

# Improving parental confidence in the special educational needs system:

## An implementation plan



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# Ministerial Foreword



I want our education system to be the best it possibly can be and for **all** parents to feel confident that the individual needs of their children will be met in our schools across the country. Having listened to many parents about the struggle they faced to get the right education for their child, I asked Brian Lamb to conduct an Inquiry into parental confidence in our special educational needs (SEN) system and to make recommendations to me about how we can deliver positive outcomes for children.

I am immensely grateful for the thorough way in which Brian Lamb's Inquiry consulted a wide range of experts and practitioners. I have been left particularly impressed by the way in which the Inquiry successfully brought the voice of parents, children and young people to the fore. The Inquiry listened to the views of parents, many of whom were happy with the support they received but others felt let down by the system. It is our job to act on the recommendations that the Inquiry has made to help redraw this varied picture. We should also celebrate the successes that the Inquiry found and the dedicated work of professionals who are working in partnership with parents to secure the very best outcomes for children and young people.

I am pleased to be able to respond to the Inquiry with this Implementation Plan, which sets out a range of measures that will be taken across Government to improve parental confidence in the SEN system.

Every parent in this country should feel confident that their child's needs are being met and that they are part of a partnership to deliver better outcomes for their child. This is the driving force behind the Pupil and Parent Guarantees, which we are consulting on at the moment. These Guarantees reflect the principles of information, transparency, assessment, participation and feedback which have successfully been developed through our Aiming High for Disabled Children programme. We have also introduced *Achievement for All*, which is taking place in over 450 schools and is helping to improve the engagement of parents and enable children and young people with special educational needs and disabilities (SEND) to achieve better. We are sponsoring innovation through a second round of projects across the country to improve the way local authorities work with parents of children with SEND to build trust and confidence, including through greater independence in the assessment process for a statement.

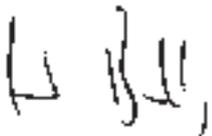
We share the Lamb Inquiry's view that investing in professional development for the school workforce is a priority. The developments within this Implementation Plan form part of a coherent package, which will help to ensure that new teachers entering the profession, serving teachers and existing and aspirant school leaders have access to the best training and support. This includes new training packages such as our SEN and disability Initial Teacher Training materials and the national Inclusion Development Programme. We are also funding course places for

4,000 additional specialist dyslexia teachers and have made significant investment to better support children with speech, communication and language needs. More has also been done to recognise specialism within the school workforce, for example, with the National Award for all Special Educational Needs Coordinators (SENCO) new to the role.

Accountability in the system is of course vital in securing parental confidence. Since the Inquiry began, the Children, Schools and Families Bill has been introduced in Parliament. It proposes a new duty on Ofsted to report on how well schools are meeting the needs of children with SEND in school inspections, now and in future, and gives parents who have had their child's statement reviewed but not amended, an additional right of appeal. This Implementation Plan also explains how support for school governors in relation to special educational needs and disability will be strengthened.

The overall aim of this Implementation Plan is to take forward measures which mean that parents are confident that their child's needs are being well served. However, an effective redress system provides parents with the assurance that there are means to address failings and helps the system as a whole improve. The way parental complaints are handled is being improved and the Tribunal will be made more accessible to parents. We also say how further support and information will be provided to parents through parent partnership services, a dedicated SEN helpline and through more straightforward access to a range of professional expertise.

Every child is unique. Through this Implementation Plan and our wider work we will continue to support parents and professionals to work in partnership so that every child is given the means to fulfil their potential. We are very grateful to Brian Lamb for setting us this challenge and I look forward to his continued involvement as we drive these measures forward.



**Ed Balls MP**

Secretary of State for Children, Schools and Families

# Executive Summary

## Background

- 1.** The Lamb Inquiry was established as part of the Government's response to the House of Commons Education and Skills Committee Report *Special Educational Needs: Assessment and Funding*. The Inquiry, under the chairmanship of Brian Lamb, the Chair of the Special Educational Consortium, was tasked with investigating a range of ways in which parental confidence in the SEN assessment process might be improved.
- 2.** The Inquiry took an extensive look across the special educational needs system and the impact on parental confidence. It gathered a wide range of views from parents, children, teachers and other professionals involved in delivering and managing services. The Inquiry found the SEN framework largely to be sound, but that parental experience of its operation varied – some parents were very positive, while others had experienced great difficulties.
- 3.** This Implementation Plan sets out the Government's response to the 51 recommendations made by the Inquiry, building on the work the Government has announced in the Children's Plan to improve outcomes for children with Special Educational Needs and Disabilities (SEND).
- 4.** The Inquiry began in March 2008, and made a range of recommendations in regular reports, which Government has accepted and acted upon. The table below highlights some of the SEND measures that we have taken forward over that period:

### July 2008

- **£10m** per annum to enable all SENCOs new to the role to undertake high quality, nationally accredited training, underpinning a new requirement from September 2009 for all SENCOs to be qualified teachers.
- A **£12m** training package was announced for trainee and existing teachers which included SEN and disability course materials in ITT and training for serving teachers through the Inclusion Development Programme.

### December 2008

- The Inquiry published early findings calling for a greater focus on outcomes achieved by children with SEN and disabilities.
- In response, a **£38m** package of measures aimed at focusing on the achievement of children with SEN and disabilities was announced. At the heart of that was the *Achievement for All* pilots, which are now taking place in ten areas, involving over 450 schools to demonstrate how to: raise achievement for children with SEN and disabilities (SEND); better engage their parents; and address issues such as bullying and participation in school life.

### April 2009

- The Inquiry made recommendations on SEN and disability information, school inspection and the SEN statementing process.
- In response, the Government committed that the 21st Century Schools White Paper would mainstream the needs of parents of children with SEND. This included pioneering the most effective means of developing online reporting to parents of children with SEND.

### August 2009

- The Inquiry submitted reports on the quality and clarity of statements, inspection, accountability and school improvement.
- In November 2009, the Children, Schools and Families Bill was introduced in Parliament. It proposes a new duty on Ofsted to report on the learning outcomes of children with special educational needs in school inspections, now and in future, and gives parents who have had their child's statement reviewed but not amended, an additional right of appeal.

### September 2009

- The Inquiry recommended the strengthening of the SEN responsibilities of schools working together in Behaviour and Attendance Partnerships and reported on findings from the Lamb Inquiry Innovative Projects.
- In response, we announced that new guidance would help address disproportionate exclusions of children with SEN. In December 2009 local authorities were also invited to bid for a further round of Innovative Projects, including where assessments are more independent of the local authority. Projects are available for each regional area, up to £40,000.

- On 28 September, the Secretary of State commissioned Toby Salt to lead an independent review into the supply of teachers trained to meet the needs of children with severe learning difficulties (SLD) and profound and multiple learning difficulties (PMLD).
- Specialist Schools and Academies Trust (SSAT) were asked to deliver a **£550,000** project to develop special schools as leaders in teaching and learning practice for children with the most complex learning difficulties.

#### Further SEN Reviews: Bercow (July 2008)<sup>1</sup> Rose (June 2009)<sup>2</sup>

- The Government has also welcomed and responded to two further reviews into SEN and funded an additional **£20m**: helping to deliver 4,000 specialist dyslexia teachers and establishing a Communication Council and Champion to drive improvements in better support to children with speech, communication, and language needs.

5. Since the Lamb Inquiry began, the White Paper *Your child, your schools, our future: building a 21st century schools system* has been published. This set out proposals to improve the way schools and local authorities deliver outcomes for children, to improve their partnership with parents, and to improve the partnership between schools. Parents told the Lamb Inquiry that they wanted the system to work for them the way it does for everyone else and this Implementation Plan mainstreams developments within these reforms where appropriate.
6. The Implementation Plan focuses on the following five key implementation areas:
  - Improving skills and practice within the workforce and focusing on children's outcomes;
  - Strengthening engagement with parents;
  - Ensuring a strategic local approach;
  - Making the system more accountable;
  - The national framework.
7. Chapter One explains how we will invest in training for the school workforce. Parents want to see that the needs of their child are being met, that the aspirations for their child are high and that professionals will work with them in partnership to make sure that support is offered at the earliest stage possible. We detail plans to:
  - Develop training modules to increase the level of advanced skills around the five main SEN areas<sup>3</sup>;
  - Implement a scheme in 2010/11 to support the provision of specialist SEN Continuing Professional Development (CPD);

<sup>1</sup> Bercow *Speech, Language and Communication Needs (SLCN) 2008*

<sup>2</sup> Rose *Identifying and Teaching Children and Young People with Dyslexia and Literacy Difficulties 2009*

<sup>3</sup> Learning difficulties; behavioural, emotional and social difficulties; dyslexia; autism spectrum disorders; speech, language and communication needs

- Build on the success of the *Achievement for All* pilots in school leadership programmes, Initial Teacher Training (ITT) and CPD;
- Provide resources on the most effective ways of deploying teaching assistants;
- Consult on early intervention and parents access to multi-agency teams;
- Review approaches to anti-bullying, amending behaviour guidance and promoting disability equality schemes.

**8.** Chapter Two focuses on measures to build on good communication and partnerships between schools, parents and professionals. The Implementation Plan explains how we will:

- Embed best practice in information, transparency, assessment, participation and feedback for parents of children with SEND through, for example, the Parent and Pupil Guarantees;
- Consult on ways in which SEN information can better be provided to parents and work with local authorities to improve the information they provide;
- Enhance the service offered to parents through Parent Partnership Services (PPS) and launch a dedicated national helpline to provide information and advice to parents of children with SEND.

**9.** In Chapter Three we detail measures to support more strategic local approaches to SEND provision and how support for better commissioning and parental involvement in the planning process will be built. This will:

- Incorporate SEN and disability into training for leaders of children's services;
- Provide guidance and training to LA officers in working with parents;
- Improve the quality of SEN statements and introduce a new right for parents to appeal to have a statement amended;
- Enhance support and advice on the commissioning and deployment of resources.

**10.** Chapter Four reflects the importance that the Lamb Inquiry placed on accountability to ensure parental confidence in the SEN system. We set out measures which will:

- Strengthen training on SEND for school governors and for School Improvement Partners;
- Take forward better use of data to inform local accountability;
- Improve parents' experience of using redress mechanisms: through changes to complaints procedures, more information about the Tribunal system and through guidance and training to professionals.

11. Chapter Five of the plan explains how we will work with professional bodies on the advice professionals provide to local authorities and how we will review the impact that different models of providing educational psychology services have on parental confidence and outcomes for children. The plan also details amendments made to the Equalities Bill to establish a duty on schools and local authorities to provide auxiliary aids and services for disabled children and how we will take this forward.
12. Annex A includes a list of each of the Lamb Inquiry's 51 recommendations and a summary of the Government's response.

# Chapter One:

## A clear focus on outcomes

### Introduction

- 1.1** The Lamb Inquiry is clear: parents are most confident that the needs of their child are being met when they can see that the aspirations for their child are high and there is a real focus on progress, an independent life and employment in adulthood. The Government shares this view and *our* Implementation Plan shows how we will make this happen. Brian Lamb told us that in addition to high aspirations and a focus on outcomes, parents wanted someone who understands the needs of their child: we will help schools develop skills and capacity within their workforce to provide this. Parents will also be better able to access specialist expertise.
- 1.2** The Government has made raising educational achievement and wider outcomes, such as staying safe, a priority. We know that bullying is a particular issue for children with SEND and we are taking forward further work which will add to our published guidance on how to prevent and tackle it. The Government's Pupil and Parent guarantees will also make a commitment to all pupils and their parents, including those with SEND, that their schools will have effective policies in place to prevent and tackle all forms of bullying.

