



## **Question 22: Is there anything else you would like to say about the proposals in the green paper?**

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# SNJ's response to Question 22

Special Needs Jungle offers TEN additional ways the SEND review could be improved and highlights things that are missing:

## 1. Recognising the role that intersectionality plays in the experiences and outcomes for disabled children

- 1.1. It must be recognised that distinct issues, concepts, values, and practices come together to create the context in which ethnic and marginalised communities experience the SEND system. It is SNJ's position that experiences, other than those of white families, are seldom given the space and platform to enable transparent, solution-focused conversations to be held. Because of this, we [undertook a survey](#) to ensure consideration was given to intersectionality issues in the Green Paper.
- 1.2. Despite this, consideration of the experiences of marginalised communities has been entirely excluded from the green paper, which is an unacceptable oversight. Since then, we are pleased that our report and continued engagement with the Consultation team on this has prompted a number of meetings with experts in this area. We hope this leads to concrete action in further iterations of the review.
- 1.3. While there are many commonalities in the experiences of families in the SEND system, this common ground allows policy-makers to believe improving the 'generic' experience of families is sufficient. But this overlooks the reality that many families' SEND experiences are so far below acceptable that generic improvements will barely be felt.
- 1.4. Acknowledging intersectionality in SEND illustrates how multiple modes of advantage, disadvantage, discrimination, and privilege affect disabled children's access to services. These factors also impact a family's ability to advocate for their child. This intersection is fundamental in predicting outcomes for children. When you consider the SEND system already fails children who are otherwise advantaged, it is easy to see how those at the margins lose out even further.
- 1.5. The Oxford study *Ethnic disproportionality in the identification of Special Educational Needs (SEN) in England: Extent, causes and consequences* that was published in 2018 suggests the data may point to, "inappropriate interpretation of ethnic and cultural differences including

*teacher racism, low expectations and a failure of schools to provide quality instruction or effective classroom management*". This conclusion is widely reflected in the responses to our survey that came from a range of racialised and marginalised communities.

- 1.6. Addressing racism has become less of a priority in initial teacher training and in schools, yet many subtle acts of racism or "micro-aggressions" continue to occur. Claiming 'colour-blindness' in the classroom comes from a mistaken belief that the very best society is one that does not see colour. Not acknowledging someone's race denies the significance of a person's racial/ ethnic experiences and history, and the individual as a racial/cultural being. By attempting to assimilate everyone's experiences with that of the dominant culture diminishes the value of difference. In turn, this increases both the isolation of marginalised groups and the perception that anything outside that dominant culture is somehow less "acceptable".
- 1.7. Schools often conform to this "colour-blindness", with policies and beliefs that reflect the values and norms of the dominant, white, culture. They may strive to seem inclusive, with statements on their websites and equality and diversity policies written and signed off by the governing board, but why isn't this "inclusivity" reflected in the experiences of pupils and their families from marginalised backgrounds?
- 1.8. Unbelievably, the Government itself scrapped anti-bias training. While training is useful, it is not enough to simply recognise our own bias, (or more than one). Instead, we must develop tools to identify behavioural patterns and identify when we are colluding with 'norms' that serve to compound bias, discrimination, and negative outcomes experienced by those we are trying to help. As a society, we decide what is normal. Educating ourselves about what normal looks like through an intersectional lens is the start of creating a more equal and humanistic approach to an education system that is alive to its own prejudice.
- 1.9. Children from Black, Brown, and other ethnic and cultural communities have a massive amount to offer to the country's future. Children and young people with SEND from these communities are no different and they deserve an equal and fair opportunity to benefit from a good school, expert teaching, and great aspirations.
- 1.10. Our schools must be places where every child, every parent and carer, and every practitioner, regardless of their background or the colour of their skin, should feel safe, welcomed, understood, and valued.

- 1.11. To address these disadvantages SNJ proposes that the government must seek to develop a set of principles aimed at eliminating racial bias and promoting respect and dignity for people of ethnic communities. We are therefore repeating our recommendations that the government should:
- 1.11.1. Pay particular attention to including marginalised voices in SEND of both parents and children.
  - 1.11.2. Find out in greater depth what the experiences of ethnic and cultural communities are in relation to SEND
  - 1.11.3. Understand why they differ from the majority and how they have been marginalised
  - 1.11.4. Investigate why trauma is so prevalent in the experiences of SEND families from ethnic communities when it comes to dealing with schools and public bodies.
  - 1.11.5. Seek to reinstate the collection of racial statistics for Tribunals to enable better statistical analysis.
  - 1.11.6. Ensure transparency of existing data regarding ethnic communities and SEND that hasn't yet been published publicly.
  - 1.11.7. Ensure that Equality Act duties are considered in all decisions made by the DfE regarding SEND policy, implementation, and service delivery.
  - 1.11.8. Focus on increasing cultural competence. Diversity training and awareness of unconscious bias are key and should be standard practice for everyone working with families. It should be given as much importance as safeguarding training, with the same emphasis on updating skills regularly.
  - 1.11.9. Look at training needs: When pupils' needs are being identified, those that know the child the best must be involved as key members of the team so the assessment can be carried out through an intersectional lens. Assessors should be aware of their own competency when considering intersectionality and bias concerning the child they are assessing.
  - 1.11.10. All assessments of SEND should include the duty to identify other factors that marginalise the child and/or family and the steps needed to address these.

