

# **SEND: The schools and colleges experience**

**A REPORT TO THE SECRETARY OF  
STATE FOR EDUCATION BY LEE SCOTT**

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## Introduction

On 7 March 2016, your predecessor, Nicky Morgan, invited me to undertake a short project to help her understand the experience that parents of children with special educational needs and disabilities (SEND), and young people with SEND, have of school and colleges. I am pleased to offer you my report.

I began work in April. During this month, I spoke to officials in your Department and some senior SEND sector figures. I agreed with your officials that the fieldwork should begin in May. During a two and a half month period:

- I met face-to-face more than 80 parents, and around 40 young people, covering all the regions of England. Some of these were able to represent the views of other parents and young people in their area (for example, because they chaired a Parent Carer Forum, or were youth workers). Some I met on visits to schools and colleges; others I met in groups set up by a number of organisations who represent and/or support families. More than 100 people also sent me written feedback, in response to requests made by a number of organisations and people I met. This included a number of parents of adopted children with SEND, and some who represented the views of families across local areas and regions of England.
- I visited 5 schools and 3 colleges in different parts of the country, including special and mainstream, and spoke to a number of headteachers, principals, SEN Coordinators (SENCOs), teachers, learning support assistants, and other staff.
- I spoke to, and had written feedback from, a number of people who have expertise and experience in this area – including three senior local authority staff, and a number of voluntary organisations.
- I met a range of individuals who provide services and support directly to families, and found it helpful to reflect back to them what I'd heard and to get a sense from them about whether they were picking up the same sorts of issues.

I made a commitment during my fieldwork that I would not name any individuals, institutions or organisations that I met or from whom I received written representations. I made it clear during my visits and meetings that I was not there to make judgements about them, their services or their institutions, and that my intention was to gather evidence from a range of sources, identify some key themes and offer my thoughts about them. My report is written in this vein.

It is important that this report is seen clearly for what it is. I have not undertaken a long-term, scientific study of the national landscape, nor can I claim that I have heard from a representative sample of parents and young people. Discussion did not follow a set structure, but was deliberately open to allow people to express themselves without constraint, which I believe helped to ensure that what I heard was frank and real. The

nature of the work that I did, and the time I was able to devote to it, necessarily meant I had to rely on a limited sample. That said, it was apparent that some of the same themes arose in a number of discussions and written representations I received, and my report focuses on these.

I hope you find the report helpful, and that it makes a positive contribution to the evidence your Department is gathering more broadly – through research, outreach work by government officials and the team of SEND Advisers based at your Department, the wealth of feedback being received by voluntary and statutory organisations who work closely with the Department, and of course the numerous enquiries from families, agencies and others which your Department receives daily.

Finally, I would like to offer a huge thanks to everyone who made time to talk or write to me, made me feel welcome, offered me such courtesy and shared their personal stories with me so openly and with such candour. I'm particularly indebted to a number of organisations and institutions who gave me excellent support and access to so many parents and young people. Without their help I would not have been able to write this report.

## **Key Themes**

It's not practical to record everything that I heard in this report. Understandably, every family's experience is unique to them. I was often moved by what I heard, sometimes inspired and reassured, sometimes dismayed. It's clear that some families are having positive experiences, but it's equally clear that others remain frustrated or disappointed for a variety of reasons. It's important to reflect both the good and the not so good in this report.

Rather than seek to provide lots of detail, I've sought instead summarise the key points I heard – particularly around recurring themes.

## **Communication**

I think this lies at the heart of things. I was pleased to hear several examples of families who had had good experiences of the system. A common theme was that, when families were properly engaged, this often led to trust and understanding. Where that was achieved, the quality of support for children and young people was higher, and families had a more realistic understanding of what a school, college, or local authority could provide. In some ways, this is even more important for children and young people with SEND who did not have Education, Health and Care (EHC) plans. For those children and young people, who are on SEN support (i.e. support provided by schools and colleges where needs are not severe enough to warrant an EHC plan) sometimes it's less clear what the child's or young people's needs are, or schools and colleges may not always identify and understand their needs in the same way their parents do.