#### *Progress made since the Lamb Inquiry began*

- DCSF announced the £31m Achievement for All pilots in **December 2008**
- Legislation now requires all SEN Co-ordinators to be qualified teachers, with nationally accredited training launched in **September 2009**
- £20m is being invested to deliver 4,000 specialist dyslexia teachers and establish a Communication Council and Champion to deliver better support for children with speech, communication and language needs
- New teacher training units on SEN, including working with parents, have been rolled out
- Enrolment to the Masters in Teaching and Learning has begun. One of the key content areas will focus on inclusion of children
- DCSF has provided new guidance to schools on tackling the exclusions and bullying of children with special educational needs and disabled children
- The National College for Leadership of Schools and Children Services has worked to strengthen inclusion in school leadership as part of *Achievement for All*

**What more we're doing**

- Consultation on early intervention will begin in **March 2010**, including parents' access to multi-agency teams
- Working with the National College to embed SEN within school leadership programmes
- Developing advanced skills training modules and supporting CPD clusters to develop specialist SEN expertise by **Spring 2011**
- Updating Qualified Teacher Status standards guidance to reflect the findings from Lamb and promoting lessons from *Achievement for All* widely
- Producing guidance on deployment of teaching assistants by **September 2011**
- Reviewing approaches to anti-bullying, amending behaviour guidance and working with National Strategies to promote Disability Equality Schemes

**Focusing on achievement: ensuring parental involvement in children's outcomes**

- 1.3** In his December 2008 letter to the Secretary of State, Brian Lamb said that there should be a greater focus on children's progress and outcomes in discussions with parents. The Inquiry found a number of ways in which parental involvement can positively affect children's outcomes – in relation to ongoing achievement and identifying additional needs quickly.

**Achievement for All**

- 1.4** As a result of the Inquiry, *Achievement for All* was announced in the Children's Plan Progress Report in **December 2008** and is backed by £31m of funding. The project is taking place in over 450 schools across 10 local authorities for 2 years from September 2009 until September 2011. It has three key aims<sup>4</sup>:
- to improve the achievement and progress of children and young people with SEND;
  - to improve the engagement of parents and young people with SEND with their schools; and
  - to improve the wider outcomes of children and young people with SEND.
- 1.5** The project has been designed so findings can be extracted and learning disseminated as the project progresses. We will use these ongoing findings to inform our wider work on supporting parental engagement in schools. Information will be collected throughout the lifetime of the programme and **a full evaluation will be available in 2011**.
- 1.6** As we see evidence of improvements, **the principles of *Achievements for All* will be embedded within School Leadership, Continuing Professional Development (CPD)**

<sup>4</sup> *Achievement for All: Guidance for Schools* provides a framework for undertaking structured conversations so teachers and parents can identify and share aims around outcomes and aspirations for children with SEND. Conversations are intended to guide the provision of teaching and learning (and extended services) and agree how this is reviewed and ongoing communication maintained.

**and Initial Teacher Training (ITT) to ensure that as wide a range of children, parents and schools as possible benefit from the effective practices developed.** For example, the training materials developed through the project will be made widely available following extensive trialling and repackaged for use within ITT; outcomes from the project will help inform the review of Qualified Teacher Status (QTS) Standards; the Training and Development Agency for Schools (TDA) will explore the use of the *Achievement for All* materials and findings in the CPD clusters they are supporting and we will ask the National College for Leadership of Schools and Children's Services to build key learning from *Achievement for All* into their leadership programmes.

### The Parent and Pupil Guarantees

- 1.7** The Parent and Pupil Guarantees, which include strengthened Home School Agreements will set out how parents can expect to be proactively involved in their child's education and development. These commitments will become law, subject to Parliamentary approval, through the Children, Schools and Families Bill which is currently going through Parliament. **Chapter 2 provides more detail as to how these guarantees will foster partnership between parents and schools around high expectations for their children.**

### Accurate identification, early intervention and direct access to multi-agency teams

- 1.8** The Inquiry said that early and positive engagement with parents can increase parents' confidence that schools and services are responsive to difficulties that their child may be encountering. To promote collaborative approaches to solving problems and to ensure parents' concerns are addressed early, the Inquiry specifically recommended that parents should have direct access to multi-agency teams based in schools or partnerships of schools. **In March 2010, DCSF will be consulting on early intervention proposals to tackle problems for children, young people and families.** This focuses on building strong relationships on the principle of "working with" rather than "doing for" or "doing to", recognising the child, young person and the family as part of the solution. It also recognises that the least confident parents may be less likely to seek out support and that trust needs to be nurtured.
- 1.9** Chapter 4 details how we are supporting the development of direct parental access to educational psychology services through a round of innovative projects. Chapter 5 explains how different models of educational psychology services will be evaluated – parental access will be a key aspect of this evaluation.

### School Leadership

- 1.10** The Inquiry placed a strong emphasis on the vital role that school leaders have in establishing a school ethos that welcomes disabled children and children with special educational needs and in creating a culture where parents are encouraged to engage with the school. We agree and have been working with the National College for Leadership of Schools and Children's Services over the last year to integrate SEN and inclusion further into their leadership programmes. The National College has delivered all

10 of the *Achievement for All* launch conferences. As part of this work they developed guidance on the characteristics of effective inclusive leadership<sup>5</sup> which has been welcomed by head teachers in *Achievement for All schools*. The National College has also commissioned a new research programme into the leadership of SEN.

**1.11** DCSF has asked the National College to continue supporting the delivery of the ***Achievement for All*** (AfA) programme in partnership with the National Strategies. Additionally **the National College are expected to identify and disseminate key learning about leadership from the AfA programme**. During 2010/11 the National College will:

- Deliver Workshops at the **2010 NCSL national conference** on AfA and the implications of inclusion for school leadership;
- Continue to capture learning about leadership of inclusion from AfA projects;
- Integrate knowledge from AfA into key National College programmes, including NPQH and Leadership Pathways as appropriate;
- Disseminate knowledge of AfA to school leaders within and beyond the participating local authorities through a follow-up inclusive leadership publication;
- Incorporate AfA learning into research into the leadership of SEND;
- Hold regional conferences from **February 2011** to disseminate findings relating to the leadership of inclusion to school leaders.

### The School Workforce

**1.12** The Lamb Inquiry is clear about the role of teachers and the importance of investing in their skills in improving outcomes for disabled children and children with SEN. The Inquiry made recommendations for initial and continuing professional development of the school workforce and the deployment of teaching assistants.

**1.13** The DCSF has made investment in special educational needs and disability workforce development a priority. For example:

- Specialist SEN and disability resources have been developed for use in initial teacher training and induction;
- All teachers continue to benefit from the Inclusion Development Programme (IDP) which is entering its third year;
- The Special Educational Needs Co-Coordinator (SENCO) role has been strengthened by requiring all SENCOs to be qualified teachers and those new to the role to undertake mandatory training through a new National Award.;
- £20m is being invested to deliver course places for 4,000 additional specialist dyslexia teachers and establish a Communication Council and Champion to better support children with speech, communication and language needs.

<sup>5</sup> *Leadership of Achievement for All: The characteristics of effective leadership* <http://nationalstrategies.standards.dcsf.gov.uk/node/253423>

- 1.14** As a result of this activity, the Lamb Inquiry concluded that there will be an expanding cadre of teachers entering the workforce with a much greater awareness of SEN and disability. We intend to build on this and are making up to £4m available to the TDA to take forward further workforce developments.

### Advanced level training

- 1.15** The Lamb Inquiry found that the range of advanced level training, which takes teachers beyond core skills in SEN and disability, is currently variable across the country. **TDA will therefore develop training modules to increase the level of 'advanced' skills around the five main SEN areas<sup>6</sup>** which build on the training resources available through ITT, induction and the IDP and take account of the availability of CPD for serving teachers in this area. The training should be accessible to all teachers and be delivered flexibly, for example, through online, face to face and blended learning. TDA will develop proposals to take this forward in 2010 with the aim of securing high quality training modules by **Spring 2011**.
- 1.16** The longer term aim of the Lamb Inquiry is for there to be at least one teacher with such advanced level training in each school. TDA will promote the training and align it appropriately with the Masters for Teaching and Learning (MTL). By ensuring that they have teachers who have completed advanced level training, schools will be able to improve the learning outcomes of children with SEN.

### Specialist Expertise

- 1.17** The crucial role of SENCOs in leading teaching and learning of pupils with SEN, and advising other staff within the school on effective approaches or interventions is recognised by the Lamb Inquiry. The Inquiry also recommended that the support offered by the SENCO should be enhanced and strengthened by developing teachers with specialist skills.
- 1.18** **TDA will build on the work they are leading with the National College to strengthen continuing professional development through clusters of schools by supporting CPD for teachers specialising in teaching pupils with different types of SEN and disability.** TDA will develop a scheme in 2010–11 to support the provision of specialist SEN CPD in a number of clusters which takes account of, and builds on, expertise within support services, special schools, HEIs and other training providers and meets locally identified needs.
- 1.19** To ensure pupils with the most complex needs have the highest quality teaching, **Toby Salt has led an independent review into the supply of teachers trained to meet the needs of children with Severe Learning Difficulties (SLD) and Profound and Multiple Learning Difficulties (PMLD).** The Salt Review will be published in **Spring 2010**.
- 1.20** In addition, **the Specialist Schools and Academies Trust (SSAT) are leading a £550,000 project to develop special schools as leaders in teaching and learning practice for children with the most complex learning difficulties.**

<sup>6</sup> Learning difficulties; behavioural, emotional and social difficulties; dyslexia, autism spectrum disorders; speech, language and communication needs.

- 1.21 More detail on encouragement for schools and local authorities to commission specialist expertise across clusters of schools is provided in Chapter 3.

### Access to up-to-date research evidence

- 1.22 It is vital that all teachers have an opportunity to continue to develop and update their specialist knowledge. Lamb suggested that teachers, particularly specialist teachers, needed access to the best research evidence on effective practice.
- 1.23 The TDA has supported the development of the Teacher Training Resource Bank<sup>7</sup>, an online portal providing access to research and evidence informed resources which are reviewed by experts from HEI and schools. The site has developed a dedicated SEN and disability area and the TDA will continue to expand the resource.

### Skills in working with parents

- 1.24 Working with parents is an important element of the Qualified Teacher Status (QTS) Standards for new teachers<sup>8</sup>. Specific units on working with parents have been incorporated within the SEN ITT units. **We will also ask TDA to ensure that findings from Lamb are reflected within the QTS standards guidance and that materials from *Achievement for All* are repackaged for providers of ITT.**
- 1.25 In addition **we will ask TDA to build in working with parents as part of the advanced level training resources they will develop and to consider how the CPD clusters they are supporting should draw on *Achievement for All* and the Lamb Inquiry projects involving parental participation.**

### Deploying staff in schools, focusing on children's outcomes

- 1.26 Teaching assistants (TAs) have a valuable role to play in the education of children with SEND. The numbers of TAs has increased dramatically over recent years – they have more than tripled since 1997. 47,800 TAs (FTE) are employed specifically as special needs support staff.
- 1.27 Research has demonstrated a number of positive differences that support staff can make.<sup>9</sup> However, the Inquiry found that in some cases teaching assistant time was a substitute for more intense contact with other professionals. For teaching assistants to have most impact they need to be trained, supported, deployed and managed effectively.<sup>10</sup> This is

7 [www.ttrb.ac.uk](http://www.ttrb.ac.uk)

8 They require for example that beginning teachers: Communicate effectively with children, young people, colleagues, parents and carers; Recognise and respect the contribution that colleagues, parents and carers can make to the development and well-being of children and young people, and to raising their levels of attainment.

9 Reports from OFSTED suggest that *“the substantial expansion of the wider workforce at all levels is allowing the schools to extend the curriculum, provide more care, guidance and support for pupils, and use data more effectively to monitor pupils’ progress.”* (OFSTED 2007) and that *“Members of the wider workforce are particularly successful in engaging pupils at risk of underachievement or permanent exclusion, in developing links with the community and in increasing the involvement of parents and carers in their children’s learning.”* (OFSTED 2008.) Other research (*Deployment and Impact of Support Staff*) reports positive impacts on classroom management and on teachers’ workload, job satisfaction, and stress levels.

10 Blatchford P, Bassett P, Brown P, KJoutsoubou M, Martin C, Russell A and Webster R *Deployment and impact of support staff in schools* (2009)

not only a matter for the teaching assistants or the class teachers working with them in the classroom, but one of effective school organisation and, crucially, leadership. TDA and the National College are taking steps to strengthen school and CPD leadership including action to identify and meet the CPD needs of support staff, so that their impact on outcomes is maximised. The TDA is also developing an action plan with social partners to help improve CPD for support staff.

