

# Joining the dots: Have recent reforms worked for those with SEND?



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# Contents

|   |           |
|---|-----------|
| <b>Foreword from the Driver Youth Trust</b>   | <b>2</b>  |
| <b>Executive summary</b>  | <b>3</b>  |
| <b>Our recommendations</b>  | <b>4</b>  |
| <b>Part 1: Introduction</b>   | <b>6</b>  |
| 1.1 Context   | 6         |
| 1.2 The reforms   | 7         |
| 1.3 Children and young people with SEND in the education system – how are they doing? | 12        |
| 1.4 This research   | 14        |
| <b>Part 2: Fragmentation has made navigating the system next to impossible</b>        | <b>16</b> |
| 2.1 The fragmented role of Local Authorities  | 16        |
| 2.2 A fragmented school funding system  | 20        |
| 2.3 A fragmented school system  | 22        |
| 2.4 An emerging, yet fragmented middle tier   | 24        |
| 2.5 Summary of recommendations  | 27        |
| <b>Part 3: Signposting is not enough</b>  | <b>28</b> |
| 3.1 The Local Offer   | 29        |
| 3.2 The School SEND Information report  | 30        |
| 3.3 Summary of recommendations  | 31        |
| <b>Part 4: Schools</b>  | <b>32</b> |
| 4.1 Leadership  | 33        |
| 4.2 Categorisation, identification and assessment                                     | 39        |
| 4.3 Training  | 40        |
| 4.4 SENCOs  | 42        |
| 4.5 Parental engagement   | 45        |
| 4.6 Exam reform   | 47        |
| 4.7 Summary of recommendations  | 49        |
| <b>Part 5: Conclusion</b>   | <b>50</b> |
| <b>Appendix</b>   | <b>52</b> |
| Acknowledgements  | 52        |
| Glossary  | 53        |
| References  | 55        |

# Foreword from the Driver Youth Trust

**We aim to improve young people's opportunities for success in life and recognise that literacy is key. Having the skills to be able to read and write fluently is not only essential from a personal point of view, but has wide-reaching social and economic effects.**

We outlined these effects in our Fish in the Tree Report (2013) and highlighted the need for teacher training to help those who struggle to read and write and, in particular, those who may be dyslexic.

We recommended:

- A mandatory minimum level of training on special educational needs and disability (SEND) for SENCOs and classroom teachers.
- Ofsted to investigate how schools support the attainment of SEND pupils and whether the training needs of teachers are being met.
- Every school or cluster has a SEND specialist providing expertise to support schools to ensure the best possible quality provision.

We commissioned 'Joining the Dots' to build on our work and to analyse the effect of the Children and Families Act (2014) on children and young people with SEND. Where relevant, the report focuses on our core concerns: literacy and dyslexia.

This report is complex and detailed, reflecting the multiple systems in which SEND provision in education is provided. The research shows that it is broader policy changes over the past five years that have had the greatest impact on those with SEND and that, despite its best intentions, the Act is not yet achieving its core aims for children, young people and their families.

Our goal has been to:

- highlight the changes that have taken place since 2010,
- examine the effect of these changes on those with SEND, and
- make practical and realistic recommendations to:
  - policy-makers and regulators
  - Local Authorities
  - schools
  - sector organisations
  - Ofsted.

**“ Overall, it is about making children's lives better. (DfE 2014a)**

We welcome feedback on our views, with the aim of working across the sector to achieve these outcomes.

**Sarah Driver**  
Trustee, Driver Youth Trust



# Executive summary

**Intense reform has taken place in the education system over the last five years. Some of these reforms have explicitly focused on special educational needs and disability (SEND) while others have been broader but have nonetheless had a profound effect on these children and young people.**

Many examples of high-quality provision have emerged in response. These are often driven by strong partnerships, well-managed change and skilled, impassioned leadership. However, at present provision is 'fragmented' leading to difficulties in sharing information and knowledge. As a result, many children and young people do not receive the support they deserve and gaps in the system lead to wasted resources as well as disconnected or duplicated services. Ultimately students, parents, schools and sector organisations are finding it difficult to navigate the new system and this is standing in the way of the reforms' success.

We find that key causes of fragmentation are:

- Changes to the role of Local Authorities that have been poorly communicated and inconsistently executed;
- An emerging but disorganised middle tier;
- A disparate school funding system; and
- Isolated and opaque schools.

The policy of 'Local Offers' exemplifies many of the current challenges. Local Offers were intended to provide easily accessible information on what services were available for SEND young people and the process of putting them together was supposed to ensure provision was responsive to local needs. These are admirable aims, but in practice Local

Offers have been a huge distraction; in many cases they are of little or no value and many parents are unaware that they even exist. Similarly, schools are expected to publish a SEND Information Report; these should be scrutinised so that good practice can be shared and support brokered – but this is not yet happening systematically.

The dominant rhetoric behind reform has been that of 'autonomy'. The case studies in this report show that autonomy allows new players to work with schools and some provision has improved substantially as a result. Yet an autonomous environment is also a risky one: in relation to SEND we find that while some schools have thrived, others are struggling to provide high-quality teaching and additional support for their learners. Ultimately, whether or not a school prioritises and succeeds in improving outcomes for SEND pupils increasingly depends on the school's leadership. Furthermore, a context in which schools are expected to meet more students' needs within the classroom (rather than through specialist provision) depends on teachers having accurate information about their pupils' needs coupled with high-quality training and in many schools this is not available.

## Our recommendations

### To policy-makers and regulators that:

- The Department for Communities and Local Government and the Department for Education should jointly commission an independent review of how Local Authorities are delivering their statutory responsibilities for SEND in order to identify good practice and help weaker Local Authorities learn.
- The National Audit Office should commission a full evaluation of the Local Offer policy and practice to ensure time and resources are not expended for limited return.
- Regional School Commissioners should take responsibility for all schools and should:
  - Monitor SEND Information Reports to identify schools that may need support in ensuring SEND pupils have access to high quality provision.
  - Where schools need further support on SEND, signpost them towards examples of good practice and specialist organisations that can support them.
  - Take into account capacity to provide high quality SEND provision when making decisions about academy sponsorship.
- School admissions regulations should be reformed so that all schools are part of the same admissions processes and subject to independent appeals whether or not they are academies.
- The expert group on initial teacher training (ITT) set up after the Carter review should ensure that its agreed 'core content' for ITT sufficiently prepares newly qualified teachers to support SEND pupils.

- Any move to improve teacher training in SEND should focus as much on improving the quality of continuing professional development (CPD) as on ITT and the new College of Teaching should place a high priority on SEND training as it begins to design professional development pathways.
- Ofqual should closely monitor the impact of exam reforms on SEND pupils to ensure that any problems are spotted early and acted upon immediately.
- The DfE should introduce an annual SEND award with a prize to celebrate schools that make effective and creative use of SEND funding.

### To Local Authorities that:

- Local Authorities should ensure that when developing their Local Offers, parents, children, young people and service providers are engaged where possible and, if they are not, that this does not result in poorer quality provision for SEND children and young people.

**To schools and sector organisations that:**

- Governors should ensure that an annual review of SEND spending is included on their agendas and SENCOs should attend these meetings. In order to ensure these reviews are conducted in a robust and critical way, governing bodies should consider their expertise in the SEND area as part of governor recruitment or seek external advice during these meetings.
- School leaders should make it clear that SEND pupils' achievement is a whole school priority rather than just the domain of specialist staff, and should engage with SEND pupils' progress in the same way they do with socio-economically disadvantaged pupils' progress.
- Schools should ensure all pupils have access to assessment that is not dependent on parental income.
- School leaders should be creative in bringing in support from whoever is best placed to support their school.
- School leaders should explain to parents that the detail of assessment reports is as, if not more, important than the perceived need for a 'diagnosis' and educational psychologists and specialist teachers need to write clear, accessible reports that focus on implications for parents and teachers.
- Leaders with SEND responsibilities should seek and receive support from colleagues from other schools who hold similar positions so that they can perform their role more effectively.
- Schools should target training that is focused on teaching practice at classroom teachers and heads of department, as well as specialist staff. High level training for specialists should focus on identification and legal or administrative elements of SEND as well as parental engagement through techniques like the 'structured conversation'.

- SEND organisations should work with Local Authorities to ensure that Local Offers are being developed so that they are better able to spot areas of weakness and understand what makes a suitable offer.

**To Ofsted that:**

- Currently Ofsted can require schools to undergo a review of how Pupil Premium Funding is spent: where disadvantaged pupils are not making expected progress. We suggest that inspectors should be able to do the same for SEND pupils, where there is evidence that those pupils are similarly not making expected progress.
- Ofsted should ensure that all inspectors receive training on identifying SEND good practice or use specialists as part of inspection teams.
- Ofsted should launch a follow-up to its 2010 review of SEND in order to identify and share good practice in improving outcomes for SEND pupils.

## Part 1: Introduction

# 10%

**of children in the UK are dyslexic**

Dyslexia Action, 2012

**“ Changes have often enabled those previously succeeding to achieve even better outcomes, while things have only got tougher for those already struggling.**

### 1.1 Context

When Edward Timpson MP launched the Children and Families Act in 2014 it was billed by the Department for Education as the ‘biggest education reform in a generation for children and young people with special educational needs’ (DfE, 2014b). One year on, this report sets out to review what has changed and how the sector is responding. It considers:

- The nature and scope of the reforms
- Other changes to the system since 2010
- How practitioners and organisations are responding
- The impact on learners.



The report covers the period since the Conservative–Liberal Democrat coalition came to power in 2010 and takes special educational needs and disability (SEND) policy and practice as its starting point, with a particular focus on implications for pupils with persistent literacy difficulties (such as dyslexia).

This report's findings suggest that reforms to the school system since 2010 have had an even greater impact on young people with SEND than the 2014 Act itself. Furthermore, while those in the sector generally acknowledge the reforms' positive intent, we find that changes have often enabled those previously succeeding to achieve even better outcomes, while things have only got tougher for those already struggling. As a result unacceptable levels of inequity have merely been reinforced. It is also clear that changes have been inadequately communicated and that many stakeholders (including parents in particular) are struggling to navigate the new landscape.

On the other hand, innovative responses are emerging from every corner of the sector and these have the potential to improve the outcomes and life chances of students with SEND such as dyslexia. We hope that by highlighting such responses we can support the education, youth and charity sectors to learn and develop.

## 1.2 The reforms

The Children and Families Act (CFA) 2014 attempted to bring together disparate strands of legislation<sup>1</sup> by embedding principles of inclusivity, agency and equality<sup>2</sup>. It requires public bodies to provide all SEND young people with access to integrated provision through new Education, Health and Care Plans (EHCPs) and gives young people and their parents more agency in choosing and funding the provision that best meets their needs.

The principles of the CFA have gone on to shape the updated SEND Code of Practice<sup>3</sup> (DfE and DfH, 2014d) which sets out the legal framework governing SEND and provides practical advice to organisations and bodies (such as Local Authorities, schools and colleges) in meeting their statutory obligations as set out in the Act. This is the third Code of Practice since 1993, when the Education Act placed a duty on the Secretary of State to issue a code of practice and revise it when necessary.

- 
- 1 Including the Education Acts 1993, 1996; the Disability Discrimination Act 1995; and the Special Needs and Disability Act 2001.
  - 2 As set out in international agreements such as the 1994 Salamanca Statement; the United Nations Convention on the Rights of Persons with Disabilities; and the United Nations Convention on the Rights of the Child.
  - 3 Whereas the previous Code of Practice covered 'SEN' (Special Educational Needs), the new Code introduced the letter 'D' (Disability) to reflect a new focus on joining up different services.

## A timeline of reform: 2010–2015

**The following timeline sets out key changes that took place over the course of the coalition government. This report sets out to explain how these have had an impact on provision for SEND pupils.**

### 2010

#### **The Academies Act**

This Act enabled more schools in England (including primary and special schools) to become academies. Academies are funded at a comparable level to maintained schools but also receive the share of central funding that local authorities used to spend on their behalf.

