2021, NAHT 2021*)

There are some specific concerns about funding for students with SEN and disabilities in Further Education (FE). Over 200,000 students with SEN and disabilities in general FE colleges are currently not receiving any dedicated SEN support funding, creating pressure for EHC plans, while, of the 71,000 students in FE with EHC plans, only 38,000 get high needs funding. FE colleges often take students directly from alternative provision. Yet when they move from AP into FE the higher levels of funding they attracted in AP drop.

The capacity of schools to respond to children with a range of SEN and disabilities, is very significantly affected by the availability of specialist local education, health and care services. School and college funding problems have been exacerbated by the significant erosion of local specialist services such as educational psychologists, speech and language therapists, physiotherapists, autism outreach, teachers of the deaf and other sensory specialist teachers in recent years:

- The National Deaf Children's Society found a 17% decline in the number of qualified Teachers of the Deaf since 2011 and a decline in the numbers in training.
- In 2019 Royal National Institute for the Blind (RNIB) reported in responses to its Freedom of Information requests 23% of local authorities had cut funding for their Visual Impairment (VI) services in the preceding two years and that a further 21% had frozen their budgets. In total, 75% of local authorities had either cut or had not increased funding for their VI services in line with inflation. (*Left out of learning, RNIB, 2019*)
- In 2016 a survey of speech and language therapists carried out by the Royal College of Speech and Language Therapists found only 40% of respondents said they had the capacity to deliver services to children *without* Education, Health and Care (EHC) Plans and 43% said that speech and language therapy support was not being commissioned for children aged 0-2 years. In the words of one respondent:  
*"It is now very rare for children under three with very specific SLCN to receive any therapy and therefore I expect to see a greater need for targeted SLT in the 3-11 age group as their needs are not being addressed as early as possible."*
- Whilst the Department for Education is currently supporting the recruitment and training of additional educational psychologists (EPs), many of these recruits will not

graduate until 2026. In the meantime, many EP posts are not filled, because of recruitment difficulties and pressure on local authority budgets. The British Psychological Society has identified:

*'a huge national shortage of educational psychologists, with one for every 3500 children between the ages of 5-19 in England.'*

In 2019, a report by the Institute for Employment Research at Warwick University, commissioned by the DfE, noted the following:

*Over two-thirds (68%) of PEPs surveyed reported difficulties in recruiting to fill vacant posts, resulting in a shortage of EPs and insufficient staff to cope with demands. Two-thirds (66%) of LA PEPs said that they had at least one vacancy for a permanent EP post and of these, 83% reported that they consistently experienced recruitment difficulties.*

*Of the LA PEPs surveyed, 93% said that they were experiencing more demand for EP services than could currently be met. The most commonly cited demand side factor contributing to a shortage of EPs in LAs was the increase in statutory assessment work following the SEND reforms in 2014.*

The pressure on EPs is such that, like SLTs, educational psychologists have significantly been diverted away from early preventive work to statutory work with children with an EHCP. The reductions in local authority budgets has led to the erosion of a range of specialist services supporting children and young people with a range of disabilities and SEN.

The reduction in specialist support services has made it harder for schools to provide the appropriate support for some children. In 2019, Ofsted found that much of the support that helped schools to meet pupils' needs was no longer available and they identified the limited access to in-school and wider support as a factor contributing to the increase in elective home education.

SEC sees specialist support as being key to the capacity of schools to identify and meet children's needs at the earliest possible opportunity; and the reduction in the availability of services as being a significant factor in the increased number of pupils with an EHCP. With the increase in EHCPs over recent years accounting for the biggest increase in costs to local and national high needs budgets, closely followed by increases in placements in special schools and in Alternative Provision, this, in turn, has led to even less local authority support being available for children and young people at SEN Support (those with no EHC Plan).

Under the Children and Families Act 2014 local authorities have a duty to identify all the children and young people in their area who have or may have special educational needs, and for whom they are then responsible. Health agencies have duties to bring young children to the attention of the local authority when they consider a child has, or possibly has, SEN or a disability.

Despite these duties Ofsted and CQC Local Area Reviews have identified a number of problems affecting the identification of needs, including:

- Communication between agencies not being as strong as it should be in some areas;
- Local areas where the two to two and a half year old checks are not integrated;
- Long waiting times and limited access to specialists including autism, therapies and CAMHS, due to high demand and capacity constraints (including staff turnover, recruitment and retention); and
- Inconsistent practice among schools in some areas, particularly for children and young people at *SEN Support*.