- 1.11.11. Whole school policies should reflect inclusion and diversity, not just the dominant culture of the school. Any policy setting out the norms or values of a school should be agreed with the community via a consultation period to ensure they do not discriminate against any marginalised groups.
- 1.11.12. The importance of a diverse workforce in schools, local authorities, and government offices should be acknowledged and steps taken to identify how this can be increased.
- 1.11.13. There should be a systematic move away from making “behaviour” the fault of the pupil/parents/ school. This leads to sanctions being relied upon rather than solutions being found. Exclusion is not a solution that will ever benefit a child.
- 1.11.14. Ethnic and cultural diversity should be factored into all key decisions made about children with SEND at school level, local authority level, in charities and in government.

### **References to support this position:**

- SNJ Report: The casual bias and daily discrimination faced by disabled children and their families from ethnic and marginalised communities (2022)  
[https://www.specialneedsjungle.com/wp-content/uploads/2022/03/Race-and-SEND-Survey\\_Final\\_170322.pdf](https://www.specialneedsjungle.com/wp-content/uploads/2022/03/Race-and-SEND-Survey_Final_170322.pdf)
- Strand S, Lindorff A (2018) Ethnic disproportionality in the identification of Special Educational Needs (SEN) in England: Extent, causes and consequences.  
[http://www.education.ox.ac.uk/wp-content/uploads/2018/08/Executive-Summary\\_2018-12-20.pdf](http://www.education.ox.ac.uk/wp-content/uploads/2018/08/Executive-Summary_2018-12-20.pdf)
- Pearce S, 2018. ‘It was the small things’: Using the concept of racial microaggressions as a tool for talking to new teachers about racism. *Teaching and Teacher Education*, 79, pp. 83-92.  
<https://doi.org/10.1016/j.tate.2018.12.009>
- Is unconscious bias training still worthwhile? (2021)  
<https://blogs.lse.ac.uk/businessreview/2021/03/24/is-unconscious-bias-training-still-worthwhile>

## **2. Accountability and the balance of power**

- 2.1. Despite clear communication from stakeholders that one of the few important changes that needed to be addressed by these reforms is

accountability, this is glaringly missing from the Green Paper. Despite the current framework clearly stating the legal duties that local authorities are bound by, not all local authorities take these duties seriously. This is hardly surprising considering that there are no consequences for not following the law. This leads to national variation in how local authorities are applying the law. However, this variation would be entirely avoidable if they simply applied the law as it is intended. This requires robust accountability, not an entirely new, costly set of national standards, as proposed by the green paper, that will also fail to deliver without the necessary accountability structures in place.

- 2.2. Instead of addressing accountability, the green paper focuses on defining roles and responsibilities. However, lack of clarity around these areas is not the issue; enforcing the law is. The government needs to understand why some local authorities are routinely ignoring their legal duties and what needs to change to address this.
- 2.3. The SEND Review (2022) highlights the unequal balance of power that often exists between parents and the education system (Boddison, 2021). Local authorities regularly restrict access to support for children and, in nearly nine out of ten (89%) cases, where parents have complained to the Local Government & Social Care Ombudsman, the local authority has been found to have acted negligently (2022). Despite this, the proposed SEND changes will give LAs even more power and make it harder for parents to seek redress. Currently, the system relies on parents being in a position to take legal action to hold local authorities to account, rather than the system regulating itself. This means that children of affluent, well-educated parents have more chance of having their child's legal entitlements enforced than other parents. This is no criticism of these parents, as this is their right. But it is also the right of those who are unable to access redress, and these parents should be supported to do so, though ideally, they, not anyone else, should have to. The proposals in the green paper will not level this disparity, if anything, they will widen the gap.
- 2.4. SNJ strongly opposes this proposed side-step of local authority accountability and believes existing laws should be maintained and enforced. These proposals actually make the system less accountable by making it even more difficult for parents to work with the local authority in the best interests of their child and even harder to get the provision their child needs in the first place. We advise the government to follow the House of Commons Education Committee's (2019) recommendations stated below:

*“We are confident that the 2014 reforms were the right ones. We believe that if the challenges within the system—including finance—are addressed, local authorities will be able to discharge their duties sufficiently”. (Paragraph 17)*

*“We recommend that when the Government makes changes to address these challenges, it should avoid the temptation to address the problems within the system by weakening or watering down duties or making fundamental changes to the law”. (Paragraph 18)*

### **References to support this position:**

- Boddison, A. (2021, October 25). *Coproduction is an illusion for parents and SENCOs*.  
<https://www.specialneedsjungle.com/coproduction-is-an-illusion-for-parents-and-sencos/>
- Local Government and Social Care Ombudsman. (2022). *Out of school, out of sight? Ensuring children out of school get a good education Focus report: learning the lessons from complaints*.  
<https://www.lgo.org.uk/information-centre/news/2022/jul/children-being-denied-chance-to-thrive-ombudsman-reports>

## **3. Funding**

- 3.1. The government has proposed £70 million for the delivery and implementation of the SEND Review but there is no detailed costing for the proposals. For example, it is not clear how digitalising EHCPs would be funded, and whether or not local authorities will be required to pay for this through their existing SEND budgets or not. It should be noted that the previous 2014 reforms cost [around £650 million](#) and these new plans are no less expansive - but entirely unneeded.
- 3.2. It is also concerning that there is no accurate estimation of cost for all these proposals, especially in light of the overwhelming view that there is no need or desire for wide-ranging reforms, just that the current laws are followed.
- 3.3. **Lack of High Needs funding increase:** While the capital funding should create and improve tens of thousands of places for children and young people with EHCPs, from 2023, this won't be matched by similar increases in the High Needs Block. SNJ, therefore, has concerns about who will

actually be staffing these gleaming new schools if there's not going to be enough funding to pay their wages.

