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# local authorities' perceptions of how parents and young people with special educational needs will be affected by the 2011 Green Paper

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# Executive summary

## Policy context

There have been a number of recent policy developments related to the well-being and support of young people with Special Educational Needs (SEN) and Learners with Learning Difficulties and Disabilities (LLDD). Previous reviews by the House of Commons Education and Skills Committee (2006) and Bercow (DCSF, 2008) have provided a better understanding of the issues surrounding provision for young people with SEN/LLDD. In addition, the recent Office for Standards in Education, Children's Services and Skills review (Ofsted, 2010) suggested there was an over-diagnosis of pupils requiring School Action support and highlighted the varying provision of SEN/LLDD services in local authorities (LAs).

The drive to further support and improve outcomes for parents and young people is the focus of the current SEN and Disability Green Paper (DfE, 2011). The Green Paper proposals have a strong emphasis on local decision making and autonomy and reflect the government's localism agenda.

In the light of these ongoing developments and their implications for families, schools and LAs, the Local Government (LG) Group commissioned the National Foundation for Educational Research (NFER) to capture LA perspectives of how the parents of children and young people with SEN/LLDD will be affected by the SEN Green Paper. The aim was to identify key implications for LAs in the light of the proposed changes, by collecting information from LA staff responsible for children with SEN and LLDD.

## Key findings

Interviewees supported the main thrust of the Green Paper, especially early identification, improved parental engagement and collaborative working between professionals.

There was widespread support for a single assessment, and LA staff agreed that there was a need for better integration, commitment and accountability across agencies. Interviewees agreed that the proposed single 'Education, Health and Care (EHC) Plan' should be statutory for all agencies involved.

The proposal for greater partnership working with the voluntary and community sector (VCS) was also welcomed by interviewees. The key strengths of the VCS were identified as flexibility, more choice in provision and greater parental confidence and trust, as parents perceive organisations in the VCS as independent. With appropriate training, it was felt the sector could provide an information, advice and guidance (IAG), support and advocacy role. However, interviewees expressed reservations about an assessment role for the sector. They also wanted further clarification about where responsibility for monitoring and holding the VCS accountable would lie, in the event that agencies were unable to cope with new demands.

There were mixed views on the proposed single category of SEN. Although a single category was welcomed as a way of preventing underperforming pupils being wrongly diagnosed with SEN/LLDD, there was concern that this could result in some young people with SEN/LLDD who currently receive support being left unsupported in the future.

Interviewees welcomed the Green Paper's emphasis on greater choice for parents, but pointed out that parents would still only be able to express a preference in respect to school choice, as schools would not always be able to meet young people's needs. Interviewees felt this lack of clarity (in referring to 'choice' rather than 'preference') could lead to unrealistic expectations by parents. Interviewees were in favour of parents having personal budgets to spend on services for their children with SEN/LLDD, because they thought this would encourage more involvement and improve confidence in the system. However, they pointed out that giving parents such additional responsibilities would mean that parents would need greater support.

As recommended in the Green Paper, all LAs in the study were already working with other authorities and several had established integrated working across services within their authorities. In some cases, education and health agencies had pooled their funding for these young people. Less capacity and greater demands as a result of reduced funding in LAs were identified as possible barriers to agencies working more collaboratively in future.

## **Implications for policy and practice**

Interviewees were positive about the Green Paper and welcomed the proposals, in principle. However, they highlighted a number of implications for practice.

Interviewees felt that proposals for increased parental choice and the use of personal budgets would not reduce bureaucracy or simplify the process for parents. Additional responsibilities could result in parents becoming more overwhelmed with the process, and they would need additional support.

Interviewees felt that intervention in the early years would save costs in the long run, but is likely to be most successful at identifying children with complex needs. For needs which develop gradually, further support would be required to ensure that all young people's needs are identified.

The requirement for agencies to work collaboratively through the EHC Plan will place greater demands on agencies. This could have implications for current proposals to reduce the timescales for assessment, as involvement from different agencies could serve to lengthen the process.

The proposal for a single category of SEN could result in some children with moderate needs being unable to access support. LAs would welcome an assurance that all young people with SEN/LLDD will receive appropriate support in future.

Interviewees welcomed an increased role for the VCS and additional key worker support for parents. However, they suggested that a growth in the number of professionals and providers could result in inconsistent approaches, highlighting a need for both accountability of the VCS and workforce development within the sector. In addition, interviewees felt that the VCS were not always neutral and could have a vested interest in promoting certain types of provision for parents.

## **Evidence base**

The findings are based on qualitative telephone interviews with seven LA officers with responsibilities for SEN/LLDD and four interviewees from Parent Partnership Services across nine LAs. Interviews were carried out in May 2011.

# 1 Introduction

This report explores local authorities' (LAs) perceptions of how parents and young people with Special Educational Needs (SEN) will be affected by the Green Paper. The research is one of three projects commissioned by the Local Government (LG) Group, focusing on the various aspects of SEN and learners with learning difficulties and disabilities (LLDD). The other research reports are:

- *Views of Young People with Special Educational Needs and their Parents on Residential Education* (Poet *et al.*, 2011).
- *Young People with SEN/LLDD: Research into Planning for Adult Life and Services* (Martin *et al.*, 2011).

Where the report uses the term 'young people', this refers to both children and young people. The term 'parents' refers to parents, carers and those with parental responsibilities for young people.

