

***SEN Green Paper “Support and Aspiration: A new approach to special educational needs and disability”
Response from the Association of Teachers and Lecturers,
June 2011***

ATL, the education union, is an independent, registered trade union and professional association, representing approximately 160,000 teachers, head teachers, lecturers and support staff in maintained and independent nurseries, schools, sixth form, tertiary and further education colleges in the United Kingdom. AMiE is the trade union and professional association for leaders and managers in colleges and schools, and is a distinct section of ATL. We recognise the link between education policy and members' conditions of service.

ATL exists to help members, as their careers develop, through first rate research, advice, information and legal advice. Our evidence-based policy making enables us to campaign and negotiate locally and nationally.

ATL is affiliated to the Trades Union Congress (TUC), Irish Congress of Trade Unions (ICTU), European Trade Union Committee for Education (ETUCE) and Education International (EI). ATL is not affiliated to any political party and seeks to work constructively with all the main political parties.

ATL Policy

ATL's education policy is underpinned by the professionalism of teachers. Teachers should be recognised for their knowledge, expertise and judgement, at the level of the individual pupil and in articulating the role of education in promoting social justice. Development of the education system should take place at a local level: the curriculum should be developed in partnership with local stakeholders and assessment should be carried out through local professional networks. Schools should work collaboratively to provide excellent teaching and learning with a broad and balanced curriculum, and to support pupils' well-being, across a local area. This means that mechanisms must be developed that ensure a proper balance of accountability to national government and the local community, and which supports collaboration rather than competition.

Executive Summary

ATL welcomes the opportunity to respond to the SEN Green Paper although we believe that it is deeply flawed in its narrow view of SEN, driven by funding considerations rather than pupil need, and in proposals that reflect a disturbing level of distrust of the education profession. While some of the promises it contains sound good on paper they will not work within government's current economic policy. ATL's submission includes the following key points:

The impact of current economic and political reality on Green Paper proposals

- ◆ We note the Paper's support for Children's Centres but question the extent of this support in light of current Centre closure threats around the country.
- ◆ We argue that SEN support services should be perceived as the responsibility of the local authority, and funded accordingly.
- ◆ We believe that the current diversification of the school system undermines across-school collaboration and sharing of expertise and resources.
- ◆ The local authority, rather than the voluntary and community sector, should have the role of co-ordinating across-sectoral working.

Assessment proposals which do not solve current issues

- ◆ We welcome aspects of the Education, Health and Care Plan around clarified sectoral responsibility and extension of its cover until 25 years of age, while urging that transferability of the Plan becomes a commitment and responsibility of the organisations involved.
- ◆ We note the challenges in multi-agency working and the impacts of conflicting priorities and of cuts, and express significant concern about the proposed role of the voluntary and community sector as co-ordinators of across-sector assessment.

Damaging emphasis on narrow medical model of SEN, to support funding cuts

- ◆ We challenge the simplification of SEN categorisation which seems to be driven by intended cuts to funding, on an ideology of a medical model of SEN, and on a belief in schools' current over-identification. We argue that the Paper proposals in this area do not recognise its complexity nor the impact of a wide range of external factors.

Contradictory narrative around parent choice

- ◆ We question the Green Paper's narrative around parent choice and challenge its veracity in light of get-out clauses around the needs of other pupils, capacity of schools etc. and in light of cuts to legal aid funding to parents in SEN tribunal cases.

ITE/CPD seen mistakenly as panacea

- ◆ ATL notes the support for graduate Early Years programmes but believes that the Green Paper fails to fully recognise the challenges that Early Years professionals face in accessing expert SEN support.
- ◆ The ITE/CPD measures are welcome but they cannot be a substitute for access to specialist expertise. We also argue that an increase in SEN understanding is likely to lead (and has done in the past) to a greater need for specialist services. We question the proposals around development of online training resources in light of the amount of SEN training resources currently available to the profession.

Blunt accountability measures which fail to engage with impact of SEN on attainment

- ◆ ATL members are adamant that the Green Paper's proposals around accountability with its focus on narrow progress outcomes is problematic and fails to recognise broader measures of achievement.

Introduction

This Green Paper is welcome in that it includes a focus on the journey of children and young people with SEN from their earliest years to adulthood. We also welcome the emphasis on cross-agency collaboration and the recognition that the current system is weakened by shortfalls in SEN coverage in initial teacher education (ITE) and continuing professional development (CPD).