Communication works both ways – it's not just about being nice to each other, it's about being clear, honest, and assertive. It's also about empathy – something that isn't always easy to achieve, if, for example, you've had no personal experience of caring for a child with SEND, or if you have little understanding of the issues faced by children who are adopted and their parents. To take a few examples:

- While at school, a child was calm and passive and, even though he was not making the best progress, the school didn't identify him as having any SEN. At home, it was a different story – the child had clearly built up frustrations during the day and let it out at home. When the parents initially approached the child's teacher, the teacher didn't believe them. The parents then videoed the child at home and showed the teacher, who immediately rethought her approach and the child is now on SEN support. The teacher and parents worked together to provide more consistency at home and at school and regularly meet to review how things are going. The child is making much better progress and his behaviour has improved.
- A parent of adopted twins told me about the experience one of her children had when she moved to secondary school. The school spent time with the family before the child went to the school and when she started they were aware of her background and had a clear picture of her needs, which included some very challenging behaviour. The school managed the transition well, ensuring that both child and parent knew what was happening and when. The child's behaviour is still an issue but the school has been very proactive with their support and their understanding of the child's needs is described by the parent as 'great'. They keep the parent up to date with things, even seemingly quite trivial things, and how they are dealing with them. The parent feels part of the team to support her child. The parent also feels that another school might easily have permanently excluded her child because of her behaviour.
- A local authority was determined that all the SEN statements in their area would be properly reviewed and reassessed for transition to EHC plans to best ensure they were of the highest quality. This, initially, caused the authority some delays. While the authority felt it was doing right by families, they nevertheless received a lot of negative feedback about lack of progress. The authority undertook a review, with parents, and revised their processes – for example, to ensure that parents were better, and more frequently, informed about progress. The result is that the authority has sped up its processes, while not compromising quality, and feedback from parents is now significantly better.

Unfortunately, however, communication across the board isn't where it should be, and this manifests itself in several ways:

- Between local authorities. I heard several – too many – examples of families who received services from more than one local authority, or had moved

from one authority to another, that authorities did not talk to each other. As an illustration, one family told me that when they moved from one local authority area, they were required to return an expensive piece of equipment which their child needed. It took the new authority a few months to assess the child and replace the equipment. A discussion between the local authorities before the family moved could have avoided that.

- Between local authorities and schools/colleges. Families, for example, sometimes find themselves in the middle of a disagreement where an authority names a school in an EHC plan, but the school tells the family they are not able to take them.
- Between local authorities and local health services. I will talk about this in more detail later in this report.
- Between schools and colleges, between schools and other schools, and even within schools (for example, when a child moves up a year and has a new teacher). I'm pleased to say I heard some examples where transition had been managed very well – again, because people prepared properly and engaged in dialogue early with everyone involved. But where that didn't happen, I was told by parents and young people that this often led to children and young people going 'backwards' in their development. It also led to increased anxiety and consequential behavioural problems. And it caused some significant practical problems - such as not being able to organise appropriate transport, managing work, and generally disrupting family life. My fieldwork was conducted in May and June, and I heard from a number of parents that they weren't sure yet where their child would be placed in September.
- And, of course, between families and local authorities, schools and colleges. I heard often that parents or young people who pushed hardest were the ones most likely to get the support they needed. Many families don't feel confident to do this. Some feel they will be seen as difficult, and so are scared to approach schools, colleges and local authorities. Some families report that schools and colleges are sometimes intimidating, unresponsive or inflexible – for example, putting parents off from applying to the school in the first place; taking the same approach to behavioural issues for all children (i.e., not making allowances for any SEN); and over-use of informal exclusions.

The fact that some people are getting this right means that it's possible for others too. It's not really about funding – it's about culture and systems. It would be good to find ways of capturing and replicating good practice in this area. I also feel that it's important that the government, and other leadership agencies, continue to send out strong messages about the importance of good communication with families. Improvement in this area, across all agencies and in every area, would go a long way to making a reality of the 'person-

centred' approach the SEND system is trying to achieve. It has the power to be transformative.