## 1.1 Policy context

Since the findings from the Warnock Report (HMSO, 1978) changed the landscape and perceptions of SEN, there have been a number of policy developments related to the well-being and support of young people with SEN/LLDD. These developments include the Special Educational Needs and Disability Act (England and Wales. Statutes, 2001), the Special Educational Needs Code of Practice (DfES, 2001), the Special Educational Needs Strategy *Removing Barriers to Achievement* (DfES, 2004), the *Every Child Matters* agenda (HM Government, 2004) and the Disability Discrimination Act (England and Wales. Statutes, 2005), all of which sought to improve access to information, support and outcomes for young people with SEN/LLDD.

Previous reviews by the Education Select Committee (House of Commons Education and Skills Committee, 2006), Bercow (DCSF, 2008) and the Lamb Enquiry (DCSF, 2009) have provided a better understanding of the issues surrounding provision for young people with

SEN/LLDD and have raised awareness of the difficulties faced by families. In addition, the recent Ofsted (2010) review highlighted both the over-diagnosis of pupils requiring School Action support and the variable provision of SEN/LLDD services in LAs.

The drive to address these concerns and to further support and improve outcomes for parents and young people is the focus of the current SEN and Disability Green Paper (DfE, 2011). The Green Paper has the following purpose:

*We want to put in place a radically different system to support better life outcomes for young people; give parents confidence by giving them more control; and transfer power to professionals on the front line and to local communities.*

(Executive Summary, para. 4)

The Green Paper proposals have a strong emphasis on local decision making and autonomy and reflect the government's localism agenda. The Localism Bill (England and Wales. Statutes, 2010b and c) proposes a number of reforms, including individual and community empowerment. The overall drive is to reduce and transfer powers from the public sector to communities and individuals, to enable communities to have greater freedom and more autonomy in shaping their own provision and finding local solutions.

## 1.2 Aims and objectives of the research

In the light of these ongoing developments and their implications for families, schools and LAs, the LG Group originally commissioned the National Foundation for Educational Research (NFER) to provide an insight into LA consultations with users of SEN/LLDD services on the Green Paper's recommendations. However, due to the later than anticipated publication of the Green Paper, most LAs had not begun consultations (see appendix) at the time of fieldwork. The focus of the research, therefore,

changed to reflect this development, and the revised aims were to:

- capture LA perspectives of how the parents/carers of children and young people with SEN/LLDD will be affected by the SEN and Disability Green Paper
- explore LA responses to the Green Paper and identify key implications for LAs in the light of the proposed changes in the Green Paper.

### 1.3 Evidence base

The NFER team adopted a qualitative approach, using semi-structured telephone interviews, in order to provide flexibility and to limit the burden on interviewees. Eleven interviewees in nine LAs participated in the research during May 2011. LAs were selected based on responses to a call for views via the NFER's network of contacts. Interviewees comprised seven LA representatives with responsibility for SEN/LLDD delivery, and four people working in Parent Partnership Services (PPS). There was a good geographical spread of LAs, including those in the East Midlands, West Midlands, Yorkshire and Humber, South West and London boroughs. The sample included county councils, London boroughs, metropolitan and unitary authorities, representing a range across the categories of performance in their Ofsted assessment

of children's services. The majority of LAs reported that their SEN/LLDD population was between two and three per cent<sup>1</sup>.

### 1.4 Report structure

This report focuses on some of the key areas of the Green Paper proposals<sup>2</sup>. Chapter 2 explores views on early identification and intervention and the new proposals for the statutory assessment process. Chapter 3 considers proposals for greater parental control. Chapter 4 provides details on the extent to which LA services and agencies are working in partnership. Chapter 5 explores the challenges anticipated by LAs in implementing the Green Paper proposals, and chapter 6 presents the conclusions and implications of the proposals.

### Notes

1. The variation in how LAs categorise their SEN/LLDD population means that figures are not necessarily comparable.
2. Preparations for adulthood are not explored in this report, however this is a key focus of Martin *et al.*, (NFER, 2011 forthcoming), one of the three projects commissioned by the LG Group.

## 2 Early identification and assessment

This chapter focuses on the views of LA interviewees in relation to proposed early identification reforms, the single statutory assessment, the 'Education, Health and Care (EHC) Plan', and the early years' and school-based single category of SEN.

### Summary of findings

- All interviewees supported early identification of need in the early years through increased support from health professionals and better access to high quality early years' provision. Better parental engagement and collaborative working between professionals were perceived as key in supporting early identification.
- All interviewees welcomed the single assessment and the EHC Plan, reporting a need for better integration, commitment and accountability across agencies. Interviewees shared the view that the Plan should be statutory for all the agencies involved in order to hold all agencies and services accountable and to ensure their cooperation. In response to proposals for a faster and more efficient assessment process, LAs did not think a reduction in timescales would be feasible in practice.
- All interviewees welcomed greater partnership working with the voluntary and community sector (VCS) and felt that this could encourage more parental confidence and trust, as the sector is perceived to be independent by parents. With appropriate training, it was felt the sector could provide an information, advice and guidance, support and an advocacy role. Interviewees were circumspect about an assessment role for the sector. In addition, interviewees felt that any role for the VCS should come with an assurance of accountability, in the event that agencies were

unable to cope or where things might go wrong. Interviewees reported that the VCS were not always neutral and could have a vested interest in promoting certain types of provision.

- There were mixed views on the proposed single category of SEN. While some thought that a single assessment could help to simplify categorisation and provide a distinction between underperforming pupils and those with SEN/LLDD, there were also concerns that this could result in a high number of young people currently receiving support under the existing categories being unsupported in the future.