- 1.28** The Inquiry recommended that guidance on the effective deployment of teaching assistants should be produced. **TDA will develop guidance to support schools and teachers to deploy teaching assistants in ways which best meet the learning needs of all their pupils, including children with SEND** and will disseminate this by **September 2010**.
- 1.29** However well trained our teaching assistants, it is teachers who are responsible for ensuring the quality of teaching and learning in their classrooms and who are responsible for ensuring that the TAs they work with make an effective contribution. We are clear that support staff should promote the independence and inclusion of learners and not act as a barrier between teachers and pupils. **We will also review the QTS Standards to ensure that newly qualified teachers understand how best to deploy teaching assistants to support all pupils.**
- 1.30** Finally, **the training available to school leaders, including headteachers will be reviewed by TDA and the National College, to ensure that school leaders are aware of the benefits of effective deployment – for the school as well as for individual pupils.**

### Well being and achievement

- 1.31** All children need to feel safe and happy in their school and wider community. The Inquiry said that this was not the case for too many children with SEND and that they were particularly likely to be affected by bullying and exclusion from school. It is also important that teachers and other professionals understand what young people with the most complex needs are able to achieve in terms of future employment and an independent life.

### Bullying

- 1.32** DCSF has made anti-bullying a priority. Guidance has been published on how to prevent bullying of children with special educational needs and disabled children, the DVD resource *Make them go away* is a good examples of this. The Parent and Pupil Guarantees also explain that children with SEND are particularly liable to be affected by bullying and that schools anti-bullying polices should reflect this.
- 1.33** The Inquiry said the Government should focus investment on the anti-bullying approaches that had the highest impact and that disability equality schemes should be better promoted as vehicle for working with disabled pupils to identify and address bullying.

### Review of anti-bullying approaches

- 1.34** In December 2009 we announced that we will be investing further in a project starting **early in 2010**, led by the Anti-Bullying Alliance, to identify best practice in tackling SEND-related bullying and how schools can be supported to address it. The project will run across two phases: *knowledge* and *products*. The *knowledge* phase will include a scoping study, literature review and call for validated practice from local areas. The *products* phase will culminate in **December 2010** with the launch of a suite of resources including case studies, evidence based practice examples, briefings for school leaders, local authorities and resources for families and children and young people. We will also use the outcomes of the project to help plan investment in the measures which have most impact. The Lamb Inquiry was also impressed by the potential of web-based mentoring schemes, both for mentors as well as mentees. Such schemes will be included within the Anti-Bullying Alliance review.

### Disability Equality Schemes

- 1.35** Under the Disability Discrimination Act (DDA), schools have a duty to promote disability and equality and to publish a Disability Equality Scheme (DES). **We will be writing to all local authorities in April 2010 to ask them to review their DESs, in particular to ensure that they set out local arrangements to ensure that schools have good schemes in place and that these schemes are addressing bullying. We are asking the National Strategies to support schools in this.** Chapter 3 says more about our work on Disability Equality Schemes.

### Exclusions

- 1.36** Although exclusions have reduced<sup>11</sup>, the continuing disproportionate representation of children with SEN is a matter of concern and we have taken steps to address this issue. The Inquiry recommended that DCSF commissions the National Strategies to work with local authorities to reduce SEN exclusions and that statutory guidance on the role of Behaviour and Attendance Partnerships addresses the over-representation of disabled pupils and pupils with SEN in exclusions. We are taking both these recommendations forward.
- 1.37** With the National Strategies, we have been identifying good practice in local areas that have a good record on low numbers of exclusions of children with SEN. **We have asked the Strategies to work with the top third of the local authorities with high exclusion rates, including high levels of SEN disproportionate exclusions.** This challenge and support programme started in the Summer term 2009. The National Strategies will reassess local authorities termly to ensure that support is given where it is needed.

<sup>11</sup> The number of children with SEN who have been permanently excluded has fallen dramatically since 1997/98 – 2,250 pupils with statements were excluded in 1997 (18% of permanent exclusions) compared to 700 pupils with statements (9% of permanent exclusions) in 2007/08.

Exclusions of pupils with SEN (with and without statements) has dropped by 320 (or 5.2 %) to 5780 for permanent exclusions and dropped by 14190 (or 5.5 %) to 241710 for fixed period exclusions. SEN pupils account for 71 % of all permanent exclusions and 59 % of fixed period exclusions from secondary school. They are also eight times more likely to be permanently excluded than the rest of the school population.

- 1.38 We are currently revising existing guidance for behaviour and attendance partnerships<sup>12</sup> and this will set out that a key priority is to challenge and reduce all disproportionate exclusion rates, including those of children with SEN.** The new guidance will be published in **early 2010**.
- 1.39 We will also begin revising the statutory exclusions guidance in September 2010 and will strengthen further references to the exclusion of pupils with SEND.** The guidance will state that governing bodies and independent appeals panels on exclusions should undertake a review of whether the headteacher had regard to the guidance on SEN and disability. **In Chapter 3 we say how governors will receive more training to implement this guidance.**
- 1.40** The Lamb Inquiry also identified key approaches driven by early intervention that look to identify the underlying causes beneath poor behaviour. For some children, poor behaviour may be a result of learning needs not yet identified or met. **The work we are proposing to develop on early intervention is intended to help professionals address underlying causes before they become problems.** The Parent and Pupil Guarantees along with Home School Agreements will also give parents security that schools will consider whether enhanced or altered support and interventions for disabled children and those with SEN will address behavioural difficulties before they become matters for exclusion.
- 1.41** We are monitoring exclusion trends on a yearly basis through our exclusion statistics. 2010/11 statistics (which would be the first year where revised guidance applied) will be available in Summer 2012.

### Transition to adulthood

- 1.42** There should be high aspirations for disabled children and children with special educational needs as they move into adulthood. This is an important principle within the Aiming High for Disabled Children Transition Support Programme and the 12 Getting a Life sites<sup>13</sup>. Through the cross-government *Valuing Employment Now* strategy, DCSF is determined that many more learning disabled people enter paid employment when they leave education. Schools are vital to this. We are clear, for example, that all children with learning disabilities should have real work experience and be encouraged to think about, and plan for, a future job when they leave education.

<sup>12</sup> All maintained secondary schools are expected to be members of behaviour and attendance partnerships from September 2007 and 98% of secondary schools are currently in partnerships. Behaviour and Attendance Partnerships are based on the principle that, by sharing resources, expertise and commissioning shared services, greater progress can be made towards reducing permanent exclusions, tackling low-level behaviour problems and reducing persistent absence

<sup>13</sup> [www.gettingalife.org.uk](http://www.gettingalife.org.uk)

# Chapter Two: Strengthening the voice of parents

## Introduction

- 2.1** The importance of good communication is well evidenced by the Lamb Inquiry: communication between parents and schools and better partnerships between parents and professionals. We share the view that the quality of engagement that the most successful schools have with parents has a profound impact on children's progress and the trust between school and parent. We are committed to helping make this a reality in all schools. This Implementation Plan explains how the principles of the Aiming High for Disabled Children (AHDC) Core Offer will be further embedded for children with SEN and how we will see improvements in the information that parents can expect to receive from all levels of the system.
- 2.2** Parents are not simply passive receivers of information; they should be informed and involved as their child's needs are assessed and provided for and they should be consulted so the type and frequency of information meets their needs.

### *Progress made since the Lamb Inquiry began*

- We have invited a further round of innovative projects which identify and share practice in developing good relationships between local authorities, schools and parents. These will begin in **April 2010**
- The Pupil and Parent Guarantees have been published for consultation and these reflect the principles of the AHDC Core Offer. The Guarantees will begin in **September 2011**<sup>14</sup>

### *What more we're doing*

- We will produce case studies and effective practice guidance embedding Core Offer principles for parents of children with SEND by **Autumn 2010**
- A consultation on information for parents of children with SEND will begin by **Summer 2010**
- Guidance on online reporting of children with SEND will be produced by **May 2010**
- The National Strategies will work with local authorities to improve the information they provide to parents
- Training in education law for all Parent Partnership Services (PPS) will begin in **July 2010**
- A dedicated national helpline and online information and support for parents of children with SEN will be launched in **April 2010**

<sup>14</sup> Subject to Parliamentary approval of the Children Schools and Families Bill

## Embedding the principles of the Aiming High for Disabled Children (AHDC) Core Offer and the Parent and Pupil Guarantees

- 2.3** The Lamb Inquiry drew on the Core Offer set of expectations which we have developed through Aiming High for Disabled Children (AHDC)<sup>15</sup> as a means of improving interactions between parents and children's services and parental confidence in service delivery. The Inquiry recommended that the Core Offer for information, transparency, assessment, participation and feedback should be extended to provide a set of principles for engagement by schools and children's services with parents of children with SEND.
- 2.4** One of the ways in which we will ensure this is by **embedding the principles of the Core Offer within the new Parent and Pupil Guarantees**. These Guarantees describe the partnership agreement between children, parents and schools, with schools undertaking to deliver clear standards of service, delivery and accountability to parents on behalf of their child. The strengthened Home School Agreements will transparently capture the particular needs of every child and the support they will receive. These plans for every child will help with early and more effective intervention without stigmatising children. Parents in return, through the Home School Agreement, will agree with the school to support their child's learning and development in particular ways. These commitments will become law, subject to Parliamentary approval, through the Children, Schools and Families Bill. **Consultation on the Guarantees began in January 2010 and will seek feedback from bodies representing parents of children with special educational needs and disabled children.**
- 2.5** We are also testing how the Core Offer principles operate through *Achievement for All* and what is learnt from this will inform work in this area. To help schools and local authorities use the Core Offer for special educational needs provision **we will produce guidance and an extensive practice bank by Autumn 2010**. This resource will build on the Aiming High for Disabled Children Core Offer implementation materials and explain how Core Offer principles can be provided through mechanisms such as the Parent and Pupil Guarantees<sup>16</sup>.

## Ensuring current improvements in parental engagement take full account of disabled children and children with SEND

- 2.6** The Inquiry told us that parents of disabled children and children with SEN want the system to work for them and their children as it does for everyone else. We have committed to making sure that the improvements for parents that we are taking forward encompass the needs of children with SEN and disabilities and their parents and are not treated as a "bolt on". The Parent and Pupil Guarantees are an example of this, as are changes to Home School Agreements, online reporting and the School Report Cards.
- 2.7 We will consult on Home School Agreements (HSA) as a vehicle to provide parents of children with SEND with personalised information on the outcomes of their child**

<sup>15</sup> The Aiming High for Disabled Children's Services Core Offer is measured by National Indicator NI54, part of the Child Health and Well Being Public Service Agreement (PSA12). More information is available from (<http://www.dcsf.gov.uk/everychildmatters/healthandwellbeing/ahdc/coreoffer/coreofferandni/>)

<sup>16</sup> <http://www.dcsf.gov.uk/everychildmatters/download/?id=294>

**and for ongoing communication with the school**<sup>17</sup>. HSAs will be developed in partnership with parents to ensure that parental knowledge of their child's needs is acted upon and that there is transparency as to how this will be provided.

- 2.8** We have asked Becta to take forward work on online reporting to provide parents information on their child's progress, achievement, attendance, behaviour and special educational needs. **£1m has been made available to Becta to work with schools and local authorities on a project to pioneer the most effective means of developing online reporting to parents of children with SEND.** As a result of this work, further guidance and effective practice resources will be produced by Becta.
- 2.9** The development of the School Report Card is covered in Chapter 4 of this Implementation Plan.

### Information

- 2.10** The measures we are taking aim to bring greater consistency to the quality of information and advice that parents receive locally, from their child's school, from the local authority and from other sources such as Parent Partnership Services.
- 2.11** The Inquiry made a number of recommendations to improve information provided by schools. This included simplifying mandatory content of schools SEN policies, in consultation with parents; requiring pupil referral units to publish an SEN policy and that annual review meetings for children with statements of SEN include a consideration of parents' information needs.
- 2.12** We will build on the work of the Lamb Inquiry by **launching a consultation on information for parents of children with SEND in Summer 2010.** The consultation will involve parents, schools, local authorities and other organisations and will also draw out current effective practices in communicating with parents. This will see changes made to SEN Information Regulations and provide a route-map for schools and local authorities to produce the information their parents need. The consultation will also help us develop the nature and range of information that is provided centrally, including by the DCSF.
- 2.13** The Inquiry also recommended that annual review meetings for children with a statement of SEN include a consideration of the information needs of parents and children and young people. **When we next revise the SEN Code of Practice we will include guidance on considering the information needs of parents and children and young people.**

### Local advice – Parent Partnership Services

- 2.14** Parent Partnership Services (PPS) are statutory services offering information, advice and support to parents and carers of children and young people with special educational needs.
- 2.15** The Inquiry received some positive feedback from parents in relation to PPS, but also variability in practice. Some PPS did not always have an adequate understanding of statutory requirements or differentiate adequately between what is required by law and

<sup>17</sup> Home School Agreements are subject to Parliamentary approval of the Children Schools and Families Bill

what is local policy. The Inquiry advised that all PPS should have training in relation to education law and that the DCSF commission support for weaker PPS to improve. Lamb further recommended that PPS be re-launched.

