



Special educational needs and disabilities **Contents**

Summary

In 2014, Parliament legislated with the intention of transforming the educational experiences of children and young people with special educational needs and disabilities. The reforms were ambitious: the Children and Families Bill sought to place young people at the heart of the system. However, as we set out in this report, that ambition remains to be realised. Let down by failures of implementation, the 2014 reforms have resulted in confusion and at times unlawful practice, bureaucratic nightmares, buck-passing and a lack of accountability, strained resources and adversarial experiences, and ultimately dashed the hopes of many.

The reforms were the right ones. But their implementation has been badly hampered by poor administration and a challenging funding environment in which local authorities and schools have lacked the ability to make transformative change. The Government has recently taken initial steps to rectify the latter of these two challenges, but there is much left to be done.

There is too much of a tension between the child's needs and the provision available. The significant funding shortfall is a serious contributory factor to the failure on the part of all involved to deliver on the SEND reforms and meet children's needs. Ultimately, however, unless we see a culture change, within schools and local authorities and the Government, any additional money will be wasted and make little difference to their lives.

We have found a general lack of accountability within the system. We do not think that the current approach to accountability is sufficient—the absence of a rigorous inspection regime at the beginning set the tone of a hands-off approach. This has been perpetuated by the fact that those required, or enabled, to 'police' the system have been limited in part by an apparent unwillingness to grapple with unlawful practice, while others are limited by the narrowness of their remit.

There must be greater oversight—we want to see a more rigorous inspection framework with clear consequences for failure. There should also be a greater focus on SEND in school inspections: at present, children who receive SEN Support are being let down by schools failing to meet their needs at this level. The Department did not need to preside serenely over chaos for five years to see that things were not quite going as planned. We recommend that parents should be able to report directly to central Government when local authorities fail to follow processes set out in statute and guidance. The Department should create a mechanism specifically for parents and carers of children with SEND, beyond what currently exists. The distance between young people's lived experience, their families' struggles and Ministers' desks is just too far.

Parents and carers have to wade through a treacle of bureaucracy, full of conflict, missed appointments and despair. We want to see a neutral role introduced, the purpose of which would be to arrange meetings, co-ordinate paperwork and be a source of impartial advice to parents. We believe that this would help reduce conflict in the system and remove much of the responsibility that seems to fall on parents' shoulders.

We have found that many local authorities are struggling with the reforms, and in some cases this has led to unlawful practice. However, they are also struggling against the tide of unintended consequences of policy decisions. We pass no judgement on the merits of the Department's free school policy, but current restrictions on a local authority's ability to create new specialist settings does nothing to improve the educational experiences of young people with SEND and leads to more pupils entering the independent sector at significant cost to the taxpayer. There should be a level playing field for local authorities.

During our inquiry we met young people who told us about their experiences as young people with special educational needs and disabilities. We were encouraged by their confidence, determination and humour. But we were ultimately saddened by their experiences. This generation is being let down—the reforms have not done enough to join the dots, to bring people together and to create opportunities for all young people to thrive in adulthood. There are opportunities, such as supported internships and apprenticeships, out there, and there are young people out there who want to grab them with both hands. But these opportunities are limited, and there is not sufficient support, or sufficient emphasis on enabling them to achieve their hopes and dreams. We call on the Government to establish a ministerial-led cross-departmental working group to develop more employment and training opportunities for post-16 young people.

We heard that many of the eagerly anticipated initiatives are not living up to their ambition and name. The role of health providers is pivotal, but unsurprisingly, the meshing of two systems has not worked. Unless health, and social care are 'at the table', we are no further on, and the Education, Health and Care Plan is no more than a Statement by another name. In a similar vein, we want to see greater joint working between the health and education sectors, beginning firmly with the development of a joint outcomes framework to measure how the health aspects of support for children and young people with SEND are being delivered locally. But ultimate responsibility for this monitoring should sit with government, not an inspectorate.

We are seeing serious gaps in therapy provision. We need to see professionals trained and supported so that they are able to support all pupils; these huge gaps in therapy provision across the country are letting down all pupils, but particularly those on SEN Support. We need to know where the gaps are, because children are falling through them, and what is going to be done about it.

Similarly, the local offer's aims and intentions appear to have moved away from the initial intentions, and in some cases have become unusable and useless, and we call on the Government to review local authorities' local offers in collaboration with children, young people and their parents and carers.

Special educational needs and disabilities must be seen as part of the whole approach of the Department's remit, not just an add-on. The Department for Education has an approach which is piecemeal, creating reactive, sticking-plaster policies, when what is needed is serious effort to ensure that issues are fully grappled with, and the 2014 Act works properly, as was intended.

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