### 2.1 Early identification of need

The Green Paper sets out proposals to improve early identification of SEN/LLDD through better working between parents and professionals, greater support from health professionals and high quality and accessible early years' provision.

Early identification was reported by all interviewees as 'absolutely essential' and there was a consensus that the earlier needs were identified, the earlier intervention could be put in place. The recent early intervention reviews from Field (2010) and Allen (2011) acknowledge the importance of early intervention in order to ensure all young people are supported and given better life chances. Similarly, the Early Years Foundation Stage review (Tickell, 2011) recommends measures to better support early identification in the early years. LAs had a range of early intervention programmes in place to support early identification in the early years, for example, by offering universal services such as early language and hearing screening and by targeting funding at key areas of need, such as children with speech and language difficulties. In addition, two LAs had invested in engaging and

supporting teenage parents and families in need of greater parenting support, in order to improve young people's life chances. There was a widespread view that although intervention in the early years would be cost-effective in the long term, it would be most successful at identifying children with more complex needs.

To better support identification in the early years and needs which developed gradually, interviewees identified successful working between professionals and parents as one of the key principles in effective early identification. Research exploring the confidence of parents of young people with SEN/LLDD (White *et al.*, 2010) found that parental engagement from an early stage can be key in ensuring young people's needs are met. One PPS manager emphasised the importance of flexible and skilled parental engagement by dedicated professionals: 'It's down to individuals and it's down to having the right person that isn't entrenched in a particular way of working, and cares about the family, and is good at building up partnerships and networks.'

Two interviewees felt that teachers and other school professionals should improve how they work with parents, rather than 'forming stereotypical attitudes towards families'. The Special Educational Needs Co-ordinator (SENCO) role was seen as vital in bridging the gap between schools and parents of young people with SEN/LLDD, as the example below illustrates.

### Practice example

In this unitary authority, the parents of a young person with Asperger's Syndrome needed some additional support and advice. A SENCO referred them to the PPS which provided them with information and suggested they contact inclusion support services and a specialist autism organisation. As a result, the family are now receiving a range of support services. They feel they are in a position to move forward and 'get the right support for their daughter'. The PPS provides regular resources and information to professionals who work with families, including SENCOs.

## Support from health professionals

All interviewees welcomed the government's decision to increase the number of health visitors, who were viewed as 'the first point of contact [for families] ... your core universal service'. With appropriate training and support, interviewees were confident that health visitors would be able to identify a range of needs and refer families to relevant agencies. One interviewee had concerns that as health visitors are traditionally embedded in a medical model of disability, this could lead to 'over-diagnosis' of needs, particularly in respect to Autistic Spectrum Disorders (ASD).

Six interviewees reported that delays in assessments were usually due to delays or conflicts within the health agency. For example, parents sometimes struggled to receive speech and language referrals, and did not always gain the necessary support which could have addressed issues early on. Greater support from health visitors and GPs was, therefore, viewed as an important way of ensuring early support for parents.

All interviewees felt that the Green Paper's proposals for greater integrated working across education, health and social care would help to ensure that agencies were more joined up and that young people's needs were identified earlier. In one LA a database of the names of young people with SEN/LLDD had been established and the long-term aim was to ensure that all agencies worked from the same database. This would help to support early identification, for example, by identifying families that have not followed up with appointments.

### Accessible and high quality early years' provision

All interviewees reported that their LAs had a range of existing services in place which they felt would support early identification in the early years, including universal early years' provision, early years' inclusion services and integrated early years' policies.

Two LAs had implemented the Early Support programme, aimed at improving provision and support for families, by integrating services and agencies, and helping families better to coordinate provision. Early Support was viewed as particularly effective in

providing a personalised package of support for families and helping them to identify the relevant support, with one head of service describing it as the 'gold standard of multi-agency support ... it's fantastic when it works well'. Extending the remit of Early Support beyond the early years was welcomed by these authorities, as some families had experienced a lack of support once young people started school.

## 2.2 Views on the single statutory assessment and an 'Education, Health and Care Plan'

The Green Paper proposes that young people who would have a statement or statutory assessment should have a single statutory assessment and an EHC Plan from birth to 25, which would identify and assign responsibilities across education, health and social care. This would also enable better planning of services.

There was support from all interviewees for an integrated assessment model and the EHC Plan, in principle. Interviewees recognised that many families require support from different agencies and felt that it was a positive step for the statutory assessment process to look holistically at young people's needs. Interviewees highlighted a need for the EHC Plan to include all aspects of support for young people, and one PPS coordinator suggested that the Plan should 'address all the other aspects of a child that actually impact on their education and learning'.

Interviewees felt that parents would welcome the opportunity to discuss their child's needs with representatives from several agencies at a single meeting, because 'they are being listened to with greater input from professionals'. However, one interviewee felt that more integrated working would not be less burdensome for families, because it could involve 'huge meetings with lots of professionals'. In contrast, findings from Local Authorities Research Consortium (LARC3) (Easton *et al.*, 2011) suggest that parents that have been involved in large multi-agency meetings through the Common Assessment Framework (CAF) have been positive about this, and meetings were well received.

Four interviewees said they perceived little difference between the new statutory assessment process and the

existing system, as the three agencies frequently worked together already in their authorities. The only difference would be related to statutory requirements, as one PPS manager explained: 'the Plan will be making all parts statutory, so there's no doubt what a child's needs are and who will provide it'. Similarities between the EHC Plan and the CAF were also noted. Interviewees welcomed clarification on whether the two would be integrated.

