FIGHT FOR ORDINARY

Disabled Children's Partnership

SUMMARY AND RECOMMENDATIONS

Children and young people with special educational needs or who are disabled (SEND) want the same, ordinary things, that other children take for granted

- A nursery, school or college place where they are happy, belong and can achieve
- The opportunity to make friends and take part in activities and clubs outside and after school
- The health and care support they need, when they need it

And their parents want the same, ordinary, things as other parents

- to get the support their children need without an unnecessary fight
- not having to stop work or put careers on hold
- to have time for their own friends and their own interests.

Nothing about this sounds any different to what any young person or parent would want. It shouldn't be anything special.

But this is not the reality of their lives now. Young people and parents face delays and a constant battle to get the education they need. It leads to children not getting a nursery place, missing school, lost learning and friendships, and parents having to put their working lives on hold.

> **"Every child deserves the opportunity to succeed, and the Government is committed to creating an education system that is truly inclusive".**
>
> Bridget Phillipson

We welcome the Government's commitment to addressing the failings in the SEND system. We support its aim for more children and young people to access the support they need routinely. We welcome the emphasis on early intervention and more inclusive mainstream provision in nurseries, schools and colleges. We agree that, if successfully implemented, this would reduce waiting times, make the system less adversarial, and would both improve outcomes and might reduce the number of children and young people requiring Education, Health and Care Plans.

However, the Government must not dilute existing rights and protections, or restrict access to Education, Health and Care Plans for those who continue to need them. The way to make a reality of the Government's vision is to strengthen the support for those children and young people who do not have plans and to ensure sufficient funding and effective accountability for all parts of the system. To do this, we are calling on the Government to ensure that:

1. There is legally guaranteed support for every child who needs it – not just those with EHC Plans - with the current SEN support arrangements put on a statutory footing.
2. Nurseries, schools and colleges are set up to succeed for children with SEND, with the training, tools and access to specialist advice and support they need.
3. Every local area has a plan for how they will provide a good education for the children who live there, including ensuring the right mix of mainstream and specialist placements and sufficient professionals such as speech and language therapist, occupational therapist and educational psychologists. Local areas should be held accountable for delivering those plans. Plans should be co-produced with children, young people and parent carers.
4. Children with SEND's achievements, progress and experiences are measured, so that no-one is left behind and educational leaders are required to narrow the gap between disabled and non-disabled children's experience of education.
5. There is enough money in the system, and the right funding incentives, for these reforms to work.

This is a once in a generation opportunity to make children and families lives better. But getting this wrong would make it even harder for families to get the support their children so desperately need. We cannot afford to fail even more children. The Disabled Children's Partnership is ready to work with the Government and Parliamentarians to make sure we see the right reforms - reforms which mean children and young people with special educational needs and disabilities can enjoy the ordinary things in life their peers take for granted.

About the Disabled Children's Partnership

The Disabled Children's Partnership is a coalition of more than 130 organisations. Our membership ranges from national charities to grass roots parent groups, impairment specific charities, schools and early education providers, Royal Colleges and a range of other local service providers. Our members work day-to-day with millions of children and families.

We have worked with our member organisations to develop this report and the proposals in it are underpinned by more detailed policy analysis and evidence than we could include here. While our members may have different views and place emphasis on different elements of the reforms needed, we are united as a coalition and as a sector in supporting the headline asks set out in this report. We hope that this unified view is valuable to the Government and provides a helpful blueprint for change.

FIGHT FOR ORDINARY

Ordinary expectations

Children and young people with SEND and their families just want to be able to enjoy the same, ordinary experiences as their peers. Recent polling by One Poll for the Disabled Children's Partnership found that

- 94% of the general public agree that children should have a school place where they feel happy, belong and can achieve
- 91% agree that children should have the opportunity to have friends and take part in after school activities and clubs
- 93% agree that children should have access to the health care they need and
- 81% agree that parents should have the opportunity to work as well as have children

There is overwhelming public support for disabled children's ordinary expectations to be protected by law. 88% agree that disabled children and children with additional needs should have legal rights and protections that give them the same education and opportunities as other children.

