

1. INTRODUCTION

The government's Green Paper, *Support and aspiration: a new approach to special educational needs and disability*, was published on 9 March 2011. It sets out – for public consultation – proposals for major reforms in the education and health support for children with special educational needs (SEN) and disabilities. The Green Paper is the response to several reports and reviews in recent years, including the government's preparatory *Call for views* which ran in the autumn, 2010¹. It includes brief descriptions of current practice, and cites and references a large body of research and other literature in an extensive bibliography.

2. OVERVIEW

After a Foreword, a 10-page Executive Summary and an Introduction presenting the policy context (including statistical and other information relating to SEN and disability education), the Green Paper has five main chapters:

1. Early identification and assessment
2. Giving parents control
3. Learning and achieving
4. Preparing for adulthood
5. Services working together for families

It ends with an outline of the next steps to be taken, including the 16-week consultation period running until **30 June 2011**, and a list of the 59 Consultation Questions which feature in the main chapters.

This Summary outlines the key proposals in each chapter in Sections 3 to 7 below. The headline points are:

- including **parents** in the assessment process and introducing a legal right, by 2014, to **give them control of funding** for the support their child needs;
- **replacing statements** with a single assessment process and a combined education, health and care plan so that health and social services are included in the package of support, along with education;
- ensuring assessment and plans run from **birth to 25** years old;
- **replacing** the existing complicated **School Action** and **School Action Plus** system with a simpler new school-based category to help teachers focus on raising attainment;
- **overhauling teacher training and professional development** better to help pupils with special educational needs and to raise their attainment;
- injecting **greater independence from LAs** in assessments by looking at how voluntary groups might coordinate the package of support;
- giving parents a **greater choice of school**, and parents and community groups the power to set up **special free schools**.

3. EARLY IDENTIFICATION AND ASSESSMENT

Chapter 1 includes proposals for radical reform of the Statement of SEN.

[Consultation Questions 1 – 9]

- **Children and young people who would currently have a statement or statutory assessment of learning difficulty for further education and skills training should have a single statutory assessment process and 'Education, Health and Care Plan', from birth to 25. All the services on which the child and their family rely would work together with the family to agree an 'Education, Health and Care Plan' which: reflects their ambitions, for now and for the future; is**

¹ For example: the *Bercow Report* [DCSF, 2008: see Document Summary Service summary DSS 08/09 5]; the *Lamb Inquiry*, [DCSF, 2009: see DSS 09/10 25]; *The Special Needs and Disability Review*, [Ofsted, 2010: see DSS 10/11 7]; and *Special Educational Needs: Assessment and Funding*, [the Education and Skills Select Committee Tenth Report of the 2006-07 session, October, 2007].

clear about who is responsible across education, health and social care for which services; and includes a commitment from all parties to provide their services.

A statement of SEN describes the child's needs and provides a guarantee for families about how the child or young person will be supported, setting out in detail the special educational support they will receive. It can also describe non-educational needs and the non-educational provision to meet those needs. However, parents (and many formal reports and reviews) have complained about serious problems with the statutory assessment process, so by 2014 the government is proposing to **replace statements with a new single assessment process** and 'Education, Health and Care Plan' to identify the support needs of all children who would currently have a statement of SEN or learning difficulty assessment. It will extend to those in the 16 to 19 age group, and those aged 19 to 25 who would previously have had a statement of SEN or learning difficulty assessment. The government intends to **test how to reform the statutory assessment and statement of SEN, and will invite proposals from local areas to explore the best approach to a single assessment process and 'Education, Health and Care Plan', including whether the voluntary and community sector could coordinate assessment across the agencies involved, as well as the cost implications of this change.**

- The Department of Health (DoH) will explore how to **improve the provision and timeliness of health advice for the statutory assessment.** It is also proposed to **reduce the time limit for the statutory assessment process from 26 weeks to 20 weeks** by reducing the maximum time LAs have to decide whether to assess, to conduct the assessment, and to finalise the statement.
- Expanded health visiting services will ensure as a priority that **all families are offered the health and development review for children aged between 2 and 2½ years**, so that children who need any additional support can be identified and appropriate support offered to the family.

The *Health Visitor Implementation Plan* sets out the government's vision for a transformed health visiting service and Government plans to recruit and train an additional 4,200 health visitors by 2015, in order to deliver a full service and family offer, ranging from community and family support to additional services related to SEN or disability.

- The Department for Education (DfE) will ensure that **the extended free entitlement of 15 hours of early education for disadvantaged 2 year-olds is developed to accommodate disadvantaged children with more complex support needs and their families.**

The DfE is continuing to invest in the free entitlement to early years education, and extending this to all disadvantaged 2 year-olds from 2013. It is trialling with LAs approaches for the expansion of the entitlement for 2 year-olds.

4. GIVING PARENTS CONTROL

Chapter 2 includes a proposal to give parents the option of personal budgets to exercise greater control over planning and procuring their child's support.