#### **Publication of 'The Importance of Teaching – The Schools White Paper' (DfE, 2010)**

This White Paper introduced fundamental changes to the school system in England including structural change that devolved power 'to the front line' (p.3) and a focus on standards, through increased emphasis on teaching and learning, during Ofsted inspections as well as changes to school performance measures.

### 2011

#### **'Support and Aspiration – A new approach to special educational needs and disability' Green Paper is published for consultation (DfE, 2011a)**

This Green Paper was intended to respond to the frustrations of SEND young people, their families and the professionals who work with them. The paper included an explicit focus on early identification and assessment and gave parents more control. It also sought to ensure that different services worked together for the benefit of families and that all SEND students learned well and were prepared for adulthood.

**1.3** million pupils are identified as having some form of SEN in the state-funded school sector  
DfE, 2015

## 2012

### **'School Funding Reform: Next steps towards a fairer system' published for consultation (DfE, 2012b)**

This publication set out reforms intended to simplify the system and even out disparities in funding across the country and school types. It focused on:

- developing a national funding formula;
- simplifying local funding arrangements;
- reforming funding for students with high needs;
- delegating budgets to schools where possible;
- reforming how early years provision is funded.

## 2014

### **Children and Families Act**

The Act committed the Government to supporting families and improving services for key groups of vulnerable children including:

- children in the adoption and care systems (part 1)
- those affected by family courts decisions (part 2)
- those with special educational needs and disabilities (part 3).

The Act aimed to create a more joined-up approach to assessing vulnerable children's needs by improving the way different agencies and services worked together. The Act therefore spans different government departments including Education; Justice; Business, Innovation and Skills; and Health as set out in **Figure 1** (on the next page). The Act also sought to give vulnerable children in England a strong advocate by strengthening the remit of the Children's Commissioner (currently Anne Longfield), by changing the primary function of the role from representing the views and interests of young people to promoting and protecting their rights.

# 13%

13% of students identified as having SEND were categorised as having a Specific Learning Difficulty (SpLD) (DfE Jan 2015a), of which dyslexia is the most common condition (British Dyslexia Association)

## 2014

### 2014: SEND Code of Practice 0–25 (DfE and DfH, 2014d)

This Code updated its predecessor (the 2001 SEN Code of Practice) to reflect changes introduced by the 2014 Children and Families Act. The biggest changes were:

- A move to cover the 0–25 age range (previously it was 2–19).
- Giving children, young people and parents a greater say in decisions that affect them.
- Promoting a stronger focus on high aspirations and providing the 'best possible' (rather than 'adequate') educational outcomes.
- Introducing guidance for Local Authorities in meeting the requirement for joint planning and commissioning of services. This was intended to promote closer co-operation between education, health and social care.
- Introducing guidance for Local Authorities on publishing a Local Offer of support for children and young people with SEND (explored in detail in **section 3.1** of this report).
- Replacing Statements of Educational Need (known simply as 'Statements') and Learning Difficulty Assessments (LDAs) with Educational, Health and Care Plans (EHCPs). While both set out what a young person's needs are and how they should be addressed, EHCPs can cover a student until they are 25 (if they are in further education or training) and outline a student's health and social care needs as well as educational needs.
- Establishing a new system for categorising pupils' needs in order to provide a more 'graduated' approach. This involved a four-part cycle of Assess, Plan, Do, Review, through which earlier decisions and actions are revisited, refined and revised (6.44).
- Giving pupils with EHCPs and their parents the right to ask for 'Personal Budgets', which give them more say in how money for their provision is spent.
- Introducing new guidance on supporting children and young people with SEND who are in youth custody by identifying their needs, making a single Local Authority responsible for them and ensuring that provision continues when they are resettled in the community.

Figure 1: The new SEND landscape

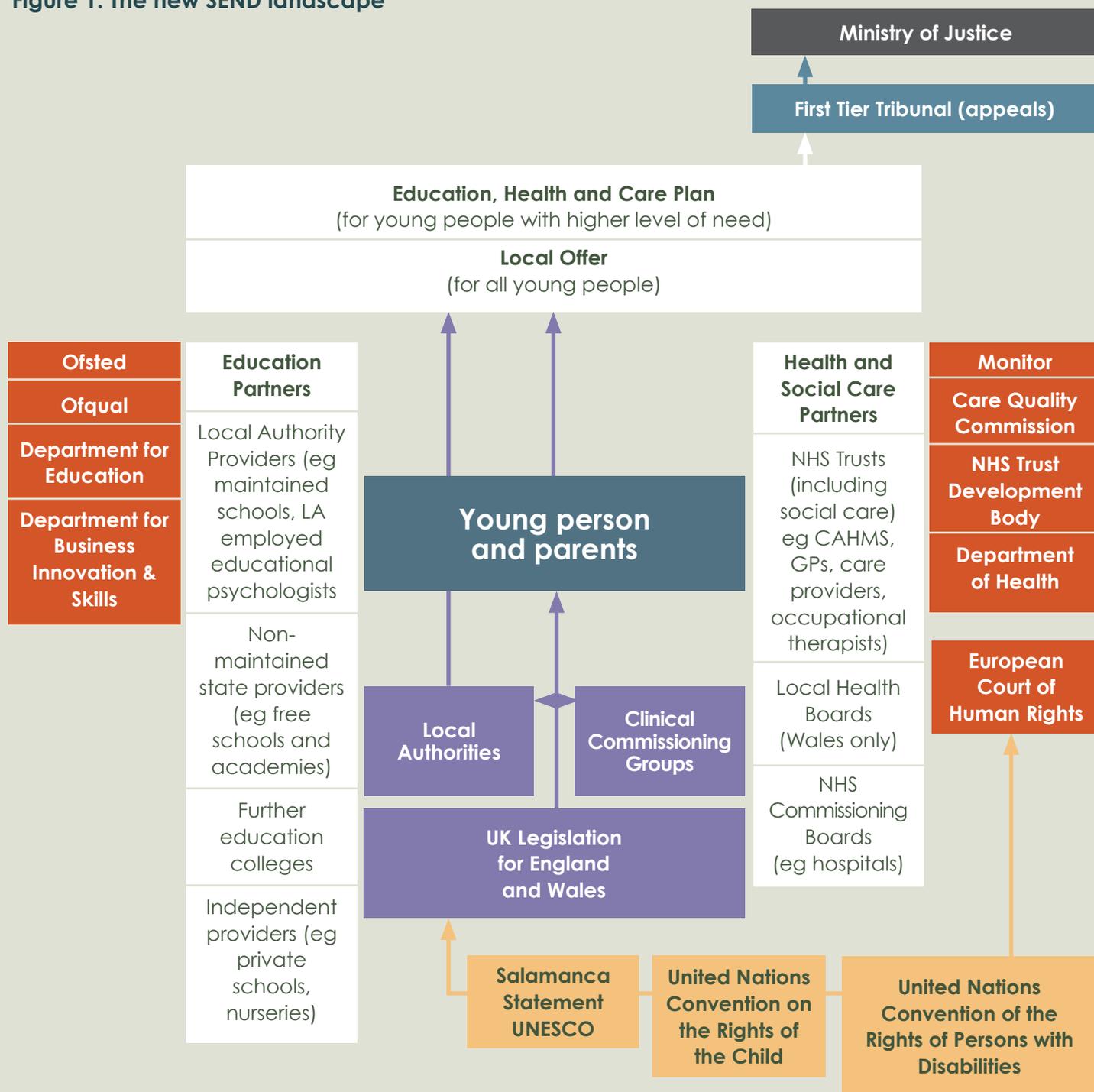


Figure 1 illustrates the role played by both Local Authorities and Clinical Commissioning Groups<sup>4</sup> in bringing together young people’s interactions with a plethora of public bodies across the realms of health and education. Provision is then monitored by a range of different authorities (shown in orange).

<sup>4</sup> These were set up under the Health and Social Care Act 2012 and work to commission services on behalf of the NHS.

KEY

Public bodies with responsibility for oversight

Public bodies with responsibility for service delivery

### 1.3 Children and young people with SEND in the education system – how are they doing?

Persistent literacy difficulties such as dyslexia are one of the most prevalent forms of SEND. Overall there are 1.3 million young people identified as having some form of SEND in the state funded school sector.

In relation to dyslexia and persistent literacy difficulties, identification is a barrier to accurate estimates of the number of young people with these conditions in schools. Dyslexia Action estimates that 10% of children in the UK are dyslexic (DA 2012), and according to the DfE, 13% of students identified as having SEND were categorised as having a Specific Learning Difficulty (SpLD) (DfE Jan 2015a), of which dyslexia is the most common condition (British Dyslexia Association).

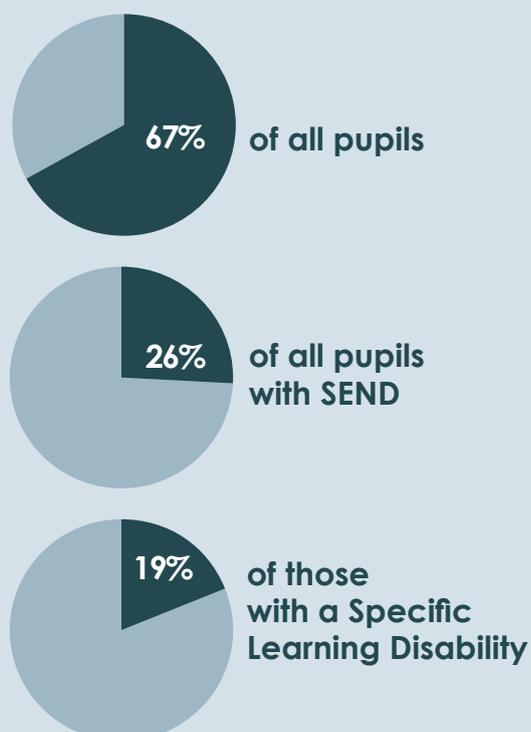
This represents a sizeable group of learners who face significant additional challenges in meeting national benchmarks of attainment.

**A child or young person has a learning difficulty or disability if he or she:**

- **has a significantly greater difficulty in learning than the majority of others of the same age, or**
- **has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions**

#### **% of pupils gaining level 4 or above at the end of primary school in 2014**

(DfE Dec 2014)



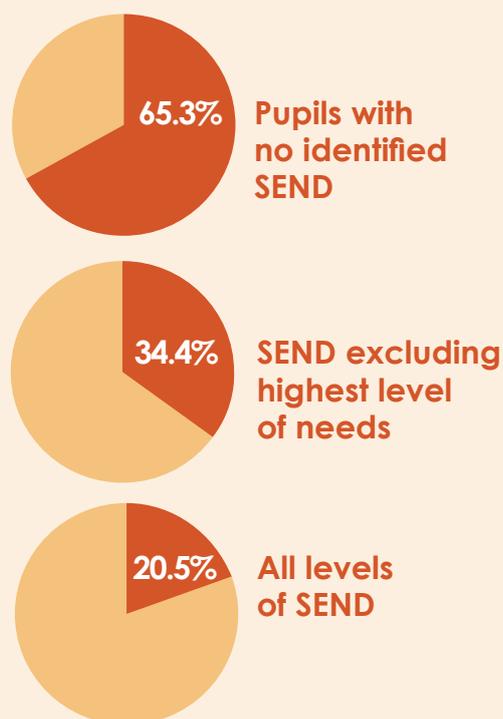
## What do the policy changes since 2010 mean for these SEND pupils?

As this report will show, the policy changes outlined above have had a profound impact on SEND learners, including those with literacy difficulties such as dyslexia. If the more recent reforms are successful, there is a real chance that outcomes for a large group of young people who have been consistently let down by the system will be improved. However, if the reforms are unsuccessful there is a risk these young people will miss out on the support that they are entitled to.