"School had said he wasn't safe but local authority said I had to keep sending him in. He was constantly being knocked over, he couldn't communicate with people, they couldn't communicate with him. It was so traumatic for him and us".

"He has autism, and we were given the names of schools that supported children with autism but he is also blind and the autism diagnosis was their focus and not the fact he is blind".

"I have not been educated for two years and one term as no tracheostomy carers available. Although the ombudsman paid out this year it does not retrospectively give me the education I needed".

What is SEND?

There are 1.9 million children in nurseries, schools and colleges in England with special educational needs or who are disabled (SEND). When we talk about children with SEND, we are referring to children with a wide range of conditions and levels of need. Deaf and blind children, those with physical disabilities, learning disabilities, autism and specific learning difficulties like dyslexia, as well as children with life limiting or lifelong health conditions would all fall within this definition.

How does current support work?

Almost 600,000 children with SEND have legally binding Education, Health and Care (EHC) Plans, which are tailored to the individual child from assessments of their needs. Their plans might, for example, include specialist learning support, therapies; nursing care; or feeding and personal care. Children without an EHC Plan should receive "SEN support", which might include targeted support such as small group lessons or interventions; additional support from a teaching assistant; or some support from specialists such as speech and language therapists.

The legal underpinning and accountability for SEN support is weak, expertise is not readily available, and the funding often inadequate. Currently, disabled children who do not have an Education Health and Care Plan can find themselves in an impossible situation. They need support, and the system acknowledges that they need support. But when they come to ask for it, too often it isn't available. Increasingly, nurseries, schools, colleges and parents find that the only way to get the additional funding and specialist support their children need is by going through the statutory education, health and care assessment and planning process.

The statutory process to get an EHC Plan is not operating as it should or as it was intended either. Local councils are routinely making unlawful decisions – in part driven by funding and capacity constraints. As a result, children either never get what professionals say they need and are legally entitled to, or they wait many months and sometimes years to get the full package of support they need to learn and thrive.

Health services too are failing to play their part in planning and delivering the right support, with long waiting times for educational psychologists, occupational therapists and speech and language therapy. The result is that parents have to battle through a bureaucratic maze, at great cost to themselves, while public money that should be spent on supporting their children is spent fighting them. But the biggest cost is to the children in the middle of all of this, who miss out on the ordinary education that every other child takes for granted.

There is currently very little scope or incentive to resolve disagreements and address their root causes. In conversation with parents, the language of the battlefield – of fights and struggles – is pervasive. That is their daily lived reality. Consequently, many end up having to turn to the law to enforce their child's rights at tribunal – and in 98% of cases the final decision is in favour of the parent. But by that time, their child may have spent months or even years without the support they need. This is wrong and serves no one well.

The solution to this is not to remove or dilute legal rights and protections; the Government must ensure proper accountability for meeting legal duties. For some children and young people, the legal process which assesses and meets their individual needs on a multi-agency basis will always be essential and must remain in any reformed system. But many children, if the right evidence-based support had been routinely in place, could learn and thrive without needing an EHC assessment and Plan.

OUR BLUEPRINT FOR REFORM– THE DCP'S FIVE-POINT PLAN

1. LEGALLY GUARANTEED SUPPORT
2. NURSERIES, SCHOOLS AND COLLEGES SET UP TO SUCCEED
3. LOCAL AREA PLANS
4. MEASURING ACHIEVEMENT
5. FUNDING AND INCENTIVES

1 LEGALLY GUARANTEED SUPPORT

Legally guaranteed support for every child who needs it – not just those with EHC Plans - with the current SEN support arrangements put on a statutory footing.

Legal guarantee to earlier support

If the Government is serious about building an inclusive education system, then children shouldn't be forced to fail before anyone will help. Children should have stronger guarantees that the right support will be there for them, earlier.This means specific new duties on nurseries, schools, colleges and councils to meet all children's needs, based on evidence-based assessments, screening or diagnosis.