- 2.16** Through the National Parent Partnership Network **we have already put in train arrangements to provide training in relation to education law**. NPPN working with an organisation with considerable experience in legal training and access to legal expertise, will:
- Provide all PPS staff with accurate, updated and easily accessible legal resources;
  - Make available an e-learning training package to all PPS staff on understanding how the law functions and how to apply SEN and disability legislation to individual cases;
  - Consolidate the online learning through regional training sessions delivered by qualified trainers;
  - Provide all PPS staff with regular updates on case law and changes to legislation which have had a significant impact on SEN and disability law.
- 2.17** This package will be available from **September 2010**. Services will also be available on an **ongoing basis** so that existing PPS staff can keep their knowledge current and new staff can be properly inducted.
- 2.18** To help ensure that PPS are providing valuable independent advice and information, **NPPN will refresh and republish the guidance they provide in light of the Lamb Inquiry**. To help evaluate the effectiveness of the steps being taken, we will also ask that the **National Strategies work with local authorities to ensure that parent partnership services are being appropriately deployed**. This work will form part of the National Strategies work plan for 2010/11.
- 2.19** In culmination of the activity above, NPPN will re-launch PPS services in Autumn 2010 to raise the profile of this valuable resource for parents.

### **National advice and support – a dedicated national helpline for parents**

- 2.20** The Lamb Inquiry told us that in addition to local services, there is a need for a service which is more widely accessible and independent of local authorities and recommended that a national helpline be established.
- 2.21** We understand that parents will want access to independent advice and there may be issues that parents either find difficult to discuss locally or would benefit from another view. Parents also need a service whose availability is built around their commitments and where up-to-date information can be relied upon.
- 2.22** To put this in place **we will launch a dedicated helpline and web-based service to provide information and advice to parents of children with SEN in April 2010**. The helpline will initially be part of the suite of support provided through *Family Information Direct*. The service will aim to provide timely and high quality advice at times which suit parents, all year round.

- 2.23** The helpline will form the core of the service which we aim to expand over the coming months and we will look at how this service can be developed further. For example, a telephone helpline may not be a convenient medium for all parents so we will investigate the potential for an online “ask an expert” service which will allow parents to email questions. We will also consolidate information online through a “one stop shop” of information, support and guidance for parents. We will investigate whether the one stop shop can include access to online support forums (along the lines of those already offered by other services such as Netmums which links parents with other parents); as part of this we will look to involve SEND experts to provide advice through these forums to help ensure that parents have access to professional, quality advice.
- 2.24** The quality of the service will be built on the quality of advice that parents receive. We will ensure that all staff providing advice have the best possible knowledge of SEN. We expect the service to meet the Parent Know How Quality Standard for telephone helplines<sup>18</sup>. We will evaluate this service in **September 2010** and develop further requirements based on feedback. The evaluation will scrutinise the advice provided and seek feedback from parents.
- 2.25** The helpline will be able to provide information on the types of queries it receives and, as far as possible, the geographic location of the caller, as well as a range of other management information. We also anticipate getting information through the new Family Information Directory, an online signposting service for families that will help to identify which services families are searching for. This data will inform the evolution of the service and help us better understand the specific needs of parents, which we will act on. We are considering how we use this information as part of a wider exercise to make better use of data.
- 2.26** Work on the helpline will be taken forward together with our overall Family Information Direct service. *Support for All*, the Families and Relationships Green Paper, recently stated that Government would be interested in views about whether a comprehensive advice service based on successful models like NHS Direct and the NHS Carers Direct service would make it easier for families to find the help they need. This could consist of a national service both online and with a single telephone number.

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<sup>18</sup> This is independently administered by The Helplines Association and will expect a user satisfaction rating of at least 80% (the Parent Know How telephone helplines averaged over 90% in the 2009 PKH Evaluation and this will be the target to achieve after one years’ operation).

# Chapter Three:

## Local systems in tune with children's needs

### Introduction

- 3.1** The Lamb Inquiry showed that the system works best where schools, local authorities and parents operate in a true partnership. This Implementation Plan builds on this good practice and details how we will build the system's capacity to provide this level of partnership with all parents. The plan establishes how further training for children's services leaders will be provided and how support for better models of commissioning and parental involvement in the planning process will be built. Guidance and training will also be provided to those drawing up statements to help build partnership and trust with parents.

#### *Progress made since the Lamb Inquiry began*

- We have completed and evaluated the first round of innovative projects in **December 2009**
- The Commissioning Support Programme and Centre for Excellence and Outcomes are developing practice for effective SEN commissioning

#### *What more we are doing:*

- SEN and Disability will be incorporated within training for leaders of children's services
- Guidance and training will be provided to LA SEN officers from **March 2010** in working with parents, in particular to improve the communication and dialogue with them, and about the key requirements of the SEN legislative framework
- National Strategies will provide guidance and training on writing quality statements in **July 2010**
- Support and advice on the commissioning and deployment of resources will be made available
- An Expert SEND group will be established in **March 2010** to advise the Commissioning Support Programme on SEND issues
- A new right for parents to appeal to amend a statement of SEN following an annual review will be introduced

### SEN and Disability training for leaders of children's services

- 3.2** The Inquiry recommended that the National College for Leadership of Schools incorporate SEN and disability into training for leadership of children's services. We share the Inquiry's belief that it is crucial that Directors of Children Services have a good understanding of SEN and disability. The National College is currently working with serving Directors of Children's Services and partners to develop and deliver the DCS Leadership Programme, which was launched in November 2009. DCSs complete the programme over 12 months: it is highly personalised, with considerable self-directed learning that is informed by the outcomes of a detailed self-assessment undertaken prior to joining.
- 3.3** **We have asked the National College to ensure that SEN and disability is integrated into the programme's module on children's health, within the core theme of improving outcomes for children and young people so that DCSs have access to the materials and experience they need to enhance their understanding of the issues.** To advise on this, the National College will bring together an expert group in July 2010. Subject to the outcomes and recommendations of the expert workshop, the College will aim to have suitable leadership materials and opportunities available to DCSs by **December 2010**.

### The deployment of resources – new strategic approaches

- 3.4** The Inquiry was impressed by the potential of schools working in partnership to bring in specialist SEND expertise and provision to support children with specific needs and said that evidence of good practice should be gathered to help other schools employ similar approaches. By doing so parents were more confident that their child's needs were being met and that they did not have to seek out this support themselves. The Inquiry also found that local authorities should explore regional commissioning of services for children with low incidence needs. We are taking these recommendations forward through work with the Centre for Excellence and Outcomes (C4EO) and the Commissioning Support Programme.
- 3.5** The Inquiry highlighted that without a range of provision developed locally, including specialist expertise, that meets the needs of children with SEND, parents have to go in search of it themselves, which can be draining; often leads to conflict; and favours those with the greatest resources rather than need. The Inquiry recommended that an expert group be convened to advise the Commissioning Support Programme's work with Children's Trusts to improve the commissioning of services for disabled children and children with SEN.<sup>19</sup>
- 3.6** **The first meeting of this expert group, is planned for March 2010**, including special educational needs and disability experts. It will advise on how to raise awareness amongst commissioners of services for children with SEND of the support available from the Programme; identify what the strategic issues are for improving effective

<sup>19</sup> The Commissioning Support Programme is funded by the DCSF to work with Children's Trusts at a local and regional level to help build their capacity for better commissioning.

commissioning for this group of children; and consider future trends and challenges and how the Programme can inform commissioners of these.

- 3.7** Lamb also recommended that the Centre of Excellence and Outcomes (C4EO) collects evidence of good practice where schools and clusters of schools are commissioning services for children with SEN. **C4EO has called for examples of good practice where schools and clusters of schools are commissioning services for SEN**, in order to establish evidence-based effective practice in this area which will help other schools and local authorities adopt similar approaches.

### Transparency in resource allocations

- 3.8** The Lamb Inquiry explained that for parents to have confidence about provision for their child, the system needed to be transparent about who was responsible for delivery and who held respective budgets.
- 3.9** The 2001 SEN information regulations<sup>20</sup> require local authorities to publish a range of information and policies. The Lamb Inquiry found that the obligation to set out what schools were responsible for from their delegated budget and what local authorities were responsible for is not being reliably met. However, where this is done and when schools, parents and the local authority are working together on this there is a positive effect – parents better understand what schools are expected to do and additional funding can be delegated to schools without additional requests for statutory assessment of appeals to the Tribunal.<sup>21</sup>
- 3.10** **We have asked the National Strategies to work with local authorities to review and improve the information they make available and how they involve parents and schools in this.** This will happen in phases, providing an opportunity for LAs to self-assess, then make improvements prior to a final evaluation being made. In **Summer 2010** National Strategies will draw up a checklist for all LAs based on effective practice; in **Autumn 2010** facilitated LA self-assessment workshops will take place to help local authorities make improvements; and in **Spring 2011** published LA information will be assessed and a final report delivered to DCSF.
- 3.11** The Lamb Inquiry found variability in the extent to which local authorities had Disability Equality Schemes (DES) in place which adequately met disabled children's needs. In **April 2010 the DCSF will be writing to LAs to encourage them to review their DESs and to ensure that they set out local arrangements to ensure that schools themselves have good quality schemes in place.** We will also provide more information about the support available through the National Strategies.
- 3.12** **We will ask the National Strategies to report on local authority DES compliance and help local authorities develop effective schemes which improve transparency and parental confidence.** Web based resources, including video material on effective DES

<sup>20</sup> The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001.

<sup>21</sup> Peacy N, Lindsay G, Brown P and Russell A (2009) *Increasing Parents Confidence in the Special Educational Needs System: Study Commissioned to Inform the Lamb Inquiry*

production have also been produced and will be disseminated widely in **Spring 2010** and the Strategies will work directly with local authorities before submitting a final report in **March 2011**. This report will also examine the extent of compliance of schools' production of DESs in local authority areas.

### Parental engagement at a strategic level

**3.13** We know from Aiming High for Disabled Children that by applying the Core Offer principles around transparency and participation to strategic planning and commissioning, parents are likely to feel less need to "fight" the system because they are involved in decision making. Not only does this increase parental satisfaction, but it helps local authorities and schools manage their resources effectively. One of the ways we are supporting this is through a further round of innovative projects.

**3.14** The Inquiry also recommended that local authority SEN officers be provided with national training in working with parents, in particular to improve communication and dialogue, and about the key requirements of the SEN legislative framework. The Department has commissioned the National Strategies, the Independent Panel for Special Education Advice (IPSEA), and the Challenging Behaviour Foundation to produce training materials. The aim of the training is to improve the confidence of parents in the process for assessing and meeting their child's needs by:

- supporting local authorities to develop the skills of their officers so that they are able to work more effectively with parents of children with SEN; and
- providing SEN officers with updated information about the key elements of SEN legislation.

This training will begin in March 2010 on a regional basis, facilitated by the regional SEN hubs.

### Developing and learning from new practice – the innovative projects

**3.15** There are a number of areas where some targeted trialling and development of best practice can immediately improve parental confidence and we have taken this forward by inviting local authorities and voluntary organisations to participate in a further round of innovative projects.

**3.16** The first round of innovative projects funded through the Lamb Inquiry provided opportunities for local authorities, working with partners, to explore ways of increasing parental confidence in the SEN assessment process. Projects were funded between £10,000 and £40,000 and resulted in a range of practical improvements. The Institute of Education and University of Warwick have produced an evaluation of the first round of projects, which is available from the Lamb Inquiry website.