- 3.4. **No mention of the delegated budget:** The Green Paper also dodged a funding issue that's really important for mainstream schools – the threshold at which they should pay for a pupil's SEND provision out of their own budget, and the threshold at which the LA should cough up high-needs 'top-up' funding.

For eight years now, the DfE's guidance has suggested that for an individual pupil, this threshold could be up to £6,000 of a mainstream school's own budget, on top of standard place funding. The £6,000 figure was first dreamed up in 2009. Many mainstream school leaders think it's not fit for purpose. Inflation means that £6,000 just doesn't pay for as much support as it used to – if it had kept up with inflation, the £6,000 threshold set in 2014 should be nearer £7,500 now.

The Green Paper gives this issue a swerve. The DfE has pledged to “consider” – again – whether the £6,000 threshold figure is still fit for purpose. But that's it.

- 3.5. **Nothing on special school place funding:** The current baseline amount - £10,000 per place - was set in 2013. Again, inflation means £10,000 in 2013 would be worth somewhere north of £12,800 today. This need to change to reflect a real-world cost in 2022

- 3.6. To repeat an idea we have put forward in answer to another question, if, as the DfE claims, the Green Paper is not about saving money, then you have an opportunity to prove it by providing the financial support to LAs to ensure they can commission the right support for low-incidence, high-cost children. As, by definition, there aren't many of them, it shouldn't be too difficult to ensure a specialist national fund. After researching the current number of children and young people in the country who require this provision, the annual cost can then be extrapolated.

If this is funded nationally, then LAs would be able to apply to the DfE to fund a top-up when a financial threshold is passed, perhaps £35k per pupil, per year. This would ensure that these children get the right support and LAs wouldn't have to meet it.

To ensure this is done speedily, annual forecasting of how much an LA is likely to need for the next five years should be done. If an LA predicts, from current and upcoming pupils, that it will need more than this for the next year, it should then be able to apply in good time. This would take a lot of

the conflict away between parents and LAs, as LAs then do not see the money needed coming from their own pocket. It is, in effect, ring-fenced money that will only be spent in this way, but that they cannot access until needed, preventing them from misusing it. The DfE has examples where it already does this kind of funding.

While DfE may believe this would create “perverse incentives” in LAs loading up provision until it breaches the £35k cap, it should be possible for the DfE to spot and question this. The DfE may also consider this to spur agitation for the same policy to be applied to medium-incidence types of SEND (ASD, SEMH) where the most expensive provision tends to be concentrated, again, this can be thought through before implementing and, where needed, exceptions or contributions can be made as it is neither a family’s nor an LA’s fault that this provision is needed.

## **4. Extend EHCPs to disabled students in higher education**

4.1. Special Needs Jungle has been calling for Education, Health and Care Plans (EHCPs) to cover all young disabled people in education up to the age of 25 since before the 2014 reforms. We want again to make the—very strong— case for this anomaly to be removed for those 18-25-year-old disabled students who make it to university.

4.2. At present, young people remain entitled to an EHCP if they are 16-25 and in education or training. This includes apprenticeships (that are paid) and supported internships as well as further education.

But if a young person with additional needs has been able to make it to university, they no longer have any statutory support at all.

4.3. Leaving home for the first time can be exciting but also one of the most stressful times in a young person’s life. When a young person goes to university, they are not only entering an entirely new educational setting, they are also suddenly responsible for all their own care needs, as they are usually leaving behind their entire support network. So at precisely the time when it is vital that all agencies work together to support the young person, the carefully constructed EHCP is, instead, removed.

It is hardly surprising that so many young people with brilliant potential fail at university. Not because they are not capable of the academic work, but because there are no systems in place to ensure that they are supported in all the areas that they need at the time they need it the

most. Social care needs and health needs intersect with educational needs, yet universities will only consider a young person's educational needs when looking at support because there is currently no duty on them to act otherwise.

4.4. It can also take a lot longer for neurodivergent young people in particular to master life skills and this support is likely needed far past their 18th birthday.

4.5. **Why was higher education left out of the reforms?**

Despite many years of raising this as an urgent issue, no one has ever been able to identify a clear-cut reason why EHCPs are removed from university students. We were told, at the time, that EHCPs couldn't be imposed on universities as they were private bodies. But universities are just as subject to The Equalities Act 2010 and other legislation as any other organisation. And if the Government can make an EHCP work for an apprenticeship with a commercial company, the claim that they can't do it for universities rings hollow.

4.6. The other worry may have been that, as an EHCP funds often highly expensive educational placements, it might be taken that higher education fees would have to be paid as part of it, and who would be responsible for them? It would certainly not be a cost that a local authority would want to take on. And doesn't the Disabled Student's Allowance provide for additional needs anyway?

4.7. It would be quite simple to enter a clause that states fees cannot be included in a higher education Education, Health and Care Plan in the same way that other laws come with all sorts of caveats, particularly with disability benefits.