To give disabled children confidence that the education system is there to support them, the Government should also co-produce a charter of rights setting out clearly what disabled children should expect from their nursery, school, college, local council and local NHS services.

Earlier identification of support needs

As should be the case now – but in practice often is not – support should be arranged based on evidence of need and not be dependent on - or delayed by waiting for - a diagnosis.

We do not think that there is a need to choose between early, needs-based help and the right to a diagnosis. Having a diagnosis can enable a host of rights and accommodations throughout a person's life, from employment to adjustments from public services. It can also help a child understand how they might meet challenges throughout their life, and what extra support they might need and seek out role models to learn from.

Planning and delivering support

A lot of the current debate focuses on the future of EHC Plans. The increase in plans is used as evidence that the current system is too expensive for councils to provide. But this argument is the wrong way round. The reason that more nurseries, schools and colleges are applying for EHC Plans is that the support children need is not happening without them. The problem is not with EHC Plans themselves; the problem is the total absence of effective, alternative routes to get children the support they need. When we want to reduce the number of people going to hospital, we know that the answer is not to close hospitals, but to increase GP appointments and services, healthcare at home and clinics in the community. We need to apply a similar upstream logic to the crisis in SEND.

Making nurseries, schools and colleges more inclusive is likely to mean that fewer children need EHC Plans. But the Government must not dismiss the value of child-centred planning in an attempt to reduce cost. One-size-fits-all solutions will not work for many children. The process behind a plan is fundamental to delivering support to children with additional needs: identifying what support needs an individual child has, bringing different specialists together to put the right support in place, and laying down in writing how nurseries, schools, colleges,councils and the health service will discharge their duties.

The planning process for children with SEND should be proportionate to their level of need and the complexity of the support that will help them. But we do believe that every child who needs SEN support should have a written record setting out the support they need and how it will be monitored and kept under review. These plans should follow the assess/plan/do/review framework that is well-established.

For most children, these plans will be held by the nursery, school or college they attend. Nurseries, schools and colleges should be able to access the relevant specialist support (such as speech and language; occupational therapy; specialist health nurses) to meet what is set down in the plan, as should be happening now under "SEN support".

But some children will continue to need EHC Plans: individual multi-agency plans setting out the support they need across education, health and social care. It is impossible to co-ordinate more complex support from educators, therapists, social workers, doctors and everyone else involved in equipping children to learn without a planning process and written record holding each agency to account.

> **"He just physically wouldn't have been able to be in a school because of the amount of medication that he needs to take, and one of his conditions is adrenal insufficiency. So he needs to have someone with eyes on him at all times. He physically wouldn't have survived in school without that document".**

> **"Before the EHC Plan, my child had stopped signing (deaf/blind in mainstream), asking for help, had no confidence, he had completely regressed even toileting. The special school has undone all that trauma. He is now confident, asks for help, signs and has friends".**

Evidence based support

Support should come at the earliest opportunity. Where available, evidence-based interventions should be provided as soon as parents and professionals have identified that a child needs support. The assessment process could be made more efficient, both through the use of technology and through defining the evidence better for provision for different sets of needs. We would like to see the Government consider how they can ensure that specialist time on paperwork is reduced without compromising the need to tailor support to children with more complex and less common profiles of need. Excessively bureaucratic and paper-based processes do not lead to speedy provision or better outcomes for children or their families.

For needs that are more common, and where there is a growing evidence base for effective approaches, such as Developmental Language Disorder (DLD) or dyslexia, we would like the Government to set out clearly what support children should be able to expect. In the case of DLD, this would include access to speech and language therapy as well as specialist teaching approaches. Clearer national expectations would help nurseries, schools, and colleges to plan provision more effectively and ensure that specialist resources are focused where they are most needed

Raising concerns

> **“We had to do it all ourselves and that led to relationship breakdowns and I can’t work. It’s so adversarial. I had to understand the law myself and find tutors myself. I had to get private reports myself. They’ve now been out of school for five years and its five years fighting”.**

The SEND system should be underpinned by simplified and less adversarial routes for parents to raise concerns or complaints and seek redress, with low stakes discussions and reconsideration options available at much earlier stages.