[Consultation questions 10 – 17]

- The DfE will fund **voluntary and community sector organisations to maintain the existing Early Support resources, including the training materials, and amend them in partnership with parents to extend their use to families with school-aged children.**
- The DfE will fund the **voluntary and community sector to provide free training on key working for a range of professionals.**
- The government proposes to ensure that **LAs set out a local offer of the support that is available for children with SEN or who are disabled and their families, and from whom.** It proposes to **slim down requirements on schools to publish information** so that parents are clear about schools' approaches to SEN.
- The government will ask those **LAs already working with children's individual budget pilots, and a further wider group of LAs, to work with schools, colleges, early years settings and health providers to test what other services could be included in a personal budget.**

- **By 2014, the intention is that all families with the proposed 'Education, Health and Care Plan' will be entitled to a personal budget.** Subject to piloting, this would include funding for education and health support as well as social care. *[See paragraphs 2.26 – 2.43 for details. The intention is 'to give more families the opportunity to take up this offer to control the funding and to design their own tailored package of support once their children's needs have been assessed']*.
- **LAs will be encouraged to make use of new voluntary and community sector providers in order to increase the range of support available to families with a statement of SEN or 'Education, Health and Care Plan'.**
- The DfE will continue to fund **parent forums in every local area** to build on the good practice that has been developed.
- It is intended to introduce **legislation to ensure that parents of children with a statement of SEN or 'Education, Health and Care Plan' have equivalent rights to express a preference for any state-funded school** – whether that is a special school, mainstream school, Academy or Free School.
- The DfE will continue to invest in **short breaks**, providing over £800 million over the period 2011-12 to 2014-15 as part of the Early Intervention Grant for LAs.
- It is proposed that parents and LAs should always try **mediation before a parent can register an appeal with the Tribunal**, but this should not affect the time that parents have to appeal or to change parents' right to appeal.
- The DfE will **pilot giving children the right to appeal and make disability discrimination claims in two or three LAs** with a view to extending the right to all children across England. The pilot will test whether the right to appeal is something that children would use, the best way to handle these appeals, and the cost implications of this change.

5. LEARNING AND ACHIEVING

Chapter 3 includes proposals relating to funding, training, professional development, performance table indicators, and the replacement of the SEN School Action and School Action Plus categories.

[Consultation Questions 18 – 32]

- Additional funding for **initial teacher training** providers to secure a **greater number of placements for trainee teachers in special school settings**.
- The DfE will work with the Department for Business, Innovation and Skills and the Learning and Skills Improvement Service (LSIS) to support **the development of SEN and disability training for those teaching in colleges**.
- It is proposed to fund **scholarships for teachers** to develop their practice in supporting disabled pupils and pupils with SEN, including in specific impairments.
- **Outstanding special schools will be able to apply to become Teaching Schools, or members of a Teaching School partnership**, developing their own staff alongside staff in schools throughout their network and sharing their expertise.
- The DfE is exploring the **possibility of an award run by the Association of Colleges for those colleges that demonstrate best practice in working with young people with SEN**.
- **The DfE is continuing to fund the training of new SENCOs in the academic year 2011/12.**
- **An additional scholarship fund** will be launched, **open to the most able teaching assistants and other support staff**, to enable them to build on their SEN support roles and develop their careers further.
- The government has launched a **tender for bids from external organisations to spread the practices that those involved with Achievement for All have developed**.

- Funding will be provided to **facilitate the transition to the open market of the Every Child a Reader and Every Child Counts programmes**. This will make it possible for those schools that want to use these approaches to do so through ensuring training is available. Funding will also be provided for **phonics-based training and resources which will support those children who need additional help in reading to catch up**. The DfE will work with SEN specialists as the Year 1 phonics screening check develops so that it helps to identify children, including those with SEN, who require additional support.
- **It is proposed to replace the SEN Code of Practice categories of School Action and School Action Plus with a new single school-based SEN category, providing clear guidance to schools on the appropriate identification of SEN.**
- The government will **work with the Anti-Bullying Alliance to share best practice that will help teachers identify those pupils who are disabled or have SEN and are at risk of bullying, and to tackle this effectively where it arises.**
- The trial of a **new exclusions approach** will consider the needs of, and impact on, disabled children and children with SEN.
- **It will be recommended in exclusion guidance that children are assessed through an effective multi-agency assessment for any underlying causal factors.** Schools could trigger this assessment in instances in which a pupil displays poor behaviour that does not improve despite effective behaviour management by the school. **The trial of the new exclusions system will also be used to test out the effects of this type of early assessment of need.**
- The DfE will be providing **support to build the capacity of the voluntary and community sector, including in the delivery of targeted mental health support.**
- Ways to make it easier for **special schools and special Academies to enter the market to offer alternative provision** will be explored.
- Under legislation already introduced, *[the Education Bill 2011]*, **all maintained special schools will in due course have the opportunity to become Academies.**
- Many children with SEN are among the lowest attaining and, too often, do not make the expected levels of progress, thereby perpetuating low attainment from key stage to key stage. Post-16 young people with SEN are more than twice as likely as those without to be not in education, employment or training (NEET). **To address this, Key Stage 4 and Key Stage 5 Destination Measures will be put in place to ensure that schools and colleges are accountable for helping all their pupils** prepare for success post-16 and post-18 by showing young people and parents how many of schools' and colleges' former pupils progress into further education, employment or training.
- The introduction of **new indicators into the performance tables relating to the progress of the lowest attaining 20% of pupils is proposed.** This would focus on those pupils entering a key stage who have not reached the expected national curriculum level.
- **In the most serious cases of long-term underperformance and little sign of improvement, special schools, like mainstream schools, will be converted into Academies and partnered with a strong sponsor.**

6. PREPARING FOR ADULTHOOD

Chapter 4 addresses issues relating to disabled young people and those with SEN making a successful transition to adult life, living healthily and independently, and being active members of the community.

