

Question 5: How can parents and local authorities most effectively work together to produce a tailored list of placements that is appropriate for their child, and gives parents confidence in the EHCP process?

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SNJ's response to Question 5

1. **This is a terrible idea and should be dropped.** It is removing a parent and child's rights to express a preference for a school of their choice that is enjoyed by every other child. It is legally questionable and only slightly better than the idea that the LA should choose a single school.
2. Every local authority should already have a list of schools on its own website and on the Local Offer. This should include all the special schools, both LA and independent, in the area and what needs they can support.
3. While it may, on the face of it, seem to be helpful to those parents who have trouble identifying the right school, in actuality, this proposal is very concerning. It is, in our opinion, an opaque way of removing choice for parents and young people.
4. Who would be making this list if it isn't the local authority? Who would decide whether a particular school would be suitable? If a parent thinks it is and an LA thinks it isn't, who wins? Would they have to wait to appeal - that is after a protracted mandatory mediation process? How will an LA know where all the specialist provision is? What happens if the schools the LA suggests are not well-regarded, or who have a poor Ofsted rating, but are cheaper?
5. The Green paper does say they would create a shortlist together with the parent but practically speaking, the LA holds all the cards. It is not difficult to foresee a parent being told that this particular school isn't appropriate or is "full", or wouldn't be named as it's too expensive and wouldn't make the shortlist. The balance of power is in the hands of the LA and with a local authority officer who may well never have met the child. Evidence from Tribunals shows that LAs regularly "misunderstand" which schools are appropriate and their choices are almost always cost-led.
6. If an LA wants to create a list to *support* a parent to shortlist schools, they can already do so, but a parent has a right to ignore them and choose their own, informed by other parents, local and online support groups.
7. At present, an LA very often writes "mainstream school" in Section I - even in a draft, when they have no business in doing so. They do this because they know—and hope – many parents will not understand that they do not have to accept this. We believe that this practice should stop as it is not in the child's best interests.

8. The starting point for a school should be the child's needs. Too often a parent has to visit a school and hope that the SENCO will get the message that the parent does not want their child to attend and already has a good idea of the right school. How will this proposal improve outcomes for children?
9. Where a parent needs support, this should be provided by the IAS service or – dare we suggest – an Independent Supporter. Please review any research you may have of the efficacy of this role between 2014-2016, including how it improved the experience of the family and the smoothing of the EHCP process. When they were scrapped and the money put into IAS, the support they created was effectively lost and a great loss it was.
10. If a child has needs that only a small number of schools could support, and that were not within the LA's area or even local region, would the LA still insist on naming local, cheaper, inappropriate provision with the proposals in the green paper? We believe that this is a distinct possibility.
11. Additionally, while the green paper says that the proposed changes won't impact pupils already in specialist settings, they will apply to future decisions about school places. At every annual review, an LA can decide to amend an EHCP, including amending the school named in Section I. LAs may decide, should this become law, to review quite a number of placements with a new "tailored list" thus throwing children's settled education into chaos and crisis, all in the name of saving money.
12. While the proposals also say LAs will have the power to direct an academy to admit a child with SEND, these schools would still be able to appeal to the schools adjudicator. It's unclear how the schools adjudicator's decision-making powers would interact with the SEND Tribunal's powers.
13. Where it says in the Green paper, *"The local authority will allocate the first available place in order of the parent's or carer's preference and this school will be named in the child's EHCP."*

This sounds like moving towards the Common Admissions Process for children without an EHCP.

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. A school needs to be identified to meet the individual child's needs and not because the school is within the borough or within budget or on an already agreed list of acceptable schools.
2. Requesting a suitable school out of the borough - which parents think would be able to meet need - will become even more difficult than it already is. Some boroughs (mine included) do not have sufficient SEN places so it is necessary to look out of borough for suitable provision.
3. Placing or forcing a placement on a child that is not suitable will inevitably lead to a placement breakdown, school refusal and unnecessary distress to the child and parents.
4. LA's should provide a list of schools they feel MIGHT be able to meet needs but need to listen to parental preference and reasons why they have chosen a specific school.
5. Parents who are new to the EHCP process will also be disadvantaged and feel that they have to choose a school from the list provided.
6. How will the LA ensure that the list of pre-agreed schools will have enough places?
7. This seems to be a blatant cost-saving exercise which will obviously impact negatively on the children placed into the wrong schools simply because it is easier and cheaper for the LA.



1. Government should stop putting its budget concerns, rather than the child, at the centre of everything it does in relation to provision for SEND. It will never achieve the results it is aiming for with this approach. Parental choice should be opened up rather than restricted.