Currently, the SEND Tribunal gives parents a route to appeal against decisions made by local authorities, such as refusal to carry out an EHC Plan needs assessment, refusal to issue an EHC Plan, or over the content of a plan. The Government has said it has no plans to abolish the Tribunal and we welcome this. Its role is vital, both as a final measure where all else has failed, or where families can see it is the only route to resolution, so that children can get what they are entitled to.

There have been so many years of failure that we cannot take the risk of leaving a system without this legal backstop. No-one would advocate taking away the right to appeal in the criminal justice system if 98% of cases were overturned on appeal. And no-one should advocate this for children’s education either - the risk of failing vulnerable children and their families is too great.

However, accessing the Tribunal is difficult and expensive for parents, as well as a very lengthy process. There should, therefore, also be less formal, less adversarial and quicker routes open to them. Parents and children should be able to raise concerns and request a review and/or multi-agency meeting whenever universal or targeted support is not being delivered or is ineffective. And if they do, there should be a clear expectation that everyone “gets round the table” in good faith and with open minds to find a solution. More use could be made of peer reviews by staff in the same or a different local authority or another school or nursery to provide a ‘quick review’ where there are disagreements about whether schools, nurseries or councils are putting in the right support.

After that, there should be a clear route to the local authority and mandatory reconsideration processes should be put in place so that where errors are made, they are spotted quickly and without subjecting children to weeks, months and years of lost learning. The right to raise a complaint with the Local Government and Social Care Ombudsman should remain, and its remit extended to cover schools and well as local authorities.

2 NURSERIES, SCHOOLS AND COLLEGES SET UP TO SUCCEED

Nurseries, schools and colleges set up to succeed for children with SEND, with the training, tools and access to specialist advice and support they need.

Inclusive practices

Nurseries, schools and colleges must implement core inclusive practices, including universal practices to prevent needs escalating, targeted interventions for different categories of SEND, differentiated teaching and assistive technology. Relevant policies like behaviour, uniform, attendance, curriculum, assessment, homework, exclusions and extracurricular activities should include examples of reasonable adjustments, so that these become part of everyday school life. Ofsted should then inspect schools on this basis. Zero tolerance behaviour policies which do not make adjustments for children's disabilities should be prohibited.

Understanding how to change your practice to allow different pupils to learn and excel is at the heart of teaching. But children today face a lottery when they walk into their school or even their classroom whether their teacher will have been fully trained to adjust and adapt their practice to meet their needs. This shouldn't be down to chance, it should be completely consistent.

Curriculum and assessment

The curriculum must be accessible and engaging for all children, and assessments must fairly recognise progression and achievement for children with SEND. For example, different communication methods should be recognised in all subjects, so that a child who cannot communicate through conventional speech will not be doomed to 'fail' in all subjects.

All children deserve a curriculum that ignites their curiosity and engages their interests. This means ensuring accessible and differentiated materials that cater to individual needs. Assessments must go beyond a standardised "age related expectation" approach and recognise and celebrate the unique progress of each child. Progress isn't always linear, and assessments should reflect this by focusing on individual goals and achievements. The current Francis Review of Curriculum and Assessment offers an opportunity to make these changes.

Training

All staff must receive training on inclusive education at the point of qualification, and so the Government should mandate the delivery of a comprehensive suite of training to support children with SEND in the Initial Teacher Training Framework and the Early Career Framework. Training should be delivered in partnership with children and young people, parents, and SEND specialists.

Beyond qualification, all nursery, school and college staff need ongoing professional

development appropriate to the role that they have and to the children that they are particularly supporting. There should be a national training offer that allows all staff to keep up to date with evidence-based strategies for adapting teaching practice. It should also provide more specific training for staff to draw on free of charge before they begin working with a child who has less common needs, so they can learn the skills and practices they will need.

Training should build knowledge, using credible sources. It should include coaching, action planning and establishment of peer support networks so it leads to changes in practice. Some of this training could be provided digitally as long as there are live components to allow for reflection, discussion and practice-sharing.