There was widespread agreement that the EHC Plan could help to address issues across agencies which currently present challenges in assessment. A number of issues were highlighted which need to be addressed in order for the proposed changes to be effective and these are discussed below.

- **Accountability:** Six interviewees felt that the statutory assessment and EHC Plan would only be effective where all agencies were fully committed. They emphasised a need for all agencies and services to be held accountable for provision, by making the Plan statutory for all agencies involved and ensuring it 'pinned down accountability for health and social care provision in the way that statements have pinned down education'.
- **Working cultures:** Concerns about the integration of three agencies with different working cultures and the willingness for people to give up their 'little empires', were highlighted by four interviewees. For example, one PPS interviewee reported that the age young people were considered adults differed across education and health agencies, resulting in delayed support for young people. Two interviewees noted that the traditional social and medical models of disability held by education and health agencies respectively, could create challenges in respect to identifying the best school provision for young people with SEN/LLDD.
- **Ownership and responsibility of the EHC Plan:** Three interviewees welcomed further clarification on whether one agency should be a 'champion' with responsibility for implementing the Plan. As one PPS coordinator asked: 'Who will manage the process? If social care does not attend meetings, what happens? Who will have overall responsibility?'
- **Monitoring and review:** Due to the changes in working practice expected to be brought about by

the EHC Plan, three interviewees felt that regular monitoring and review of the Plan would be needed in order to 'police it' and quality assure services and agencies. The Plan would also need to remain flexible enough to account for emergency reviews.

### **Efficiency of the statutory assessment process**

The Green Paper has proposed making the assessment process faster and more efficient to reduce delays and to ensure more timely support for parents and young people with SEN/LLDD.

Of the two interviewees who commented on this reform, both thought that it was unrealistic to reduce further the length of assessments. One PPS manager reported that the statementing and assessment process took about six months and that delays were frequently due to issues within agencies: 'The journey it takes to get to that point [the statement of needs] is what takes too long ... [reducing timescales] is not helpful'. Interviewees felt that because the new assessment process and EHC Plan called for commitment from all agencies and increased involvement from the VCS, this was likely to lengthen the time required for assessments rather than reduce it.

## **2.3 The voluntary and community sector**

The Green Paper has proposed a wider role for the VCS and has suggested the sector could play a role in the assessment process, in order to introduce greater independence.

All LAs were working with the VCS in different capacities and welcomed the opportunity for increased partnership working. Interviewees emphasised the expertise, knowledge and experience of many VCS organisations. As one PPS manager explained: 'I think the role [the VCS] play now is a very good role and a very essential role ... [we] know what our roles are and we use each other's expertise'.

All interviewees reported that, given appropriate training and quality assurance, a wider role for the VCS would give parents greater choice and flexibility in provision. Many VCS organisations were already

providing information, advice and guidance (IAG), support and advocacy services and it was felt that this role could be widened, particularly in the light of parents being granted greater autonomy (further discussed in Chapter 3). Two interviewees said that a key benefit of the VCS was in providing more independence to the current process and with that, instilling parental trust. In addition, three interviewees felt that many parents perceived the LA as 'distant', and these authorities felt that they had lost the trust of parents. A head of SEN acknowledged that the VCS were in a good position to help gain parental trust, as 'parents are more likely to accept what the voluntary sector offers them than what the local authority offers them'.

However, four interviewees, three of whom were PPS interviewees, reported that the PPS already provided an IAG, advocacy and support role. Interviewees felt that the PPS was independent enough to be trusted by parents, particularly where the service had been commissioned to the VCS. One LA officer<sup>3</sup> had reservations that PPS could not be viewed as truly independent, especially where the service was located within SEN/LLDD teams in the LA.

While recognising the expertise that the VCS currently contribute to some aspects of the process, five interviewees were unconvinced that the VCS could have an effective role in statutory assessments. They requested 'a lot more clarification' about the range and extent of proposed involvement of VCS in assessments.

Although increased independence from the LA was highlighted as one of the benefits of the VCS for parents, there was concern from three interviewees that VCS organisations may be aligned with particular interest groups. They may, therefore, promote certain types of provision in an assessment role, which, interviewees felt, were not always in the best interest of young people. In addition, there were concerns from six interviewees that due to the complexity of SEN/LLDD cases, the VCS could lack the expert knowledge and legal awareness needed to empower and support parents. For example, one disability programme manager explained that as the VCS were not responsible for budgets, they might give parents 'idealistic rather than realistic advice'. The range and disparity between different VCS organisations was regarded by six interviewees as a barrier to consistent approaches which could result in variable assessment

approaches, IAG and practice. Interviewees emphasised a need for regular monitoring and quality assurance processes, in addition to further clarity on who would take responsibility for monitoring and holding VCS agencies accountable in the event that they were unable to cope with new demands. One LA interviewee said that it would be difficult to separate funding responsibilities held by the LA and an assessment role carried out by the VCS, with a danger of 'other people spending limited pots of money'.

## 2.4 Proposals for a single category of Special Educational Needs

The Green Paper sets out proposals to address the over-identification of SEN, highlighted by Ofsted in 2010, by replacing the current SEN categories of School Action and School Action Plus with a single early years' and school-based category of SEN.

