Lead Member's Foreword

As a local Councillor, I am often asked questions about schools and the education system by parents trying to do the best for their children. They tell me they often face a confusing, bureaucratic system where they often do not know where to go for help. With so many choices within mainstream schooling it can be a daunting prospect trying to secure the best education for your child.

Now imagine trying to navigate this system if your child had Special Educational Needs.

My fellow Members spoke about their personal experiences of the SEN system and the difficulties they have had to face in obtaining help and support. They also spoke about their concerns about the lack of information available for their role as School Governors.

The Coalition Government is proposing major changes to the way that children with SEN are educated so the Select Committee felt that a scrutiny review of this area would help the service area to implement the proposals and so improve, where possible, the services received by children with SEN.

As Lead Member for the Children Services Select Committee, I would like to say thank you to Members, who participated in the Select Committee providing valuable opinions and recommendations, which have been used in this report.

Due to Member’s interest in SEN, they chose to explore a number of topics in the short period that Select Committees are provided, all of which they completed. I would also like to say a thank you to the Council staff for their support and advice in many areas of this review.

Councillor Laila Butt
Lead Member of the Children's Services Select Committee
1. Introduction:

1.1 Background
On 9 March 2011, The Coalition Government announced the publication of a Green Paper entitled “Support and aspiration: A new approach to special educational needs and disability – A Consultation” which outlined a proposed overhaul of how children with special needs and disabilities are treated in the English school system.

1.2 National Context and definitions
Disabled children and young people, and children and young people with Special Educational Needs (SEN) are covered by a range of statutory provisions, e.g. the Equality Act 2010, or have SEN as defined in the Education Act 1996.

School-aged children are defined as having SEN if they have a significantly greater difficulty in learning than the majority of children of their age which calls for additional or different educational provision to be made for them. A child with SEN may need extra help in a range of areas including:

- Reading, writing or mathematics
- Communication skills
- Making friends or relating to adults
- Behavioural issues and organisational skills
- Some kind of sensory or physical need which may affect them in school.

There are currently approximately 1.7 million children and young people nationally identified as having SEN.

There are three levels of intervention for pupils with SEN in England:

- School Action – where the teacher or the school Special Educational Needs Coordinator (SENCO) decides to provide something for the child additional to or different from the school’s usual differentiated approach to help children learn. In January 2011, 10.9% of the school population were identified at School Action level, approximately 889,540 pupils.

- School Action Plus – where the school consults specialists and requests help from external services. In January 2011, 6.2% of the school population were at School Action Plus level, approximately 550,155 pupils.

- Statement – where the child requires support beyond that which the school can provide and the local authority arranges appropriate provision. In January

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1 Definitions of SEN from the SEN Code of Practice [http://www.education.gov.uk/publications//OrderingDownload/DFES%200581%202020MIG2228.pdf](http://www.education.gov.uk/publications//OrderingDownload/DFES%200581%202020MIG2228.pdf)
2011, 2.8% of the school population or approximately 224,210 pupils had a statement of SEN\(^2\).

There is a parallel system for children aged under 5, with Early Years Action, similar to School Action, and Early Years Action Plus, similar to School Action Plus, as well as statements of SEN.

1.3 Local context

**In Barking and Dagenham**
There are approximately 35,075 pupils in Barking and Dagenham. There are approximately 7,274 children and young people identified as having SEN which is 20.7%. This compares to the London average of 21.4% and the national average of 20.6%.

There are 807 pupils (2.3%) with a statement of SEN; 2,078 pupils (5.9%) are at School Action Plus and 4,389 pupils (12.5%) are at School Action\(^3\).

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2. Membership
The Children’s Services Select Committee (CSSC) consisted of nine councillors and two co-opted church representatives and two co-opted parent governor representatives:

- Councillor L Butt  Lead Member
- Councillor G Letchford  Deputy Lead Member
- Councillor R Douglas
- Councillor A S Jamu
- Councillor E Kangethe
- Councillor T Perry
- Councillor B Poulton
- Councillor H S Rai
- Councillor A Salam
- Reverend R Gayler  Church Representative - Church of England
- Mrs G Spencer  Church Representative - Roman Catholic
- Mr I Ncube  Parent Governor - Secondary
- Mrs G Youssef  Parent Governor - Primary

The Scrutiny Champion for the Select Committee was Helen Jenner, Corporate Director of Children’s Services, and the Select Committee was supported by Matthew Whiddett, Scrutiny Manager.