However, our members are concerned that the Green Paper is fundamentally flawed in its unquestioning belief that the dismantling of current support infrastructure will not impact negatively on their plans for reform. This Green Paper places heavy reliance on the voluntary and community sector to provide part of this infrastructure with little examination of the capacity of that sector to take this on nor of the issues of impact on breadth or objectivity of service.

This Green Paper is also built on a foundation of distrust of the teaching profession as epitomised in this line; “families are made to put up with a culture of low expectations about what their child can achieve at school.”¹ This blatantly ignores the impact of the current assessment and accountability systems, of shortfalls in funding and of challenges in co-ordinating multi-agency approaches. This simplistic narrative undermines parent-school relationships, and is dishonest about the structural challenges within the system, which this Green Paper’s reforms do nothing to counter, and indeed, with other systemic changes, will be exacerbated.

Early identification and the early years sector

We welcome the SEN Green Paper’s intention to focus on SEN from early years to adulthood. The first chapter of the Green Paper has a strong emphasis on early identification and the key role of the early years sector within that, an emphasis which ATL members strongly support. This reflects the findings of recent SEN reviews which have emphasised the importance of early SEN identification and intervention, placing a lot of pressure on the early years sector.

It is unfortunate that the joint policy statement on early years by the Department for Education and the Department for Health promised by the Green Paper is not published in time for this consultation in order to see the promised “vision for reform”, the lack of which limits our members’ ability to engage fully with the early years context.

We welcome the Green Paper’s commitment to continue investment in graduate early years programmes, in the Early Years Professional Status and the New Leaders in Early Years programmes, and the National College’s continuing to support development of children’s centre leaders through the National Professional Qualification in Integrated Centre Leadership and the Children’s Centre Network. However, with cuts of funding to HEIs, schools and education generally, we are concerned that these commitments may not be met fully, undermining the capacity of the sector to deliver fully on the goal of early identification.

The structure of the early years sector presents challenges with which the Green Paper does not engage. For example, as we stated in our evidence last autumn, unmet demand for specialist advice and support is most acute among early years providers, who, researchers found, appeared to have little systematic access to SEN support services or education

¹ SEN Green Paper, “Support and Aspiration: A new approach to special educational needs and disability”, March 2011, p.15

psychologists.² The diversity of provision, along with a lack of consistency in transition, in this sector exacerbates this issue. This Green Paper does not properly recognise these challenges and therefore the scale and type of support required to meet the sector's needs in this regard.

Children's Centres

The Green Paper rightly acknowledges that Sure Start Children's Centres play a "key role for disabled children and children with SEN and their families", bringing "health, early learning and other early years services together" and offering "space for an integrated response".³ Indeed, throughout the Paper's chapter on early identification in the early years, Children's Centres are promoted as the hub for "high quality early education and childcare" which is "accessible to all children"⁴. Despite this, the government have done little to prevent closures of Children's Centres as a result of stringent cuts to local funding, failing to ring-fence the Centres' funding. Children's Centre closures undermine a core part of the Government's strategy around early identification and a key arena for multi-agency working.

The statutory assessment process

Statements are the goal of many parents of children and young people with SEN, perceived by parents and school professionals among others, as the 'guardian of provision' rather than as a package of support focused on meeting the needs of the child or young person.⁵ In our members' experience, statements add little significant new information to schools about a child's needs, a view shared by SENCOs cited in the earlier Audit Commission Review of SEN in 2002.⁶ This is compounded by the high levels of bureaucracy within the current system.

Education, Health and Care Plan

Therefore, we welcome the Green Paper's review of the statutory assessment process, especially the emphasis on clarifying responsibility and on commitment for provision across education, health and care sectors for particular services. However it is unclear whether the proposed new "Education, Health and Care Plan" will be quicker and less onerous to develop than the current statements, thereby ensuring that resources are received more quickly by schools and the pupils that need them. Indeed Lamb's review was critical of the emphasis on services that are easiest to measure, rather than those which are most effective at delivering improved outcomes⁷ which led to the needs of children and young people with SEN being lost sight of. It is far from certain the proposed Plan will be different in this regard.