With lack of clarity about respective responsibilities and insufficient specialist support, there is an increased risk of delayed identification of needs. Further assessment of pupils who had SEN but whose needs had not been identified in mainstream school or who had been given the label of "SEMH" revealed their behaviour to be the result of underlying and unmet communication and interaction or learning needs. (Bryant, B., Parish, N., & Swords, B. (2018) *Alternative provision market analysis. Isos Partnership. DfE Research report*).

The requirement under the Children and Families Act 2014 for local authorities to publish a local offer setting out the provision they expect to be 'ordinarily available' in schools and settings for children and young people with SEN is inconsistently observed. In practice these inconsistencies have led families to lose confidence that their local setting can meet the needs of their child and often led to seeking EHC plans or specialist provision as a means of guaranteeing the appropriate support for their child.

Children's needs rarely fall neatly into one area of service responsibilities. Recognising this, the Children and Families Act 2014 introduced Education, Health and Care plans to bring together the different forms of support that a child or young person may need.

At the local level, local authorities are required to promote the integration of educational and training provision with health care provision and social care provision where they judge this would promote the well-being of children or young people in its area who have SEN or would improve the quality of special educational provision. Local authorities and 'partner commissioning bodies' have duties to put in place joint commissioning arrangements. These duties are set in the context of wider duties, under the Health and Social Care Act, to understand the needs of the local population, plan to improve the health and wellbeing of the local community and reduce inequalities for all ages.

These joint duties are key to improving outcomes for children and young people with SEN and disabilities and Ofsted and CQC local area reviews have identified examples where outcomes are improving because of:

- Strategic leadership across education, health and social care, particularly in respect of a shared understanding of local needs, joint planning, monitoring and focus on outcomes;
- Joint working; and
- Joint commissioning.

However, the joint local area reviews carried out by Ofsted and CQC have identified highly variable practices and too many local areas are required to submit a formal 'written statement of action' because of failures in this area. We need to learn from the areas where jointly commissioned services have both improved outcomes and saved funding such as the Bristol PBSS (Challenging Behaviour Foundation and Council for Disabled Children (2022) *Paving the way: How to develop effective local services for children with learning disabilities whose behaviours challenge*):

*The Bristol Positive Behavioural Support Service (PBSS) was initially commissioned in 2004 as a single intervention programme in response to a crisis situation faced by the family of an 11 year old child with a severe learning disability, on the basis of a three month trial. Within three months the child was back in school full time and making progress across a range of areas. After one year he was settled back in school and engaging in education with almost no aggressive incidents. Following this success the PBSS was established using joint LA and Health funding and it is now a standing team working in both homes and schools. It is led by a 0.7 equivalent clinical psychologist, supported by 3.5 assistant psychologists. The joint Local Authority and CCG commissioning group now funds the PBSS to provide services into the family home and community settings. Schools purchase the PBSS on a case by case basis. How do we know it works?*

- *As a result of PBSS support, all 12 children supported (over 5 years) learned new skills and made developmental progress, usually in relation to communication.*
- *The PBSS enabled 10 of the 12 children to stay permanently in their local school. The other 2 children stayed for longer than had been anticipated.*
- *The PBSS demonstrates (consistent with research literature) that positive behaviour support plans based on functional assessments can deliver positive outcomes for children and young people.*
- *A financial review of the PBSS in Bristol calculated that, over four years, the PBSS produced savings of £1.8 million.*

## **Recommendations for action**

### **11. Funding recognises the additional costs of SEN and disability**

- Increased proportion of funding allocated to schools and settings with higher levels of need
- increased proportion of funding allocated to pupils with higher levels of need, a tiered approach
- further exploration of a means of recognising disability and low incidence needs in the funding formulae
- funding in High Needs block is sufficient to meet needs of and specialist services for children with SEN and disabilities



- SEN support funding extended to young people in college at the same level as schools, with recognition of the additional time young people may need to achieve qualifications.

## **12. A joined up local approach: 'Ordinarily available provision' is agreed and published locally**

'Ordinarily available provision' is jointly developed, agreed locally, published and kept under review locally as required by the Children and Families Act 2014; 'ordinarily available provision' to include examples of the kinds of reasonable adjustments all schools are expected to make, in accordance with the Equality Act 2010.