Training could be achieved through an extra INSET day for schools before the summer term ends, so it can be based on the needs of the next year's class. It could be achieved through evening, weekend and backfilled training places for nurseries and other early years settings. The training offer should be open to leaders, teachers and support staff because all of them contribute to children's learning. A whole nursery, school or college approach should be taken to ensure it is comprehensive and is led from the top.

While training should be commissioned nationally, nursery, school and college leadership must be responsible for staff completing this training and Ofsted should check that it is happening when they inspect.

Wider school community

Nurseries, schools and colleges are not just about staff and children. The wider school community needs to understand the range of children's needs so that all families act in an inclusive way. One of the most damaging social experiences for children can be not being included in events out of school like birthday parties and playdates. Nurseries, schools and colleges should take steps to educate parents and the wider school community about SEND and the needs of all its pupils to make the wider community inclusive. Ofsted should consider whether educational establishments are taking enough care to make the wider community inclusive as part of its inspection criteria.

Parents as experts

Parents are the experts in their children's care and should be recognised and treated as such. However, many parents are unfamiliar with their child's disability or health condition when it first becomes apparent and may not know who to turn to for support. Local and national information and advice services are underfunded, so not every parent currently has somewhere to turn for trusted guidance.

Parents can gain valuable insights and strategies from connecting long-term with other families who have similar experiences to them, improving their and their child's wellbeing, which is a key requisite for children to learn. At the moment, some families manage to find this kind of support and benefit, but others never do because it is not part of the local SEND offer. Others ask for help and are sent on irrelevant generic parenting programmes, which is a waste of their valuable time and public resources. Instead of this haphazard approach, the Government should increase the funding available to provide all families of disabled children with

- knowledge of their child's condition and evidence-based strategies for supporting them at home, covering key issues like sleep and toileting; and
- practical information and advice, locally and nationally, for how to navigate the support system, including requesting extra help in education, benefits, transport, health and care;
- holistic family support, including for siblings, and connection to other parents who have had similar experiences to reduce isolation and build resilience;
- connections to charities and other sources of advice and expertise.

Evidence-based tools

Teachers need access to the best evidenced based tools to support them on the job. Currently, schools usually buy tools from private providers at the point a need is identified in a child's plan. When multiplied across thousands of nurseries, schools and colleges, this individual level procurement becomes a waste of public funds.

To create cost efficiency, the Government should commission a range of resources to support identification, inclusion and classroom adaptation, which should be available at no cost to all nurseries, schools and colleges. For the same reason, teachers should also be able to rely on a pool of local SEND specialists to help them meet pupil's needs.

The role of the specialist sector

The specialist sector has a key role to play, both in providing places for children who need them, but also in sharing their expertise and resources with mainstream nurseries, schools and colleges.

The Government has signalled its support for the increased use of resourced provision and special units in mainstream schools. Such provision can have a key role to play if it is implemented in the right way with the right resources and specialist skills. The Government should introduce clear guidelines and accreditation scheme for such provision.

Taxpayers have a right to know that specialist provision really is specialist and Ofsted can never provide that assurance. Accreditation specific to each specialism can do this. DfE has previously provided start-up funding for one accreditation service and this should be extended to all other areas of SEND provision.

Specialist support in every area

The responsibility isn't all with nurseries, schools and colleges. We hear from teachers who tell us that they can't get the extra support they need from key professionals like educational psychologists, occupational therapists, speech and language therapists and specialist teachers. If disabled children should expect timely packages of school-based support, professionals will need to be on hand to support nurseries, schools and colleges to deliver them. Yet, shortages of these professionals are widely acknowledged and a postcode lottery exists.

Every council and integrated care board needs to establish a dedicated multi-agency team of professionals, appropriately staffed and resourced for its local population, that can support teachers and children in mainstream nurseries, schools and colleges. All publicly-funded mainstream nurseries, schools and colleges in a council geography should be able to draw on the support of these teams, regardless of whether they are maintained institutions or academies. This will end the fragmentation of commissioning which is wasteful. With these teams in place, mainstream nurseries, schools and colleges will be supported to create inclusive and supportive environments.