As stated in our earlier evidence, the transferability of statements is also a key issue for children and young people, their parents and professionals. Moving with a statement across local authorities has been very difficult, with particular issues for transient pupil groups, such as Gypsy, Roma and Travellers, asylum-seeking and refugee pupils and children of service personnel. At present, there appears to be no effective tracking system for SEN pupils from these groups. Local authorities often do not recognise SEN decisions made by other authorities, requiring a mobile child to undergo a new assessment when moving into a new area, with a resulting gap in provision.⁸ We are concerned that this aspect of the statutory

² Audit Commission, SEN: A Mainstream Issue, 2002

³ SEN Green Paper, op cit, p.33

⁴ SEN Green Paper, p.28

⁵ Ofsted, op. cit

⁶ Audit Commission. Policy Paper: Statutory Assessment and Statements of SEN, 2002

⁷ Lamb Inquiry: Special Educational Needs and Parental Confidence, 2009

⁸ ATL position statement 'Poverty and social exclusion in rural areas', 2008

assessment process is not evident in the Green Paper and we call for it to be included in the review in order that these groups no longer suffer this disadvantage. However, we caution against any kneejerk assumptions by Government that substituting voluntary and community sector for local authorities will solve this issue; it is legislation around the status of the statement, or Plan as per Green Paper proposals, that is vital.

ATL members welcome the extent of intended 'life' of the Plan, from birth to 25, and we hope that this will provide the, currently lacking, continuity in coverage for young people in transition between stages, particularly those in settings that finish at 16. There is a notable lack of provision for young people prior to becoming the responsibility of adult services, causing huge anxiety to these young people, to their families and to the education professionals who work with them in previous settings.⁹

Multi-agency working

ATL members welcome the Green Paper's recognition that multi-agency working is a key part of meeting the special educational needs of children and young people in education settings and of the extended services programme. Our members' experience shows that delivering this partnership working is complex and riddled with conflicts/dissonance in professional language, priorities, accountability etc. and ATL members see this as a key area of improvement.¹⁰

Defining professional and sectoral responsibility and commitment as proposed in the Green Paper is vital. Evidence has shown that delays and gaps in statement-related provision from other agencies such as health and social care has been caused by these agencies having responsibilities towards many other client groups and 'in the context of limited resources and competing priorities, the needs of children with SEN may not be paramount.'¹¹

If the Education, Care and Health Plan is to aid effective collaboration between agencies, there needs to be clear protocols for the sharing of relevant information, and clear lines of accountability. As Ofsted argued, schools should not be the only organizations legally held to account for the outcomes of children and young people with special educational needs and disabilities and that all services involved in any common assessment should be bound equally by its terms.¹² We welcome the Green Paper's proposal that the Plan will be clear about sectoral responsibility and will include a commitment from each agency for their parts within the Plan.

However, securing commitment and apportioning responsibility, while key, will not solve all problems and there will be further challenges caused by the circumstances of each sector. For example, we know that pupils with SEN are missing out due to shortages in the numbers of external specialists. Members frequently report shortages in speech and language therapy, child and adolescent mental health services, occupational therapy and behaviour support services. This is further compounded by different spending priorities and boundaries.

The intent to replace a system full of duplication and multiple assessments with a single cross-agency Plan is very positive. However, it must be recognised that education, health and social care services have very different approaches to identification of need and the thresholds of intervention, as observed by Ofsted. The Green Paper fails to acknowledge

⁹ ATL Response to the CAMHS Review, 2008

¹⁰ ATL's response to the CAMHS Review, 2008

¹¹ Audit Commission Policy Paper, 2002

¹² Ofsted, SEND Review, 2010

the causes of the current problems with multi-agency working and this poses a grave risk to the success of the multi-agency working formula it outlines. Recognition of the impact of current and proposed funding cuts and significant investment across these sectors in terms of professional development, staff recruitment and retention and improved communications is vital in order for these Green Paper proposals around the Plan to work effectively.

One of the most problematic aspects of the Green Paper's plans around cross-sectoral working is its proposal that the voluntary and community sector co-ordinate assessment across the agencies involved. Many voluntary and community sector groups are losing funding, staff and expertise and are therefore unlikely to have the capacity to carry out such a role effectively. The role of cross-agency co-ordination is a vital but complex one and it is one which retained and strengthened local authority central SEN support services are best placed to sustain.