2. The quality of appropriate provision for children with SEND will not improve so long as parental choice is restricted. If the Government goes ahead with its plan to further restrict the choice of parents, it will not be providing parents with the opportunity to make an 'informed preference' but will be offering 'Hobson's choice' between lesser quality options offered on the basis of lowest cost rather than on what is most appropriate for the child. Far from improving relationships between LAs and parents, such a patronising approach toward parents is more likely to aggravate them.
3. More importantly, opportunities for children with SEND to progress well and fulfil their potential will be further curtailed. The focus of this report should be on raising standards and quality through greater investment in provision for SEND not on reducing costs just at a time when our criminal justice system and mental health service are suffering from the consequences of decades of ineffectively met SEND needs.
4. If we increase rather than reduce the element of choice, the quality of provision is much more likely to improve. Too often, LAs send children to mainstream schools by default using a misguided concept of 'inclusion' as an excuse to make this mindless decision, leading to untold misery for children and families in both the short and long term. It is an approach that is not in the child's best interests or the best interests of anyone involved with their education. It is rather an abdication of true responsibility for the proper education of children with SEND. It does not recognise their rights to an appropriate education that would more truly accord with Mary Warnock's original intention that everyone should be included in an appropriate education within the whole enterprise of education for all. An appropriate education fully recognises children's needs for specialist support, alternative material resources and equipment and an environment best suited to their needs. It is completely false to claim that mainstream necessarily protects their human rights. This is a simplistic excuse not to acknowledge what their human needs really are.
5. Parents should be in an equal position to make the final choice for their child's education, once a full assessment of need has been done by an independent specialist or team of specialists who has no direct interest in the funding arrangements for that education.

This approach may be more expensive in the short term, but it will pay dividends in the long term and will benefit society in terms of crime, mental health and employment. It has to be remembered that parents make up a large part of the voting adult population in this country. They

will not accept being made fools of and know full well when they are for the sake of short-sighted expedient policies.



1. At annual review parents should be given a list of EVERY school rather than a tailored list. There is not enough provision in Walsall to meet complex needs. Authorities do a projection of future numbers but still fail to offer enough provision let alone a choice. The list should include up-to-date Ofsted ratings.
2. It should be made transparent what each provision costs!!"



1. I feel that a schools list should include every special school in and out of your local borough and a breakdown of cost and Ofsted rating shown.
2. Parents should be able to put whatever school they feel will meet their child's needs.



1. I fundamentally disagree with this proposal. The starting point for an appropriate setting/placement for a child must always be the child's needs, not a pre-ordained and potentially narrow list of settings that force children into unsuitable provision. LAs currently have a vested interest in pushing for mainstream settings to be named in EHCPs, due to the significant cost implications of special schools, alternative provisions, and private settings.
2. Many specialist provisions are run as businesses under the academy system, and by their nature, they will charge as much as they think they can get away with to deliver a healthy balance sheet. Under these proposals, any element of "competition" would be removed and LAs would be at the mercy of prices set by whichever provider happened to be local.
3. Furthermore, who would have the final say on which settings are on the tailored list and whether a particular setting is appropriate for a particular child? How will the government ensure that LAs will genuinely

engage with parents to agree on the best option for their child, and what if the LA doesn't have a suitable provision on its list?

4. How often will these lists be reviewed and updated? Many parents have to fight tooth and nail to get a suitable provision for their children, because it is a) specialist b) out of borough c) expensive, but the child's needs can't be met within any other settings. This will force even more parents/carers of children with SEN to home educate due to the LA failing to meet needs because of a restriction to a list.



1. I strongly disagree with this proposal, which will tear up the existing right to request and be given a place at a particular school subject to the conditions in s39(4) CAFA.
2. School choice is one of the main areas of disagreement between parents and LAs, and LAs often try to force children into unsuitable schools. Tailored lists will make this worse and put more power in the hands of LAs.
3. Parents know their children best. The LA officer who draws up the list won't know the child at all. They will be drawing up lists according to tick-boxes and which schools can make the standardised provision, rather than what's right for the individual child.
4. How can LA's 'work with' parents to draw up the list - this means that parents will be given a chance to say what they want, and then the LA can ignore what they've said. Massive power imbalance in who gets the final say on which schools go on the list.
5. Most parents know which school they want for their child. They don't need LAs to tell them.
6. If they do need some help from the LA to identify a suitable school, they can ask for it. The LA could be required to give information on a list of possible local schools if the parents request this - but without limiting the parents to ONLY those schools.
7. What if there are no suitable schools locally? In many parts of the country there simply aren't any special schools, or there aren't enough places.

8. This is one of the worst and most damaging proposals in the green paper. It's disempowering for parents and takes away their rights and choices. There are no benefits whatsoever to families and children.