**3.17** **In December 2009 we announced that a further round of parental confidence projects would be commissioned on a regional basis.** We have invited all local authorities, working in partnership with parents and voluntary organisations to apply. This second round of projects will focus on areas identified through the Inquiry that are likely to impact positively on parental confidence and require further exploration.

- 3.18** In **April 2010** projects funded up to £40,000 in each region will begin. They will run for a year and are expected to cover:
- Greater transparency and parental involvement in decision-making processes;
  - Greater independence in assessment: using different service models for providing educational psychology advice, particularly at “arms length” or by providing direct parental access;
  - Regional commissioning of services for children with low incidence needs;
  - Working with local partners to improve the SEN skills base;
  - Collaborative approaches to the submission of statutory advice, building on Team Around the Child and Early Support principles.
- 3.19** We will be disseminating the findings of the first round of innovative projects further. **By Autumn 2010 an online resource bank will provide access to information and tools derived from the first round of projects which local authorities can use to develop similar practices.** We will also make available learning from the second round of projects as they emerge. We will host **a national event in January 2011 for projects to report early findings and for first round projects to report longer term impact.** We will also commission a further evaluation of the longer term impact of the Year one projects and early impact of the Year two projects in **March 2011**. The National Strategies will also play an important role in supporting the projects, disseminating findings and building sustainability – this will include work with local authorities through the SEN regional hubs and a number of national events throughout the year.

### **Statutory assessments, statements and professional advice**

- 3.20** For many parents, the statutory assessment process has been a stressful and negative experience. The Lamb Inquiry found that this was not the fault of the system itself, but the way it had been operated.
- 3.21** This experience is not universal and many parents are positive about the system. Lamb found that parents valued transparency in the process and appropriate and timely information. Parents confidence also increased when their engagement was sought, their views evidently considered and their feedback taken on board.
- 3.22** Lamb also found that parents were supporters of the SEN Code of Practice and statutory frameworks. They provided confidence that their child’s needs would be met and also worked as a lever to challenge where they felt they were not. The Parent Guarantees reflect these rights.

### **Writing quality statements**

- 3.23** The Inquiry was concerned about the quality of many written statements. It found that many parents felt their child’s statement was confusing or impersonal. This undermined their confidence in the statement. As a result, in 2009 we asked the National Strategies to undertake a quality assurance analysis of statements across a range of local authorities.

The review found a number of issues relating to quality and compliance with requirements. More could also be done in terms of clarity and usefulness to schools and parents.

- 3.24** We will use the findings from the National Strategies review and innovative projects to inform **training for LA Officers who are directly responsible for the writing and production of statements of SEN which will begin in May 2010**. This will be underpinned by written guidance, reinforcing the key messages in the Code of Practice and the SEN Toolkit, with further elaboration on issues identified in evidence presented to Lamb. The guidance will also include examples of good practice in relation to identified issues.
- 3.25** The National Strategies will also develop **a programme of guidance, promotion and training for LA officers** which:
- encourages the most effective ways of working with parents and children and young people to ensure meaningful participation in the statementing process;
  - helps local authorities describe staffing arrangements in the statement, particularly on the allocation of support assistants;
  - supports local authorities in implementing appropriate quality assurance procedures;
  - provides an update on the law and statementing.
- 3.26** To support the take up and impact of this guidance, **regional SEN hubs will organise regional events, during the Summer Term 2010, jointly led and facilitated by a member of the National Strategies SEN Adviser team**. We will commission a further review of the quality of statements to ensure that this work has had an impact. This review will seek the views of parents, children and young people.
- 3.27** The innovative projects covered above will include a focus on the provision of professional advice to local authorities in relation to SEN statements. Chapter 5 also explains how different educational psychology service models will be evaluated and how guidance will be developed to help professionals provide advice.

### *The statement review process*

- 3.28** Each statement of SEN is required to be reviewed on an annual basis to ensure that the provision within the statement remains appropriate. Key to this review is an evaluation of a child's outcomes: have they made expected progress and if not should their statement be amended? The Inquiry found that too many parents felt that the review was conducted with insufficient rigour and although parents can appeal against an amendment to the statement, they could not appeal against a statement not being amended when they felt it should. **We are providing a right for parents to appeal where the LA decides not to amend a statement following an annual review through the Children, Schools and Families Bill**. The clause in the Bill closes gap in SEN legislation and has been widely welcomed.

# Chapter Four:

## Building accountability around children's progress

### Introduction

- 4.1** The Lamb Inquiry is clear about the importance of accountability in ensuring parental confidence in the system. In line with its recommendations, this plan explains how the school accountability system will focus more sharply on how well each child is progressing and how it will take more account of the views of pupils and parents. We also provide details on the implementation of the School Report Card and how guidance and training for school governors, School Improvement Partners and appeal panel members will underpin these measures. Our aim is to bring about an end to failures to fulfil statutory duties – this plan explains how we will work with those who have information on non-compliance to take firmer action to address failure.

#### *Progress made since the Lamb Inquiry began*

- The TellUs survey, which collects the views of children and young people, has been enhanced to allow views from disabled children and young people to be analysed separately from their peers
- Consultation on School Report Cards, has begun and SRCs will be implemented in 2011
- Ofsted has provided HM inspectors with training on SEN and disability
- Practice has been amended to route SEN complaints to the Local Government Ombudsman

#### *What more we are doing:*

- We will strengthen training for school governors, including providing updates on matters concerning SEN law
- Training will be provided to School Improvement Partners on SEND in **Summer 2010**: focusing on disability equality schemes, parental involvement and progression
- Taking forward better use of data to inform local accountability
- Training and guidance will be provided to the First-tier Tribunal (Special Educational Needs and Disability); a DVD will be produced to ensure parents are better prepared for Tribunal hearings
- A duty will be placed on Ofsted to report on how well schools are meeting the needs of children with SEND as part of school inspections through the Children, Schools and Families Bill, subject to Parliamentary approval
- The exceptional funding scheme – providing parents access to legal help for Tribunal hearings – will be relaunched and its impact evaluated

### The voice of young people

- 4.2** The Lamb Inquiry recommended that to improve the development of services, the views of children and young people should be sought, heard and acted upon. Lamb specifically recommended that the TellUs survey could play an important role in this.
- 4.3** TellUs is a quantitative online survey designed to gather children and young people's views on their life, their school and their local area.<sup>22</sup> **The accessibility of the survey to disabled children has been improved so that the findings of the survey can be disaggregated to show the views of this cohort of children wherever possible at national, local area and school level.** Improvements have been made to survey questions and alternative formats have been developed – visual (British Sign Language) audio (talking) and symbol (Widget) – to enable more disabled children and children with SEN to participate and give their views.
- 4.4** The TellUs4 survey was delivered in schools between 5 October and 29 November 2009 and the results of the survey will start to become available in **February 2010**.

### Data and the School Report Cards

- 4.5** The Inquiry recognised that School Report Cards would be an important new form of accountability. It recommended that the School Report Card should develop an inclusive measure of progress which does not separate pupils with SEN from their peers; we agree that a measure that incentivised schools to over or under identify children with SEN as a means of influencing their scores would be counter-productive.<sup>23</sup> **We are currently exploring new ways of measuring the progress of pupils and how to adapt existing measures so that the work of schools with pupils with SEN can better be reflected in the accountability system.** This work is still at an early stage, but will take shape over 2010. SEN will be one of the features of the second year of the School Report card pilot. This Autumn, we will share the new measures with around 700 pilot schools, so that they can help reach final decisions on fitness for purpose before rolling out in the first SRC publication in late 2011.

### Training for school governors

- 4.6** Strong school governance is a vital part of the education system. Governors play a key role in holding to account school performance, and in challenging and supporting schools to improve. They also have specific responsibilities for children with SEND. The Inquiry found that governors would benefit from further support, particularly around special educational needs.

<sup>22</sup> The TellUs survey is aimed at children in year 6, 8 and 10 from mainstream primary and secondary schools, academies, special schools and pupil referral units. It is unique in the large size of its sample of children providing Government and Local Authorities with valuable information about the progress they are making towards achieving the five Every Child Matters outcomes.

<sup>23</sup> *A School Report Card: Prospectus (DCSF)* p.44 <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00664-2009>

- 4.7** In December 2009 we published a Timetable for Action<sup>24</sup> which explained how we intended to develop governing bodies and provide better training for this vital role. **To ensure that Chairs of Governors are well prepared and have the right knowledge and information to carry out their role, we will introduce training for Chairs of Governors from September 2011.** The current National Training Programme for New Governors includes a focus on special educational needs. Existing governors are also encouraged to download the training materials from Governonet – which also provides up to date information and support for all school governors.
- 4.8** The National Training Programme for New Governors will be updated in the light of recommendations from the Lamb Inquiry and also from the 21st century schools White Paper and recommendations in the forthcoming report of the review of school governance. Revised legislation on governance should come into operation in **September 2011**. An independent evaluation of the revised training programme will be undertaken once the programme has been in operation for a year and a review of the effectiveness of the SEND content will be included in that evaluation.
- 4.9** **To ensure governors have an up to date understanding of special educational needs and disability legal issues, we will also make available by December 2010 an online legal resource** for all school governors through a package similar to that being developed for Parent Partnership Services. Chapter 1 detailed measures we are taking to reduce disproportionate exclusions – the measures here will include governors having an understanding of schools’ responsibilities under exclusions guidance towards children with SEND.

### School Improvement Partners (SIPs)

- 4.10** School Improvement Partners play a vital role in monitoring school performance, providing high quality support and rigorous challenge and ensuring issues are diagnosed and addressed. The Inquiry recommended that SIPs receive training in SEN and disability and that they report on the extent to which the school has promoted good outcomes and progress.
- 4.11** **We have asked the National Strategies to design and trail training with a focus group of SIPs and SIP managers.** During the **Summer term 2010**, National Strategies will rollout the training for all SIP managers and SEN leads in LAs. This training will show how local authorities should support their local SIPs to successfully provide challenge and support to schools on their contribution to the outcomes for learners with SEND and will have three main strands: progression, Disability Equality Schemes and engaging with parents.

### Ofsted and school inspection

- 4.12** The Inquiry drew on the importance of school inspection as a means of, ensuring parental confidence: by providing reliable information on the quality of schools provision for children and young people with SEND and on ensuring accountability in the system.

<sup>24</sup> *Your child, your schools, our future: building a 21st century schools system: Timetable for action* DCSF (December 2009)

Local authorities and schools also wanted reliable judgements to help develop provision for children and young people with SEND.

**4.13 A revised inspection framework was introduced in September 2009 to give a new priority to the learning outcomes of children with special educational needs and disabilities.** The new arrangements also reflect recommendations that the Inquiry made in April 2009:

- that the views of parents of disabled children and children with SEN should be identifiable in the pre-inspection parental questionnaire;
- that the school self-evaluation form should be strengthened to reflect compliance with statutory requirements on SEN and disability;
- that progress and outcomes for disabled pupils and pupils with SEN should be a significant consideration in judging achievement.

**4.14** The Inquiry welcomed these changes and recommended that there should be a clear duty on Ofsted with regard to school inspection reporting. We are currently **legislating to place an explicit statutory duty on Ofsted to report on how well schools are meeting the needs of pupils with special educational needs and disabilities as part of school inspection**. The duty will underpin the new school inspection framework, which has a strengthened focus on the experience and outcomes of these children. It will also ensure that the focus is maintained in any future framework. In addition, the duty will provide an impetus for more insightful and challenging inspection and an incentive for schools to seek to improve their performance in this area.

**4.15** The Inquiry also recommended that all inspectors receive training on SEN and disability and that Ofsted review the pool of inspectors with skills in particular areas of SEN and disability. **Ofsted have accepted the Inquiry's recommendations and will publish an implementation plan** which will detail how this work is to be taken forward.

### Information at a local authority level

**4.16** Variation in the operation of the SEN system was a central finding of the Inquiry and this variation led to both positive and negative outcomes for different children and their parents. Research<sup>25</sup> to explore the reasons behind this variation has found that:

- There is no simple explanation for the variation found between local authorities. It is likely to be the result of a number of factors interacting in complex ways that makes it difficult to disentangle cause and effect.