4.8. Indeed, recent changes to disabled students' access to Universal Credit now mean they cannot access a Limited Capacity for Work assessment unless they had qualified before they became a student. This is discriminatory and a disincentive for a student to better themselves. It means that many potential students with a disability will not be able to attend higher education because many cannot supplement their income with a part-time job as their non-disabled peers can. This can be because accessing flexible part-time work when you are disabled is difficult at the best of times. When you have a physical or neurological disability that comes with fatigue and/or access needs, this makes it almost impossible. Thus disabled students now face a double-disadvantage in accessing a

degree or post-graduate level course unless they take a year out to become eligible by being unemployed.

- 4.9. An existing EHCP and/or eligibility for Personal Independence Payment could be a passport to an LCW assessment, thus enabling a disabled young person to enter university at 18, with the support of Universal Credit payments.

While Universal Credit deducts the student maintenance loan from the amount it awards, disabled students are still left with something because they would get the disability add-on and, crucially, it is awarded in full during the summer holidays. This recent change also cuts off the route to housing benefit, which would be paid year-round if a student with UC lived in non-university-provided accommodation. Baroness Janke has also raised this in the Lords which received the usual kind of government reply, a lot of words but avoiding the fact that the door has been closed to existing disabled students of those who become disabled while on a course.

*“Following previous representations by Disability Rights UK, both the Equality and Human Rights Commission and the Work and Pensions Select Committee have recommended that receipt of PIP or DLA should be accepted as evidence of a limited capability for work, enabling Disabled students to receive Universal Credit. The reason UC can be vital for Disabled students is because it covers living costs over the long summer holidays when student grants/loans don't apply. Disabled students find it harder to supplement their grants/loans with employment. Housing costs can also be higher, where accessible or adapted accommodation is needed, and this is not covered by student finance”* [DISABILITY RIGHTS UK](#)

- 4.10. However, the main point for an EHCP is the statutory element, meaning that universities and LAs must ensure that what is awarded via a Disabled Students' Allowance actually comes to pass and someone is monitoring how they are progressing. That would be one way for the Government to show it really does want disabled students to reach their potential. Another option would be to provide an additional non-means-tested maintenance grant (not loan) to recognise that disabled students usually cannot supplement their loan through additional paid work.
- 4.11. Let's not forget the Government's stated aim to cut the disability employment gap and the great odds a disabled young person will have had to surmount to get to university in the first place. Maintaining the EHCP at university level will go a long way to addressing this.

#### 4.12. **The Disabled Students Allowance**

But doesn't the Disabled Students Allowance already level the playing field for disabled students? Why do they need an EHCP as well?

The DSA is very useful and can provide all sorts of support from mentors, to learning support tutors or assistants, to laptops, ergonomic equipment, lecture recording devices and so on. This is arranged through an assessment before university. A student marks on their loan application that they have a disability and they are then contacted for the assessment. It's much less stressful than applying for an EHCP and sending them the existing plan can help ensure the right support is funded. However this only considers educational support, and very few students who have an EHCP only need support educationally.

4.13. So the funding may be in place for their educational needs, but once the student gets to university, they are often expected to arrange their learning support themselves and the university disability support team can sometimes not be as helpful as they might be. They won't usually chase the student – it's up to them to attend lectures on time, study skills sessions, and be upfront about what they need. The student will also be completely responsible for their health and social care needs with no support from or integration into the university support. This means that pupils often completely lose their health and social care support at university, despite the likelihood that their support needs have increased because they are living independently.

4.14. Parents will not be involved unless the student explicitly tells them, in writing, that it's okay for this to happen – an email is sufficient, a legal power of attorney is better. But a parent can only do a limited amount from potentially far away and the universities close to home might not offer the course desired.

4.15. Some young people need reminders about lectures or a knock to ensure they can get up and get organised in time. However, getting up and organised in the morning, including things like taking medication, is considered to be a social care support need, not an educational one. A student 'buddy' is already often provided, but they are not permitted to support students with social care needs. Also, students are expected to organise their own educational support. This becomes an insurmountable barrier for students who are getting support for poor organisational skills! If the student fails to attend a support session twice in a row without giving 24-48 hours' notice the support is then removed, even if it is the student's disability that caused the non-attendance.

4.16. Students are expected to identify their own educational, health and social care needs and ask for help when they need it. This is not possible for many disabled students, so they fail to access the support they need.

4.17. This is how a student falls through the cracks. If the support offered isn't suitable or isn't working for them, they have to speak up and get it changed, but while some might manage this, others would just cease to engage rather than face a difficult situation. So the support goes unused and no one in authority cares because they don't have to.

4.18. **How could an EHCP help?**

The point about the EHCP is not so much about money, it is that it's a STATUTORY document. This means while the funding would come from central government as with the DSA, a university would have a legal imperative to ensure that the support is actually provided. It gives them a responsibility to make sure that the student is definitely receiving the support that has been funded.

4.19. Whether a private institution such as a university can be compelled to do this is, of course, another matter— it's usually a public sector duty, so the onus will still have to lie with the LA. If the young person is having trouble navigating university life because of their disability, there must be some way the university could be legally required to provide the help in the way that the student can access it. That's a lot more difficult – and useful – than saying 'this is what we provide and what you've got the funding for, take it or leave it.'

4.20. Some university disability teams are indeed brilliant, dedicated, and responsive, but again, only to the student's educational needs, there is still no one looking out for their other needs. Some students who got little support at school have found accessing the DSA to be a revelation. But many universities are not as good and why should a student have to choose a university based on its disability support rather than on the courses and experiences it offers? And if a university offers great support, they have nothing to fear from an EHCP.