This report asks the urgent question of how the reforms are playing out in practice and makes recommendations that are intended to ensure we help a large and frequently overlooked group of young people to achieve the best possible outcomes.

It is a call to immediate action; we are at a critical point that brings both risk and opportunity. By building on best practice and implementing our recommendations, better outcomes can be achieved more widely, ensuring that all young people benefit from the quality of support they deserve.

**% of pupils gaining five A\*–C GCSEs or equivalent**  
(DfE Dec 2014)



**“ It is a call to immediate action; we are at a critical point that brings both risk and opportunity.**

**“ I think that what we did is picked up all the fragments, dropped them on the floor and made them even more fragmented... and now it's a question of putting them back together in the right order...”**

## 1.4 This research

The Driver Youth Trust commissioned LKMco to set out the current policy landscape and research how the sector is responding to the challenges it faces.

The research involved an initial review of academic literature, grey literature, national statistics and interviews with five key informants. We then identified and carried out eight detailed case studies in a range of settings. A further twelve interviews were also completed with SEND specialists and sector experts.

Freedom of Information (FOI) requests were sent to every Local Authority in England to gauge the extent of changes to their SEND services (89 of 152 Local Authorities responded). Additionally 63 out of 152 Local Authorities' (41%) Local Offers were analysed in order to assess what provision was available for dyslexic learners.

Our research finds that recent reforms are affecting learners with SEND in three main ways:

- Fragmentation has made navigating the system next to impossible.
- Signposting alone is not enough.
- Good schools are getting better while others are falling further behind.

The system is currently 'fragmented' because different elements are separated and operating in isolation. This leads to difficulties in sharing knowledge and information and means services are often duplicated and resources wasted. As a result, navigating the system has become incredibly challenging for students, parents, schools and sector organisations.

**[The system] was fragmented into big chunks that you could never fit together properly and I think that what we did is picked up all the fragments, dropped them on the floor and made them even more fragmented... and now it's a question of putting them back together in the right order... we will get there.**

Diane Partridge, Telford and Wrekin Children's Services

As Diane Partridge explains, the system has to some extent been fragmented for a long time, but the following changes have contributed to increased fragmentation:

1. Changes to Local Authorities' role
2. Changes to funding
3. Structural school reforms through academisation
4. The gradual emergence of a new 'middle tier' with cross-school responsibility.

We now explore these in turn and find that in some ways recent reforms have begun to address fragmentation; however, in others they have reinforced and exacerbated it.



## Part 2: Fragmentation has made navigating the system next to impossible

**“ The most significant change for students with SEN has been the fragmentation of the Local Authority.**

Current Head teacher and former LA SEN Advisor

### 2.1 The fragmented role of Local Authorities

As **Figure 1** (p.11) showed, the Local Authority (LA) plays a crucial role in holding different actors together but how LAs allocate and deliver resources has changed dramatically over the last five years: they have faced substantial cuts<sup>5</sup> and, while in the past the norm was for LAs to fund and deliver education and support for SEND pupils, reforms have created a more diverse market in these areas. For example, the 2010 Schools' White Paper sets out the coalition's intention that LAs should play a 'critical new role – as strengthened champions of choice' (p.52). It goes on to describe LAs as strategic commissioners that would provide oversight 'once academy status becomes the norm' (p.65).

#### **Local Authorities were not fully prepared for the changes and did not always communicate them effectively**

As part of their reformed role, LAs were encouraged to 'develop new and innovative approaches to providing services and deploying resources' (p.65). A radical change like this requires training, support and change management, but in many cases such support has been poorly delivered or absent. As one LA interviewee explained, while LAs may have thought they were theoretically ready for the changes, as soon as reforms began to be implemented it became clear staff needed practical support so that they could understand the impact specific reforms would have on the ground and

<sup>5</sup> 29.1% cash reductions since 2009/10, with a 7.6% reduction in education expenditure according to some calculations (Johnstone, 2014).



on service users. Additional capacity therefore had to be bought in and this required further LA resources. Interviewees argued that by failing to adequately communicate the reforms' intentions, the partnership models that the reforms were intended to promote were undermined because people attributed the retreat of many LAs as simply a consequence of austerity and academisation rather than (at least partly) an intentional shift in approach.

**“ If you are going to deliver such enormous change, then intentions should be clearly spelled out... not left open for interpretation as has been the case.**

Tania Tirraoro, SEND expert  
(quoted in Dickens, 2015)

### **Some Local Authorities have responded to change in innovative or radical ways**

LAs have responded to change in a range of ways. For example:

- Introducing traded models in SEND services either through service level agreements or on a 'pay as you go' basis.<sup>6</sup>
- Combining services with other LAs or integrating services across teams (see **Case Study 1: Telford and Wrekin**).
- Establishing social enterprises to deliver services.<sup>7</sup>

On one hand this brings the benefit of some excellent services that more closely meet young people's needs. On the other, there is substantial variation in the quality

of support available and the fact that services are delivered differently in different places means that it is hard to provide parents and schools with meaningful guidance that applies across localities.

Several interviewees highlighted cases of struggling LAs and in the majority of instances this was thought to be because they lacked market experience and because an expectation persisted that the LA would be a school's first preference regardless of their offer. As John Hepburn of EdPsychs put it, this means that some LAs have 'criticised and undermined rather than improved and competed'.

SEND pupils and their families have therefore found themselves lost in a system that has yet to reform or regroup. As schools and academies become increasingly businesslike and open to a market in services, this issue will only increase in salience. LAs will need to ensure a quality offer if they are to survive in this new, fragmented and competitive environment.

The Department for Communities and Local Government and the Department for Education should therefore jointly commission an independent review of how LAs are delivering their statutory responsibilities for SEND in order to identify models of good practice from which weaker LAs can learn.

<sup>6</sup> Bath and North Somerset have moved towards a new commissioning model.

<sup>7</sup> Richmond and Kingston have converted their services into a single social enterprise called 'Achieving for Children'.

## Case Study 1: Telford and Wrekin

Telford and Wrekin is a unitary district<sup>8</sup> located in the West Midlands. Diane Partridge is the Service Delivery Manager for Children's Specialist Services and has worked there since 2010.

In 2011 Telford and Wrekin went through their biggest restructuring of Children and Families Services to date. SEND reform had risen to the top of the agenda following the release of the Green Paper (2011a), and as a result it was suggested that Diane's role should change from being a joint manager of health and social care to also include education, psychology and a range of other SEND services.

**“ The breadth of this new role grew, and that was quite enlightened... as it was almost like bringing together the nucleus of the Children and Families Act's thinking.**

When she began looking at the cases that were challenging her teams, it became clear that she already knew some of the young people and families from her work in social care. She quickly realised that the authority was failing to join up its understanding of the community's needs.

**“ So that became my personal challenge – just to join the two together.**

Diane decided that the traditional model of individually-managed teams needed to change. However, she was also conscious that she needed professional leaders who really understood their services. She therefore decided to avoid a straightforward multidisciplinary model, and took a matrix management approach to the restructuring<sup>9</sup>. The new matrix management structure created four multidisciplinary teams: three are focused on geographical localities while the fourth focuses on early years services. Staff job descriptions have changed so that everyone now has responsibility for support services and education. Each team has its own line management process but different specialists now sit and work together, jointly owning cases as they arrive.

According to Diane, the biggest challenge has been transforming the way teams and their staff think and work, but she argues that where there has been conflict this has been because of internal misunderstandings and miscommunication:

**“ It's because we didn't take them with us at the time... we needed them on board.**

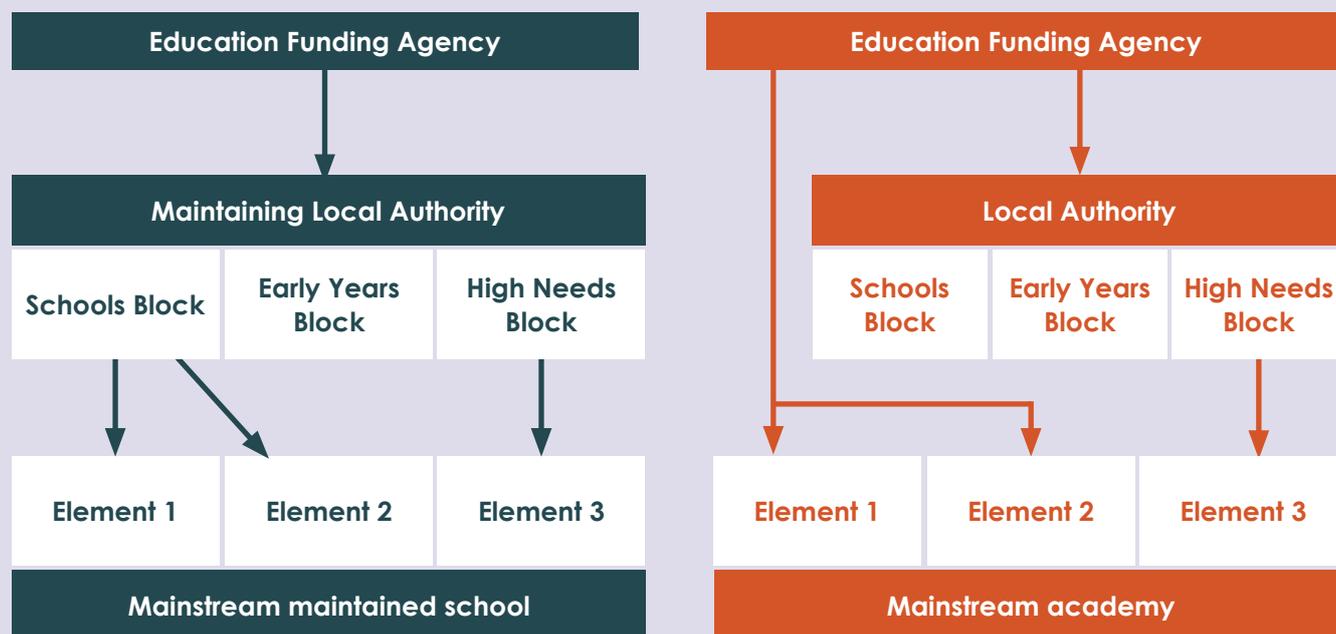
Despite the scale of the restructure and the climate of austerity, Telford and Wrekin have managed to maintain and develop staff, benefiting from the additional national funding to support the changes. As a result, the authority has not lost any of its understanding of the local community.

<sup>8</sup> A type of single-tier Local Authority common to large towns and cities since 1994.

<sup>9</sup> A multiple command structure where employees can have more than one set of responsibilities and multiple line managers for different strands of their work.



**Figure 3: The reformed funding structure (adapted from Bryant, 2012)**



**Funding flow: Placement in a mainstream school / academy**

## 2.2 A fragmented school funding system

As **Figure 2** shows, prior to 2013 the funding system for SEND was multifarious, with levels of delegation to mainstream schools varying across different LAs and with different types of schools funded in entirely different ways. However, following reforms to the funding formula the Education Funding Agency (EFA) now provides per-pupil funding directly to the LA for all maintained schools and academies through three elements:

- **Element 1:** Basic per-pupil entitlement (general provision for all pupils, including those with SEND, that goes directly to schools); this amount varies between LAs but is in the region of £4,000 per pupil.
- **Element 2:** Notional SEND budget (additional money for SEND provision that goes directly to schools); this amount per school is based on a variety

of factors such as: deprivation; the percentage of students with English as an additional language; the percentage of looked-after children; prior attainment and mobility. It should be used to pay for the first £6,000-worth of provision per pupil.

- **Element 3:** High needs block funding (aimed, though not exclusively, at pupils with EHCPs) to cover provision in excess of £6,000 per pupil. This is paid to schools from the LA.

Under the reformed system the so-called 'notional SEND budget' is the primary pot from which to meet the needs of pupils with low cost, high incidence SEND, such as dyslexia (DfE, 2012a). However, one SEND legal expert warned that the lack of 'ring-fencing' around this means schools can in fact spend the money however they want.