<sup>25</sup> Jane Lewis, Ann Mooney, Louca-Mai Brady, Chloe Gill, Amanda Henshall, Natasha Willmott, Charlie Owen, Kate Evans, June Statham (2010) *Special Educational Needs and Disability: Understanding Local Variation in Prevalence, Service Provision and Support*

- Some types of variation are inevitable, and not necessarily undesirable. Local authorities approach their population of school children in different ways responding to local needs and circumstances. Whilst local variation may sometimes be negatively characterised as a postcode lottery, it may equally be more positively described as responding to local circumstances. Local variation is clearly undesirable, however, if it reflects unmet need and inequities in access to, and level of, services.
- Factors supporting best practice include a strong ethos of inclusion, strong and effective multi-agency working, commitment and strong leadership, effective partnerships with all key stakeholders, and an adequate number of skilled staff at all levels.

**4.17** The package of measures introduced in this plan intends to help address the variation in relation to unmet need. The Inquiry also recommended that DCSF should regularly bring together information about how different parts of the system are working. We collect a range of data including National Indicators on attainment, absence and exclusions for children with SEN (and from 2011 disabled children) and on services for disabled children. These are part of the National Indicator Set, which the Government uses to monitor the performance of local services. These indicators inform the Comprehensive Area Assessment (CAA) which assesses local public services in England and examines how well councils and other public bodies, working together, meet the needs of the people they serve.<sup>26</sup> In October 2009 we also published *Children with special educational needs 2009: An Analysis* which brought together information at national and local levels about the characteristics and attainment of pupils with special educational needs for the first time.

**4.18** We will also work with other organisations such as the First-tier Tribunal (SEN and Disability); Ofsted and complaints to the Local Government Ombudsman to pull together further information. Alongside this **we will work with Ofsted to develop a protocol to share such information.**

### Improving the complaints system

**4.19** The Inquiry said that the SEN complaints procedure should be made simpler and more widely known by parents. Lamb recommended that the DCSF and the Local Government Ombudsman (LGO) should work together to route SEN complaints against schools and local authorities to the LGO. We have moved quickly to do this. Changes in legislation have been made<sup>27</sup> and **the Department is advising that most complaints from parents should go to the LGO.** This brings a number of benefits to parents: the LGO has wide ranging powers of investigation; the LGO has a wider remit than the powers of Secretary of State and can recommend that an LA takes action, compensation be awarded or that changes to the system be made; it brings into one place arrangements for unresolved

<sup>26</sup> National Indicator 104: The special educational needs (SEN)/non-SEN gap – achieving Key Stage 2 English and maths threshold at national level, years 2006 to 2008

National Indicator 104: The special educational needs/non-SEN gap – achieving Key Stage 2

National Indicator 105: The special educational needs/non-SEN gap – achieving five A\* – C

<sup>27</sup> Apprenticeship, Skills, Children and Learning Act 2009 (Section 261)

complaints and removes confusion for parents about the most appropriate route for their complaint.

## Tribunals

- 4.20** The actions in this Implementation Plan are designed to help reduce the need for parents to take complaints to Tribunal. Nevertheless, the Inquiry found that for parents, knowing that this form of redress was available to them, even if they did not have recourse to it, provided confidence in the system. The Inquiry found that there had been positive changes to the Tribunal system, but also found areas that could be improved further – recommendations were made to provide guidance and training for Tribunal judges on the conduct of telephone and face to face hearings and that guidelines be issued to improve the quality of professional and expert evidence provided to the Tribunal. The Tribunal in the course of its work also gathers a range of information, such as the type of appeal, frequency of complains against specific local authorities and so on, which if acted upon could be used to improve provision of SEND. The Inquiry therefore recommended that the Tribunal reviews and develops the information that it gathers and publishes. The Inquiry also said that children and young people should themselves have the right to appeal to the Tribunal.
- 4.21** The Department and The Tribunal are taking all of these recommendations forward. The Tribunal has already begun to produce **a DVD for parents to explain the Tribunal system to help them prepare for hearings**. This will be available from **May 2010** in DVD format and online and will be signposted from the information website we are producing.
- 4.22** **The Tribunal has launched an enhanced training scheme for Tribunal Judges**. This will cover final hearings and, for Case Management Judges, telephone hearings. The training will also include contributions from outside agencies representing parents, informing the Tribunal of parental reaction to hearings. The Tribunal will seek informal feedback on the training's impact via its network of user groups. Additionally, it will soon share with user groups: a revised set of forms; a revised guide to the production of working documents; expert evidence guidance and revised guidance for parents.
- 4.23** **The Tribunal will also issue guidelines on the provision of professional and expert evidence by March 2010**. Tribunal judicial management will seek feedback from tribunal members as to the guidelines' impact.
- 4.24** DCSF and the Tribunals Service are also working together to **audit the information already collected and identify any extra data that would beneficially be collected and published**. Following this, work will be undertaken during 2010 to firstly examine the resources needed to share data and, where feasible, put in place mechanisms to do so.
- 4.25** The Inquiry also argued that children and young people should be able lodge appeals to the Tribunal. The Government launched a public consultation in April 2009 which included the principle of giving children and young people a right to appeal SEN assessment and statement decisions. **The consultation on children's appeal established that the great majority of respondents agree that children with SEN**

**should be able to appeal to the Tribunal and that disabled children should be able to make claims.** To help the implementation of this new right **we will establish a working group to address issues which need to be resolved before the right comes into effect. We plan to hold the first meeting of this group in April 2010.**

### Legal Aid

- 4.26** The Inquiry found that in some cases, parents' complaints were complex and more likely to involve matters of law – in these cases parents may require additional legal support and advice. Legal help is available for Tribunal cases for eligible parents but not for the representation of parents at a hearing. However an exceptional funding scheme is operated by the Ministry of Justice (MOJ) which provides eligible parents with funding for legal representation where certain criteria are met.
- 4.27** **We are working with the Ministry of Justice to re-launch and publicise the availability of the exceptional funding scheme for SEN cases more widely.** The MoJ has met with key stakeholders to review the scheme and are preparing proposals on how to encourage applications in cases where the criteria for the scheme are likely to be met. This is likely to include better guidance and more straight-forward processes. MoJ will re-launch and better publicise the exceptional funding scheme, for SEN cases, in **March 2010.**

# Chapter Five:

## A responsive national framework

- 5.1** The Inquiry found that, whilst the SEN framework functions well for the many parents, within the same legislative framework there are parents who have been poorly served and have had to battle to get the needs of their child identified and met. This Implementation Plan seeks to tackle this variation so that it is common practice to have access to skilled professionals who understand the needs of children and who have high expectations of what children can achieve; that parents are provided high quality information and that their participation in the SEN system is actively sought. The Inquiry also recommended that different approaches to the operation of the SEN system need to be explored and their impact on parental confidence and children's outcomes measured.

### Reviewing Health Professional Council codes of conduct

- 5.2** The Inquiry found evidence of instances where professional advice was felt by parents to have been 'fettered'. This related specifically to the provision of advice as part of the process in determining SEN provision for learners.
- 5.3** We will build on earlier meetings with the Royal College of Speech and Language Therapists, the College of Therapists, the Health Professionals Council, and the British Psychologist's Society to support the professional bodies and the Health Professional Council **to develop guidance to help professionals in managing how they provide advice and expertise**. This aim of this guidance will be to help professionals build on effective practice in providing the best advice and managing the commitments towards children (as 'clients') and local authorities and primary care trusts (as employers).

### Evaluating educational psychology service models

- 5.4** Educational psychologists work directly with children and through parents, teachers and other professionals to recommend the most appropriate education provision for children experiencing educational difficulties. The Inquiry looked at the potential benefits of different models of educational psychology service provision on parental confidence – for example where services are line managed by different parts of the local authority, operate a mixed economy by charging schools for additional services, or work at arm's length of the local authority. The Inquiry was also impressed by the potential of models which allow parents direct access to educational psychology services. In doing so, the Inquiry recommended that an innovative project be funded which develops a service at arms length of the local authority and that an evaluation of different educational psychology service models be carried out.

- 5.5** We have already invited **local authorities to develop arms length service models through the second round of innovative projects** (see paragraphs 3.15–3.19). **We will also examine the benefit on parental confidence and children’s outcomes that various service models can achieve**, including:
- Educational psychology services at arms length of local authorities;
  - Mixed economy models – managed by and providing statutory services functions to local authorities, with additional services traded to schools;
  - Direct access services for parents – providing access to services at the earliest stages and further professional opinion and advice.
- 5.6** To do this we will commission an in-depth evaluation of the impact of these known models. We will begin the process for commissioning this evaluation in **April 2010**. We will want to know which models have the greatest impact, how direct and earlier access to EP services might resolve difficulties before they become entrenched problems and which develop the best partnerships between parents, local authorities and schools for children’s outcomes. The National Strategies, through their regional hubs, will play an important role, working with the evaluation team to identify and establish the range of service models being employed.
- 5.7** We will disseminate the findings widely and develop effective practice resources to help local authorities implement the best strategies.

### **Legislating change: a requirement to provide auxiliary aids and services**

- 5.8** The Inquiry found that there needs to be greater awareness of duties towards disabled pupils. This Implementation Plan has explained how we will work to ensure that Disability Equality Schemes are used as a tool for the improvement in equality of opportunity for disabled pupils, staff and parents. We have also explained how mechanisms such as the Parent and Pupil Guarantees and Home School Agreements, as well as modelling of the Core Offer for parents of children with special educational needs will improve communication and information sharing. The Inquiry also said that elements of the DDA needed to be strengthened – particularly around schools delegated budgets. **We have responded to this quickly by making Government amendments to the Equality Bill to provide a duty on schools and local authorities to provide auxiliary aids and services to better reflect schools’ role in making reasonable adjustments for disabled children.** Subject to Parliamentary approval of the Bill, we will be conducting a consultation with interested parties on regulations which will define for the first time what auxiliary aids and services consist of and the implementation of this duty.

# Annex A:

## Response to all Lamb Inquiry Recommendations

Ref	Recommendation	Response	Timescale and Responsibility
<b>A clearer focus on outcomes</b>			
1	<b>SEN and Disability are embedded in preparation for school leadership.</b>	<p>We will work with the National College for Leadership of Schools and Childrens Services to integrate SEN and inclusion into leadership programmes by:</p> <ul style="list-style-type: none"> <li>● Integrating knowledge from AfA into key National College programmes including NPQH and Leadership Pathways.</li> <li>● Disseminating knowledge of AfA to school leaders through a follow-up inclusive leadership publication and dissemination events (e.g. 2010 NCSL national conference).</li> <li>● Incorporating AfA learning into research into the leadership of SEND.</li> <li>● Hold regional conferences to disseminate findings relating to the leadership of inclusion to school leaders.</li> </ul> <p>We will also review the training that is available to school leaders, including headteachers, to ensure that they are aware of the benefits of effective deployment – for the school as well as for individual pupils.</p>	<p>Work will progress throughout 2010/11 and be led by the National College.</p> <p>TDA working with NCLSC will lead this review.</p>

Ref	Recommendation	Response	Timescale and Responsibility
2.	<b>Achievement for All is developed with a clear focus on how the work will be sustained beyond the pilot stage and with evidence and relevant materials from the pilot disseminated as it progresses.</b>	<p>AfA has been designed so we can extract findings and learning as it becomes known and will link this into our wider work on supporting parental engagement in schools.</p> <ul style="list-style-type: none"> <li>● The AfA website will be developed to provide access to all supporting documents.</li> <li>● Training materials developed through the project will also be made widely available following extensive trialling.</li> <li>● NCLSC will embed learning from AfA into their work on school leadership.</li> <li>● In ITT, lessons from AfA will be referenced in guidance accompanying the QTS Standards and the material repackaged for use in ITT.</li> <li>● AfA will inform TDA's CPD work – including the development of training materials on working with parents.</li> <li>● <b>A full evaluation will be available in 2011.</b> The <i>Achievement for All</i> website<sup>28</sup> provides access to all supporting documents.</li> </ul>	Work will progress throughout 2010/11.
3	<b>The Pupil and Parent guarantees show what disabled pupils and pupils with SEN can expect from their school and from local services, and how this fits with existing statutory requirements.</b>	The Pupil and Parent Guarantees will make clear what parents can expect from schools and local authorities. They will reflect the core offer expectations around assessment, information, transparency, participation and feedback.	<p>DCSF will undertake the consultation on the guarantees began in January 2010.</p> <p>The Guarantees will be in place, subject to the passing of the Children Schools and Families Bill in September 2011.</p>
4.	<b>Parents should have direct access to multi-agency teams based in schools or partnerships of schools.</b>	In March 2010 we will begin a consultation on the Early Intervention Framework. The consultation will look at local frameworks that help determine how early problems are identified and responded to, including parents access to multi-agency teams.	DCSF will lead the consultation in March 2010.

