

**Edward Timpson, Minister for Children and Families, discussion with Parents on Special Educational Needs and Disability (SEND)**

**Monday 7 December 2015**

**Note of meeting**

The meeting was held to seek parents' views on how the SEND reforms are being implemented, and provided an opportunity for parents to share their experiences directly with the Minister and with Flora Goldhill, a senior official from the Department of Health. The meeting was chaired by Christine Lenehan, the Director of the Council for Disabled Children.

The National Network of Parent Carer Forums, Contact a Family, and the Council for Disabled Children were asked to offer names of parents who could attend, and a representative from the Special Needs jungle was also invited to attend the meeting.

A full list of attendees can be found at the end of this note.

**The Minister made the following opening remarks:**

- It was essential that the arrangements for children and young people with SEND supported families effectively, rather than families having to 'fit in'.
- We are still in the relatively early stages of changing the culture and attitudes, as well as structures.
- We want to keep listening and we are doing that in a number of ways – for example, through regular discussions with parents at regional and national PCF meetings.
- We are gaining a richer understanding of what works – for example, through the Department's Special Educational Needs and Disability (SEND) Advisers, and surveys of parents and local authorities. We will also be conducting a large scale survey of families about their experience of the reforms, the results of which will be available towards the end of 2016.
- We want to hear of your direct experiences so that, as we move into next year, the views gathered from children, young people and parents are the main drivers behind our work.

**Key points from the discussion:**

**Accountability**

- Not all local authorities (LAs), clinical commissioning groups (CCGs) and schools are aware of their SEND responsibilities. Some see the SEND Code of Practice for 0-25 year olds as guidance, rather than something with legal status. In addition, some LAs believe the Code does not cover adults (up to 25) with SEND, due to confusion with the wording of the Children and Families Act.
- There are inconsistencies with SEND provision among different LAs. An example was given of some post-16 student being charged £600 per year for school transport – this was a particular issue since the school leaving age had been raised.

- In some cases, the Code was being misinterpreted in relation to eligibility for EHC needs assessment, and some LAs seemed to be applying blanket policies rather than looking at each case individually. For example, by only offering an assessment for pupils who were achieving certain levels of attainment.
- It was acknowledged that, although the Ofsted Accountability Framework was good, Ofsted are limited in the amount of provision they will inspect.

### EHC plans

- It was felt that examples of good quality EHC plans needed to be available to parents so that they had something to compare with what they were being offered.
- There was an issue of timing verses quality – for example, many felt that 20 weeks for a final plan was not sufficient time for LAs to focus on quality.
- There was an example of 'non statutory pathway' plans being offered to pupils who had a Learning Difficulty Assessment (LDA) - but not a statement - rather than an EHC plan.

### Transition to adulthood

- A lot of young people are falling out of the education system as they do not receive the right/sufficient support, and they and their parents are not aware of EHC assessments and plans.
- It was felt there was a need for greater variety of classes and apprenticeships during the transition to adulthood, other than 'life skills' – the options of music, arts and drama were discussed - but this needed brokering.
- Many parents feel unsupported and are having to do a lot of the work themselves to ensure that their child or young person have access to work.
- Kent LA was quoted as an example where they were working with colleges on support for SEND young people to ensure that they retain these pupils.
- An issue was raised around cuts to the Disabled Students Allowance (DSA) and the effect this would have on young people who find they do not have access to DSA or an EHC plan.

### SEND Support

- There are a number of families where the school is not providing appropriate support, particularly in the case of Academy schools.
- If the child or young person does not have an EHC plan, then the usual admission rules apply and they have to go to their nearest school. This can result in the school taking a pupil they do not want or are unable to support.
- Advice being given to parents locally is that they should complain to, or seek support from, the Department for Education, which parents are often reluctant to do.
- An example was provided of where children, often autistic, were being excluded from school and having to go to a Pupil Referral Unit (PRU).

### Health and Social Care

- Local health services were not being proactive in facilitating the SEND reforms.
- Issues were raised around direct payments for social care and their restrictiveness on activities for children and young people to get involved in.
- Parents are also experiencing difficulty in obtaining social care assessments, particularly if the child or young person has not previously been known to the social care system.