A recent National Audit Office report (NAO, 2015) raised concerns about how schools were spending their SEND funding.

The report found that 47% of schools were in fact using pupil premium money to support SEND and that:

**“ There is a clear risk that, in some cases, the Pupil Premium could be replacing rather than supplementing [SEN funding]. This would mean that a particularly vulnerable group of disadvantaged pupils was not getting the full support to which it is entitled.**  
(NAO, 2015, p.25)

Scrutiny of SEND spending is therefore crucial. The aim is that a school's mandatory SEND Information Report (see **section 3.2**) should make this possible by requiring all schools to set out:

- how SEND funding will be used;
- what provision will be put in place;
- how interventions will be evaluated; and
- who holds responsibility for SEND within the school (DfE, 2015a, p.106).

Ofsted inspectors are expected to review these information reports before an inspection (Ofsted, 2015, p.13) and should then judge whether governors:

**“ [S]ystematically challenge senior leaders so that the effective deployment of staff and resources, including the pupil premium, the primary PE and sport premium and SEND funding, secures excellent outcomes for pupils.**

Ofsted Framework, 2015,  
'Outstanding' Leadership and Management Descriptor

Governors therefore play a key role in scrutinising SEND spending, and should ensure that an annual review of SEND spending is included on their agendas and that SENCOs should attend these meetings. However, many governors have

limited understanding of the area and their important responsibilities in this regard and therefore either this should be considered as part of governor recruitment or external advice should be sought during these meetings.

The government has introduced pupil premium awards and a pupil premium champion to encourage schools to use pupil premium funding carefully. This means that as well as the 'stick' of accountability, there is a 'carrot' to encourage and support schools with their spending. The DfE should now introduce an annual SEND award with a prize to celebrate schools that make effective and creative use of SEND funding. This would have the additional benefit of publicising good practice so that other schools can learn from it.

Finally, the stated intention behind the financial changes outlined above was to increase budget delegation to schools so that head teachers and governors can have more control over how they use their funding (DfE, 2012b, p.9). On the other hand it could be argued that by weakening the financial ties that previously linked schools and LAs the changes have further fragmented their relationship, making it harder to plan provision across an area and ensure equity. If this is to be avoided, LAs and schools forums<sup>10</sup> will need to work closely to establish and maintain strong relationships.

<sup>10</sup> Schools forums have consultative and decision-making responsibilities on a range of funding issues and are organised by LAs. They are made up of representatives from schools and academies.

## 2.3 A fragmented school system

Fragmentation of the school system through academisation was one of the most frequently-raised themes among interviewees and it was considered to have had far-reaching consequences for learners with SEND. The impact of academisation on SEND pupils therefore needs to be closely monitored so that as we move towards an almost wholly academised system this does not happen at the expense of high quality provision for these pupils.

Four key issues affect SEND pupils in academies:

### 1. Academies can find themselves isolated and lacking support

Academies are not run by the LA and although LAs retain some responsibilities for what happens in these schools Professor Norwich argues that without closer LA oversight, outcomes can suffer.

Where academies are part of 'chains' this can reduce isolation but many remain on their own as 'stand-alone academies'. To counter this Briggs and Simons (2014) recommend that all schools<sup>11</sup> should convert to academies and join a chain, making it easier to access expertise and pool resources. This could help improve SEND provision in stand-alone schools, particularly where the head teacher lacks an understanding of SEND. On the other hand, Blunkett argues that this might simply mean replacing "the (local authority) system people criticised in the first place" (Adams, 2014). Furthermore, David Bartram notes that even within

chains the approach to supporting school leaders with SEND is variable in quality:

**“ [F]rom a SEN point of view... those schools [have] lost a degree of centralised support, and academy chain providers that do not have a strategic approach to SEND provision are leaving their schools quite vulnerable.**

David Bartram, Director of SEN, London Leadership Strategy

The Regional Schools Commissioner who is responsible for making decisions about academy sponsorship should therefore take into account capacity to provide high quality SEND provision when making decisions.

### 2. Academy spending is not transparent

SEND advocates explained that some parents are concerned that academies are particularly likely to use notional SEND budgets to make savings, given the lack of openness with regard to their funding streams and spending (Mansell, 2013). 2015 figures released by the DfE show that academies were 'hoarding' (Weale and Adams, 2015) nearly £2.5bn – equating to nearly £550,000 per school (Parliament, 2015). Chris Keates and Christine Blower (general secretaries of the NASUWT and NUT respectively) have therefore asked 'what have they cut in children's services to do this?' and called for greater democratic accountability to ensure equitable funding for students (Keates in Weale and Adams, 2015).

<sup>11</sup> The report focuses specifically on primary schools.

### 3. Academy admissions can be opaque

Muir highlights the fact that parents of pupils applying to academies do not have the same rights of redress during the school admissions process (Muir, 2014). Academies are subject to the same admissions code as other schools and this requires them not to 'discriminate against or disadvantage... those with special educational needs' (DfE, 2014e, p.10) but subject to this code, they can set and administer their own admissions processes and cannot be forced to take additional pupils. Since they do not need to take part in Independent Appeals Processes the Academies Commission highlights concerns that 'many academies lack the necessary experience and capacity to perform the appeals role properly' (Academies Commission 2013, p.19).

Parents and teachers frequently allude to schools that are said to be unfairly manipulating their cohorts against SEND learners – an issue that has been frequently highlighted (Academies Commission, 2013; Office of the Children's Commissioner, 2014; Harris and Vasagar, 2012).

**“ This school is not for you. Your child would be happier elsewhere. (Academies Commission 2013, p.74)**

Examples given during interviews included SENCOs being asked not to attend open evenings and teachers being told not to encourage SEND learners to apply to a school as they 'already had enough of that type of learner'. While some of this may be hearsay, the perception of unfair treatment for SEND pupils is concern enough and undermines inclusive principles. Furthermore, research by Norwich and Black (2015) reveals statistically significant differences in the size of SEND cohorts in maintained schools, sponsored academies and converter

academies.<sup>12</sup> Converter academies have on average 6.7% of pupils with SEND compared to an average of 9.4% of pupils in sponsored academies.

Norwich speculates that the differences in Figure 4 may be due to the predecessor schools' characteristics; for example, converter academies are more likely to have been outstanding schools with low proportions of SEND pupils. However, he acknowledges that covert school policies and practices to restrict admissions might also be responsible.

Unless admissions in academies and other schools are put on an even footing, pupils with SEND risk facing ever greater discrimination as academisation becomes the norm. The admissions code and processes should therefore be reformed so that they cover all school types equitably and fairly.

### 4. It is not always clear who is responsible for what

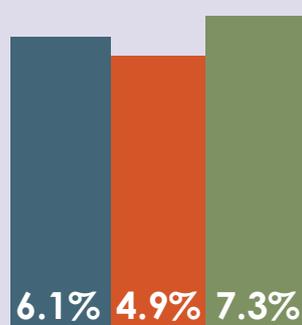
Although academies are not under LA control, they are still governed by the same laws and are obliged to work with LAs, for example in contributing to EHCP processes (see **Figure 1**, p.11 ). Schools and LAs need to make this clearer to counter a view that academies operate entirely out of the LA's remit.

<sup>12</sup> Maintained schools are 'maintained' financially by the LA. Sponsored academies were the first academy model and were sponsored by a private individual or organisation. They generally replaced 'failing' secondary schools. The programme has been greatly expanded in recent years. The Academies Act of 2010 introduced 'Converter Academies': schools that voluntarily converted to academy status, and did not necessarily need a private sponsor. These schools could be primary or secondary and were usually 'good' or 'outstanding'.

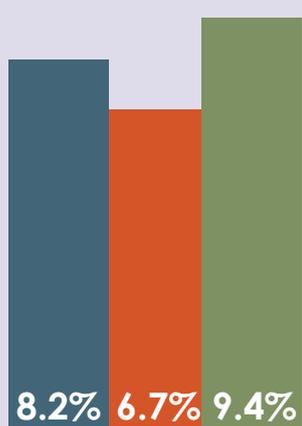
**Figure 4: Proportion of pupils with SEND by school type in 2014 (Norwich, B. and Black, A. 2015)**



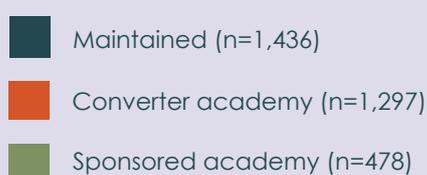
Pupils with statements



Pupils on school action+



Pupils on school action+ and statements



## 2.4 An emerging, yet fragmented middle tier

A government-led drive towards a so-called 'school-led system' in which groups of schools work together to improve provision has led to the emergence of a new 'middle tier' that links schools together, including Multi-Academy Trusts (MATs) and Teaching Schools Alliances (TSAs). Furthermore, a new level of oversight has been introduced through Regional School Commissioners who oversee academies across large areas. However, when problems occur, because the middle tier remains fragmented it is hard to know where authority or responsibility lies. Nonetheless, there are a number of ways in which the middle tier is starting to contribute to improved provision for SEND pupils.

### 1. School-led solutions are emerging from the new middle tier

As **Case Study 2** shows, in some cases alliances like teaching schools have brought schools together and allowed them to access additional resources. As a result the emerging middle tier has helped generate novel solutions that improve the way the system works for SEND pupils.

### 2. The middle tier itself can be isolated and closed

Professor Blandford argues that although examples like 'Dyslexia-Friendly Schools' may help reduce individual schools' isolation, middle-tier networks themselves sometimes work in isolation. As several head teachers highlighted, emerging competition between middle-tier organisations can also exacerbate fragmentation and make it harder to spread good practice.

**“ [E]veryone’s out for [themselves].**

Head teacher

### **3. Outcomes vary widely between academy chains**

Some academy chains have demonstrated excellent outcomes, but there is huge inconsistency (Francis and Hutchings, 2015) and the quality of provision experienced by SEND pupils therefore differs depending on which (if any) chain their school is part of. Regional School Commissioners should therefore consider potential academy sponsors’ track record in supporting SEND pupils or their ability to do so when making decisions about academy sponsorship and when re-allocating schools to different chains. When allocating support to struggling schools they should also ensure that those providing the support have the necessary SEND expertise.

### **4. School Commissioners may help to unite the system but at the moment their remit is insufficiently inclusive**

Eight Regional School Commissioners (RSCs) were established in 2014. They have delegated responsibility from the Secretary of State for Education with regard to academies and undertake responsibilities that are not covered by either LAs or Ofsted. Their responsibilities include:

- monitoring the performance of the academies in their area and taking action when an academy is underperforming (for example through a change of sponsor);
- making recommendations to ministers about free school applications;
- encouraging organisations to become academy sponsors;

- approving changes to open academies, including:
  - changes to age ranges
  - mergers between academies
  - changes to Multi-Academy Trusts.

The role has been criticised for increasing divisions between LAs and academy schools, and Labour’s 2014 Education Review (Blunkett, 2014) therefore recommended that they should be replaced with an independent Director of School Standards who would work across LA boundaries and with all types of schools (not just academies). Adopting this proposal could help both reduce fragmentation and avoid the emergence of a two-tier system for SEND pupils.

## Case Study 2: Dyslexia-friendly schools

A group of head teachers were concerned that they were struggling to meet the expectations of parents who had had their children privately assessed for dyslexia. Typically, they found that these parents were very well-informed and knowledgeable, and were looking for specific programmes of support. As Julia Hunt (Head teacher of Brightlingsea Infant School) explains, parents frequently felt that children needed labels to secure provision.

Hunt explains that the LA did not offer diagnoses for dyslexia and that they had always taken place through private assessment. She argues that this failure on the part of the LA raised ethical questions since pupils whose parents could not afford assessment then received less support than their better-off peers:

**“ These parents are the ones who have the money to go for assessments; who may be middle class and have a bit of spare cash. But what about those who don't have the money? That's not a fair system, it's not equitable at all.**

Julia Hunt

Through their Teaching School Alliance (TSA) the head teachers successfully applied to the SEND Innovations Fund to develop a tiered programme of support that would:

- secure a teacher trained to work with dyslexia in every school in the local area; and
- develop a core group of professionals able to assess students themselves as well as provide programmes of CPD for staff.