Of those interviewees who commented, there were mixed views on this proposal. Three interviewees were in favour of retaining the existing categories, because young people had a range of needs within the SEN classification. Interviewees reported existing difficulties with young people not receiving the required support where needs were on the threshold or were not correctly identified. In addition, there was some feeling that the introduction of a single category could result

in a high number of children without statements being denied the support they needed. Examples of children in this situation included those with ASD or moderate learning difficulties. One SEN advisor felt that the Ofsted review had been taken out of context and that the Green Paper had ignored the needs of children who currently received support under the existing categories: 'The Green Paper is premised on a small number of children with very complex needs. There is the assumption that the rest of the young people who haven't really got complex needs will catch up.'

In three cases, interviewees welcomed the new categorisation as a way of simplifying the current categories and, as one interviewee commented, making a distinction between underperforming pupils and pupils whom 'despite a significant amount of targeted support, continue to have difficulties with learning and behaviour'. However, there was concern raised by one interviewee that schools would have to be moderated to ensure the system was not being abused, for example, where there might be financial incentives associated with categorisations.

### Note

3. Where the term 'LA officers' is used throughout the report, this specifically refers to the views of officers with responsibility for delivery of SEN/LLDD services within the LA.

## 3 Giving parents greater control

This chapter explores LA perceptions on how greater control will affect parents and young people with SEN/LLDD, the extent to which parents will be able to exercise autonomy through the use of personal budgets, and LA plans to set out a local offer of information and support services for parents and young people with SEN/LLDD.

### Summary of findings

- Interviewees challenged the Green Paper proposal to allow parents greater choice of school on the grounds that parents would only be able to express a preference rather than exercise a choice, as schools would not always be able to meet young people's needs. Interviewees felt this lack of clarity in the Green Paper could lead to unrealistic expectations for parents.
- Interviewees were in favour of introducing statutory requirements for schools to provide information on SEN/LLDD provision but wanted further clarity on selection and admissions processes for Academies.
- All interviewees welcomed greater parental autonomy through personal budgets and felt this would allow parents to become more engaged with, and confident about, the system. However, they pointed out that parents would need support in operating the new system, especially parents who were less able or articulate.
- There was a widespread view that parents were already overwhelmed with information and some LAs were conducting mapping exercises to improve their service provision and support. LAs also reported that information had to be accurate, clearly presented and reader-friendly in order to instil parental confidence and trust in the availability of provision.

### 3.1 Parental control and choice

The Green Paper has proposed greater control for parents, with the aim of reducing the burden on families and addressing some of the challenges faced by parents in obtaining support. The proposal outlines plans to give parents 'a clear choice of school' and states that parents will be given 'the right to express a preference for any state-funded school, including Academies and Free Schools' (DfE, 2011, p.42). In addition, the Green Paper recommends that parents should be given access to funding information and the option of a personal budget to allow them to exercise control over support and provision.

#### Choice of school

All interviewees agreed they saw little difference between the Green Paper proposals of greater parental 'choice' and current practice. There was an emphasis that parents would still only be able to express a preference and highlighted that any 'choice' or preference would still have to be considered in the context of need and 'alongside the best use of public money'. Two interviewees felt that the Green Paper was 'misleading' in referring to both choice and preference interchangeably, which could encourage parents to have unrealistic expectations and lead to further disillusionment and distrust of LAs.

Two interviewees suggested that many parents wanted to have their child's needs met in a local school. It was noted that preference or choice only became an issue when either mainstream schools were unable to meet young people's needs or parents disagreed with LA statutory assessments. Interviewees were resolute that where possible, they attempted to meet parents' preferences. As one head of SEN explained: 'Case law says that needs should be fully met, no more. It doesn't say best, it doesn't say most. If you've got a resource-constrained system, how can you let people just choose what they want? We get the most bizarre choices.'

All schools have a duty to provide information on SEN/LLDD provision and to support all young people by promoting equality under the Equality Act (England and Wales. Statutes, 2010a). However, six interviewees reported that this was variable across schools and that not all schools were able or willing to support young people with SEN/LLDD. There was a shared view that school cultures needed to become more inclusive towards parents and young people with SEN/LLDD. For this reason, interviewees were in favour of a statutory requirement for all schools to provide information about their SEN/LLDD provision, in order to support parents in making well-informed decisions. However, two interviewees were doubtful about the extent to which the Green Paper proposals would alter admission processes for Academies and had concerns about how LAs would monitor provision for young people with SEN/LLDD in these schools.

## Personal budgets

The majority of interviewees were in favour of increased control for parents through the use of personal budgets, in principle. Interviewees thought that parents would feel that they have 'a say and an input', have a better understanding and would be more confident in a system they could personalise. Research from White *et al.*, (2010) reported that parental confidence can be increased where SEN/LLDD provision is both personalised and flexible. Interviewees had an expectation that LAs would increasingly have to commission provision from private and VCS providers, and thought this would offer more choice and flexibility for parents. However, there was a widespread view that with greater control, parents would be expected to assume increased responsibilities. Three interviewees were concerned that the system would be biased in favour of certain families, as an SEN advisor explained: 'the Green Paper is premised on articulate middle class parents who know the system and know what they want'. Interviewees pointed out that many parents of young people with SEN/LLDD had learning difficulties themselves or were dealing with multiple disadvantages which could prevent them from exercising their choices effectively. Two interviewees felt, therefore, that parents should be given a choice about whether they wanted to assume responsibility for personal budgets. One PPS manager explained that

many parents would find the additional responsibility of managing budgets challenging: 'Parents actually want to live ordinary lives. Parents have told us that [they] want the choice and involvement, but they don't necessarily need or want the added responsibility.'