4.21. With a legal requirement to provide what's in an EHCP, the university would have to look at the young person holistically, not just academically. Support agencies would have to be coordinated by the disability team and work together. Parents would be able to have more input (with the young person's consent). The university would have to stay in regular contact with the young person, rather than wait for them to ask for help. Life skills input could be included in a plan to ensure living away from the

family home didn't mean they couldn't manage to eat properly or fail to take their medication.

- 4.22. A social care assessment would come as part of the transition to university, meaning a young person who may not ordinarily be able to access one could have a personal budget. This could be used to fund someone to help them physically, as is already the case for some with physical disabilities, but it would be coordinated within a plan. It could also be used to support a young person with transport, socially, to keep their room in order, food shopping, get laundry done or anything that would provide backup to help them to succeed at university.
- 4.23. The university disability department would be in charge of coordinating what was needed, in co-production with the home local authority and the required health services and of course, the student and their family. It's an Education HEALTH and CARE Plan, after all.
- 4.24. There is other legislation such as The Care Act that will come into play. But this should only strengthen the rights of the disabled young person to ensure they get through their university years. And that's what everyone wants, isn't it?
- 4.25. **Can't disabled students just learn online?**
- Covid has meant that this has been the case for everyone, whether they have additional learning needs or not. And of course, some disabled young people may prefer to be at home and have an online learning experience, complete with the support of their parents and the comforts of home.
- 4.26. But Covid has shown that for many, the in-person experience is vital and being alone in their room for study means that no study gets done. It can also be detrimental to mental health, as we have seen across the board. But an EHCP would be just as valuable, even if home learning was the preferred option.
- 4.27. The rule change flies in the face of any government claims about wanting to support disabled people to reach their potential. It effectively says we want you in unambitious work that you don't need a degree for unless you have rich parents who can support you financially.
- 4.28. The SEND Review is an excellent opportunity to include higher education in EHCPs and truly support disabled young people to achieve their potential. It would say, *we have the highest of ambitions for you and we will put our money where our mouths are to prove it.*

- 4.29. Additionally, offering a disabled students' maintenance grant or allowing PIP or an EHCP to be a passport to an LCW assessment would also go some way to righting the DWP's egregious wrong on universal credit.

## **5. Greater response to Speech, Language and Communication Needs**

- 5.1. It is essential that children and young people have secure receptive and expressive language skills for them to access their learning and for successful social integration. Vocabulary at age five is the most important factor affecting literacy at age 11 (Save the Children, 2016), and is also associated with improved mental health and employability into adulthood (Law et al., 2009). Currently, one in five children arrive at school lacking the expected communication skills (Children's Commissioner, 2019) and two children in every class of 30 pupils will experience language disorders severe enough to hinder academic progress (Norbury et al., 2016).

- 5.2. We are concerned with the lack of ambition and detail provided to address children and young people's speech, communication and language needs (SCLN). At present, many speech and language needs are missed in schools, as teachers have received inconsistent training on SCLN (Bercow, 2018). This is not helped by the fact there is no statutory requirement to report on progress in children's spoken language beyond the age of five and the removal of Speaking and Listening's own programme of study within the national curriculum change.

Government data confirms teachers' inconsistent ability to identify speech and language problems, especially at secondary level (Special educational needs in England, 2022). Between the years 2016 and 2021, 196,966 primary schools, compared with only 44,599 secondary schools identified SCLN in their schools. The difference between these figures is staggering. What happened to the 152,367 with SCLN identified at primary school that were no longer identified at secondary? It is very unlikely that this number of students' needs improved in the summer holiday between Years Six and Seven. This also raises questions on the effectiveness of primary to secondary school transitions and the way pupil SEND records are transferred.

- 5.3. Unfortunately, as Professor Courtenay Norbury confirms, when SCLN are not identified correctly, teachers and schools misinterpret students' actions as 'naughty' behaviour and this means that those with

unidentified SLCN are much more likely to be excluded from school (Royal College of Speech and Language Therapists, n.d).

- 5.4. Schools currently receive inconsistent support from local Speech and Language Therapy services and the Children's Commissioner in 2019 reported that local authority spending varies considerably. Taking these factors into account, Special Needs Jungle recommends the following:
- 5.5. All Teachers should receive SCLN training that helps them to identify and support those with SCLN.
- 5.6. Increase national spending and accountability for Speech and Language services so more Speech Therapists can work regularly in schools. Leaving SCLN to poorly trained Teaching Assistants will not improve provision.
- 5.7. Create consistent national measures for assessing SCLN so progress can be compared between Local Authorities and regions.
- 5.8. Return Speaking and Listening to the National Curriculum so it gets more attention.
- 5.9. The charity, ICAN recently wrote on [Special Needs Jungle](#):

*"We are asking the Government to develop a strategy for children's speech, language and communication that works across government departments. The strategy should include: resourcing for targeted interventions, training for the children's workforce, and adequate specialist speech and language therapy support for those children and young people who need it.*

*"The new health Integrated Care Boards must plan locally with education partners to ensure that support for speech, language, and communication, spanning low-cost interventions delivered in schools, to specialist support from speech and language therapists, is available for all children."*