1. Let us be very clear, this proposal is really about ensuring that budgets are balanced. It de-centres the child and their unique and individual needs from the process of identifying a school - a process greatly helped by the ridiculous notion of standardising EHCPs - and then will look to force families into selecting placements that may well not be appropriate but are the only options on the list.
2. Every time a child's placement breaks down, you damage the child and their family further. This ERODES trust. Placement needs to be the right fit at the right time, and all options need to be open to exploration. Pre-emptive narrowing of options doesn't speed things up or make things easier for anyone.
3. Placement is the moment where the plan has to be sufficient and of sufficient quality to ensure the child will thrive, and I have no confidence that standardised plans will achieve that so I have no confidence that any list our incompetent SEND Office makes us choose from will contain realistic options for our child going forward. I think you can likely expect many families to opt for home education or EOTAS at this point.



1. Listen to parents' views as they know their child best. Get thorough reports from professionals during assessment that makes it clear what the child's main difficulties are to direct towards the most suitable and fitting setting for all of the child's needs A tailored list that the local authorities will provide will be just what is available not what is in the best interests of the child.



1. Parents currently have the right to choose a school and certain legal conditions apply. This must continue to be the case.
2. I have very serious concerns about the prospect of LAs preparing a 'tailored' list of schools. We cannot have a "'tailored" list of schools prepared by the local area as this list will be tailored to meet the interests of the local area rather than the child and reduce parental choice.
3. Rather than a 'tailored' list of schools, why not a list of every school in England, Ofsted rated.



1. Parents need trust and confidence in the local authorities - right now there is a lack of both.
2. Local authorities having the power to restrict the Education setting will not be in the child's best interest it will be in the interest of the local authorities and their cost-saving budget. This will increase the number of children being home-educated tenfold.
3. This is not working WITH parents, this is working with the budgets of the local authorities. This is not in the best interest of the child.



1. The proposal to change the process for naming a school or college in a child or young person's EHC plan and restrict the options to a set list pre-approved by the local authority is one I oppose strongly.
2. It is vital that parents have the right to request that a particular school or college is named in the plan.
3. The proposal to move to replace an open choice with "a tailored list of placements that is appropriate for [the] child" raises the obvious question of who will produce the tailored list and decide what's appropriate for a particular child. It is important that parents can state their choice and not have a pre-approved list imposed on them.
4. There are no appropriate schools in my area so my question is how many schools would even be on this list, in most cases?

5. Reducing parents' choices and allowing them to express an "informed preference" instead is taking away parents' current rights. This is a very bad idea and I presume it is being suggested as a way of saving money.
6. My biggest problem is lack of choice in the first place. There are no appropriate schools available to me locally. So what exactly is the LA (or whoever is going to write the list of options) going to suggest?
7. My daughter tried to adapt to what is available locally in junior school. She was bullied at that school and damage was done. She then moved to a specialist school in Westminster which promised to cater for her Dyslexia but it did not look after her Autism needs. The result was she suffered a mental breakdown complete with suicidal ideation. She is still recovering over two years later. This the direct outcome of trying to force a child into the wrong school. So this is not OK. We need to look after our children and provide better.
8. What is needed is a much richer offering of schools across the country. Specialist and therapeutic schools are not being provided currently. The focus should be on creating and providing these schools.



1. The wishes and views of the child/young person and their family should be a priority. This is the case for most families, so why should it be different for families with children who have SEND?
2. Often on the .gov websites, schools state that they offer 'universal' support for children with SEND. This is not a detailed response that instils confidence for families. It is too broad and demonstrates a lack of attention to detail required for some SEND needs. Therefore, assigning a mainstream school based on this (and the fact that it happens to have spaces) is lazy and ineffective.
3. EOTAS should always be an option. However, if schools were more inclusive and had a change of culture, this expensive option may not be so sought after.
4. Any change should not just be for the benefit of cost-cutting: it should address the need of the child and the young person. If there are not enough schools to address the need, perhaps the culture of the education system needs to be addressed for the benefit of everyone, not just children with SEND.



