

The new system

As the Government publishes more details of the biggest SEN shake up for 30 years, Lorraine Petersen takes a closer look at the proposals



The Green Paper (*Support and Aspiration: A new approach to special educational needs and disability*) published in March 2011 set out the vision for a new system to support the 1.7 million children and young people currently identified with special educational needs and disabilities (SEND). In its response to the consultation document published in May 2012, the Government produced its Next Steps document giving details of the changes to the legislation.

The Queen's Speech on 9 May announced a Children and Families Bill that will offer the biggest reform in 30 years. The legislation will be introduced in this session of Parliament and will draw on lessons learnt from the pathfinders. It will also build on the reforms to the health service and draw on the recommendations of the Children and Young People's Health Outcomes Forum.

A draft Bill is expected in summer 2012 for consultation and pre-legislative scrutiny. This should enable the new legislation to be introduced in 2014.

The planned Children and Families Bill will better support families, legislating to break down barriers, bureaucracy and delays which stop vulnerable children getting the support they need. The main elements of the Bill include:

- > Special educational needs
- > Family law
- > Shared parenting
- > Office of the Children's Commissioner.

Special educational needs

The key measures will be:

- > A single assessment process (0–25) which is more streamlined, better involves children, young people and families and is completed quickly.
- > An education health and care plan (replacing the statement) which brings services together and is focused on improving outcomes.

- > An offer of a personal budget for families with an education, health and care plan (EHC).
- > A requirement for local authorities and health services jointly to plan and commission services that children, young people and their families need.
- > A requirement on local authorities to publish a local offer indicating the support available to those with special educational needs and disabilities and their families.
- > The introduction of mediation opportunities for disputes and a trial giving children the right to appeal if they are unhappy with their support.

The legislation will draw on evidence from the 20 pathfinders. Their interim evaluation reports are due in summer and late autumn 2012, with a final report in 2013.

The Department for Education is also working with the Council for Disabled Children as its key partner to build and share expertise in the voluntary sector in supporting children, young people and their families.

What has happened so far?

- > The introduction of a new early years progress check for children aged two.
- > A reformed Early Years Foundation Stage to be implemented in September 2012.
- > A commitment to extend free early education to around 260,000 disadvantaged two year olds by 2014–15.
- > Over £800 million provided for short breaks for families with disabled children from 2011–15.
- > Trials set up to test direct payments to parents for education support.
- > More schools, including special schools, given the opportunity to convert to academies.
- > Encouragement for development of special free schools.
- > The highly successful Achievement for All model made available for all schools.
- > An increase in the number of special school placements available for initial teacher training (ITT) students.
- > The launch of a scholarship scheme for teachers to undertake specialist postgraduate qualifications.
- > The launch of a scholarship scheme for SEN support staff to access degree level qualifications.
- > Funding for a further 1,000 new SENCOs to undertake the national SENCO award.
- > Development of online professional development materials about specific impairments to support the whole school workforce.
- > The introduction of new Teachers' Standards from September 2012, with greater focus on supporting pupils with special educational needs.
- > The introduction, from September 2012, of the Auxiliary Aids and Services Duty requiring schools and local

authorities to provide the necessary aids and services to ensure that no disabled child who requires these misses out.

- > Formation of clusters of further education colleges, independent specialist providers and special schools to share their practice and their knowledge and skills.
- > Funding of the extension of the Improving Access to Psychological Therapies Programme to children and young people. This will drive improvements and transform services for children and young people's mental health.
- > The introduction of additional accountability measures to ensure the progress of the lowest attaining 20% of pupils by including specific measures in the performance tables and through the new Ofsted framework.
- > Consultation on proposals for a more flexible approach to programmes of study for young people over 16.
- > Provision of £4.5 million to colleges to test innovative ways of delivering high quality work placements for 4,000 young people (aged 16 or 17) who are not in education, employment or training (NEET).
- > £3 million available to trial supported internships, a new route into the world of work for young people with a statement or learning difficulty assessment.
- > Action research commissioned to consider the role of the local authority in the changing environment, looking specifically at how local authorities support children and young people with special educational needs and disabilities.
- > Reforms for local authorities and health services to improve the planning, commissioning and delivery of services.
- > Proposals for funding provision for high needs pupils within the School Funding Reform consultation.
- > Support for the training of educational psychologists up to 2013–14.

One of the criticisms of the initial Green Paper was the lack of commitment to engage with the young people themselves. The Next Steps document includes assurance that the Government will give greater control to disabled children and young people. It will establish a Young People's Advisory Group to help shape the next stages of the reforms and will trial giving children and young people the right to appeal if they are unhappy with their support.

Next Steps: Early identification and assessment

- > Implementation of Early Years Foundation Stage (EYFS) reform, providing a stronger focus on those areas most essential for children's healthy development and future learning.
- > The introduction of the new early years progress check at the age of two to allow for earlier intervention.
- > Recruitment and training of an additional 4,200 health visitors by 2015 to deliver a full service and family offer.
- > Looking at bringing together the early years progress check at the age of two in the EYFS with the Healthy Child Programme review at the age of two to two-and-a-half to create a fully integrated early years and health review.

- > The introduction of the Early Language Development Programme for practitioners working with children up to five years old, focusing on improving communication and language skills in the foundation years, particularly for those children with SEN.
- > Improved access to free early education for all three and four year olds as well as a new entitlement for disadvantaged two year olds.

Young people to be offered the right to appeal to the Tribunal

- > An independent review on qualifications in early education and childcare to ensure that qualifications for those working in the early years sector are inclusive and equip people with the skills they need successfully to support children with SEND.
- > An expectation that in all pathfinder areas, by early autumn, a significant number of children and young people will have education, health and care plans agreed and in place.
- > Legislation through the proposed Children and Families Bill to build on the framework introduced in the Health and Social Care Act to ensure that services for children and young people with SEND are planned and commissioned jointly between local authorities and clinical commissioning groups.