2.1 Methodology
The terms of reference for the review are set out in Appendix 1.

Evidence was gathered in three formal Select Committee meetings held between 6 September 2011 and 10 January 2012. The Select Committee received presentations and reports from a range of stakeholders, including the Disabled Association of Barking and Dagenham (DABD uk), Alex Rowley a former pupil with SEN, Simon Weaver Head Teacher of Dagenham Park Church of England School, and council officers from the various teams involved in current SEN provision in the borough – Educational Psychology, Special Educational Needs and Inclusion Services and Early Years Inclusion Services.

The Select Committee also visited two schools in the borough:

- Trinity School, a special school in Barking and Dagenham serving the special educational needs of over 250 disabled children and young people aged 3-19.

- Five Elms Primary School which caters for children between the ages of 3-11 years and has an Additional Resource Provision (ARP) for deaf children.

The final report was agreed by the Children’s Services Select Committee on 21 February 2012, before being presented to Cabinet on 20 March 2012 for comment, and Assembly on 28 March 2012 for agreement.
2. Findings and recommendations
The Green Paper “Support and aspiration: A new approach to special educational needs and disability” seeks to address perceived concerns in the current SEN system including:

- Parents having to battle to get the support their child needs.
- SEN statements not joining up education, heath and care support.
- Children falling between the gaps in services or having to undergo multiple assessments.
- Multiple layers of paperwork and bureaucracy adding delays to getting support, therapy and vital equipment.
- A confusing and adversarial assessment process with a perceived conflict of interests for the local authority who assesses need as well as provides the care.
- Too many children being over identified with SEN.

The Government is proposing to:

- Include parents in the assessment process and introduce a legal right, by 2014 to give them control of funding for the support their child needs.
- Replace statements with a single assessment process and a combined education, health and care plan.
- Ensure assessment and plans run from birth to 25 years old.
- Replace School Action and School Action Plus systems with a simpler school-based category.
- Overhaul teachers training on SEN provision.
- Allowing voluntary groups to coordinate packages of support and thus reduce the reliance on the local authority.
- Give parents a greater choice of school and the power to set up special free schools.

The Green Paper is split into five themes:

- Early identification and assessment
- Giving parents control
- Learning and achieving
Appendix A

- Preparing for adulthood
- Services working together for families.

This report will follow the above themes.

2.1 Early identification and assessment
The Government is proposing to:

- Help professionals identify problems as they emerge, with a robust system of early checks for children involving education, health and social care.

- Put in place a reformed assessment process for children with complex needs, with a single multi-agency approach and “Education, Health and Care Plan” for 0 to 25 years old, focussing on outcomes, giving parents the same statutory protection as the current statement of SEN.

- Speed up the process for families, by reducing the time limit for statutory assessments.

The Select Committee heard evidence of delays in assessment of SEN from Alex Rowley who presented his experiences of the system in October 2011. There was also anecdotal evidence from the two schools visited to support a need to improve early assessments and make them more cross agency and quicker.

The Select Committee broadly welcomed these principles but raised a concern that if assessments were done more quickly, they may suffer from a reduction in quality.

Recommendation 1:
The Select Committee recommends the implementation of a reformed, robust assessment process with clear timescales to help professionals identify any needs for children at as early a stage as possible. As the process will start in the early years it will need regular, effective review.

2.2 Giving Parents control
The Government is proposing to:

- Make services more transparent for families with local services publishing a “local offer” of what is available.

- Strengthening the choice and control given to parents, with the option of personalised budgets by 2014 for all families with children with a statement of SEN.

- Support families through the system, with trained workers to help parents navigate services.

- Ensure parents have a real choice of a range of schools.
• Ensure that parents and local authorities always attempt mediation before making an appeal to the Tribunal.

The Select Committee debated how the Council could advertise what services were available. With the current financial restraints, large print runs of leaflets would be too expensive so the Select Committee agreed that a web-based promotion of the “local offer” would be most appropriate with local advice agencies supporting with signposting to the website.

**Recommendation 2:**
The Select Committee recommends that clear details of available provision for SEN is published on the Council’s Website for parents to view.

The Select Committee heard from three Head Teachers and the Corporate Director of Children’s Services about the current provision of SEN services in the borough and the different approaches found in schools. The choice of services in the borough is restricted by financial considerations regarding the value for money of providing expensive services for few children. Members expressed concerns about how difficult it is for parents to get information about what services are provided and the lack of choices in the borough.

**Recommendation 3:**
The Select Committee recommends that parents are made aware of all affordable options for their child’s care as early as possible in the assessment process.

The Corporate Director of Children’s Services explained that more choice of services could result from the introduction of personalised budgets as families would be able to purchase more flexible packages of care from different providers.