## **13. A joined up local approach: Local pathways ensure access to specialist expertise for children and young people at each phase of their education.**

Local pathways to specialist expertise must:

- Be based on a sound understanding of local need
- Secure the range of specialist expertise to meet local needs
- Be strategically planned, including at regional level, where appropriate, for post-16 provision in particular
- Be jointly commissioned services to meet those needs
- Be supported by government investment to address the shortage of specialist services.

## **14. Increased availability of early help and family support**

Increased availability of early help and family support, across all areas of need, and at every age and stage, to promote the welfare of children and families and ensure that children's legal entitlements under social care legislation are met.

## **Phases and stages**

In the introduction to our response to the proposals in the Green Paper, SEC referred to the reduced access to education for children and young people with SEN and disabilities. This is an acute issue for young children with SEN and disabilities. There is a range of evidence indicating that access and entitlement to high quality early years provision is more limited for children with SEN and disabilities than it is for their peers. Barriers relate to poor staff skills, costs of provision, and low levels of parental satisfaction and confidence in the quality of the provision.

Access: a Parliamentary Inquiry in 2014 found:

*'...worrying evidence that the lack of suitable and willing providers, and limited inclusion support, means many children are prevented from accessing the universal 15*

*hours free early education offer, denying them critical developmental opportunities available to non-disabled children.*

The Inquiry recognised that all families face childcare challenges:

*... but these problems increase dramatically for disabled children and young people. Whilst there are numerous examples of good practice and inclusive provision, many parent carers described being subtly discouraged or simply turned away by a provider. Some parent carers were offered fewer than the 15 hours of early education they are entitled to<sup>1</sup>.*

A follow-on survey, a year later<sup>2</sup>, found that only 60% of parents of disabled children were receiving the (then) full free entitlement, 15 hours per week for 38 weeks; 15% some of the free entitlement, but less than 15 hours per week; and 25% none of the free entitlement. Some parents did not think the provision could care for their child safely; some that staff were not adequately trained; some thought provision was not inclusive and would not support their child in participating in activities alongside their peers; and 25% said the nursery or child carer refused a place or excluded their child because of their disability or SEN.

There is evidence of the impact of poorer early experiences in the DfE data, with growing gaps between pupils with SEN and disabilities and their peers. There is also evidence from the longitudinal studies held by the Centre for Longitudinal Studies at the UCL Institute of Education. In a series of analyses, researchers found that, even between the ages of 3 and 5, young children with SEN and disabilities, starting from the same point in learning and development as their peers, fell behind their peers. Matching for learning and development again at the age of 5, children with SEN and disabilities fell behind their peers again by the age of 7.

Throughout our response to the Green Paper we have highlighted specific aspects of access and inclusion for children and young people with SEN and disabilities that need to be addressed. There needs to be a particular focus on the way that needs change as children and young people move to a new phase or stage and require a different response.

As young people reach the age of 19, individual decisions about the value of continued education need to be informed by the guidance in the Code of Practice, driven by the needs of young people and a consideration of the potential benefit of investing in their education at this point.

Beyond education, there needs to be a joined-up approach across government to ensuring that the skills and behaviours that young people have developed during their time in education are well used, including:

- Skilled advice on supported employment options

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<sup>1</sup> Contact a Family (2014) *Parliamentary Inquiry into childcare for disabled children: Levelling the playing field for families with disabled children and young people*

<sup>2</sup> Contact a Family (2015) *Levelling the playing field: Equal access to childcare for disabled children One year update*

- Suitable housing options
- adult education options for people with learning disabilities.

## **Recommendations for action**

### **15. Earlier identification of and response to needs**

Earlier identification of needs and a person-centred response at every age, from birth, and at every stage.

### **16. Home learning programmes for all children with SEN and disabilities**

Family support for early learning to be made available for all children with SEN and disabilities and their families.

### **17. Integrated Review at 2**

The 2-year-old check to be carried out as an Integrated Review with input from relevant specialists.

### **18. Transition planning for children and young people with SEN and disabilities**

Transition planning for children and young people with SEN and disabilities:

- At each transition
- Children and young people are fully prepared with involvement of all key parties
- Transition carried out in accordance with: Children and Families Act, the regulations, the SEND Code of Practice and the Equality Act 2010.