#### **References to support this position:**

- Bercow, J. (2018). Bercow: Ten Years On: An independent review of provision for children and young people with speech, language and communication needs in England. London: ICAN.  
<https://www.bercow10yearson.com>
- Children's Commissioner for England. (2019, June 11). Too many vulnerable young children are missing out on the vital speech and language help they need to get ready for school.  
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<https://explore-education-statistics.service.gov.uk/data-tables/permalink/a31f16c-39c0-4a00-8f88-776bc166433c>
- The #SENDReview must embed Speech, Language and Communication skills across education, especially teacher training - Special Needs Jungle  
<https://www.specialneedsjungle.com/send-review-must-embed-speech-language-communication-skills-education-teacher-training/>

## 6. Multidisciplinary Teams – the benefit of different perspectives

- 6.1. At present, because of local authority funding restrictions, services supporting children and young people with Special Educational Needs are patchy, and not very integrated. The waiting times between appointments are lengthy so even if a Speech Therapist reads an Occupational Therapist's report, it may not be up to date (Petela, 2018; Royal College of Speech and Language Therapists, n.d). Research shows that integrated, multidisciplinary teams, working together serves children and their families best (LaFrance et al, 2019; Petela, 2018). This is because each discipline has a different approach and can therefore provide new insights (LaFrance et al, 2019).
- 6.2. Taking these factors into account, Special Needs Jungle recommends that the SEND Review considers the benefit of multidisciplinary

communication to improve outcomes. We recommend that national funds increase so multidisciplinary teams can work together and meet at EHCP review meetings to ensure that their approach is fully integrated.

### **References to support this position:**

- Multidisciplinary teaming: Enhancing collaboration through increased understanding. Behavior analysis in practice, 12(3), 709-726. LaFrance, D. L., Weiss, M. J., Kazemi, E., Gerenser, J., & Dobres, J. (2019).  
<https://pubmed.ncbi.nlm.nih.gov/31976281/>
- Petela, S. (2018, May 7). Royal College of Occupational Therapists submission to the Education Committee's inquiry into support for children and young people with special educational needs and disabilities (SEND).  
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## **7. Educational Psychologist Shortage**

- 7.1. The Green Paper says steps are being taken to “increase the capacity of the specialist workforce”, including funding 40+ additional educational psychologist trainees a year for the next three years. 120 new trainee Ed Psychs aren't going to go very far for 152 LAs, but it's a start. But what happens in three years?
- 7.2. One of the issues with Ed Psychs is that because of late identification, too much time is taken on EHC needs assessments rather than assessing at an early stage. Ed Psychs get fed up and leave for private practice (DfE, 2019). Will the proposals in this review change this?

### **References to support this position:**

- DfE, (2019, March 19) Research on the Educational Psychologist Workforce Research 2019  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/912884/Research\\_on\\_the\\_Educational\\_Psychologist\\_Workforce\\_March\\_2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/912884/Research_on_the_Educational_Psychologist_Workforce_March_2019.pdf)

## 8. Improving Support for Post 16-25-year-old disabled young people

SNJ welcomes the proposed transition standards and common transfer files for school leavers moving to college. We recommend that more detail is provided and make the following three proposals, echoing those called for by Natspec:

- 8.1. Young people with SEND and their families have a dedicated transition worker to support them through their learning journey.
- 8.2. Multi-agency planning for life after school/college should begin for young people with an EHC Plan at least three months before they leave, with discussions including housing, employment and continuing adult education.
- 8.3. Funding/commissioning systems should allow a gradual tapering off of education and increased support from adult social care over their final year.

### References to support this

- Post 16: What's in the #SENDReview Green paper for 16-25-year-old disabled young people? Special Needs Jungle  
<https://www.specialneedsjungle.com/post-16-sendreview-green-paper-16-25-year-old-disabled-young-people/>

## 9. Including SEN Support in primary legislation

- 9.1. SEN Support should be moved to primary legislation, as the equivalent is in Wales. Too often, parents are not informed that their child is on SEN Support and so have no input. Currently, there is not enough detail in the 2015 SEND Code of Practice about how to determine when a child should be placed on SEN Support, which, considering the lack of SEND training in schools, explains why so many children's emerging needs are missed.
- 9.2. The document recently produced on reasonable adjustments and the SEN provision that should generally be available within schools needs to have statutory force.
- 9.3. There is also not enough information about what good SEN Support looks like in the SEND CoP.

- 9.4. The government has already announced £45 million plus for “targeted support” for SEND learners and it is good that the Universal SEND Services contract is starting. We are looking forward to being involved via the advisory group and seeing how this develops. We would like to know how you will know that you have got value for money here.
- 9.5. Delegated funding has not increased since before 2009 and so is worth far less now than it was. It also often does not get used for SEN but to backfill other funding gaps in schools such as repairs and basic supplies. Often, the SENCO never sees a penny of it. How are they supposed to support children like this?
- 9.6. Crucial for SEN Support is the role of Teaching Assistants. It is important to set out clear guidance on the effective use and deployment of teaching assistants to support children and young people with SEND as part of an updated Code of Practice.
- 9.7. Without being enforceable, schools are less inclusive. We are told that including SEN Support as a statutory requirement can be achieved by amending the Children and Families Act 2014, which should be a relatively simple matter and would be a big improvement for children