In this example, provision was driven by a middle tier of schools that identified their needs and procured specialist support accordingly while also opening their offer up to all schools in their area.

**“ I feel that schools have got to seize opportunities to take control of their own CPD. We've run this Dyslexia course through our teaching school alliance and I think it is the way to go. People are actually working in more clusters, identifying their specific training needs and pooling their resources to provide things that they want, rather than what they're told they want.**

Julia Hunt

## 2.5 Summary of recommendations

- 1. The Department for Communities and Local Government and the Department for Education should jointly commission an independent review of how Local Authorities are delivering their statutory responsibilities for SEND in order to identify good practice and help weaker LAs learn.**
- 2. Governors should ensure that an annual review of SEND spending is included on their agendas and SENCOs should attend these meetings. In order to ensure these reviews are conducted in a robust and critical way, governing bodies should consider their expertise in the SEND area as part of governor recruitment or seek external advice during these meetings.**
- 3. Ofsted should ensure that all inspectors receive training on identifying SEND good practice or use specialists as part of inspection teams.**
- 4. The DfE should introduce an annual SEND award with a prize to celebrate schools that make effective and creative use of SEND funding.**
- 5. Regional Schools Commissioners should take into account capacity to provide high quality SEND provision when making decisions.**
- 6. School admissions regulations should be reformed so that all schools are part of the same admissions processes and subject to independent appeals whether or not they are academies.**

## Part 3: Signposting alone is not enough

As we have seen, the intentions behind recent reforms have frequently been undermined by poor communication. One of the ways in which the 2014 Act attempted to overcome this was through a requirement that LAs and schools publish easily accessible information on what services they have available – a so-called Local Offer for LAs and a SEND Information Report for schools. However, while it is clearly stated in the Code of Practice that one of the Local Offers' purposes is to make provision 'responsive to local needs', too often it appears that LAs have simply listed services that were already available. As a result, in many cases the policy has therefore not resulted in real change.

**“ [The Local Offer's] success depends as much upon full engagement with children, young people and their parents as on the information it contains. The process of developing the Local Offer will help local authorities and their health partners to improve provision. (The SEND Code of Practice, p.60)**



### 3.1 The Local Offer

The Children and Families Act 2014 (section 30) introduced a duty on LAs to publish a 'Local Offer'. According to the Code of Practice (2014), the Local Offer should 'not simply be a directory of existing services'. Instead it should:

1. provide clear, comprehensive, accessible and up-to-date information about what provision is available and how to access it; and
2. make provision more responsive to local needs and aspirations by directly involving SEND children and young people, their parents, and service providers in its development and review (p.59).

However, the way LAs have produced their Local Offers varies widely and analysis of nearly half of LA's Local Offers reveals that:

- About a quarter were so difficult to navigate that they appeared to be unfinished or incomplete.
- 5% only listed schools.
- 15% showed no results when searching for the key word 'dyslexia'.
- A further 8% showed only unrelated or unhelpful results (for instance resources that mention dyslexia only in passing, such as an archive of SENCO newsletters).
- For approximately 15%, the only relevant links were to national organisations (such as Dyslexia Action and the British Dyslexia Association).

Several school leaders also explained that although they were involved in initial consultations with LAs, they were not convinced that the offer had made any real difference, a view echoed by the

Department for Education's own Final Impact Report on the twenty SEND Pathfinder LAs who had been trialing the reforms since 2011 (DfE, 2015c). This concluded that: 'only a minority of parents had heard of the Local Offer'; only 12% of Pathfinder families had looked at it; and only half of those who had looked at it found it useful (p.63).

**“ I'm not sure...if it makes that much difference to parents.**

Deputy Head teacher and SENCO

The process of designing a Local Offer must be collaborative, involving parents, children, young people and service providers (DfE and DfH, 2014d, p.61). As part of designing and reviewing Local Offers, LAs need to ensure that parents of children with SEND understand what the Local Offer is and engage them where possible and, if they do not, that this does not result in poorer quality provision for SEND children and young people. LAs should consult SEND organisations when Local Offers are being developed so that the LA is aware of areas of weakness and understands what makes a suitable offer<sup>13</sup>. This would help ensure that the process of designing a Local Offer meets its potential in ensuring high quality, responsive provision in all LAs. The National Audit Office should launch an immediate evaluation of the impact and practice of the Local Offer before LAs invest more precious time and resources into it.

It is not just signposting of the Local Offer that is inconsistent: the level of provision offered and how it has changed also varies widely. Responses to a Freedom of Information (FOI) request made to each

<sup>13</sup> For example the Council for Disabled Children, Dyslexia-SpLD Trust, Communications Trust, Autism Education Trust.

English LA revealed that the number of staff employed with responsibility for SEND varies widely (from 0 to 382.8 full-time equivalents). Furthermore, some LAs have increased staffing over the last five years and others decreased it. Meanwhile, five LAs stated that structural reforms made it difficult for them to present any accurate figures on their SEND resourcing or to compare provision over time. As **Figure 5** shows, a similarly mixed picture emerges when it comes to dyslexia and literacy specialists: Cambridgeshire for example employs a number of educational psychologists, but other LAs do not have any permanent contracts and simply employ specialists on a consultancy basis depending on need. Even if information about support were consistently and readily available, if the support available continued to vary this widely then SEND pupils would still face a postcode lottery.

## 3.2 The School SEND Information Report

**Section 2.2** of this report highlighted the role of the SEND Information Report in setting out how schools spend their SEND funding. The SEND Regulations (2014) go into further detail about what must be included:

- the school's policies for identification and assessment;
- how the school evaluates its SEND provision's effectiveness;
- the school's approach to teaching SEND pupils;
- additional support that is available;
- information about staff expertise and training including how specialist expertise will be secured;
- how the school's governing body (or proprietor) works with other organisations to meet student needs;
- information about where the Local Authority's Local Offer is published.

**Figure 5: 28 Local Authorities told us about dyslexia/literacy staffing levels between 2010–15**



The Code of Practice also states that schools should 'make data on the levels and types of need within the school available to the LA... to inform local strategic planning of SEND support' (p.107). The LA should use this information, along with the Local Offer development process, to build a detailed picture of the types of services that will be required.

Two interviewees (one working with LAs and the other a deputy head teacher) pointed out that the SEND Information Report was nothing new, as it built upon the 'accessibility plan' introduced by the Disability Discrimination Act (2005). However, another head teacher argued that it posed a challenge, saying:

**“ What on earth do we put in our package to offer, what is our offer?**

Head teacher

It is therefore clear that schools lack the knowledge and expertise to provide the right support and signpost pupils for further intervention when required. SEND Information Reports should therefore be reviewed by the office of the Regional Schools' Commissioner following an expansion of their remit to cover all schools regardless of academy status. This would also help counteract some schools' tendency to avoid wanting to appear too attractive to SEND pupils that might affect their league table position. Where Regional School Commissioners find that a SEND Information Report is poor, they should broker a link with a school or agency known for good practice who can provide peer support.

### 3.3 Summary of recommendations

- 1. The National Audit Office should commission a full evaluation of the Local Offer policy and practice to ensure time and resources are not expended for limited return. This should cover how the policy is being implemented and how data is collected with a view to ensuring consistency across the country.**
- 2. LAs should consult SEND organisations when Local Offers are being developed so that the LA is aware of areas of weakness and understands what makes a suitable offer.**
- 3. Regional School Commissioners (RSCs) should take responsibility for all schools, not just academies, to avoid the emergence of a two-tier system for SEND pupils. The office of the RSC should then monitor school information reports to identify schools needing support in ensuring SEND pupils have access to high quality provision. The RSC should signpost identified schools towards examples of good practice and specialist organisations and broker support where appropriate.**

## Part 4: Schools

**“All teachers are teachers of children with special educational needs”**

DfE, 2001

An environment that gives schools more autonomy brings with it both opportunity and risk. In relation to SEND we find that while some schools have thrived in a more autonomous system, others are struggling to provide high quality teaching and additional support for SEND learners. Interviewees highlighted the critical role school leaders play in determining whether a school prioritises and succeeds in improving outcomes for SEND pupils. In a context where schools are also increasingly expected to meet students' needs within the classroom rather than through specialist provision, teachers more than ever need training and accurate information about their pupils in order to help them respond.

**“ The impact of the SEND Reforms has been to increase awareness of the need for every teacher to be responsible for every child and to understand what those needs are and how to meet those needs.**

Professor Sonia Blandford,  
Achievement for All



## 4.1 Leadership

As schools gain greater autonomy and freedom to innovate, the role of the school leader becomes increasingly important. Some head teachers are using their freedom to innovate in ways that have a profound impact on pupils. However, those that lack confidence, experience or understanding of SEND find it harder to respond effectively and not all place an equally high priority on these pupils because they do not see doing so as critical to school improvement.

David Bartram, Director of SEN for the London Leadership Strategy, argues that SEND-related issues could be moved up head teachers' priority lists in the same way that achievement by socio-economically disadvantaged pupils<sup>14</sup> has been. Drivers of the latter have included:

- **Accountability:** Detailed data on disadvantaged pupils' achievement is now published and the Ofsted framework places particular emphasis on these pupils' outcomes.
- **The pupil premium:** This targets funding specifically at disadvantaged pupils, with schools expected to report on how they have spent the money.
- **The appointment of a 'Pupil Premium Champion':** Sir John Dunford, an expert school leader, worked with schools, trusts, teaching schools and LAs to help them use the pupil premium effectively.
- **The Pupil Premium Award:** This celebrates schools that have been creative and successful in spending their pupil premium funding.

While it is still too early to say whether these approaches have been successful, the National Audit Office's report on funding for Disadvantaged Pupils notes that "headteachers reported an increase from 57% of schools targeting interventions at disadvantaged pupils in 2011 to 94% in 2015" (NAO, 2015).

Up until now, Bartram believes, head teachers have not been engaged in the same way when it comes to SEND reforms and this might be partly because efforts to improve SEND pupils' achievement have mostly been targeted at SENCOs and middle leaders rather than head teachers. On the other hand, the Ofsted framework explicitly references a focus on SEND pupils' progress for example in its latest iteration, stating that:

- “ Inspectors will evaluate evidence relating to the achievement of specific groups of pupils and individuals, including... those with special educational needs. (p.21)**
- “ Inspectors will consider the progress of disabled pupils and those with special educational needs in relation to the progress of all pupils nationally with similar starting points. Inspectors will examine the impact of funded support for them on closing any gaps in progress and attainment. The expectation is that the identification of special educational needs leads to additional or different arrangements being made and a consequent improvement in progress. (p.56)**  
Ofsted, 2015

<sup>14</sup> As defined by eligibility for Free School Meals, which translates into pupil premium funding.

It is possible that the upcoming shift to 'Progress 8', a new measure of school achievement, will help change this at secondary level as pupils who begin school with low achievement and make substantial progress but do not reach the C-grade threshold will still contribute to school performance in the league tables.<sup>15</sup> In other words, the grade of every pupil's exam performance is of relevance to how the school is judged, not simply those who achieve five A\*–C grades at GCSE.

**Case Studies 3, 4 and 5** demonstrate the impact school leaders can have when they focus on SEND pupils' achievement and find innovative ways of resourcing and delivering provision. They show that supporting SEND pupils needs to become a whole-school priority rather than just the domain of specialist staff if outcomes are to be transformed.

<sup>15</sup> Progress 8 compares how much progress pupils make compared to pupils with similar prior attainment in eight qualifying subjects (Schools Week, 2015).