Interviewees anticipated that a large number of key workers would be needed to support parents in using personal budgets. There were mixed views about which existing agencies were best placed to assume the key worker role. Four interviewees felt that this role could be performed by the VCS, four felt the LA or PPS could carry out this service, while three were unsure.

Two PPS interviewees reported that where parents currently had some control over budgets in social care, they had found some of the responsibilities burdensome. In some cases, interviewees suggested that parents would have to effectively become 'employers', taking on responsibility for commissioning services and employing carers, including assuming employer liability. Some interviewees welcomed an evaluation of parents' experiences in using direct payments and personal budgets in social care as a useful way of gauging parental views. An evaluation of direct payments in adult social care indicated that people with personal budgets felt more in control of their lives compared to those not in receipt of the budget (Glendinning *et al.*, 2008).

Two LAs were currently participating in pathfinder schemes for the personal budget, one of which was trialling personal budgets with 20 parents. Most of these parents had children with complex and severe needs attending both mainstream and special school provision. The project has provided parents and young people with greater choice over social care services. Initial feedback from parents indicated that they felt personal budgets were a positive development.

Although parents were familiar with young people's needs, two interviewees felt that parents did not always make decisions in the best interests of young people and that, in some cases, professionals were better placed to make these recommendations. For example, one interviewee explained that parents could have their own issues or agendas and in the past, parents in their authority have expressed a preference for schools that have an excellent academic record, but do not meet young people's needs.

LA officers noted that personal budgets could be used by parents in a number of ways, including short and extended breaks and respite, post-18 provision and speech and language therapy. They were unsure about the format of personal budgets, but there was a view from two interviewees that parents should have a choice about format. Further clarification was welcomed on how personal budgets would work in respect to transport provision and across education, with the understanding that budgets could not be used to buy school places.

### **3.2 Information and support for parents: a local offer**

LAs have a duty under Section 12 of the Childcare Act (England and Wales, Statutes, 2006) to provide information, advice and assistance to parents, and the Green Paper outlines plans to ensure that LAs set out a local offer of support for parents and young people with SEN/LLDD.

All interviewees felt that a local offer needed to be clear, honest and accessible, with layout and the use of plain English being extremely important. As parents were felt to be already 'overwhelmed' with information, interviewees emphasised that information needed to be managed and available 'in one place'. Interviewees identified the PPS as a good mechanism for providing information to parents, in addition to

clearly signposted websites, newsletters and DVDs. Two PPS interviewees said that parents had told them that they preferred having a person they could talk to, in order to discuss the process and to receive more efficient guidance.

LAs already provided information on provision although some interviewees said this could be improved. At the time of fieldwork, many LAs were still considering their responses to this aspect of the consultation, while others were conducting service mapping exercises to inform development of their local offer, as illustrated below.

#### **Practice example**

This metropolitan borough council has an information officer based in the Family Information Service who works closely with the PPS. The information officer will be working with parents, schools and other services and agencies to develop a core local offer. He will identify what information is already available, what further information is needed and the different ways this can be provided and delivered. In addition, he will ensure all offers are tailored to the individual needs of young people and their parents and made available in a range of formats.

## 4 Services working together for families

This chapter explores LAs' responses to the Green Paper's proposals for integrated partnership working across services and agencies and between professionals, to improve and better coordinate support for parents and young people.

### Summary of findings

- All LAs were working with other LAs in some capacity. Most had informal relationships, but a small number had formal agreements. Interviewees reported that more formalised agreements, for example, through the recently disbanded SEN hubs, encouraged partnership working.
- Authorities were either in the process of, or had already established, integrated working across services and agencies. In some cases, education and health agencies had pooled funding and interviewees felt the EHC Plan would encourage more collaborative working.
- The PPS were highlighted, mainly by PPS interviewees, as a key service, which was well positioned to take forward many of the Green Paper proposals, if given a wider role.
- Reduced capacity and funding were felt to be possible barriers to agencies working more collaboratively.

Interviewees reported that their authorities were working with other LAs in some capacity, to provide services for young people with SEN/LLDD. Most arrangements were informal, involving sharing practice with neighbouring authorities. Two interviewees reported having formal partnerships with other authorities, for example, where geographical boundary issues lent themselves to integrating particular services and multi-agency working. In addition, interviewees

had experienced formal SEN regional hubs, which have recently been disbanded as a result of the end of the National Strategies programme. They felt that formalising partnerships in this way had worked well in encouraging collaboration but could be challenging where there were substantial disparities in LA policies and funding arrangements.

Three of the authorities involved in the research had already integrated some of their LA services and felt they were in a good position to take forward the Green Paper proposals. Two examples are outlined below. One authority was in the process of mapping provision in order to identify need and opportunities for integrated working.

### Practice examples

An urban metropolitan borough council has joint commissioning arrangements between health and the LA children, young people and families' directorate. The LA is the lead commissioner. The LA has recently established an integrated service for young people with LLDD across education, health and social care, which is also linked to the CAF. This arrangement supported the EHC Plan as the head of service has responsibility for the SEN/Inclusion service, health and social care disability services, below locality well-being developments and the CAF.

A London borough's current focus is on further improving partnership working between children's services and adult social services. This included ensuring that social care and health were represented on the children's services steering group and bridging the gap between the different systems and criteria in education, health and social care. The EHC Plan was welcomed by this authority as a way of taking forward and addressing these issues.

Interviewees felt that it was easier to foster a culture of joint working in smaller authorities and where the logistics of partnership working were made easier because agencies were coterminous. However, they identified a reluctance to share information between agencies as a barrier to collaboration.