28 <http://nationalstrategies.standards.dcsf.gov.uk/inclusion/specialeducationalneeds/achievementforall>

Ref	Recommendation	Response	Timescale and Responsibility
5.	<b>The Training and Development Agency for Schools (TDA) develops guidance on the effective deployment of teaching assistants.</b>	<p>The TDA will develop effective practice resources for the deployment of teaching assistants, including in ensuring outcomes for SEND children.</p> <p>These resources will reference performance management frameworks and inform leadership activity being taken forward by NCSL.</p>	TDA will lead on the development of these resources, which will be available by September 2010.
6.	<b>The DCSF commissions the TDA to develop materials to support training at an advanced level in each of the five main areas of SEN.</b>	TDA will develop training modules which build on the training resources available through ITT, induction and the IDP and take account of the availability of available CPD. The training will be accessible to all teachers and be flexible enough to allow delivery in a range of ways, for example, online, face to face and blended learning.	We will ask TDA to develop proposals to take this forward in 2010 with the aim of securing high quality training modules by Spring 2011.
7.	<b>The DCSF commissions the TDA to develop teachers with specialist SEN and disability skills across clusters of schools.</b>	<p>TDA will develop a scheme in 2010-11 to support the provision of specialist SEN CPD in a number of clusters which takes account of and builds on expertise within support services, special schools, HEIs and other training providers and meets locally identified needs.</p> <p>Toby Salt will complete a review into the supply of teachers trained to meet the needs of children with Severe Learning Difficulties (SLD) and Profound and Multiple Learning Difficulties (PMLD) in <b>Spring 2010</b>.</p> <p>Specialist Schools and Academies Trust (SSAT) are taking forward a £550,000 project to develop special schools as leaders in teaching and learning practice for children with the most complex learning difficulties.</p>	<p>TDA will implement the scheme during 2010/11.</p> <p>Toby Salt review will report in Spring 2010.</p>

Ref	Recommendation	Response	Timescale and Responsibility
8.	<b>Preparation for working with parents of disabled children and children with SEN is included in initial and continuing training across the children's workforce.</b>	<p>We will ask TDA to build in working with parents as part of the advanced level training resources they will develop and to consider how the CPD clusters they are supporting might be encouraged to draw on the Lamb Inquiry projects involving parental participation.</p> <p>The research base for working with parents to be extended through the Teacher Training Resource Bank.</p> <p>Preparation for working with parents will be included within the planned review of professional standards.</p>	<p>TDA will lead this work.</p> <ul style="list-style-type: none"> <li>● QTS guidance to be updated.</li> <li>● Repackaged AfA materials to be available from September 2011. TTRB to continue to be developed throughout 2010/11.</li> </ul>
9.	<b>The DCSF reviews the effectiveness of a range of approaches to preventing and tackling bullying of children with SEN and disabilities and invests further in those strategies with most impact.</b>	<p>The Anti-Bullying Alliance will begin this review in March 2010. This will also include online mentoring schemes. Effective practice products, based on validated practice, will also be made available.</p>	<p>The review will begin in <b>March 2010</b>; a final report and materials will be available from <b>December 2010</b>.</p>
10.	<b>The DCSF commissions the National Strategies to promote disability equality schemes as a vehicle for working with disabled pupils to identify and address bullying.</b>	<p>The National Strategies will report on Local Authority DES compliance and help Local Authorities develop effective schemes which improve transparency and parental confidence. Web based resources, including video material on effective DES production have also been produced and will be disseminated widely in <b>Spring 2010</b> and the Strategies will work directly with local authorities before submitting a final report in <b>March 2011</b> This report will also examine the extent of compliance of schools production of DESs in local authority areas.</p>	<p>We will be writing to all Local Authorities in <b>March 2010</b> to ask them to review their DESs.</p> <p>The National Strategies have been asked to report back to us on this in <b>March 2011</b>. To support schools in doing this we are asking the National Strategies to make available a school self-evaluation resource.</p>

Ref	Recommendation	Response	Timescale and Responsibility
11.	<b>The statutory guidance on the role of Behaviour and Attendance Partnerships includes addressing over-representation of disabled pupils and pupils with SEN in exclusions.</b>	The statutory exclusions guidance will be revised in <b>September 2010</b> and will strengthen further reference to exclusion of pupils with SEN. The guidance will state that governing bodies and independent appeals panels on exclusions should undertake a review of whether the headteacher had regard to the guidance on SEN and disability.	DCSF will lead; guidance will be updated in <b>September 2010</b> .
12.	<b>The DCSF commissions the National Strategies to work with local authorities to reduce SEN exclusions focusing first on local authorities with highest levels of SEN exclusions.</b>	We have asked National Strategies to challenge the top third of the local authorities with high exclusion rates, including high levels of SEN disproportionate exclusions. This challenge/support programme started in the summer term 2009. We reassess the Local Authorities termly to ensure that the support is given where it is needed.	National Strategies to continue this work <b>throughout 2010/11</b> .
<b>A stronger voice for parents</b>			
13.	<b>The core offer developed through Aiming High for Disabled is extend to provide a set of principles for engagement by schools and childrens services with parents of children with SEN.</b>	We are embedding the principles of the Core Offer within the new Parent and Pupil Guarantees.  Effective practice resources and an LA toolkit will be produced on the application of core offer principles in the development of information for parents, building on our work through Aiming High for Disabled Children.	Effective practice resources and the LA toolkit will be developed from March 2010 and launched in September 2010.

Ref	Recommendation	Response	Timescale and Responsibility
14.	<b>Current improvements in parent engagement should take full account of disabled children and children with SEN.</b>	<p>In April 2010 SoS committed to ensuring that our 21st Century Schools White Paper mainstreamed the needs of parents of children with SEND.</p> <p>We have also supported local authorities, through Becta, to ensure that online reporting meets the information needs of parents of children with SEN.</p> <p>The School Report card will be developed to effectively report on inclusion.</p>	<p>DCSF will continue to ensure that developments mainstream the needs of parents of children with SEND.</p> <p>Effective practice resources will be produced in May 2010 by Becta on the back of work with local authorities and schools online reporting and SEN projects. A further evaluation of this work will take place with the AfA evaluation in 2011.</p> <p>The first School Report Card will be published in 2011.</p>
15.	<b>The mandatory content of schools' SEN policies is simplified and schools should consult with parents on the content of the policy.</b>	<p>A consultation involving parents, schools, local authorities and the Social Partnership will begin in Summer 2010 to evidence further the information needs of parents and the effective practices that schools and local authorities are already taking forward. This consultation will inform a revision to mandatory SEN policy content.</p>	<p>DCSF will launch this consultation in <b>Summer 2010.</b></p>
16.	<b>The requirements to produce and publish an SEN policy is extended to pupil referral units.</b>	<p>We will include this within the consultation on information in response to recommendation 15.</p>	
17.	<b>Annual review meetings for children with a statement include a consideration of information needs of parents and children and young people.</b>	<p>When we next revise the SED Code of Practice we will include guidance on considering the information needs of parents and children and young people.</p>	

Ref	Recommendation	Response	Timescale and Responsibility
18.	<p><b>The DCSF relaunches parent partnership services to provide parents with expert, high quality advice. They should be trained in the statutory framework and their role in advising parents of their rights should be reinforced.</b></p>	<p>Through the National Parent Partnership Network we will provide training in relation to education law to PPS staff.</p> <p>Regular updates on case law and changes to legislation which have had a significant impact on SEN and disability law will also be provided.</p> <p>We also refresh and republish PPS guidance in light of the Lamb Inquiry.</p>	<p>The package will be available from <b>September 2010</b>. Services will also be available on an <b>ongoing basis</b> so that existing PPS staff can keep their knowledge current and new staff can be properly inducted.</p> <p>NPPN to refresh guidance by <b>Summer 2010</b>.</p> <p>Following these enhancements PPS services will be relaunched by NPPN.</p>
19.	<p><b>The DCSF commission the National Strategies to work with local authorities to ensure that parent partnership services are appropriately deployed.</b></p>	<p>We will establish with National Strategies and NPPN the best time to begin this evaluation.</p>	<p>National Strategies will begin this work from <b>September 2010</b>.</p> <p>To ensure recommendations 18 and 19 are coordinated DCSF will convene a joint Steering Group.</p>
20.	<p><b>The DCSF commissions and promotes a dedicated independent national advice line for parents of disabled children and children with special educational needs.</b></p>	<p>We will launch a dedicated helpline to provide information and advice to parents of children with SEN in <b>April 2010</b>.</p>	<p>The first phase of the helpline will be available from <b>April 2010</b>.</p> <p>We will evaluate this service and develop further requirements based on feedback.</p>

Ref	Recommendation	Response	Timescale and Responsibility
<b>A More Strategic Approach</b>			
21.	<b>The National College for Leadership of Schools and Children's Services incorporates SEN and disability into training for leadership of children's services.</b>	<p>The National College for Leadership of Schools and Children's Services will integrate SEN and disability into the DCS Leadership Programme. This will be done through the programme's module on children's health, within the core theme of improving outcomes for children and young people.</p> <p>The National College for Leadership of Schools and Children's Services will host a workshop of experts to advise on how best to incorporate SEN and disability within the leadership development provision for Directors of Children's Services, with the aim of having suitable materials and opportunities available within 12 months.</p>	<p>Workshop to be held by June 2010.</p> <p>Leadership programme materials and opportunities available to DCSs by December 2010.</p>

Ref	Recommendation	Response	Timescale and Responsibility
22.	<p><b>The Commissioning Support Programme works with Children's Trusts to improve the commissioning of services for disabled children and children with SEN and convenes an expert group to advise on the work.</b></p>	<p>DCSF has asked CSP to encourage Children's Trusts to focus on a number of priority policy areas as part of their bespoke support, these priority areas include services for disabled children and children with SEN.</p> <p>The Programme is also developing support for all Children's Trusts through their 'universal offer' including:</p> <ul style="list-style-type: none"> <li>● online commissioning skills assessment tools which are now being targeted at commissioners with a disabled children's services brief (starting with short breaks)</li> <li>● an online tool to share emerging practice for commissioning services for disabled children and to links to other sources of support e.g. C4EO and CHiMAT</li> <li>● testing an online marketplace tool for commissioners and providers of short breaks</li> <li>● working with the Autism Education Trust to identify to key issues concerning commissioning for children with autism and to share guidance and good practice online and through their regional networks and bespoke support.</li> </ul> <p>The Programme is also running 16 pathfinders to develop tools to improve commissioning for Speech, Language and Communication Needs. The expectation is that the tools will have wider applicability and will be adapted for other sectors.</p> <p>The Programme is establishing an expert group to advise on their work to support commissioners of services for disabled children and SEN.</p>	<p>The CSP programme of work will continue throughout 2010/11.</p> <p>The first meeting of the group is planned for <b>March 2010</b>.</p>

Ref	Recommendation	Response	Timescale and Responsibility
23.	<b>DCSF asks the Centre for Excellence and Outcomes (C4EO) to collect evidence of good practice where schools and clusters of schools are commissioning services for SEN.</b>	C4EO has called for examples of good practice where schools and clusters of schools are commissioning services for SEN, <b>in order to establish evidence-based effective practice</b> in this area which will help other schools and local authorities adopt similar approaches.	
24.	<b>The National Strategies report to the DCSF on which local authorities have complied with the publication of the SEN information required in the 2001 Regulations.</b>	National Strategies will work with Local Authorities to review and improve the information they make available and how they involve parents and schools in this. This will happen in phases, providing an opportunity for LAs to self-assess, then make improvements prior to a final evaluation being made.	In <b>Summer 2010</b> National Strategies will draw up a checklist for all LA's based on effective practice; <b>Autumn 2010</b> facilitated LA self-assessment workshops will take place and local authorities make improvements; <b>Spring 2011</b> published LA information will be assessed and a final report delivered to DCSF.
25.	<b>The National Strategies to report to the DCSF in 2010 on which local authorities have complied with the requirements on disability equality schemes and on the extent of the compliance of schools in the area. The DCSF should publish this report.</b>	<p>In <b>April 2010</b> The DCSF will be writing to LAs to encourage them to review their DESs and to ensure that they set out local arrangements to ensure that schools themselves have good quality schemes in place. We will also provide more information about the support available through the National Strategies.</p> <p>Web based resources and a DVD including video material will be disseminated to local authorities to support the production of DESs.</p> <p>The National Strategies will report again in 2010 following moderation sessions with LAs. This report will also examine the extent of compliance of schools in each are.</p>	<p>DVD and web based support to be produced by National Strategies in <b>Spring 2010</b>.</p> <p>The National Strategies compliance report will be finalised in <b>March 2011</b>.</p>