## 10. Health

- 10.1. **ICS:** How will the new Integrated Care Systems & Boards play a more active & effective role in contributing to SEND provision? One of the biggest failings of the previous reforms was the lack of health input in planning and implementation and, subsequently, the lack of effective health input in most EHCPs in particular mental health. There is insufficient information here and with the new Boards being an unknown quantity in practice
- 10.2. **SEND NHS Health Liaison:** Another proposal without consultation question is to move the DCMO role to a statutory requirement. This is welcome, particularly because, in a number of local areas, this role went unfilled for years.
- 10.3. **Mental Health and wellbeing:** We acknowledge that the Green Paper does include various mental health proposals and since the pandemic, we are in the midst of a deep mental health crisis. CAMHS cannot cope, offer little help for autistic children and the criteria for access seems to be an active suicide attempt, and in some cases, even this isn't enough. Time and again plans for transformation have been announced and cash poured in, but where it's ended up no one seems to know. [A March 2022 policy paper](#) does not seem to have been actioned. Now, in the post-lockdown period, it would be a good idea to

ask parents what kind of support their children need to ensure that the right support is delivered in the right way at the right time. It can only be hoped that this time, with these proposals something positive actually will happen, but it is difficult to have much faith going on past actions (or lack thereof)

- 10.4. **Assistive Tech:** If you want to increase inclusion, you must improve access to and training for assistive technology in schools
- 10.5. **SEND Governance:** The DfE needs to update the SEND Code of Practice to strengthen the relationship between the SEND governor and the SENCO.

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## Responses from parents/SNJ readers

***NB: These views are those of parents for whom we have acted as a conduit for their response to the Green Paper. The views expressed from here are not necessarily those held by Special Needs Jungle.***



1. Children and young people's rights will be reduced. This green paper sets out proposals that risk diluting their entitlement to provision that meets their INDIVIDUAL NEEDS.
2. Children will be less likely to be considered as individuals - The send green papers seems to envisage a system where a child or young person is either a MAINSTREAM pupil or a SPECIALIST needs pupil, BUT THAT IS NOT HOW THEIR INDIVIDUAL NEEDS ARE MET.
3. The current system is only in difficulty because those professionals routinely and flagrantly flout the law. This is not the fault of parents and carers. We are only ever wanting to ensure that our child's individual needs are recognised, assessed and supported. This country is ageing and it must have a young generation who are fit to step into the workforce. To fail our SEND children so catastrophically and to damage them irreparably, is simply creating a social care problem.
4. This paper is not about children and their future, their education, their lives, or their mental health. It is a cost-cutting exercise where the only people taken into account are those in power (LAs and Educational Providers) who failed to apply the system currently in place. By those who

view EHCPs as a threat, because they may have to do some work. For those only interested in exam passes and compliant, docile behaviour.

5. It is an aberration but no more than we would expect from this government of criminals.



1. I strongly disagree with these proposals, which will have an overwhelmingly negative impact on children and young people with SEND.
2. The green paper has wrongly diagnosed the problem. The problem is not that children are receiving too much provision, or that there is too much discretion, or that SEND children aren't achieving on normal academic achievement pathways (which might be completely unrealistic for them). The problem is that local authorities routinely flout the law with no consequences, refusing to provide the support that children need and are legally entitled to, and they are not held accountable. The green paper fails to acknowledge this fundamental fact, let alone try to address it. The proposed solution is to say that rather than making LAs deliver children's legal rights, those rights will be taken away so that LAs no longer have to deliver on them in the first place. And for good measure, they will make the process of appeal even more difficult than it currently is, so that parents can't challenge this.
3. As Special Needs Jungle says, if burglars won't stop burgling, you don't change the criminal law. But that's what's happening here.
4. The attitude of the government: Will Quince has now resigned, but his appearances on the Special Needs Jungle webinars and elsewhere were deeply worrying as they plainly revealed that he wasn't listening and didn't want to hear any of the concerns being expressed by so many families and organisations in the SEND field and beyond. I hope that the new education ministers will not be so closed-minded and cloth-eared.
5. LAs as 'champions': In the green paper itself, the sentence "Local authorities are uniquely placed to be champions for children and young people with SEND" betrayed the government's total lack of comprehension of what LAs have been doing for decades, and will have been deeply offensive to many parents who have spent years battling against their local authority to get the support that their children need and are entitled to.

6. The “case studies” in Chapter 3 are completely self-serving and disingenuous. The needs of “Sophie” and “Daniella” would be fully met under the current law if it was followed correctly. Under the national standards and restricted school choice proposals, there is a strong likelihood that their individual needs would not be met.

7. Increased demands on teachers:

The proposals seem to rely on teacher training almost by itself to achieve “excellence” in mainstream SEN education. Training alone is not enough. It also takes:

- a. Experience: “Excellent” teachers take years to develop. They can’t be wished into being overnight. This will take not just training, but experience.
- b. Capacity and resources: Training is not enough if you lack the time and resources to apply it. Teachers are already overworked, overstretched and under-resourced. There is a limit to what even the best-trained teacher can do to directly support an SEN child who needs lots of close adult attention and a highly differentiated curriculum if they are the only adult in a classroom trying to teach 29 other children (some of whom have issues of their own) at the same time. A friend of mine is a primary school teacher; at one point she had two ASD children in her class and no TA. The children wouldn’t sit down, so she was told by the educational psychologist to offer them a choice so they feel more in control – “do you want to sit in the red chair or the blue chair?” Her response: “What am I supposed to do with the rest of the class while I’m negotiating over the colour of the chair?” Knowing the right strategy won’t help if you don’t have the time, capacity and manpower to implement it.
- c. Decent pay and incentives: Teachers are already overworked, overstretched, under-resourced and underpaid. And the government wants to put yet more demands on them? Placing these extra expectations and demands on teachers may be demoralising; for some, it could be the last straw before leaving the profession.