## Case Study 3: Plumcroft Primary

**“ All I care about is that if a child has a need, I want it met and understood and then something to be done about it.**

Richard Slade, Head teacher,  
Plumcroft Primary School

Plumcroft is a large three-form entry school in Greenwich with a very mixed intake. Richard Slade became head teacher in 2010 when the school was significantly underperforming. The school is now performing at or above national average in all areas from early years through to Key Stage 2 and the school was judged good with outstanding elements by Ofsted.

**“ Everything's going really well because we've worked at it. We've systematically tried to keep structures simple, bring in talented people, give them what they need, and then leave them alone to get on with it.**

Plumcroft was part of a cluster of schools whose head teachers had become dissatisfied with the quality of LA support, primarily in relation to the quality and cost of educational psychologists (who have responsibility for helping LAs and schools meet the needs of students with a variety of special educational needs). There was a perception of inertia – that things could not be changed. Out of this came the feeling of frustration that led Richard to explore new models

**“ My starting premise was – let’s test this out.**

Initially, Richard’s aim was to get LA systems for identifying and addressing special needs working more effectively. However, when he compared the LA’s support to what was available in the commercial and private sector he decided to establish a new model: employing consultants from the private sector, thus avoiding ‘overheads and bureaucratic nonsense’.

**“ When I did the due diligence, I didn’t have a clue what the private sector charged. I just assumed it would be way too high... lovely idea but too expensive. But actually, it’s not... The private sector, to my surprise frankly, is fully geared up to work within schools and it’s not like I’m even an academy. I am a local authority community school doing this within the local authority environment, and it’s working.**

The LA initially told Richard that he could not use a private educational psychologist (EP) because the LA’s statutory duty of care meant any assessments would have to be duplicated by them. Exploring this in more detail, he learned that not only did the law support him, but that he could both use these private services, and continue to work in partnership with the LA.

**“ After meeting with senior officers in the LA to clarify what we were doing, all the people that needed to said: ‘Okay, Richard and Plumcroft aren’t going off piste and being a pain, they’re actually lightening our load...’ If a local authority says ‘no you can’t’ most people just go ‘alright then’ and carry on with the service and whinge about it. Whereas the reality is, you can... there’s no constraint at all.**

Richard argues that pupils now benefit from greater continuity and quality with educational psychologists following single cases all the way through.

According to Richard, all learners needs can now be expertly analysed at Plumcroft, and there is time ‘for our EP to look beyond the high need children and apply their expertise to children that would never normally get anywhere near an EP’.

If you choose to take on the freedoms, you’ve got them. You don’t have to become an academy, convertor or a free school. As a community school you can just get on and do it.

While a strong leader like Richard was well placed to make the most of the available freedoms, not all leaders would feel confident in doing so and this can result in further divergence in quality. Without more support, weaker leaders and schools may struggle to make comparable progress. Ofsted should therefore launch a follow-up to its 2010 review of SEND in order to identify and share good practice in improving outcomes for SEND pupils.

## Case Study 4: Uplands Special School

Uplands is an 11–19 school for students with severe or profound and multiple learning difficulties or Autistic Spectrum Conditions (ASC). Attainment on entry for all students is well below national average, and all students have statements of SEND (or are in the process of being transferred to EHCPs).

The school was awarded the United Kingdom School of the Year 2015 at the TES awards, where the judges described it in the following terms:

**“ Whether it is working to secure the best outcomes for pupils, engaging with the local community or innovating in CPD, this is a school that never rests on its laurels.**

(TES, 2015)

Jackie Smith has been Head teacher of Uplands since April 2009, and became Executive Head teacher and Strategic Lead when she set up the Uplands Educational Trust (UET) in 2013. She describes Uplands as having been a good school when she started, with a very strong emphasis on care and nurture but less focus on aspiration – for example, the students' qualifications were not an expectation. As her successor Deirdre explains:

**“ With SEN there was a real drive within national strategies that special schools should not just be all about care, but they should also be about education. And the national strategies were absolutely right. It should be about educational progress, as well as meeting the care needs of our students.**

Deirdre Fitzpatrick, current Head teacher, Uplands Special School

When the Green Paper came out in 2012, Jackie and her team immediately started working through the major changes, one of which was the extension of provision to 25 years. She cites this as one of the most commonly misunderstood elements of the legislation, with parents thinking that their child is now entitled to a school place until they are 25, whereas in reality they have 'the possibility of access to support and provision'.

Jackie started a limited company and then converted to a charity, which became Uplands Educational Trust (UET). This allowed her to open a charity shop her students could work in, a move that she later described as a 'game changer'.

Jackie also began to work much more closely with local employers, persuading them to employ young people in flexible, part-time ways. She also opened a Learning Centre for post-19 provision and developed assisted housing so that students could live in a supported environment while still going to college and work.

This school's innovative approach highlights a head teacher's central role in negotiating a complex environment and responding to a more market-based context; it is a system that can work well for skilled and entrepreneurial leaders but which now needs to work for everyone.

## Case Study 5: Drive for Literacy

Drive for Literacy (DfL) is a model for working with schools and has been developed by the Driver Youth Trust in association with the academy chain Ark. DfL aims to improve the quality of literacy teaching for all children and particularly those with dyslexia or other persistent literacy difficulties. It operates across 17 Ark primary schools and is now expanding into Ark secondary schools. The programme is supported by dyslexia specialists who support the identification of all pupils with literacy difficulties. They then deliver wide-ranging training and support for teachers.

The model engages with head teachers and Senior Leaders in order to encourage a whole-school focus on SEND. All pupils in primary DfL schools are screened for literacy difficulties in Year 1 and this is followed up by secondary screening, targeted at those individuals who had apparent difficulties identified in the first screening, in Year 3. At secondary level the identification process is targeted at those who teachers consider are not making expected progress. In addition, DfL supports schools to work with parents and ensures that schools publish their SEND Information Reports, in relation to dyslexia, online.

Sally Bouwman, Network Lead Teacher for Dyslexia, explains that in order to make the approach sustainable the goal is for schools, and groups of schools, themselves to employ specialists who can provide screening and follow it up with high quality training and ongoing support. For Chris Rossiter, DYT Director, the key is:

**“ Making sure that schools have the right structures and processes in place that ensure teachers understand that the difficulties, such as Dyslexia, are persistent and that there are various really practical things that you can do in your classroom to ensure that pupils are given the best possible opportunity to experience success.**

However, he notes the challenge of ‘persuading head teachers that dyslexia and persistent literacy difficulties are worth focusing on’ and says that in order to overcome this issue:

**“ [W]e talk to head teachers in a way that emphasises DfL as a strategy to upskill teaching staff to close the gap, by pointing out that there is a group of pupils in your school who aren’t going to respond to traditional approaches to literacy teaching. The approach taken to address those needs will not only benefit pupil attainment, but crucially also improves general teaching practice.**

Chris Rossiter, Director,  
Driver Youth Trust

## Difficulties with the previous categorisation system

**“ [T]he whole issue about numbers with SEN... It can lead you to conclusions that are not what they seem.**

Barney Angliss,  
Mainstream school SENCO

In 2010 Ofsted reported large-scale over-identification of SEND (Ofsted, 2010), noting that identification did not always result in successful intervention. Since then there has been a decrease in the number of students identified as SEND, most notably after School Action (SA) and School Action Plus (SA+) were dissolved in 2014 (see section 1.3). However, the reason for the change in numbers is frequently misunderstood.

Under the previous system, students were identified as SA or SA+ if they needed additional support to 'catch up' with their peers. If an intervention was implemented and was effective the student should have gone on to make good progress and been removed from the SA or SA+ category. However, this often did not happen and students remained 'stuck' in these categories indefinitely:

**“ It seems like those children don't come off that label... [this raises the question] is it making any difference to them at all?**

Ofsted inspector

If interventions are used effectively, the numbers of students in these categories should remain in constant flux as progress targets are met and other students with needs are identified. The new SEND category still entitles the same pupils to the same level of support through the schools' notional SEND budget, but all support should now take the form of the four-part 'assess, plan, do, review' cycle, known as the 'graduated approach' (p.100).

## 4.2 Categorisation, identification and assessment

### 1. Categorisation

The previous SEND categorisation system included three levels of need: the lowest was 'School Action', the next 'School Action Plus' and finally, 'Statement'.

The Children and Families Act (2014) replaced Statements with Educational Health and Care Plans (EHCPs). These focus not only on educational elements (previously covered in Statements) but also on health and social care needs. Brian Lamb explains that the inclusion of these additional elements impacts on learners with persistent literacy difficulties such as dyslexia – where in the past they might have been 'Statemented', giving them access to higher funding levels, these same pupils will now find it 'difficult to impossible' to qualify for an EHCP unless they also have health difficulties or are in care.

The Act also abolished the 'School Action' and 'School Action Plus' categories. While the majority of interviewees welcomed this change (see text box), there was some concern that the move would worsen provision in schools where it was already weak. One SEND expert reported that SENCOs frequently asked how they should be identifying SEND learners now that these categories no longer exist. Another interviewee described a school in which parents were told that due to the reforms their children were no longer eligible for SEND provision and their needs would 'just be met in the classroom'. As **section 1.3** highlighted, there has been a substantial drop in the number of young people identified as having SEND. While it might be desirable for SEND pupils' needs to be addressed in lessons rather than in

discrete sessions, this still depends on accurately identifying their needs, as **Case Study 5** demonstrates.

### 2. Identification and assessment

Reforms to LA provision and regional variation have led to inconsistency in identifying pupils' needs. As a result several interviewees suggested that parents are paying for private diagnostic assessments if they suspect their children have dyslexia, since they see this as a gateway to support. Head teachers explained that this was problematic for two reasons:

1. Parents often pay many hundreds of pounds for a diagnosis, opening up inequalities in provision based on parents' ability to pay. All schools therefore need to ensure that pupils have access to assessment that is not dependent on parental income. **Case Studies 3** and **5** show how access to specialist staff can help make this possible.
2. In order to implement quality first teaching a school needs more than just a diagnosis – they need to understand an assessment's detailed findings including students' strengths and weaknesses and how these weaknesses are best addressed. School leaders should therefore explain to parents that the detail of these reports is as, if not more, important than the perceived need for a 'diagnosis' and educational psychologists and specialist teachers need to write clear, accessible reports that focus on implications for parents and teachers.

## 4.3 Training

Additional intervention and support where pupils are withdrawn from class cannot compensate for a lack of good teaching (DfE and DfH, 2014d; NASEN, 2014). The SEND Code of Practice therefore sets out the government's view that 'high quality teaching... will meet the needs of the majority of children and young people' and that 'special education is underpinned by high quality teaching and is compromised by anything less' (p.25). This has come to be known as 'quality-first teaching'.

The shift towards meeting high-incidence needs like dyslexia within the classroom through quality first teaching rather than specialist support (where pupils are withdrawn from class) should have precipitated a boost in CPD but in fact many teachers still lack confidence in addressing SEND pupils' needs. For example, Julia Hunt explains that at the beginning of the Dyslexia-Friendly Schools programme (see **Case Study 2**), all participants (in the 10 schools involved) completed a survey. In it, no teacher scored higher than the minimum in terms of their confidence in teaching and understanding dyslexic learners:

**“ [T]hese participants are probably the most experienced people in the school and yet their level of confidence and knowledge is that low prior to undertaking training.**

Julia Hunt, Head teacher

If all students' needs are to be met by teachers within the classroom then it is essential that all teachers (and not just 'specialists') receive high quality training and accurate information about their pupils. Indeed the Teacher's Standard 5, 'adapt teaching to respond to the strengths and needs of all pupils' (DfE, 2011b), explicitly requires this.

The Carter Review of initial teacher training (Carter, 2015) identified SEND as an area of weakness in initial teacher training (p.6) and previous research by the Driver Youth Trust has suggested that more than half of teachers did not receive training on dyslexia (Driver Youth Trust, 2013).