The Green Paper highlights the need for front-line professionals and agencies to assume greater responsibility and control. Four interviewees, three of whom were PPS interviewees, felt that the PPS should assume a greater role under new SEN/LLDD reforms as they worked with parents, LAs, schools, the VCS and other professionals. One PPS manager outlined the benefits of a good PPS service for avoiding conflict:

*A good PPS can work really well to resolve disagreements. PPS in [the LA] work really well to resolve disagreements without the need to involve mediation. We've got a low level number of tribunals because our LA, to a certain extent, understands our role and allows us to function. If an LA allows its PPS to function within the standards, resources it properly and sees it as something to invest in, then it can work really well.*

Interviewees were in favour of extending the PPS role by introducing greater accountability through quality assurance. In addition, broadening the remit of the service across health and social care was welcomed, as interviewees said they were already supporting parents through health and social care issues 'because there's nobody there to provide support to parents'.

## 5 Overarching funding and workforce development challenges

Interviewees felt that both budget cuts within LAs and cuts to services posed a number of challenges in implementing some of the Green Paper's proposals. They acknowledged the need for a review of current practice but were less clear about how to implement effectively the proposals given these constraints. In particular, a few interviewees said that reduced LA budgets had resulted in less staff and, therefore, a reduced/narrower offer of some statutory services. For example, some School Action Plus statements call for support from occupational therapists or speech and language therapists, but do not specify the amount of support LAs need to provide; in cases of this nature, there has been a reduction in the amount of support. One interviewee said that funding from education and health agencies had been pooled for key areas of need, for example, speech and language therapy. The interviewee explained that this service had not been statutory and that reduced budgets across agencies would now result in some aspects of these services being cut.

Interviewees were committed to the early identification proposals, but pointed out that cuts to children's centres and early years' settings in some LAs could mean that not all young people have access to appropriate provision. In addition, it was felt that early identification could lead to a greater number of referrals for provision that 'did not exist', as LAs would not be able to expand or provide new services as a result of reduced budgets. They pointed out that health visitors and early years' staff will require development and training to equip them with the expertise to identify young people with SEN/LLDD.

The EHC Plan was perceived to have the potential to ensure accountability across all agencies and services, if it is made statutory to all. However, LA officers in particular had concerns about how sharing funding across education, health and social care would work in practice, and whether budgets would be ring-fenced, in order to ensure that all agencies were committed.

While interviewees welcomed a wider role for the VCS, there was some concern about whether current capacity within the sector was sufficient for them to have an effective role in both assessments and advocacy for parents. In addition, there was a lack of clarity among the majority of interviewees about where funding responsibilities would lie, if VCS organisations were charged with assessment responsibilities. Interviewees explained that LAs were 'struggling to fund basic services' and with reduced staff, would not be in a position to assume additional funding responsibility for VCS organisations. There was a widespread view that an increased role for the VCS would require large-scale workforce development in the sector.

Greater parental control in relation to personal budgets was welcomed, although interviewees recognised the need for additional support for parents to take on these responsibilities. This will require increased capacity to provide key workers, as well as additional training. There was also some concern that, where provision was not available, parents would be unable to exercise a choice.

## 6 Conclusions and implications

### 6.1 Conclusions

This research provides a snapshot of LA perspectives on the SEN Green Paper in May 2011. We should note that the research involved only a small number of authorities, and many authorities were still collating their responses to the proposals at the time the research was conducted. In addition, only one of the authorities included in the research had conducted consultations with parents (see Appendix).

Nevertheless, the research has found evidence of consistent responses from interviewees working in very different authorities. The majority of interviewees were positive about the Green Paper and welcomed the proposals in principle. Interviewees felt that while progress had already been made in relation to some of the proposals – for example, providing accessible and good quality early years' provision – they felt that the majority of proposals would be challenging to implement, particularly without any additional funding for LAs.

LAs identified limits in current practice and were committed to improving support for parents and young people. They welcomed the focus on providing increased flexibility and choice for parents. However, there was a widespread view that the Green Paper would not reduce bureaucracy or simplify the assessment process for parents. There was concern that many parents would find the additional responsibility of personalised budgets challenging and difficult to navigate, even with the support of a key worker.

One of the key concerns among many interviewees was the proposal to re-categorise SEN, as they feared this would leave some children who would have previously been identified, being unsupported. Interviewees felt that improved teaching and learning would not address the needs of many of these young people and that early identification would not necessarily help young people with less complex needs.

Three interviewees felt that their LAs had lost the trust of parents. They were worried that the Green Paper's promise of greater school choice could lead to raised expectations from parents and further exacerbate relationships with LA staff.

LAs had made some progress towards integrated working, and some authorities had pooled budgets across agencies and services. They welcomed the EHC Plan being made statutory and the ring-fencing of funding across education, health and social care as a means of promoting collaborative working, in order to improve support for young people with SEN/LLDD and their parents.

Interviewees recognised that the VCS could provide greater flexibility and choice for parents and that the perceived independence of the sector could instill greater trust and confidence in the process. While an increased role for VCS organisations in IAG and advocacy was welcomed by LAs, there was some concern about the lack of clarity in the Green Paper about the sector's involvement in assessments. Some interviewees were concerned that introducing more professionals into the process would further increase bureaucracy.

The research also highlighted a need for more clarity on several of the proposals in the Green Paper, particularly in relation to the single category of SEN, the role of the VCS and accountabilities linked to the EHC Plan. The Green Paper was, therefore, welcomed as a vision statement which should be supported by most LAs in principle, but which had not fully considered the practicalities of implementation.