To support these multi-agency teams, the Government must ensure that there is guidance in place from the National Institute for Health and Clinical Excellence (NICE) about every health condition relevant to children with SEND and robust accountability mechanisms to ensure it is followed. This is not currently the case and leaves health and education professionals, children and families in an unfair and uncertain position as there is no clarity as to what they can expect to provide or be provided and means that decisions to withhold healthcare can be taken without evidence, which risks long-term value for money for the state and the taxpayer.

Recruitment and training of specialists

Sadly, there are nationwide staffing shortages across a wide range of specialists. In some fields, many professionals have moved into private practice, where they have more freedom to provide the help they know that children need. The Government needs to test out different methods to deliver more therapists, Educational Psychologists and specialist teachers and be open-minded to previous approaches (e.g. bursaries) and new approaches, to find out what works. The Government should also commission research among practitioners who have moved into private practice to understand what drove them to move out of public services and what would encourage them to move back into the public sector.

The Government should review the current range of specialist teaching qualifications. While the qualifications for some specialist teachers (eg teachers of the deaf) are well-established, there is no consistent approach to specialist qualifications for teachers of many other children with SEND. Nurseries, schools and colleges need the assurance that a national framework can give, as do children and their families.

Successful transitions

Mainstream nurseries, schools and colleges, specialist schools, and alternative provision must work together to provide a seamless support system, to share expertise and resources, and with clear, transition arrangements for children as they move between different institutions, both at age-related points and where they move between the mainstream and specialist sectors.

3 LOCAL AREA PLANS

A plan in every local area for how they will provide a good education for the children who live there, including ensuring the right mix of mainstream and specialist placements and sufficient professionals such as speech and language therapists, occupational therapist and educational psychologists. Councils should be accountable. Ofsted should review local plans as part of local area inspection. Plans should be co-produced with children, young people and parent carers.

For too many years and for too many children, "inclusion" has been a buzzword, not a reality. To create a truly inclusive education system, the Government needs to make sure that there is comprehensive planning (and action) at the individual level, the nursery, school and college level, and at local council level.

Local area plans

The current SEND Code of Practice includes guidance and expectations on the joint commissioning of services between local councils and the NHS to meet the needs of children with SEND in their area. However, these are not operating as they should and must be strengthened. The Government must require councils and the local NHS bodies to create local inclusion plans. Councils need to plan ahead to work out how many children will need what kind of nursery, school or college place and then commission the right mix of mainstream and specialist provision. The plan needs to reflect real local data and meaningfully involve parents and children in its creation. At a minimum, every plan should set out how - working with local academies and multi-academy trusts - they will make sure that nurseries, schools and colleges in their area are inclusive, what support services they will commission, what staff they will need, and how they will monitor their progress.

Inclusion starts in the early years, so council plans must be clear how they and their partners will support their nurseries to meet the needs of children with SEND. Council plans should be the basis for strengthened joint commissioning frameworks to provide holistic support, with a requirement on all commissioners to promote the wellbeing of children and young people with SEND. There should be regional commissioning of specialist provision, including support for mainstream nurseries, schools and colleges, for low incidence and complex needs.

Nursery, school and college plans

To make sure that every nursery, school and college in every area is inclusive, every mainstream setting should be required to create its own inclusion plan, detailing the different types of support it will give pupils and how it will monitor implementation. The Government

should provide templates for institutions' plans, to ensure consistency and support governors in their scrutiny role. Contents could include key areas such as an overview of current pupils' needs, predicted future need based on local information, data on children's outcomes and experiences, complaints data, existing training provision for staff and universal and targeted provision as well as future plans and budget allocation. Plans should include an assessment by the leader of the nursery, school or college to give assurance of whether the mandated universal and targeted support is in place and whether all provision in individual plans is in fact being implemented, with an option to highlight any gaps to governors and actions being taken where there are gaps. Children and young people with SEND at the nursery, school or college and their families should be involved in the creation of these plans. The plans should be signed off by the governing body or proprietor, reported to parents and made public.