The Carter review therefore recommended that:

- Special educational needs and disabilities should be included in a framework for ITT content. (p.11)
- Wherever possible, all ITT partnerships should build in structured and assessed placements for trainees in special schools or mainstream schools with specialist resourced provision. (p.11)
- How to support children with SEND... should not be treated as an optional extra but as a priority.(p.34)

In response the government has commissioned an independent working group to set out the core content for good initial teacher training (ITT) which is expected to include an increased emphasis on SEND (DfE, 2015d). However, given that only 32,543 new teachers were trained in the 2014–2015 academic year (DfE, 2014f) compared to the total figure of approximately 454,900 practising teachers (DfE, 2015b), it will take decades for changes to ITT to trickle into practice. Over the course of the last five years education policy has therefore shifted from focusing on ITT towards continuing professional development (CPD). This change was exemplified by the 2012 decision to abolish the requirement to secure qualified teacher status in order to teach in academies, and the announcement in 2015 that the government would support the creation of a new College of Teaching. Any move to improve teacher training in SEND should therefore focus as much on improving the quality of CPD as on ITT and the new College of Teaching should place a high priority on SEND training as it begins to design professional development pathways, both for classroom teachers and specialists. This is particularly important given that while accreditation is needed in order to offer accredited ITT, this is not the case with CPD.

## 4.4 Special Educational Needs Co-ordinators (SENCOs)

Schools face a dilemma when deciding who to train: they can often only afford specialist training for a limited number of staff members and so focus on their Special Educational Needs Co-ordinator (who oversees provision for SEND pupils) or a member of the SEND team. However, head teacher Julia Hunt argues that this can reinforce the view that SEND pupils are someone else's responsibility. She also suggests that staff in these positions do not always have the status needed to change classroom practice. For this reason, and to ensure quality first teaching, schools may be better off targeting literacy training at classroom teachers and heads of department rather than specialist staff. High-level training for specialists could then focus on identification, specialist help for those with greater needs and legal or administrative elements of SEND as well as parental engagement through techniques like the 'structured conversation' (see **Case Study 7**).

### The changing role of SENCOs

All schools must have a SENCO. Where schools are independent of the Local Authority, or where such support has been cut, these professionals have taken on a particularly pivotal role in ensuring the quality of provision. At present SENCO's skill levels vary widely but the role was significantly professionalised by the SEND Code of Practice (2014). This set out the SENCO's responsibilities (see text box) and introduced several requirements:

1. All schools must have a designated SENCO.
2. All SENCOs must be qualified teachers.
3. New SENCOs (for example those who have not held the position elsewhere for at least twelve months) must achieve a National Award in Special Educational Needs Coordination within three years of being appointed and this award must be a postgraduate course accredited by a recognised higher education provider. (However this was not retrospective, so some SENCOs will remain who have not achieved the award.)

Additionally the Code of Practice recognises the strategic nature of the SENCO's role by stating that SENCOs are, in the government's view, most effective when they are part of the School Leadership Team (SLT) and when they have time away from teaching as well as having administrative support.

Where SENCOs have SLT responsibility they can find themselves having to balance two types of responsibility: on one hand they have a strategic role as managers – ensuring quality of provision across the school; on the other, they are specialist teachers who identify and address individual needs and in some cases lead a team of specialists. Too great a focus on the latter can reinforce the view that SEND provision is the responsibility of specialists, undermining efforts to promote high quality teaching for SEND pupils by all teachers. Interviewees also argued that when SENCOs are on a school leadership team they can find it challenging to maintain their role as advocates for SEND pupils when faced with pressure (discussed in **section 2.3**) to have fewer SEND pupils on roll. As one parent puts it:

**“ [A] SENCO’s role is to run with the fox and bark with the hounds.**

A parent, quoted in Goleniowska, 2012

In other words, SENCOs must carefully tread the line between meeting school targets, acting in the best interests of the child, and complying with legislation and regulations at the same time. Leaders with SEND responsibilities should therefore seek and receive support from colleagues from other schools who hold similar positions so that they can perform their role more effectively. **Case Study 6** shows how the London Leadership Strategy has gone about doing this.

### **SENCO responsibilities: SEND Code of Practice 2014**

- 1 Provide professional guidance to colleagues, and work closely with staff, parents and other agencies.
2. Be aware of the Local Offer, and work with other professionals to ensure that students with SEND receive appropriate support and high quality teaching.
3. Advise on the graduated approach to providing SEND support.
4. Advise on the deployment of the schools' delegated budget.
5. Work with the head teacher and governing body to ensure that the school meets its responsibilities under the Equality Act (2010).
6. Ensure that the school keeps records of SEND learners up to date.

## Case Study 6: London Leadership Strategy's SEND Leaders

SEND Leaders is a programme run by the London Leadership Strategy. It ensures schools have access to high quality support so that they can improve teaching for SEND pupils. The programme aims to ensure that:

**“ [O]utstanding practitioners with a really good track record have the confidence but also the opportunity to work on a more systemic level with a wider number of schools to seek better outcomes for children with additional needs.**

David Bartram, Director of SEN,  
London Leadership Strategy

SEND leaders themselves are current practitioners with a proven record of excellent SEND leadership and experience leading provision across schools. They are a mixture of head teachers, assistant and deputy head teachers with SEND responsibility and SENCOs.

**“ [I]t's not about going in and telling people how to do things but actually working on a sustainable model with them.**

David Bartram, Director of SEN,  
London Leadership Strategy

What makes the SEND Leaders programme special is that it uses current practitioners to support other schools. It therefore uses knowledge and expertise from within the system and draws on current practice to help leaders prioritise and improve SEND pupils' learning.

The programme follows six steps:

1. Schools decide they want a SEND review;
2. Reviewers (the SEND leaders) are sent information and data about the school;
3. Schools complete a self-evaluation based around eight key areas that LLS believe are crucial to high-quality SEND provision in schools (see text box);
4. SEND leaders complete a self-evaluation to ensure that their expertise is targeted at the schools where they can be most useful;
5. SEND leaders conduct a review and agree a benchmark for improvement with the school;
6. Follow-up visits take place based on a bespoke support plan.

SEND Leaders are currently working with a group of schools in Birmingham. The group approached SEND Leaders because they were concerned about their LA's capacity to support them in key areas, particularly where:

- staff were new to a role (such as new SENCOs and deputy head teachers);
- staff needed practical advice in things like 'dealing with staff' and 'blockages in leadership';
- schools experienced a substantial change in their intake's demographics, for example an increase in the incidence of complex needs.

## LLS' Eight key areas for SEND provision:

1. Leadership
2. Efficient use of resources
3. Monitoring, tracking and evaluation
4. Assessment and identification
5. Working with pupils and parents
6. Improving teaching and learning
7. Developing provision
8. Improving outcomes

The Birmingham schools collaborated to identify five members of staff with the potential to lead and these individuals shadowed SEND Leaders. The programme therefore helped build capacity within schools by using expertise from elsewhere to develop leaders with a better understanding of SEND.

**“ We don't want it just to be a dozen people who are great at this work, we want to roll it out so that everyone feels empowered in terms of improving outcomes for SEN students but also in terms of developing skills of classroom teachers.**

David Bartram, Director of SEN,  
London Leadership Strategy

## 4.5 Parental engagement

**“ The Children and Families Act introduced a strengthened statutory requirement for families (and more specifically parents and carers) to be involved in decisions that directly affect SEND pupils. What you as parents think, feel and say is important. You should be listened to and you need to be fully involved in decisions that affect your children. That's what the new system is all about.**

Edward Timpson (in DfE, 2014c)

While the statutory duties in the Act fall upon LAs, in practice it is schools that take responsibility for most of the day-to-day communication with parents and carers concerning their child's progress and well-being. This is fine for schools that are well equipped for communication, but those already struggling with parental engagement find themselves faced with yet another challenge.

Communicating with parents can be difficult, particularly when there are differences in understanding of a child's needs or limited knowledge of the difficulties on either side. An example of good practice is shown in **Case Study 7** and there is an emerging evidence base around effective parental engagement (see **Case Study 8**). This expertise now needs to be shared more widely across the sector so that staff (and SENCOs in particular) can develop their expertise. This is essential if the quality of provision a child receives is not to remain dependent on parental education and ability to engage in the process.

## Case Study 7: Achievement for All

Achievement for All (AfA) is an independent charity that works to improve outcomes for the lowest achieving 20% of young people through their schools programme. The DfE's evaluation of the programme suggested that it helps secure excellent outcomes for students with SEND, including dyslexia (DfE). The charity works in over 2,000 schools and they are a delivery partner for the DfE.

The SEND Code of Practice highlights AfA's schools programme as a good way of addressing the challenge of parental engagement. A fundamental aspect of AfA's schools programme is the 'structured conversation'. This is a 'listening conversation' that an 'Achievement Coach' trains teachers to use when working with children's parents and families. Staff learn how to listen rather than attend with a pre-conceived agenda, and the conversations usually last about half an hour.

Schools working with AfA have planned targeted interventions in partnership with parents during structured conversations and these conversations are therefore now at the heart of good teaching and learning. Structured conversations have helped many schools get to grips with the SEND reforms because they give staff the skills they need in order to engage with parents – something that is key to the EHCP and the graduated 'plan, do, review, assess' process now used for any students identified as having SEND.

## Case Study 8: The Pupil Passport

St Mary's C of E Primary School in East Barnet is a one-form entry school with a diverse intake. Maria Constantinou is Deputy Head teacher and the school's Inclusion Leader.

Maria believed that one of the biggest challenges presented by the Children and Families Act was the need to involve SEND students and their parents in decisions that affect them (DfE, 2014, p.20). She decided to respond to this challenge through a new approach to pupil voice involving a 'Pupil Passport'. This was a document that allowed children to capture reflections on their learning. In the introductory phase, the passport created a focus for conversations between pupils with SEND and their parents, making it easier for them to engage in discussions about their child's perception of their learning (DfE, 2014, p.104).

The passport was originally introduced for SEND learners in summer 2014 and proved so successful that it was rolled out to include all students in autumn 2014.

## 4.6 Exam reform

Exam reform proceeded at break-neck pace under the coalition government and reformed GCSEs, AS and A levels are all being taught from September 2015. Changes include a reduction in the role of coursework and a move toward linear rather than modular exams so that exams increasingly take place at the end of the course rather than after individual units. Other reforms include a greater emphasis on spelling, punctuation and grammar in exams involving extended writing, as well as changes to exam content. Some argue that these reforms will have put candidates with persistent literacy difficulties at a disadvantage.

Exam reform has been met with widespread concern regarding the likely impact on pupils with SEND and some have suggested that the reforms have contravened the rights of pupils with protected characteristics such as SEND that are included in the 2010 Equality Act (Bloom, 2015). Ofqual however have said that they have fulfilled their statutory duty to consider the effects of the reforms on learners with SEND and ensured that exams:

**“ [G]ive a reliable indication of students’ knowledge, skills and understanding; and avoid, where possible, features of a qualification that could needlessly make a qualification more difficult for a student to achieve because he or she has a protected characteristic.**

Ofqual, 2015

Despite the steps taken to ensure exam reforms’ legality, many in the sector are concerned that:

1. Although found not to breach the Equality Act the move away from modular assessment towards longer (end-of-course) exams could put some SEND learners at a disadvantage. For example, Brian Lamb highlights what he calls:
 

**“ ...massive concerns that this [exam reform] is going to disadvantage children with Dyslexia... Continuous assessment and project assessment gave children with Dyslexia... a more level playing field in exam situations and the move away from that is going to have a very significant effect on their ability to show their true capabilities.**
2. Awarding 5% of marks for spelling and grammar in exams requiring extended writing might put SEND candidates at a disadvantage, particularly those with persistent literacy difficulties.
3. Identification of SEND (such as dyslexia) is not consistent across the country. Students may therefore be disadvantaged if their needs have not been understood prior to the exam since it will mean they are not offered the ‘reasonable adjustments’ (such as extra time or a scribe) that they are entitled to. Furthermore, one interviewee argued that this can go both ways and that schools which have not planned how they will deliver ‘reasonable adjustments’ may be particularly reluctant to identify needs since they do not know how they would respond once those needs are found.