1. We cannot but think that this desire to bring in a Tailor Made list has NOTHING to do with the specific needs of a child and them being allowed their legal right to an education that is right for them and permits them to access the same educational opportunities as their peers. This seems to come from a sense of spite, that parents are actively chasing a ""Rolls-Royce standard" education for their child (this was used against us). How is this list driven by anything other than short-sighted budgeting? I would like to point out that every child who does not reach their potential or has their potential subverted by an aggressive budget-cutting policy simply becomes a Social Care problem going forward. Try considering that parents are actively trying to ensure that their child has a valuable childhood (Every Child Matters) and that they are set firmly on a path to be able to progress towards their full potential and find their place in society as valuable contributors.
2. The LAs are currently permitted to waste their budgets for SEND on costly legal battles that they start by simply refusing to apply the law of the UK as it is written. Preferring instead to blame parents for being ""greedy" or to use bullying tactics to threaten parents with claims of FII and poor parenting.
3. We toured every school setting in the local area and beyond. Every one was not right for our child and yet the LA claimed they could be by setting the potential achievements as our son for what THEY thought, rather than what the reports were demonstrating and what he wanted.
4. I challenge you to find any parent (outside of those paying for Elite schools) who want to send their vulnerable child to a placement miles away just because it's a fun thing to do. We do it because we want our children to achieve the potential we have proved is there and to undo the years of damage done by the wrong placement in the hands of people who do not have the willingness, understanding or even desire to do more than force our children to comply with behaviour standards and an ever-narrowing curriculum.
5. If you want to see the right placement in action, pop along with me to my son's next Open Day and I will show you.
6. If you can afford a Barrister to take on every parent then you can afford to spend your SEND in the correct way and LISTEN to parents."



1. The proposals are surprising for being, based on my reading of them, entirely at odds with the concept of a child / young person's needs dictating the provision that is required. Instead, there appears to be a suggestion that options will be narrowed to a list of pre-approved settings and it is difficult to see how the often unique needs of a child or young person will be reconciled with that narrow list of available settings.
2. There, therefore, needs to be a far greater focus on putting in place an EHCP that accurately reflects the needs (which is too often not the case, with LAs already seeking to implement an EHCP that matches the provision that they have in mind, rather than the need – a behaviour that is only going to increase under the current proposals), and that needs far greater respect for the views of families. Too often those views, and indeed the needs of professionals, are ignored with the result that we see so many families being forced into tribunal hearings or (at least as often) accepting an inappropriate provision that has long-term negative consequences.
3. Thus the tailored list of placements needs to be tailored to the specific child or young person, with the input of the family, and not to the area or indeed nationally.



1. Based on my own experience, I would be very concerned about accessing school based on a local list of placements.
2. It is very unlikely that each child's needs can be met in local schools and forcing the child to attend an unsuitable placement would be detrimental to their mental health and to the outcome each child deserves to be able to become an independent adult.
3. It is my own personal experience that our LA has been purely guided by budget and not by my child's needs when nominating secondary placement. LA decided that mainstream could meet needs and the school was nominated against our preferences. Access to consultation documents (that I had to force the LA to release) showed that

mainstream school had said they couldn't meet needs but LA forced them to take my child in.

4. The child now struggling with mental health and unmet needs. And my only resort is now costly private assessments and Tribunal appeal.
5. When LA has no accountability, parents (and child) are always the ones to pay.



1. This is a bad idea until all LAs have adequate provision. Nottinghamshire has almost none and the way it treats SEN children in my experience is, put nicely, not good. They fight every step of the way and seem to have a poor relationship with the truth. This would not work in our area until major changes are made



1. Parents do value a list as a starting point but this should already be on the local offer. A fixed list is not fair as it will lead to only the cheapest provision being on the list
2. Perhaps parents should instead be directed to other professionals/ SENDIASS/ a national provider for wider suggestions



1. The idea of a tailored list is a proposal over which I have grave concerns for the following reasons:
 - a. The naming of a particular setting is already the source of much friction between parents and LAs. Trying to 'pre-select' a list prior to naming a setting from that list just shifts the point of friction to a slightly earlier point in the EHCP process. I cannot see the point of this.
 - b. It is not clear who would get the final say on the tailored list and I worry that the new proposal will strengthen the already mighty

hand LAs have in imposing unsuitable settings in order to save their costs

- c. Many parents will lack knowledge or be unaware of which schools might be best placed to meet a child's needs. I worry that being presented with a tailored list will fool them into thinking the LA has done their research for them, and the LA has taken only the child's needs into account when the LA is in fact simply guiding them to the cheapest settings.



1. Given the current lack of trust that parents have in our local authority, I am not sure that shortlisting options with parents would be an easy, comprehensive and fair way to decide on options to meet children's needs. There would always be a question on who made the decision and whether it was fair and may further divide parents and carers in communities.
2. I am also not sure who this is designed to benefit as it appears to deny parental choice at the individual level and benefit only the providers and commissioners. Children with unusual/rare complex needs would be at risk of not being considered as those parents have a smaller and often unheard voice. What does a parent do if there is no suitable school on the inclusion plan? I do not consider this necessary if proper strategic needs analysis is carried out to inform the requirement of provision – supported places and provision would then reflect the need of the individual children rather than reflecting the choice of a few people on a shortlist.



1. Providing parents with a tailored list of appropriate educational settings to meet the child's needs will narrow the options as LAs will be able to omit more expensive provisions, limiting options to those approved by the LA.
2. Who will provide the list and based on what evidence?