Assessment of nurseries, school and colleges' plans and their effective implementation, including in terms of outcomes achieved by children and young people, should form a key part of Ofsted inspection judgements. Similarly, area-wide plans should be assessed by Ofsted in the joint area SEND inspections.

4 MEASURING ACHIEVEMENT

Children with SEND's achievements, progress and experiences to be measured, so that no-one is left behind and educational leaders are required to narrow the gap between disabled and non-disabled children's experience of education.

The ways that we measure success in education are too blunt. They focus too much on a narrow definition of linear attainment. They do not recognise how children progress in different ways; they miss out so much of what learning and childhood is about; and they ignore the progress that many disabled pupils achieve through their hard work and determination. A wider range of data should be collected, including measures of children and young people's engagement and belonging; on their experience of education; and of progress across a range of metrics.

As a starting point, current Ofsted pupil and parent view survey data should be broken down so that all nurseries, schools colleges and councils can see the gap between the experiences of children with SEND and other children. This dataset captures key information like whether children feel safe at school, whether teachers listen to them and challenge them and whether they take part in activities at school outside lessons. Easy read and other accessible formats, alongside some staff support for children with communication barriers, should be developed to make sure the widest range of children can participate in these surveys.

There is no reason why an excellent education system cannot achieve the same results on these measures for children with and without SEND. Narrowing this gap should be a key performance indicator for leaders across the system. To make sure there is transparency and accountability, these data should be published at a national, local and school level.

Outcomes-based leadership

The change we need to see in local areas requires hands-on strategic leadership, specifically on behalf of disabled children.

There should be a dedicated senior team in each local authority responsible for overseeing the progress and achievements of disabled children in the area, and who should report to the council leadership. To do this, they will need to pull together comprehensive data about pupils' needs, support and the measures outlined above.

These local leaders should work with nurseries, schools and colleges to identify where there are issues impacting individual pupils, specific schools, or across the local school system, and support them to find solutions. It is important that they, along with parents, can raise concerns and initiate a process to resolve them (see section 1). It will also be vital to involve the local SEND leaders in the development of local inclusion plans and commissioning decisions, due to their detailed knowledge of local disabled children.

5 FUNDING AND INCENTIVES

Enough money in the system, and the right funding incentives, for these reforms to work.

The current funding system for SEND is not working. The high needs budget has increased year-on-year, driven in part by cuts in other parts of the system and to funding systems which do not support early intervention and push costs down the line. In the worst cases, money is wasted on the adversarial system which could otherwise be spent on direct help for children – an estimated £100 million of public money is spent each year on Tribunal cases that would have been unnecessary had the right, lawful, decisions been taken first time.

As the Public Accounts Committee report said, currently the data and information are not available to be able to say how much needs to be spent to ensure all disabled children and children with special educational needs can enjoy the same, ordinary, experiences as their peers. The system could, however, deliver better value for money with more investment in early intervention to prevent children needing more support or reaching crisis point later, and less money wasted on unnecessary battles. The potential savings go far beyond the SEND system itself, with longer term savings to the health service, to adult social care, to the benefits system; and the Exchequer as parents are able to work now, and young people are more likely to work in the future. These savings can only be realised, however, with upfront investment now to transform the system.

The Government must, therefore, review both funding levels and mechanisms across all parts of the system. The fundamental principle of this must be that funding that is meant to be spent on support for children with SEND must be spent on supporting children with SEND. This would also eradicate utterly unacceptable incentives currently in the system that mean that schools are discouraged from admitting children with SEND because of their needs, which are seen as an additional cost.

In practice, this means that the Government must design a system for fairly allocating funding to nurseries, schools and colleges to provide support to its disabled pupils that is based on the needs of the children there. This will require intelligent use of data and clear recording of children's needs and the support they require.