Ref	Recommendation	Response	Timescale and Responsibility
26.	<p><b>The findings of the parental confidence projects are disseminated and the wider benefits of strategic engagement with parents are promoted.</b></p>	<p>We will be disseminating the findings of the first round of innovative projects further. By <b>September 2010</b> an online resource bank will provide access to information and tools derived from the first round of projects which local authorities can use to develop similar practices. Learning from the projects will also help inform other developments – for example guidance on the core offer.</p> <p>A national event will take place in <b>January 2011</b> for projects to report early findings and for first round projects to report longer term impact. A further evaluation of the longer term impact of the year one projects and early impact of the Year two projects will also report in <b>March 2011</b>.</p>	<p>DCSF will develop by <b>Autumn 2010</b> an online resource bank of practice.</p> <p>A national event will be held in <b>January 2011</b>.</p> <p>A further impact evaluation will be commissioned in <b>March 2011</b>.</p>
27.	<p><b>A second round of parental confidence projects is commissioned a regional basis.</b></p>	<p>In <b>December 2009</b> we announced that a further round of parental confidence projects would be commissioned on a regional basis. All Local Authorities, working in partnership with parents and voluntary organisations were invited to apply.</p>	<p>Projects funded up to £40,000 in each region will begin in <b>April 2010</b>.</p>
28.	<p><b>The DCSF commissions the National Strategies to:</b></p> <ul style="list-style-type: none"> <li>● <b>draft guidance on good practice in drawing up statements;</b></li> <li>● <b>promote this guidance; and</b></li> <li>● <b>provide training to support the development of a partnership approach.</b></li> </ul>	<p>Written guidance, reinforcing the key messages in the Code of Practice and the SEN Toolkit, with further elaboration on issues identified in evidence presented to Lamb will be finalised in <b>March 2010</b>.</p> <p>The National Strategies will also deliver a programme of guidance, promotion and training for LA officers from March 2010.</p> <p>Regional SEN hubs will organise regional events, during the <b>Summer Term 2010</b>, jointly led and facilitated by a member of the National Strategies SEN Adviser team.</p>	<p>Guidance will be finalised in <b>March 2010</b>.</p> <p>LA training will begin in <b>May 2010</b>.</p> <p>Regional SEN hub events will run in <b>summer term 2010</b>.</p>

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29.	<b>Parents have a right of appeal where the local authority decides not to amend a statement following an annual or interim review.</b>	<p>A clause in The Children, Schools and Families Bill gives parents who have had their child's statement reviewed but not amended, an additional right of appeal.</p> <p>The clause closes a gap in the SEN legislation and has been widely welcomed by those with an interest in SEN and disability.</p>	The new right will be enforceable subject to Parliament's approval of The Children Schools and Families Bill.
<b>A more accountable system</b>			
30.	<b>The results of the Tell Us survey are disaggregated to show where the views of disabled children and children with SEN where possible.</b>	Accessibility of the survey to disabled children and children with SEN has been improved so that the findings of the survey can be disaggregated to show the views of this cohort of children wherever possible at national, local area and school level.	The Tellus4 survey was delivered in schools between 5 October and 29 November 2009. The results of the survey will start to become available in <b>February 2010</b> .
31.	<b>The DCSF develops an inclusive measure of progress for the school report card.</b>	We are currently exploring new ways of measuring the progress of pupils and how to adapt existing measures so that the work of schools with pupils with SEN can better be reflected in the accountability system. This will take shape over 2010.	An inclusive measure of progress will be developed and tested throughout 2010.
32.	<b>New governor training gives a high profile to governors' responsibilities for SEN and disability, with a particular focus on progress and outcomes.</b>	<p>The National Training Programme for New Governors includes a focus on special educational needs. New governors can also complete the course by distance learning. Existing governors are also encouraged to download the materials from Governonet – which also provides up to date information and support for all school governors.</p> <p>We propose to update The National Training Programme for New Governors in.</p> <p>We will also offer online SEND legal package to all school governors.</p>	<p>Revised legislation on governance should come into operation in <b>September 2011</b>. The National Training Programme will be amended in the light of the new legislation.</p> <p>An independent evaluation of the revised training programme will be undertaken once the revised programme has been in operation for a year. A review of the effectiveness of the SEN content will be included in that evaluation.</p>

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33.	<b>All School Improvements Partners (SIP)s working with mainstream schools receive training in SEN and disability; and that, in reporting to the school governing body the headteacher and the local authority, SIPs report on the extent to which the school has promoted good outcomes and good progress for disabled pupils and pupils with SEN.</b>	National Strategies will work with DCSF to design and trail training with a focus group of SIPs across phases and SIP managers.  National Strategies will also rollout training for SIP managers and SEND leads in LAs. This training will deliver a clear understanding to key LA colleagues so that they are able to support their local SIPs to successfully provide challenge and support to schools on their contribution to the outcomes for learners with SEND.	Focus groups <b>Spring 2010</b> ; Training in <b>Summer 2010</b> .
34.	<b>All inspectors receive training on SEN and disability.</b>	Ofsted are taking this recommendation forward.	
35.	<b>Ofsted and the inspection providers review the pool of inspectors with skills in particular areas of SEN and disability with a view to ensuring capacity to inspect special provision effectively.</b>	Ofsted are taking this recommendation forward.	
36.	<b>A duty is placed on the Chief Inspector to report on the progress of disabled pupils with special educational needs as part of school inspection.</b>	The Children, Schools and Families Bill was introduced to Parliament in December 2009. It proposes a new duty on Ofsted to report on the progress of children with SEND in school inspections.	The duty will come into force subject to Parliament's approval of The Children Schools and Families Bill.

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37.	<b>Guidance is developed to support elected members in the local scrutiny of SEN.</b>	We will work with the Local Government Association to develop and disseminate guidance material to support Local councillors in the local scrutiny of special educational needs provision. These materials will be available by Summer 2010.	DCSF with LGA – <b>Summer 2010.</b>
38.	<b>Where the secretary of state finds that a local authority has failed to fulfil its statutory duties towards disabled children or children with SEN or where a local authority has acted unreasonably, he should use his powers under the Education Acts to issue a direction to that local authority to address the failure.</b>	We will consult a range of stakeholders on the information that should be pulled together in addition to DCSF data sets.	A strategy will be developed by September 2010.
39.	<b>In determining where a local inspection should be triggered, inspectors have available a range of information that can inform them about outcomes for disabled children and children with SEN and about parental satisfaction.</b>	Ofsted are taking this recommendation forward. The DCSF are also working to develop a strategy for compiling information (see recommendation 38).	

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40.	<b>Ofsted keep under review the adequacy of the new arrangements for identifying the need for triggered inspection of local authority planning, provision and outcomes for disabled pupils and pupils with SEN.</b>	Ofsted are taking this recommendation forward.	
41.	<b>The DCSF and the Local Government Ombudsman (LGO) work together to route SEN complaints against schools and local authorities to the LGO.</b>	Changes in legislation have been made <sup>29</sup> and as of <b>12 January 2010</b> the LGO is now able to consider all SEN complains made by parents or parental advocates.	As of 12 January 2010 LGO will handle all complaints against schools and local authorities.
42.	<b>Statutory guidance to governing bodies and independent appeals panels on exclusions is strengthened to require a review of whether the headteacher had regard to the guidance on SEN and disability.</b>	We next anticipate revising the statutory exclusions guidance in <b>September 2010</b> and will strengthen further reference to exclusion of pupils with SEN.  The guidance will state that governing bodies and independent appeals panels on exclusions should undertake a review of whether the headteacher had regard to the guidance on SEN and disability.	DCSF will revise statutory exclusions guidance in <b>September 2010</b> .
43.	<b>SEN and disability training is provided for members of independent appeals panels.</b>	We will revise the training materials, delivered by local authorities, for IAPs later in 2010, and will include strengthened SEN and Disability training within those materials.	DCSF will revise IAP training materials in 2010.

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44.	<b>The First-tier Tribunal (SEN and Disability) provides guidance and training for Tribunal chairs on the conduct of both telephone and face to face hearings.</b>	The Tribunal has launched an enhanced training scheme involving problem based learning. This will cover final hearings and, for Case Management Judges, telephone hearings. The training will also include contributions from outside agencies representing parents, informing the Tribunal of parental reaction to hearings. The Tribunal will seek informal feedback on the training's impact via its network of user groups. Additionally, it will soon share with user groups; a revised set of forms; a revised guide to the production of a working document for use on the website; expert evidence guidance (see recommendation 45) and the revised guidance for parents' booklets (incorporating the new forms).	Delivery of training and guidance has commenced.
45	<b>The tribunal issues guidelines on the provision of professional and expert evidence.</b>	The Tribunal will issue guidelines on the provision of professional and expert evidence by March 2010. The Tribunal is in the process of drafting guidelines to be published in March 2010 on the Tribunal website. Tribunal judicial management will in due course seek feedback from tribunal members as to the guidelines' impact.	The Tribunal will issue guidelines on the provision of professional and expert evidence by <b>March 2010</b> .
46.	<b>The Tribunal reviews and develops the information that it gathers and publishes.</b>	The Tribunal and the Tribunals Service are working with the Department for Children, Schools and Families (DCSF) to audit the information already collected and identify any extra data that would be beneficial to be collected and published. Following this, work will be undertaken during 2010 to firstly examine the resources needed to deliver the information and, where feasible, put in place mechanisms to do so. DCSF will provide ongoing feedback to the Tribunal on the usefulness of the information.	The information review will be kept under review on an ongoing basis.

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47.	<b>The Government implements a right of appeal to the Tribunal for children and young people.</b>	The consultation on children's appeal established that the great majority of respondents agree that children with SEN should be able to appeal to the Tribunal and that disabled children should be able to make claims. To help the implementation of this new right we will establish a working group to address issues which need to be resolved before the right comes into effect.	We plan to hold the first meeting of this group in <b>April 2010</b> .
48.	<b>The exceptional funding scheme for providing legal aid for Tribunal hearings is reviewed, with stakeholders, and more widely publicised. If the re-launched scheme does not increase access, parents who meet the financial criteria should have legal aid for representation at a Tribunal hearing.</b>	The DCSF are taking this recommendation forward with the Ministry of Justice who have responsibility for the exceptional funding scheme.	The scheme will be relaunched in <b>March 2010</b> .
<b>The National Framework</b>			
49.	<b>The professional bodies work with the Health Professionals Council to review their codes of conduct with a view to ensuring that the codes, or more detailed guidance, provide their members with clear guidance on the provision of professional advice.</b>	We will work with the Health Professionals Council to facilitate the development of guidance.	A workshop will be organised in <b>May 2010</b> .

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50.	<b>An evaluation of a number of educational psychology service models is carried out. The impact on outcomes for children and parental confidence should be a key part of the evaluation.</b>	We will commission an in-depth evaluation of the impact of a range of service models.	We will begin the process for commissioning this evaluation in <b>April 2010</b> .
51.	<b>The reasonable adjustment duty in Disability Discrimination Act is amended to remedy the exclusion of schools from the requirement to provide auxiliary aids and services.</b>	We have made Government amendments to the Equality Bill to provide a duty on schools and local authorities to provide auxiliary aids and services to better reflect schools' role in making reasonable adjustments for disabled children. Subject to Parliamentary approval of the Bill, we will consult on commencement of these provisions.	To begin following passage of the Equality Bill.



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