[Consultation Questions 33 – 39]

- The DfE will **build on the findings of the Wolf Review of vocational education to improve vocational and work-related learning options for young people aged 14 to 25 with SEN or who are disabled.**

- The Department for Work and Pensions (DWP) will work with stakeholders – including those with expertise in SEN and disability – to **ensure that welfare reforms, and in particular the development of the Universal Credit, are flexible enough to support young people with SEN or who are disabled** as they attempt to find work.
- The DWP will **explore how the role of Disability Employment Advisers might be used more effectively to help disabled young people and young people with SEN** make a smooth transition from learning to the world of work.
- **The introduction of supported internships will be explored for those for whom an apprenticeship may not be a realistic aim**, including enabling retirees to volunteer to train as job coaches.
- **The government will work with employers of all sizes to champion the benefits of employing disabled people, build on their existing good practice and ensure that their advice and input inform further developments.**
- The DoH will explore how to **improve joint working across children’s and adult health services for young people aged 16 to 25**. As part of this, the Department will explore the feasibility of **GPs providing annual health checks for all disabled young people from the age of 16**.

7. SERVICES WORKING TOGETHER FOR FAMILIES

Chapter 5 proposes commitments and developments concerned with the structures within which LAs, services and their frontline professionals work with individual young people, their families, and each other across the sector.

[Consultation Questions 40 – 59]

- **LAs and local health services will play a pivotal role in delivering change for children and young people with SEN or who are disabled, and enabling local professionals to work together to put in place integrated packages of support for families.**

There will be three core features of the LA role:

- **strategic planning for services that meet the needs of local communities;**
 - **securing a range of high quality provision for children and young people with SEN or who are disabled;**
 - **enabling families to make informed choices and exercise greater control over services:** LAs will set out the local offer of provision for children and young people with SEN or who are disabled and their families, to help them make choices about what is right for them and exercise greater control over the services that their family receives, including, as set out in Chapter 2, through the use of personal budgets.
- **The DoH will work with the health sector and with the new Health and Wellbeing Boards, as they develop, to consider how the needs of all children and young people, including those with SEN or who are disabled, can best be taken into account through the Joint Strategic Needs Assessment, joint health and wellbeing strategies, guidelines and standards from NICE, and health service outcomes frameworks.**
 - The DoH will **work with GP consortia pathfinders to explore the best ways of providing support for the commissioning of healthcare services** for children and young people with SEN or who are disabled and their families.
 - **The statutory guidance will be simplified and improved for all professionals working with children and young people with SEN or who are disabled from birth to 25** so that it is clear, accessible and helpful, and guidance that does not provide useful support will be withdrawn.
 - **In the context of growing numbers of speech and language therapists and numbers of children and young people who need their support, the DoH is considering the future training and development system for healthcare professionals, which includes speech and language therapists**, through the consultation entitled *Liberating the NHS: Developing the Healthcare*

Workforce. A new national body, Health Education England (HEE), will be established to provide national oversight and leadership for workforce planning and education and training.

- The DfE will work with the profession and local commissioners to **review the future training arrangements for educational psychologists.**
- **The freedom and flexibility with which funding can be used locally will be significantly extended.**
- **Targeted funding will be provided to voluntary and community sector organisations that have a strong track record** of delivering high quality services and the confidence of families and local communities.
- The DfE will publish shortly a further **national SEN and disabilities voluntary and community sector prospectus that will set out the key areas in which funding will be made available**, and guidance for voluntary and community organisations that wish to bid for grants or contracts.
- The government will work with a group of LAs to **explore whether and how a national banded framework for funding provision for children and young people with SEN or who are disabled could improve transparency to parents while continuing to allow for local flexibility.**
- The government will **explore how the different funding arrangements for special educational provision pre-16 and post-16 might be aligned more effectively so as to provide a more consistent approach** to support for children and young people from birth to 25.

8. CONSULTATION: UNTIL 30 JUNE 2011

Consultation responses can be completed online at www.education.gov.uk/consultations or emailed to send.greenpaper@education.gsi.gov.uk, or by downloading a response form which should be completed and sent to:

Consultation Unit
Department for Education
Area 1C, Castle View House
East Lane
Runcorn
WA7 2GJ

The Green Paper and all related documents and links, (including a direct link to the online Consultation), can be viewed/downloaded at:

<http://www.education.gov.uk/childrenandyoungpeople/sen/a0075339/sengreenpaper>