## Summary of recent exam reforms

### Main features of the new GCSE

1. A new grading scale of 9 to 1 will be used.
2. Assessment will mainly be through exams rather than coursework.
3. New, more demanding content has been developed.
4. Courses will generally no longer be divided into different modules and students will take all their exams at the end of their course.
5. Exams can only be split into 'foundation tier' and 'higher tier' if one exam paper does not give all students the opportunity to show their abilities.
6. Resit opportunities will only be available each November in English language and maths.

### Main features of the new AS and A level

1. AS and A levels will be decoupled; i.e. AS results no longer count towards A levels.
2. Assessment will mainly be through exams.
3. Courses will no longer generally be divided into modules.
4. The content for the new A levels has been reviewed and updated.
5. Universities played a greater role in setting the content and revising the material for the new qualifications than previously.

4. Technology is not equitably distributed across schools, so not all SEND students have the same access to the assistive software that can help them read exam questions. A move away from coursework may exacerbate this problem:

**“ So, I think you can go to one school and they’ve got read and write software that reads for everybody... You go to another where they haven’t got that...**

Gareth Morewood, SENCO

It is too early to assess the impact of exam reforms on SEND pupils but the impact should be closely and robustly monitored to ensure that any problems are spotted early and acted upon immediately.

## 4.7 Summary of recommendations

1. School leaders should make it clear that SEND pupils' achievement is a whole-school priority rather than just the domain of specialist staff and should engage with SEND pupils' progress in the same way they do with socio-economically disadvantaged pupils' progress.
2. Schools should ensure all pupils have access to assessment that is not dependent on parental income.
3. School leaders should be creative in brokering in support from whoever is best placed to support their school.
4. Ofsted should launch a follow-up to its 2010 review of SEND in order to identify and share good practice in improving outcomes for SEND pupils.
5. School leaders should explain to parents that the detail of assessment reports is as, if not more, important than the perceived need for a 'diagnosis' and educational psychologists and specialist teachers need to write clear, accessible reports that focus on implications for parents and teachers.
6. Schools should target training that is focused on teaching practice at classroom teachers and heads of department as well as specialist staff. High-level training for specialists should focus on identification, specialist help for those with greater needs, and legal or administrative elements of SEND as well as parental engagement through techniques like the 'structured conversation'.
7. The expert group on ITT set up after the Carter review should ensure that its agreed 'core content' for ITT sufficiently prepares newly qualified teachers to support SEND pupils.
8. Any move to improve teacher training in SEND should focus as much on improving the quality of CPD as on ITT and the new College of Teaching should place a high priority on SEND training as it begins to design professional development pathways.
9. Leaders with SEND responsibilities should seek and receive support from colleagues from other schools who hold similar positions so that they can perform their role more effectively.
10. Schools should improve their ability to communicate with parents of children with SEND.
11. Ofqual should monitor the impact of exam reforms on SEND pupils closely to ensure that any problems are spotted early and acted upon immediately.

## Part 5: Conclusion

Changes in policy since 2010 have ushered in a time of great upheaval for the school system. While poor provision and inconsistency is nothing new, so long as the sector remains chronically fragmented it will be hard to move forward and schools will continue to face huge challenges in meeting their students' needs.

Recent reforms have brought some benefits:

- In many schools, the focus is moving from discrete, specialist provision to a greater focus on quality-first teaching;
- Some schools have embraced new freedoms and found innovative solutions to problems;
- Young people and their parents have been given a greater say in how their needs are met;
- Some LAs are developing models and structures more closely aligned with their communities' needs, for example by linking together different teams and departments.

Yet these changes also bring risks: although the best head teachers and the best schools have seen recent policy changes as an opportunity to innovate, this is not the case everywhere. Truly filling the gaps in support will not be easy and this is not a time when there is an appetite for more accountability or regulation. Instead, what is already in place needs to be made to work better and SEND needs to move up schools', policy makers' and the emerging middle tier's agendas. We believe that the following steps would ensure that this happens.

### Schools should take a lead themselves

Schools do not need to wait for policy makers in order to improve outcomes for SEND pupils. School governors should ensure they thoroughly review their school's SEND spending and how it is contributing to improved outcomes for these pupils – Ofsted expects no less and pupils deserve no less. Schools should also target different types of training at specialist and teaching staff to ensure those best placed to make a difference have the expertise they need. Ultimately, providing high-quality SEND support is not easy and schools should recognise their weaknesses and seek support from other schools or external specialists where necessary. As this report has shown, schools have the freedom to be creative in doing this and some could make more of the opportunities available.

## Moving SEND up the priority list

Ofsted already considers outcomes for SEND pupils as part of inspection but this report has shown that this is not having the required effect and that some school leaders do not see SEND as critical to school improvement. Similarly, the admissions code in theory recognises SEND learners' needs and prevents unfair discrimination, yet we have seen that few believe admissions are truly fair. A combination of carrot and stick approaches are therefore needed to change this: schools that are using SEND funding to provide high-quality and innovative support for their pupils should be celebrated through a SEND award and Ofsted should ensure that all inspection teams know what outstanding SEND practice looks like, either by including expert inspectors on their teams or by ensuring inspectors are fully trained so that they can robustly challenge SEND practice. Meanwhile all schools admissions should be subject to the same level of scrutiny – regardless of school type.

## Upcoming reforms should be seen through the lens of SEND

The role of Regional School Commissioners (RSCs) is likely to be reviewed and adapted in the future; a College of Teaching is being established to improve professional development; and an expert group is currently considering the core content of initial teacher training. All of these reforms provide opportunities to promote good practice in SEND and those involved in the reforms should ask themselves: 'how can this reform improve outcomes for SEND pupils?'. This report's recommendation that RSCs review schools' SEND Information Reports and broker partnerships between weaker and stronger schools is just one example of how this might happen.

Reform cannot come at the price of equity, and diverging quality is putting the education and life chances of young people with SEND at risk. We cannot accept a system with only outposts of excellence. The next phase of reform must focus on ensuring all learners have the educational opportunities currently experienced by those lucky enough to be at the best schools and in the strongest parts of the system.

We need to join up the dots in a fragmented system. Structures and practices are now needed that secure quality for all and that ensure every SEND student's needs are identified and met.

# Acknowledgements

With thanks to the many people who have contributed to this report.

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## Other contributors include:

Barney Angliss and John Hepburn, Keith Tysoe, Bren Predergast, Amy Skipp, Sameena Choudry.

And the many others who prefer not to be named.

# Glossary

**CAMHS:** Children and Adolescent Mental Health Services. A specialist service that offers assessment and treatment when children and young people have emotional, behavioural or mental health difficulties.

**Care Quality Commission:** The independent regulator of health and adult social care in England.

**Children's Commissioner:** A post created in 2004 to protect and promote the rights of all children in England. The current post-holder is Anne Longfield OBE.

**CPD:** Continuous Professional Development. A term used to describe the acquisition and maintenance of knowledge and skills for professionals.

**DfE:** Department for Education. The government department responsible for education and children's services in England.

**DfL:** Drive for Literacy. A collaboration between the Driver Youth Trust and the ARK schools academy.

**DSG:** Dedicated Schools Grant. One of the main channels of government funding for schools, given to local authorities who then distribute it among their schools.

**DYT:** Driver Youth Trust. A charity dedicated to improving the life chances of children and young people with a focus on those who struggle with literacy, particularly children with dyslexia.

**EFA:** Education Funding Agency. An executive agency sponsored by the Department for Education that manages funding for schools.

**EHCP:** Education, Health and Care Plans are legal documents for young people aged 0–25 years with high categories of SEND. They set out the child's needs and what has to be done to meet those needs in education, health and social care. From 2014 they replaced the previous Statement of Special Educational Needs.

**FE College:** Further Education Colleges are providers of education that is distinct from University education for young people and adults aged 16 years or over.

**Graduated response:** A school's response to a continuum of special educational needs and disability (assess, plan, do, review). It requires that schools should make full use of available classroom and school resources before using increasingly specialist expertise.

**INMSS:** Independent and non-maintained special schools.

**ITT:** Initial teacher training.

**ISP:** Independent Specialist Provider.

**LA:** Local Authority.

**Local Offer:** A guide to local provision for children and young people with SEND, published by a local authority.

**LLDD:** Learners with Learning Difficulties or Disabilities. Often referred to in relation to funding arrangements for young people with LLD between the ages of 19 and 24 years.

**LLS:** London Leadership Strategy. A not-for-profit organisation run and led by serving head teachers aiming to increase the effectiveness of schools.

**MATs:** Multiple Academy Trusts are a group of schools governed through a single set of members and directors.

**Monitor:** An executive non-departmental public body of the Department of Health responsible for regulating the health sector in England.

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**Notional SEND Budget :** A non-ring-fenced sum every school receives as an additional amount of money to help make special educational provision to meet children's SEND, up to a maximum of £6,000 per pupil.

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**OFSTED:** Office for Standards in Education, Children's Services and Skills. A non-ministerial government department responsible for the inspection and regulation of services that care for children and young people, and services providing education and skills for learners of all ages.

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**OFQUAL:** Office of Qualifications and Examinations Regulation. A non-ministerial government department that regulates qualifications, examinations and assessments in England and vocational qualifications in Northern Ireland.

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**PRU:** A Pupil Referral Unit is a form of alternative provision establishment run by local authorities, which provides education for children unable to attend a mainstream school.

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**Pupil Premium:** Additional funding for publicly-funded schools in England to raise the attainment of disadvantaged pupils. Schools receive funding on the basis of the number of free school meals students on their roll.

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**Regional School Commissioner:** There are eight RSCs, each responsible for approving and monitoring academies and free schools in one of eight regions of England on behalf of the Secretary of State for Education. These posts were created in 2014.

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**Schools Forum:** Schools Forums are organised by local authorities and are made up of representatives from schools and academies, proportional to the numbers of pupils in those establishments. There is also some representation from non-school organisations, such as nursery and 16–19 years education providers. The Forums have consultative and decision-making responsibilities on a range of funding issues.

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**School SEND Information Report:** Information relating to a school's SEND provision that it must publish on its website.

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**SEN:** Special educational needs

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**SENCO:** Special Educational Needs Coordinator. A teacher that all mainstream schools must appoint to be responsible for special educational needs in a school.

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**SEND:** Special educational needs and disability

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**TSA:** Teaching School Alliances are groups of schools, led by one or more school graded outstanding by Ofsted, that provide training and development to new and experienced school staff.

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**YPLA:** The Young People's Learning Agency was a UK government body that funded further education for 16–19-year-olds in England. In 2012 its responsibilities were transferred to the Education Funding Agency.

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## About the Driver Youth Trust

The Driver Youth Trust is a charity dedicated to improving the life chances of children and young people with a focus on those who struggle with literacy, particularly children with dyslexia.

- **Building partnerships:** We work in partnership with other organisations to help children to access education, build their confidence and realise their goals.
- **Research:** We commission research and campaign for policy change so that all children, including those with dyslexia, get the right support to learn to read and write and reach their full potential.
- **Drive for Literacy:** In partnership with Ark we have developed Drive for Literacy. This is a model that gives teachers a better understanding of how they can help pupils who struggle with literacy and may be dyslexic. The model gives them the skill set to make the necessary adjustments to meet the needs of these pupils so they can access the curriculum and experience success. For more information please visit: [www.driveforliteracy.co.uk](http://www.driveforliteracy.co.uk)

The Driver Youth Trust is a registered charity number: 1120720.

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## About LKMco

LKMco is the education and youth development 'think and action tank'.

LKMco is a social enterprise – we believe that society has a duty to ensure children and young people receive the support they need in order to make a fulfilling transition to adulthood. We work towards this vision by helping education and youth organisations develop, evaluate and improve their work with young people. We then carry out academic and policy research and advocacy that is grounded in our experience.

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