#### **Suggestions of good practice/areas for improvement:**

- Parents were keen for more sharing of good practice among LAs, schools and post-16 providers.
- It was suggested a guidance document should be circulated among struggling LAs, which could also provide clarity on the SEN Code of Practice and LA responsibilities.
- Independent Support (IS) has proved very helpful, providing families with the personalised advice and support they need. There was a question around the future of IS, in particular to cover the timescale of transfers from statements to EHC plans by 2018.
- Workforce development is critical to success of the reforms – LAs, schools, colleges and health services need training.
- It was acknowledged that LA staff want to support the families that they work with, but there was often a block at a very senior level in LAs.
- A stocktake with LAs on the SEND reforms was suggested.

#### **Closing words:**

##### **Minister, Edward Timpson**

- The SEND Code is very clear on SEND support, but there is still work to be done to ensure that there is no room for misinterpretation.
- Although 15 months into the reforms is still early days, we acknowledge that more needs to be done on: workforce development; ensuring the messages reach those at the top; and on how the new accountability structure is bedding in.
- It is clear that people working with families want the reforms to work, and it is important that they are empowered to do so.
- The law is very clear around children's social care, but we accept that there is still a lack of knowledge and training among staff.
- We will continue to be clear in our dialogue with LAs that their Local Offers should be high quality, and designed to be accessible to users, and not limited in their development by corporate communications processes.
- It was encouraging that Independent Support is working. We will consider how this can be built on in the longer term, for example to support families around EHC plans and apprenticeships.

- We want to ensure that all LAs are providing appropriate access to personal budgets.
- Ofsted Accountability Framework will offer parents the opportunity to say where things are not quite right.
- Working with our SEND Advisers, we will continue to engage with those LAs that are underperforming, and we will share good practice examples.
- In terms of getting health professionals on board and involved, we are aware that some CCGs are doing fantastic, innovative work, but we acknowledge that there is more to be done.
- We are keen to keep an open dialogue with parents.

**Flora Goldhill, Director at the Department of Health**

- We acknowledge the challenges in ensuring that health professionals are kept on board at a local level.
- NHS England has set up a new Board for Children with Complex Needs – and we would be happy to enable parents to have a direct conversation with the Board.
- We value quality over timescales.
- We suggest that this group request a similar meeting with a DH minister to provide feedback on implementation.

**Amanda Batten, Chief Executive, Contact a Family**

- The issues that came up in discussion reflected those Contact a Family receive.
- We need to acknowledge that Information Advice and Support services are struggling to keep up with demand from families.
- The Minister's comments and commitment to ensuring that there is appropriate accountability, and a continuing role for Parent Carer Forums as co-producers of local implementation, are to be welcomed.

## **Attendees**

### **Parents**

Sana Abbad, Brent Parent Carer Forum  
Bonnie Arpino, Kent Parent Carer Forum  
Anne Barnes, Birmingham Parent Carers Forum  
Ashling Barve, from Wandsworth  
Sherann Hillman, co-chair of the NNPCF  
Karen Hoe – North East Lincolnshire Parent Participation Forum  
Kay Moore, London representative of NNPCF  
Maureen Morris, co-chair of NNPCF  
Lynn Pashby, Your Child Your Voice Plymouth  
Vici Richardson, from the North East  
Dave Rosen, Independent Supporter from KIDS  
Tania Tirraoro, Special Needs Jungle

### **Other attendees**

Christine Lenehan, Director of Council for Disabled Children  
Amanda Batten, Chief Executive of Contact a Family

### **Department for Education (DfE) and Department of Health (DH)**

Edward Timpson MP, Minister of State for Children and Families  
Simeon Hanfling, Assistant Private Secretary to Edward Timpson MP  
Flora Goldhill, Director at DH  
Ann Gross – DfE Director, SEND, Children in Care and Adoption  
Andre Imich – DfE SEND Adviser  
Michael Osiyale – DfE Communications  
Jan Miller – DfE SEND Unit and note taker