Once allocated, it is vital that this funding is used for children with SEND: nurseries, schools and colleges should consider it dedicated SEND funding. To assure parents, councils and the Government that this is happening, we need both transparency and accountability. This could take many forms, but at the very least, schools should be required to declare in detail how their funding has been used, how it has improved early intervention and joint working, and the impact it has had for children. This must be recorded and signed off by school leadership and governors as part of their annual SEND plans and declared on schools' websites. This would mirror the process for pupil premium and sports premium funding. In addition, Ofsted must be equipped to interrogate this funding and their assessment framework should ensure that no school can be rated highly if it cannot demonstrate good use of funding.

While funding to nurseries, schools and colleges may be decided on an annual basis, children's needs may change significantly in-year. It will be important for each council to have a contingency to draw on to support nurseries, schools and colleges to meet children's needs in these situations without delay.

Core resources, tools and training should be centrally funded and made available to all nurseries, schools and colleges so that there aren't cost disincentives to staff developing the skills and using the practices that children need.

The Government must also develop new funding mechanisms at national level to:

- Give families advice and information about their child's needs alongside peer support options
- Allow specialist nurseries, schools and colleges to codify and share their practices
- Enable specialist nurseries, schools and colleges to provide consultancy to local mainstream providers.

Any change of SEND system is going to take time, effort and - crucially - upfront transformation funding to be successful. One of the lessons of the reforms over a decade ago is that implementation was underfunded and, in the absence of sufficient money, focused too much on easy to measure process change rather than the wider systemic and cultural changes needed. Investment in transformation is a downpayment on children's futures and getting support right, avoiding the costs of failure and fighting at tribunal, will deliver a far more effective and efficient education system.

THE COST OF FAILURE

We are already seeing the costs of the failure in implementation of the last set of special educational needs and disability reforms. The broad framework of those reforms was right, but implementation was poor, under-resourced and took place in a wider policy and financial environment that undermined them. As a result, we have seen more and more children with special educational needs being failed and more families reaching crisis point, all while the costs of the system continue to rise.

This is the Government's one chance to address those previous failings. The Government must grasp this opportunity and must prioritise children and families' ordinary aspirations over financial savings. This is not only morally the right thing to do, but the experience of the past 15 years shows that cutting support is a false economy and only leads to higher costs in the medium to long term. If this opportunity is missed, we will be dooming a whole generation of disabled children and their families to more fights and more extraordinary distress.

This report sets out what the DCP considers needs to be done now to fix the broken SEND system we currently have. Our Reforms for Ordinary would deliver the Government's stated objectives for more early intervention and more inclusive mainstream provision in nurseries, schools and colleges. We agree with the Government that, if successfully implemented, reforms can reduce waiting times for the right education and support, make the system less adversarial, improve outcomes and reduce the number of children and young people requiring Education, Health and Care Plans and parents having to appeal to the SEND tribunal.

We recognise that the Government faces hard choices and huge challenges to deliver the required change. But just as we can't afford not to act, we cannot afford to take unevidenced risks or create even more disruption and uncertainty for a generation of children who have already been badly failed. To avoid these pitfalls, any reformed system must not:

- Disrupt existing educational placements or provision - the current generation of children and young people with additional needs have had to fight more than is reasonable to secure anything close to appropriate help. They need guarantees that support that is working will remain in place without a fight for the duration of their children's education.
- Remove the right to an EHC Assessment and Plan for those children and young people whose needs cannot be – or fail to be – met by a more inclusive system and reformed SEN support arrangements. Some children will always need more specialist support, requiring more coordination and join up between support services, and backed up by legal protections.
- Abolish the Tribunal; it is a vital backstop and scrapping it would be a gross reduction in rights for some of the most vulnerable children to remove it. The fact it is used so often is simply a sign of a system in crisis.
- Remove support at age 18 where a young person needs more time to make a successful transition to the next stage in their life.
- Arbitrarily redefine what constitutes special educational needs - we are appalled that some of the most vulnerable children's lives have become part of a culture war and we urge all politicians to talk about children and their families respectfully.

CONCLUSION

Families with disabled children or children with special educational needs should not have to fight to get the ordinary things that other families take for granted. This is a once in a generation opportunity to reform the system to ensure they do not have to. Now is the time for bold reforms to make this vision a reality, and we look forward to working with the Government to deliver them.

Disabled
Children's
Partnership