The Select Committee debated the potential benefits and difficulties of personalised budgets. The greatest potential benefit was that parents could purchase more flexible packages of care from multiple providers and so ensure their child received the best possible, tailored, care package.

The greatest potential difficulty was seen to be the possibility for misspending the personalised budget. Members were informed that the personalised budgets introduced in Adult Social Care had not resulted in any such misspending and so there should not be a great risk of it happening with children’s personalised budgets.

The Select Committee suggested that parents would benefit from expert guidance on the personalised budgets and how they could be spent to purchase the best possible care for the child. The Multi Agency Locality Teams (MALT) were suggested as a possible source of guidance and potential monitoring of the budgets.

**Recommendation 4:**
The Select Committee recommends that the introduction of personalised budgets is supported by a framework of professional advice to ensure the best use of resources for each child.
The Select Committee discussed the current appeals process for parents that disagreed with the assessments for their children with SEN. Currently parents take the local authority to the First Tier Tribunal (SEN and Disability) for an independent review of the decision. However this is a judiciary process and therefore expensive to the public purse. The Select Committee felt that a multi-stage appeals process along the lines of the current Corporate Complaints procedure would help mediation of the disagreement in a non-judicial environment.

**Recommendation 5:**
The Select Committee recommends that Children’s Services develop a multi-staged appeals process to facilitate mediation before going to Tribunal based around the current assessment process.

### 2.3 Learning and achieving
The Government is proposing to:

- Address over identification of SEN with a new single early years setting and school based SEN category to replace School Action and School Action Plus.
- Focus accountability on the progress of the lowest attainers and introducing a new measure into school performance tables.
- Better equip teachers and support staff to address SEN and poor behaviour through training and continued professional development.
- Give schools more autonomy to innovate and transform SEN provision and allow special schools to become Academies.

The Select Committee heard anecdotal examples of where children had been incorrectly diagnosed as having SEN and debated whether this over-diagnosis could possibly be linked to either any financial incentive from Central Government funding or poor training for staff carrying out assessments. The Select Committee were especially concerned with the future prospects and potential bullying of any child who was incorrectly labelled as having SEN.

The Select Committee were informed that great progress had been made in the borough to reduce the gap between average attainment and the lowest levels of attainment and that the borough was better than the national average at this. The Select Committee agreed that this new measure would be valuable as they felt that average measures did not take into account the needs of the lowest attainer’s who were disproportionally children with SEN.

The Select Committee discussed the benefits of additional training for staff to help identify children with SEN and also to provide better quality care, whether this be in a special school with dedicated resources or a mainstream school with a special unit. The Select Committee heard anecdotal examples of where a child with SEN had been placed in a mainstream school which was ill equipped to deal with them and thus the child caused disruption in classes for the other children.
The Select Committee was informed that one way of making sure that children with SEN received better education was to ensure that schools developed their School Improvement plans to focus on SEN provision as well as curriculum issues. There would also be a benefit if these plans were developed by schools across their current Locality Cluster Groups, as this would help to identify where services were available and could be potentially shared.

**Recommendation 6:**

The Select Committee recommends that schools are encouraged, through their Locality Cluster Groups to develop linked School Improvement Plans for SEN issues as well as curriculum issues.

The Select Committee also debated the merits of special schools being allowed to become Academies and felt that overall this was not a good idea as these schools would be removed from local authority influence and could in theory select their pupils based on other categories than actual need; for example ability to financially contribute towards the school.

### 2.4 Preparing for adulthood

The Government is proposing to:

- Increase the range and quality of learning opportunities.
- Provide effective help for young people to move into employment.
- Improve joint working across paediatric and adult health services, with GP’s providing annual health checks for disabled young people over 16.
- Help young people to live independently by working across government to reflect this in the forthcoming disability strategy.

The Select Committee heard detailed evidence from Alex Rowley about the problems he had in transition post 16 years. He felt that he initially received poor levels of support from Connexions and the council’s Transitions Team until Parents of Autistic Children (PACT) got involved and developed an excellent transitional plan for him. He described the transitional phase as the hardest part of his educational experience but that it finally led him to find a course of further education and a travel training assessment which linked him to an adult social worker for the first time.

Alex stated in his presentation “Remember that a disability doesn’t disappear on the individual’s eighteenth birthday”. The Select Committee found this statement very powerful.

The Select Committee looked at issues surrounding the transitional phase including how young people Post 16 with SEN are more than twice as likely to be not in education, employment or training (NEET) as those without. They highlighted the budget cuts made in services to young people especially services helping young people to find employment or further training.
As part of the budget cuts for 2012/13, the transitional process will be reviewed to ensure it is as efficient and cost effective as possible and provides the best possible support for children with SEN making the transition to adulthood.