## **The right level of support**

I heard from a number of families that they felt their local authority, school or college fully understood the needs of their child or young person, and that these families felt they were getting the right support and that children and young people were in the right school or college. However, I also heard from a number of parents and young people that they were not always aware of what is available to them, and not always confident that they are getting the right kind of support. This extends to:

- What schools or colleges are available in their area (or, if appropriate, outside their area) which could offer the right kind of support. I heard several examples where parents or young people only found out about a particular school or college from other families, rather than from the local authority or the school or nursery their child previously attended. In some cases, families felt that this was because their local authority, school or nursery didn't fully understand the needs of the child or young person. It is also worth noting that, in some cases, it's clear that families have a preference for a particular institution, or type of institution, and are determined that the child or young person will go there irrespective of the advice they have been given. I heard of one example where, for reasons I didn't pursue, a father of a child did not want to admit their child's needs were so severe. The mother was very upset because the (very inclusive) mainstream school her child was attending was strongly encouraging her to send her child to a special school, as they felt the special school would be better able to meet the child's very complex needs.
- Whether the staff in schools, colleges or local authorities, had sufficient knowledge of particular types of SEND. I heard examples of school staff and parents having to explain to local authority officers what particular conditions were, and what kinds of needs arose as a result of those conditions.
- Whether staff in schools and colleges had sufficient SEND expertise and experience to provide adequate support. This raised a number of issues:
  - o The extent to which, in some schools, SENCOs were over-stretched, or not adequately supported by senior management. Some were given the role as a 'bolt on' to an already busy job. I also heard examples where SENCOs were doing great work, and where local SENCO networks had been set up to enable them to learn from and support each other.
  - o The extent to which classroom teachers and college staff were able to identify children and young people with SEND and put in place approaches to support them. I heard one example of a child who had been

told by the school that they were putting in place arrangements to allow him to go on a school trip. The school failed to take into account his full needs (which the parents had clearly explained to them) and, only a few days before the trip, developed a package of support to allow the child to go on the trip. Unfortunately, the school hadn't factored everything in, and it was too late to bring in the extra support needed. As a result, the child missed the school trip. I also heard from one parent that they had been told by their child's teacher that she had asked to go on SEND training, but her manager had refused.

o The general lack of knowledge that teaching staff, including SENCOs, have of child development and the impact of trauma, loss and separation. This is a particular issue for children who are adopted, but also more generally – i.e., where children are dealing with parents who are separating or a death in the family. This lack extends to understanding how to support children within a learning environment and within the school generally. I was, however, pleased to see that some adoptive parents had had a positive experience of the SEND system.

These are complex issues and cannot be fixed overnight. Some of this is about having good local information available. The introduction of the Local Offer, and local Information, Advice and Support Services, do help to address this and I hope that they continue to improve. But it is also about training – for all staff working with children and young people. It's important that staff have access to training, and that leaders both allow and encourage staff to undertake training to improve awareness and expertise in SEND, including the often misunderstood area of social, emotional and mental health and the impact this has on a child's ability to learn. It's clear from the school and college staff that I spoke to that they really are trying to do their best. I appreciate that training takes time and resources, and that you can't train everyone in everything. But I do think more could be done, and that institution leaders should appreciate that this is an investment worth making.

## **Funding**

It's clear that limits to funding is being used – by local authorities, health organisations, schools and colleges - as a reason not to provide the level of support that some families are asking for. I heard from many parents and young people that, for example, speech and language therapy was hard to come by. And I heard from schools and colleges that they have to make cutbacks in a range of therapies due to reductions in budgets. Clearly, funding levels are critical to ensuring that good services are available, and it's a common claim – which extends beyond SEND - that resources are tight. Three points in particular were raised with me:

- There seems to be a lack of transparency and accountability, and consistency. Money is passed on by government to local authorities and to

schools, but it's not clear how this money is being spent. Families aren't always confident that resources are being spent properly or on the right things.