### 6.2 Implications

The evidence identified a number of implications for practice arising from proposals in the Green Paper.

Interviewees felt that many of the Green Paper proposals, particularly those in relation to parental choice and the use of personal budgets, would not

reduce bureaucracy or simplify the process for parents. Additional responsibilities could result in parents becoming more overwhelmed with the process, and support will need to be in place to ensure that parents are equipped to exercise choice.

While early intervention in the early years will save costs in the long term, this is likely to be most successful in identifying children with conditions that are easy to identify and those with more complex needs. For needs which gradually develop or do not manifest until children start school, further intervention support will be required to ensure that all young people's needs are identified. In addition, agencies will need to continue to engage with families, to ensure that once needs are identified, families are supported and do not fall through the net. Early identification reforms will increase support within the public sector, but the private, voluntary and independent sector will need to undertake similar reforms in order to ensure all young people receive adequate support.

The requirement for agencies to work collaboratively through the EHC Plan will require greater demands on agencies. This could have implications for current proposals to reduce the timescales for assessment, as involvement from different agencies could make the process lengthier.

The proposal for a single category of SEN could provide a distinction between those with SEN/LLDD and those young people that are underperforming and also need some form of additional support. However, this could result in a number of young people currently receiving support under the existing categories being unsupported in the future.

An increased role for the VCS and additional key worker support for parents to exercise parental choice would be welcomed. However, an increase in the number of professionals and providers could result in inconsistent approaches and a need for accountability of the VCS, which will add further bureaucracy, cost and delay to an already constrained system.

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# Appendix: Local authority consultations with families

At the time of fieldwork, only one LA had carried out consultations with families of young people with SEN/LLDD. Five authorities planned to carry out consultations in future. Three authorities did not intend to do so, but had encouraged parents and young people to respond via schools or individually, to ensure their views were 'not lost in the LA's response'.

LAs primarily intended to consult through youth parliaments, PPS, forums, meetings and focus groups, while a small number were also using online and paper questionnaires. Several authorities had not yet determined which groups they would be consulting, while others intended to target the following:

- parents and young people with a range of SEN/LLDD
- mainstream and special schools, and further education institutions
- LA stakeholders within education, health and social care
- VCS organisations.

## Findings from one LA's consultation with parents

- Parents had concerns that the proposed single assessment and removal of School Action and School Action Plus was a 'money-saving exercise' to reduce the high number of children with SEN/LLDD. However, parents welcomed the integrated EHC Plan, as long as it looked holistically at young people's needs.

- Parents wanted more support and information at the beginning of the assessment process so they could engage in a meaningful way.
- Parents highlighted a need to access all information about everything schools offered, in a range of formats.
- Mediation in disputes over the authority's decisions on service provision was welcomed as a good idea, and parents felt this would save LAs money and avoid tribunals. However, there was a view that timescales for mediation needed to be agreed so that rights to appeal were not affected. Parents identified the PPS as the preferred service for mediation.
- Parents welcomed a greater role for the VCS, but felt these organisations needed more status in order for LAs to accept their recommendations.
- In respect of early identification, some parents did not feel anything new was being suggested and questioned how children's needs would be identified if School Action and School Action Plus were removed.
- Parents questioned whether the proposed 'choice' mentioned in the Green Paper was 'real'. There was a need for further clarity on how this differed from current practice and what school 'choice' meant in the light of Academy admissions and selection processes.
- Parents welcomed personal budgets in principle, but expected to receive support and to have a range of services to choose from.

## Recently published reports

The Local Government Education and Children's Services Research Programme is carried out by the NFER. The research projects cover topics and perspectives that are of special interest to local authorities. All the reports are published and disseminated by the NFER, with separate executive summaries. The summaries, and more information about this series, are available free of charge at [www.nfer.ac.uk/research/local-government-association/](http://www.nfer.ac.uk/research/local-government-association/)



### Young people's aspirations in rural areas

Youth unemployment is a serious issue affecting rural areas. One possible cause is believed to be low aspirations among young people, their families and the local community. Based on a rapid review of literature and case-study visits, this report explores the influence and impact of low aspirations.

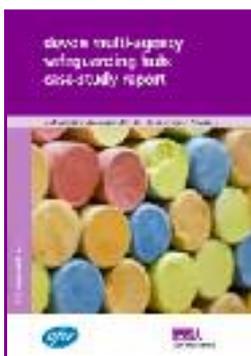
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### How to sustain and replicate effective practice

This report examines how effective practice examples that have been through the Centre for Excellence and Outcomes' (C4EO) validation process have been, or could be, replicated and sustained. A set of [online guidelines](#) was produced as part of this research.

<http://www.nfer.ac.uk/nfer/publications/LRSV01>



### Devon multi-agency safeguarding hub: case-study report

Safeguarding children and young people is a central concern for a range of agencies, in particular CYPS, the police and the health service. This case-study report covers the MASH model, its outcomes and impacts, and future developments. A companion report examines the hub's value for money.

<http://www.nfer.ac.uk/nfer/publications/LGMX01>

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The 2011 DfE Green Paper on special educational needs (SEN) and Disability focuses on improving support and outcomes for young people and their parents. Its proposals emphasise local decision making and autonomy and reflect the government's localism agenda.

This report captures LA perceptions of how young people with SEN and their parents will be affected, identifying key implications for local authorities. It covers:

- Early Identification and Assessment
- Giving Parents Greater Control
- Services Working together for families
- Overarching finding and workforce development
- Conclusions and Implications