### **19. Specialist careers advice**

Specialist careers advice, provided by trained professionals, for children and young people with SEN and disabilities from Year 9 onwards, with clear pathways to employment. This needs to be supported by a national training programme to ensure that all careers advisers are confident in delivering against the Gatsby benchmarks for all children and young people.

## **20. A recovery programme for all**

In its July 2021 report *SEND: Old issues, new issues, next steps* Ofsted reported that children and young people with special educational needs and disabilities (SEND), their families and those who work with them have faced significant challenges during the pandemic. Many children and young people with SEND and their families were already experiencing flaws in the services that they were receiving before the first national lockdown began in March 2020 and there were also many existing concerns about their outcomes. The effects of the pandemic and the related lockdowns served to exacerbate these issues enormously.

In the autumn term 2020, Ofsted found that children and young people with SEN and disabilities were often not receiving education. Some important healthcare, such as physiotherapy, had also ceased. This left children and young people immobile and sometimes in pain. A lack of speech and language therapy, or communication devices not being available, left them unable to communicate properly. Social care and health-funded respite provision for families had also not been available. Many children and young people, including those with complex needs, did not attend school or college during the first national lockdown. Some did not have a place in school because they did not have an EHC plan. Some did have a place, but did not attend because their parents were too anxious to send them in. Others could not attend because schools said that their health or personal care needs could not be met. Some received remote education and coped well with this; others did not. When schools and colleges opened fully to all pupils in September 2020, not all those with SEN and disabilities returned. Those who did return were sometimes given a narrower curriculum than usual.

By the time of the third national lockdown in spring 2021 for many, life had become more difficult over time. Children and young people, particularly those who had moved to a new school or college in September 2020, were feeling isolated and lonely. The issues that were raised in Ofsted's autumn term visits to local areas – a lack of health and care provision, inconsistent provision from schools, long waiting times for assessments – continued.

Throughout the pandemic, local areas have had to adapt their ways of working frequently and significantly to continue to provide services for children and young people with SEND. The success with which they adapted appeared to be closely related to the quality of their work with families before the pandemic. It also depended on the extent to which they had implemented the 2014 reforms in a way that created the right relationships, systems and structures. Some areas quickly managed to adapt while others struggled.

However, although there were areas where professionals managed to adapt well and where different parts of the system worked together effectively, it is evident that children and young people with SEND are now even more vulnerable than they were before. Missing out on education – in some cases, missing vast amounts – means that these children and young people will be further behind their peers. Missed support for physical health, communication needs and mental health has had a seriously detrimental, and in some cases potentially permanent, impact. Some children and young people with SEN and disabilities have been out of sight of safeguarding professionals. Preparation for adulthood, including for education, employment and training, has been adversely affected. Delays in identifying needs have meant that some children and young people's needs may not have been properly assessed or even noticed.

This presents a disturbing picture and emphasises the need for a strong recovery programme for children and young people with SEN and disabilities and their families. It also highlights the need for concerted and sustained action to improve the quality and consistency of universal provision and the capacity of the system to identify and provide support early and effectively.

## Recommendations for action

**20. A strategic, fully resourced education recovery programme that includes all children and young people with SEN and disabilities and addresses the specific needs of particular groups, including:**

- Those who are experiencing difficulties in returning to school
- Those who require specialist support for their learning
- Those whose experiences put them at risk of exclusion in the recovery period.

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SEC is supported by: • Afsaic • Ambitious about Autism • Association of Colleges • Association of Educational Psychologists • British Dyslexia Association • Centre for Studies on Inclusive Education • Contact • Council for Disabled Children • Dingley's Promise • Down's Syndrome Association • Driver Youth Trust • Equals • Guide Dogs for the Blind • IASS network • I CAN • IPSEA • Just for Kids Law • Mencap • NAHT • Nasen • NASUWT • National Association of Independent Schools and Non-Maintained Special Schools • National Autistic Society • National Children's Bureau • National Deaf Children's Society • National Development Team for Inclusion • National Education Union • National Network of Parent Carer Forums • Natspec • Prospect • Royal National Institute of Blind People • Seashell Trust • SEND Community Alliance • SENDIASS • Sense • Square Peg • Thomas Pocklington Trust • United Kingdom's Disabled People's Council • Young Epilepsy