- I heard schools and colleges complaining that money to implement the SEND reforms (for example, 'new burdens' funding) was only given to local authorities, and yet at least some of the 'burden' falls on them.
- I heard examples from schools receiving pupils from a number of different local authorities who told me different local authorities took different approaches to funding children with EHC plans – for example some local authorities only provided support after the school had contributed £6,000, whereas in another the local authority expected the school to meet the first £10,000. Currently, I understand the government suggests that a school should use their notional SEN budget to fund up to £6,000 worth of special educational provision for a pupil with SEN.

Looking at published accounts, it's clear that local authorities are holding large reserves for emergencies (in one case, these reserves amounted to £150 million). I understand the reasons why they need to put money aside for these purposes, but the sums involved seem hard to justify when some local authorities are making large cuts to SEND services. I am not clear the extent to which they have flexibility to draw on them, but it seems, on the face of it, that local authorities could perhaps do more to draw on these reserves to spend on SEND (and other) services.

## Legislation

I rarely heard any criticism made of the way the system is designed or of the role that central government is playing – although some did say that it could do more to ensure the law was being applied consistently. It seems clear to me that the legislation in place gives agencies a lot of latitude to take flexible and innovative approaches to deliver a more person-centred approach. Based on what I heard, this is happening in some areas. But it's happening less well in others. Interpretation of the law is variable and some areas are implementing the law more fully than others.

For example, I heard from some families that transition reviews had been a simple case of cutting and pasting from the old statement into the EHC plan. But I also heard from others how the EHC needs assessment process had been very empowering - some families told me that, for the first time, they felt they were being listened to and taken seriously. I also heard that there was a lack of transparency about the monitoring of children and young people on SEN Support, and this was leading to inconsistent approaches being taken. But I also heard that some schools are taking greater responsibility for delivering support before requesting an EHC needs assessment.

I hope that the new Ofsted and care Quality Commission area inspections will help to improve consistency over time. I would encourage you to think about whether there might

be more you, and other leadership organisations, could do to ensure that those responsible for implementing the system do so in a more consistent way. That does not mean stifling local innovation – it's more about a high standard for all, and ensuring that parents in different areas don't have vastly different experiences.

## **The voluntary and community sector**

I met a number of individuals from the third sector, including leaders of large charities, managers of local and regional services, and individuals – many of whom are parent carers themselves, or young people with SEND - working directly with families. It's hard not to feel inspired and humbled by the excellent work they do, with the resources available to them. Some of this is funded by government, and this partnership between government and these organisations is clearly making a huge difference. But, of course, there are never enough resources to meet the demands from all families.

A critical role they play is to help families to be informed and empowered, and I heard from many families how important these services are to them and how heavily they are relied upon. These organisations also offer valuable expertise and experience to statutory agencies – local authorities, health organisations, schools, colleges and others. One local authority leader told me about how they had engaged a local charity to provide their staff, and staff in other local authority areas, with training on how to do person-centred reviews. The training wasn't long, and it helped to dispel a number of myths – for example, that a person-centred approach necessarily takes much longer, which is a perception that puts people off.

It's important that these voluntary and community sector organisations continue to play a central role for these families, and for statutory services, and that they are resourced to do so. What concerns me, however, is that they are perhaps being relied on too heavily. If some of the issues I mention elsewhere in this report were addressed – such as improved communications, and better interpretation and application of the legislation – this could help to shift some of the burden away from the voluntary and community sector, allowing them to use the resources they have more effectively.

## **The link between education and health**

Many children and young people in school or in college who have SEND will also have some form of health needs. For some, these will be obvious and severe. Based on the special schools I visited and the parents whose children attended special schools that I spoke to, it's clear that many are well-placed to meet those health needs. With a number of professional experts in a range of therapies on site, they are able to tackle health issues as they arise – whether they are physical needs, dealing with a fitting episode, dispensing medication, or even accidents.