8. Time-bound support: I’m concerned by the word “timebound” which is used quite frequently. There seems to be a presumption that support should be for a time-limited period. But most children with SEND need ongoing support for their ongoing needs.

9. Annual reviews: We don't need new rules about reviews – there are already clear rules around annual reviews. The problem is that they are not followed and deadlines are routinely missed, often by many months or even years. The government wants to override the Devon JR judgement – I disagree; If the LA has accepted, on the basis of the evidence produced at the AR, that the child is currently getting the wrong provision and this needs to change, then (a) they should already have the information to draw up those amendments, and (b) they must do so as quickly as possible – the more time that passes, the longer the child is left with inadequate provision. Four weeks is long enough.
10. I disagree with the proposal that at each review, there will be a requirement to consider ceasing the EHCP. If a child's SEN is significant enough to need an EHCP, it's highly unlikely that's going to change. Looking every year to take the support away is wrong.
11. The system will be “less adversarial” only because if rights to individualised support and to school choice are taken away, parents and young people will no longer have a cause of action when things go wrong. Furthermore, the system for seeking redress will be so much longer and more stressful due to the extra stages being added in that many more parents will simply be unable to face the fight. The way to make the system less adversarial is to make sure that the law is followed so that parents don't have to fight in the first place.
12. Numerous leading SEND organisations such as SNJ, IPSEA, CDC, Contact, SNJ, SOS:SEN, Disabled Children's Partnership, Ambitious about Autism and the Down's Syndrome Association have explained clearly why these proposals will lead to worse outcomes and worse experiences. I urge the government, when it weighs up how many people are for and against this proposal, to consider and to make public who is for and against it. If you find that parents and SEND organisations are overwhelmingly against and LAs are overwhelmingly for, this will tell you all you need to know.



1. There needs to be school provision for ALL in the places where children live. No child should be required to travel to another county to attend school. School is stressful enough for the average child but SEN children have so much more to contend with especially if it requires a taxi trip. SEN kids should be close enough to allow a parent to drop them off. Academies shouldn't mean that bases are closed or SEN kids are getting

less than they deserve. We need to provide what they deserve, not what is cheapest.



1. We had to wait and wait and wait for this Green Paper...and this is it? Clearly written by those with no expertise or lived experience, clearly written about budgets and aiming to erode the law. This will not improve outcomes for children, it will do untold damage to lives and livelihoods.
2. The Green Paper is trying to make something work in a system that doesn't work. Education is broken for ALL children. No amount of academies, changes to the secondary exam system, focus on reading/writing/maths for children in preschools, is going to improve anyone's life chances. Neuroscience exists already, the practice that DOES make a difference to all children exists already - and in the schools of many of our former European partners, but the government stubbornly refuses to listen or to be truly radical. Instead, we've waited for this...frankly, I'm terrified for my child who has already been so badly failed by teachers, health services, the local authority, to the point I am on daily suicide watch for him. He's just 9 years old. He made his first suicide attempt at age 6 BECAUSE OF HIS SCHOOL (this has been proven, thanks). I regret the day I ever sent my children to school. The beautiful, clever, curious and amazing twins I was once mum to are now anxious, poorly, and frequently distressed and fearful little children. We can never repair that damage. It is too late. Every time I look at my son, I drink him into my memories because I know I will not have many more years with him: he will kill himself eventually. The trauma, the abuse, and the lack of any relief or escape are more than any typically developed adult could live with, let alone a small, autistic child. I hope you are extremely proud of all you have done to my child and thousands like him, and that you get to enjoy your life. Please think of us cutting our beautiful boy down from a noose every time you go along with this Green Paper and believe it holds solutions."



1. The burden on parents in the EHCP and tribunal process is unacceptable. The cost to provide necessary reports adds to the stress to families and the cost of the LA including barrister costs is a waste of taxpayers' money. There must be a more satisfactory way of getting a child in an appropriate

educational environment. There are laws in place to cover many aspects of the current system. These need enforcing rather than changing. Most of all this bill should be prepared by people who understand the needs of SEND children, not just cost-cutting politicians. There are savings to be made by enforcing the law and creating specialist facilities that can still manage integration.



1. The Green paper is suggesting ways to reduce provisions and make it harder to obtain the right support for SEND. Rather than uphauling all current legislation, why find a way to reduce tribunal appeals etc by holding those LA not adhering to the law accountable for their actions.
2. Perhaps those in the LA making the decisions around SEND need to have specific qualifications and training on relevant legislation and SEND? Or even experiences working within mainstream and AP/ Specialists settings.



1. Post 16 support – I worry that levels of support for my child will diminish after they reach the age of 16, both in the education/training available and in their rights to LA transport to school/college. I would have welcomed a consideration of these issues.
2. Future availability of specialist staff – I worry that there is no national planning to make sure we have enough EPs, OTs and SALTs being trained to meet the numbers needed nationally in future years.



1. The green paper is complicated and even though I am well educated to degree standard I have found it hard and lengthy – what efforts have been made to gather the views of parents/professionals who either do not have the time to respond or who lack the understanding. At certain points in the paper, the proposals seem to lose track of the focus which is the child so I would like to know how that can be remedied and ensure that all the people working on the legislation have been trained to bear that in mind.
2. Consultations are often one way in my experience and it would be good to know that I will hear about the outcome of this consultation without

having to search and find the information myself and that it will be timely and available in easy-to-understand formats.