Giving parents control

- > A requirement on local authorities to set out a local offer that gives information to parents, in a single place, which helps them to understand what services they and their family can expect from a range of local agencies. This will cover provision for children and young people from 0–25. The local offer should also make clear what provision is normally available from early years settings, schools, colleges and other services, including health and social care.
- > Schools to provide a minimum core of information and involve parents in the contents of their published SEN policies beyond the statutory minimum core.
- > Pupil referral units to publish an SEN policy in line with the legislative requirement for other schools.
- > Changes to legislation to give parents of children with statements (future EHC plans) identical rights to express a preference for any state-funded school.
- > The introduction of personal budgets for families with the new education, health and care plan by 2014.
- > Parents to still have the right to appeal to the first-tier Tribunal but it is hoped that in the future disputes can be resolved through non-judicial means. It is hoped that independent mediation services will support this.
- > Young people to be offered the right to appeal to the Tribunal and make disability discrimination claims.

Learning and achieving

- > New materials for initial teacher training available from August 2012.
- > The new Professional Qualification for Headship (NPQH) to include specific modules on support for pupils with SEND.

- > > Expansion of the number of teaching schools.
- > Replacement of the current categories of School Action and School Action Plus (and their equivalents in early years) with a single category.
- > Improvement to the categories of SEN to ensure that children's needs are not missed. A re-designation of the behavioural, emotional and social difficulties category will support professionals in identifying the underlying emotional and social issues that may be present.
- > The offer of specialist provision for pupils without statements of need where this is requested by parents.
- > The encouragement of new free schools with a range of innovative proposals, including special provision for pupils with and without statements.
- > Improvements to the information in future RAISEonline updates to show the progress made nationally by pupils working in the P scales at Key Stages 1 and 2. Investigation is taking place in regard to developing average point scores for P levels.

Preparing for adulthood

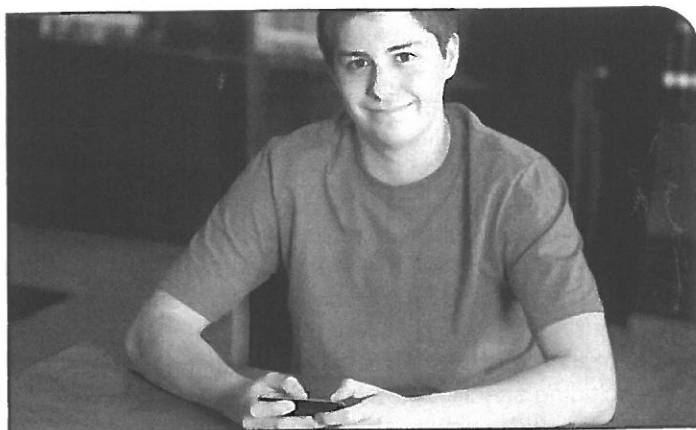
- > The implementation of the education, health and care plan to remove the need for a learning difficulty assessment at the age of 16.
- > Local authorities to provide mediation to young people and their families up to the age of 25.
- > Support for those young people who are identified with a special educational need once they have left school; they will have the right to ask for an assessment for an EHC plan.

15 colleges to trial supported internships from September 2012

- > Improvement in the provision available for all young people with SEND, especially in study programmes that meet individual needs, and an improvement in local provision, with further education colleges, specialist providers and special schools working more closely together.
- > From September 2012 students aged 16–24 who are funded by the Education Funding Agency to study at independent specialist providers will be able to apply to their college for a discretionary bursary in line with those aged 16–24 studying in mainstream education.
- > 15 colleges to trial supported internships from September 2012.
- > More opportunities to ensure that young people with SEND are able to access meaningful work experience and employer-based learning.
- > The Department of Health to explore how to improve joint working across children's and adult health services for young people aged 16–25 as part of the reforms of the health service.

Services working together for families

- > An independent Children and Young People's Health Outcomes Forum to support the development of health outcomes for children and young people.



- > The Children and Families Bill to ensure that services for children with SEND are jointly planned and commissioned.
- > All children and young people with an education, health and care plan to benefit from this joined-up approach whether or not they take up the offer of a personal budget.
- > A slimmed down Special Education Needs Code of Practice to be published containing the essential advice that professionals need and to reflect the changes made to the law through reforms. The Code of Practice will incorporate guidance from *Inclusive Schooling*.
- > A new national steering group to be established for the training of educational psychologists (EP) to manage the relationship between training and placement providers.
- > The pathfinders to help determine the role of EPs in the new single assessment process and in the processes reviewing the EHC plans. The new role for EPs will be reflected in changes to legislation and in the guidance in the new Code of Practice.

Support from nasen

Nasen welcomes this Government's commitment to supporting those children and young people who have been identified with special educational needs and disabilities. The Green Paper makes robust and challenging proposals to ensure that all children and young people and their families are able to access the support they need and deserve to ensure that the provision they choose is outstanding and meets their individual needs.

Nasen is committed to supporting all those who work and care for children with special educational needs and disabilities and we will endeavour to work with the Government, the Department for Education and our voluntary and community sector colleagues to ensure that the aspirations within the Green Paper are embedded in practice at school, local authority and national level. We are very aware that these proposals, alongside wider reforms in education and health, at a time of financial instability, are challenging, but if they make a difference to the outcomes for children and young people with special educational needs and disabilities then they are worthy of our support and aspiration.

Lorraine Petersen OBE is the Chief Executive Officer of nasen.