**Recommendation 7:**
The Select Committee recommends that transitional plans are developed to ensure that SEN pupils are not disproportionately affected by the loss of the Connexions Service.

The Select Committee were pleased to hear from the Corporate Director of Children’s Services that there was parliamentary cross party cooperation to produce the forthcoming Disability Strategy and that they would be interested to see the strategy when it was produced.

### 2.5 Services working together for families

The Government is proposing to:

- Set out a strong role for local authorities as champions of families and vulnerable children.

- Encourage greater collaboration between local authorities and between services in local areas.

- Explore a national framework for funding specialist provision that improves consistency across areas and allows continued local flexibility.

The Select Committee heard from the Corporate Director of Children’s Services about services being shared across the East London Solutions area. Education Psychology, pupil transport and safeguarding training are all being considered for cross-borough working.

The Select Committee debated how a national framework with associated costs for specialist provision would work and highlighted the issue that the cost of a service could not be standardised across the country as the same amount of money would provide different levels of service across the country.

The Select Committee welcomed these proposals and asked that an action plan for implementation be brought back to the Select Committee as well as the Children’s Trust in six months time.

**Recommendation 8:**
The Select Committee recommends that a progress report be presented to both the Children’s Trust and the Children’s Services Select Committee in six months.
3. Conclusions
The Select Committee acknowledges the many examples of good practice in SEN provision that it witnessed.

The visits to Trinity School and Five Elms Primary School showed highly dedicated staff delivering the best possible provision within two entirely different environments, a special school and an Additional Resource Provision (ARP) unit.

The presentations from Council Officers involved in the assessment and support of children with SEN showed a desire to deliver the best service possible.

The presentation from Dagenham Park Church of England School highlighted the lengths that school staff are prepared to go to make sure children with SEN benefit from their schooling as much as possible.

The presentation from DABD uk showed how hard the voluntary sector is working to help with SEN provision by supplying respite help and breaks for children and their families.

Finally, the presentation by Alex Rowley showed just what can be achieved for a young person with SEN and showed what a person with SEN can achieve if given the correct care and support.

The Select Committee recognises that in this time of budget cuts, all services must provide value for money services, but is concerned that services that disproportionally effect young people with SEN are being cut, for example the Connexions service.

The Select Committee broadly welcomes the Green Paper’s proposals to improve SEN provision and will monitor the success of Children’s Services in the implementation of the proposals.
Children’s Services Select Committee

Terms of Reference

Scrutiny review into Special Educational Needs provision in Barking and Dagenham.

- To investigate current SEN provision in the borough.
- To investigate current policy and strategic direction.
- To investigate the effects on current provision of the Green Paper.
- To investigate how current provision can be adapted to the new proposals to deliver a VfM excellent service.
- To involve the community in the scrutiny process, providing them with opportunities to give evidence and inform the review.
- To consider any related equalities and diversity implications.
- To ensure that any evidence collected is used appropriately.
- To produce a final report with findings and recommendations for future policy and/or practice.
## Recommendations

**Recommendation 1:**
The Select Committee recommends the implementation of a reformed, robust assessment process with clear timescales to help professionals identify any needs for children at as early a stage as possible. As the process will start in the early years it will need regular, effective review.

**Recommendation 2:**
The Select Committee recommends that clear details of available provision for SEN is published on the Council’s Website for parents to view.

**Recommendation 3:**
The Select Committee recommends that parents are made aware of all affordable options for their child’s care as early as possible in the assessment process.

**Recommendation 4:**
The Select Committee recommends that the introduction of personalised budgets is supported by a framework of professional advice to ensure the best use of resources for each child.

**Recommendation 5:**
The Select Committee recommends that Children’s Services develop a multi-staged appeals process to facilitate mediation before going to Tribunal based around the current assessment process.

**Recommendation 6:**
The Select Committee recommends that schools are encouraged, through their Locality Cluster Groups to develop linked School Improvement Plans for SEN issues as well as curriculum issues.

**Recommendation 7:**
The Select Committee recommends that transitional plans are developed to ensure that SEN pupils are not disproportionately affected by the loss of the Connexions Service.

**Recommendation 8:**
The Select Committee recommends that a progress report be presented to both the Children’s Trust and the Children’s Services Select Committee in six months.
4. Background papers

- Support and aspiration: A new approach to special educational needs and disability - A consultation, Department for Education: March 2011.


- Department for Education: Special Educational Needs in England: January 2011

- Children’s Services Select Committee (2011/12) agenda papers and minutes.