In many mainstream schools, the situation is somewhat different. It is of course unrealistic to expect all mainstream schools and colleges to be able access the levels of

medical expertise available in many special schools. But I do think more could be done to enable schools and colleges to offer more health support. I heard examples of children being sent home, or emergency services called, because staff were either untrained, or not insured, to carry out basic medical procedures. In some cases, staff are not allowed to inject children or administer doses of medication. I also heard that, where a child is on SEN support, medical needs are not being met (as it wasn't specifically noted in an EHC plan or statement) – and families are frustrated that this support is not offered.

It seems to me that staff in schools and colleges tackle 'non-education' things in other areas - e.g., behaviour, physical access, emotional support, - so why should basic medical needs be different? I think more needs to be done to allow, and encourage, staff in schools and colleges to support children and young people with medical needs – especially those on SEN support. A child or young person's educational development can be significantly disrupted if they have to have it punctuated by periods unnecessarily spent at home or in hospital for something health-related, particularly where that need, and the support required to meet that need, might be quite basic.

## **Age 19 upwards**

I heard a lot from parents and young people about the lack of opportunities for young people when they reach 19. Again, it wasn't universally negative – clearly, for some it's been possible to find good quality further education and training, supported internships and employment, and that their preparation for adulthood has been well managed. But, unfortunately, these examples are not widespread. The sorts of things I heard were:

- Parents who were confronted with a difficult decision. If they remain carers of the young person into adulthood, it's possible that the young person won't qualify for support from adult social services. Is it better to relinquish caring to better ensure that support is available?
- While local authorities often do have professionals able to support young adults into employment and training, do they have sufficient expertise to understand the needs of those with SEND?
- It's hard to find someone whose role it is to help broker relationships between local colleges, the local authority and local employers to help champion young adults with SEND.

## **Conclusions**

This report presents a mixed picture. I am grateful that people felt able to share both with me and I hope I've adequately reflected the key points as I understood them.

As I said at the start, I recognise that my report is one of a number of sources of evidence that you and your Department have, and will, collect to inform future policy. I don't propose to make formal recommendations, but I would like to feed in these points which I hope you will consider alongside other things the broader evidence is telling you:

- Improving Communication. Improvement, across all agencies and in every area, would go a long way to making a reality of the 'person-centred' approach the SEND system is trying to achieve. It has the power to be transformative. Capturing and replicating good practice in this area could help with that improvement. I also feel that it's important that the government, and other leadership agencies, continue to send out strong messages about the need to improve.
- More training for all staff working with children and young people, for example on identifying SEND, and understanding the particular needs of adoptive children. It's important that staff have access to training, and that leaders both allow and encourage staff to undertake training to improve awareness and expertise in SEND, and the impact of loss and trauma on a child's ability to learn. It's clear from the school and college staff that I spoke to that they really are trying to do their best. I appreciate that training takes time and resources, but it's clearly an investment worth making.
- More transparency over funding. Are there ways we could encourage local authorities, schools and colleges to make it clearer to families how the money they receive is being spent? And are there ways we could challenge local authorities to look hard at their contingency funds and consider ways of releasing at least part of it to help meet the shortfall in SEND spending?
- I think it's important to encourage all local areas to interpret and apply the legislation, and the SEND Code of Practice, in a way that demonstrably leads to culture change, and which helps to ensure that families don't have vastly different experiences depending on where they live. I am sure the new Ofsted and Care Quality Commission area inspections will help with this. It's important that all areas can learn from the best and most innovative practice, and that ways are found to share this.
- Could we encourage staff in schools and colleges to do more to support children and young people with medical needs? A child or young person's educational development can be potentially significantly disrupted if they have to have it punctuated by periods unnecessarily spent at home or in hospital for something health-related that is quite basic.
- Could we do more to encourage local areas to develop better expertise, brokering discussions and developing strategies for bringing employers, local authorities and colleges together, to ensure more young adults with SEND have access to training and employment opportunities?

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