Categorisation of SEN

The Green Paper's proposal to replace the SEN Code of Practice categories of School Action and School Action Plus with a new single school-based SEN category and its emphasis on the "appropriate identification of SEN"¹³ is deeply concerning within the Paper's assumption of current over-identification of SEN in schools. This assumption underlies a medical model focus on SEN and a drive to reduce the numbers of children with identified SEN in schools, thus reducing the level of external support/funding required. In light of this, the Green Paper's focus on BESD is very concerning and while all SEN work should be open to informed discussion and review, the Green Paper seems to be jumping ahead to damaging conclusions rather than waiting to be informed by research and practitioner expertise.

Based on member and research evidence, we know that categorisation of needs can be problematic even when criteria are clear (eg, sensory impairments) but for those where the definitional criteria are vague and transient (eg, ASD, EBD and MLD) there are serious problems with the process.¹⁴ These difficulties result in unbalanced provision and over- (and under-) representation of particular subgroups within the population. Furthermore, few of these categories map directly to educational needs, particularly where there are issues of associated problems or co-morbidity. We know that significant numbers of children have combinations of problems lengthening the odds of correct identification of need and subsequent allocation of appropriate provision. For example, researchers have observed that the label EBD does not fit easily into models of disability and that "differences between practices that lead to exclusion and those leading to a child being placed on stages 4 and 5 of the SEN Code of Practice for EBD were sometimes unclear".¹⁵

The Green Paper's emphasis on perceived current over-identification of SEN also ignores research evidence about i) difficulties in accurately identifying SEN in children who are not fluent in English or who have only recently arrived in the country, ii) inadequate translation and interpreting services, even in areas with significant minority populations; this was also an issue in Wales, for Welsh speakers, iii) a lack of accessible information – for example, on statutory assessment – in minority languages, even in areas with significant minority populations; and iv) a perceived stigma attached to SEN in some communities, manifest in comparatively low levels of identified need.¹⁶ Involving parents is a key part to identifying

¹³ SEN Green Paper, p.68

¹⁴ Institute of Education, Literature Review, 2002

¹⁵ Institute of Education, op. cit.

¹⁶ Audit Commission, SEN: A Mainstream Issue, 2002

and then meeting special educational needs and a failure of services, eg around language, to facilitate this communication undercuts the efforts of many education staff.

Parents and school choice

The Green Paper's treatment of parents is problematic and at times ambiguous. Its narrative is about offering parents “a real choice” in terms of schools and opens an option to parents of personalised funding. However, within the Paper, it is evident that this narrative is built on shaky foundations. The statement of parental choice is disingenuous in minimising the inherent difficulties in delivering its commitment. The truth is far more to be found in the detail which states that parental preference may be trumped by judgements on whether the chosen school can meet the needs of the child, whether the placement is compatible with the efficient education of other children and/or whether it is an efficient use of resources¹⁷. It is clear that the Green Paper's rhetoric does not match the reality of the system, particularly at a time when schools will have increasing freedom in this area and will be under heightened pressures of competition in a marketplace system of education.

The Green Paper's rhetoric around parents' rights is further undermined by current Ministry of Justice's proposals around changes to legal aid which would mean that legal help and advice will no longer be available to parents to help them prepare appeals to the First-Tier Tribunal (SEN and Disability) in SEN cases. In addition, it is proposed that parents must go through a mediation process with local authorities before they can register an appeal. IPSEA, the national charity providing legal advice to families of children and young people with SEN, are very concerned with this latter proposal, citing a clear risk that “unsupported and/or less able parents will be pressured to give up on provision when it is in fact their children's legal entitlement to receive it.”¹⁸ In the future, parents will have the rights to express preference but will have less support to challenge any decisions which go against their wishes.

ATL members know that parents are key partners in the SEN process. As stated in our previous evidence, relationships between parents and schools can be fraught or conflicted, through differing perceptions of what is required to meet their child's needs or through unfulfilled expectations. Lamb reports that key factors present where parents were unhappy with the provision for their child were i) the extent to which the school teachers and support staff understood the nature of their child's learning difficulty and ii) the willingness of the school to listen to parents' views and respond flexibly to their child's needs.¹⁹ This is less an issue of school choice but rather a need for greater capacity in schools to respond flexibly to a range of pupil needs, which highlights issues of initial training and continuing professional development for staff and of funding in schools, both of which we will deal with later in this submission.

Initial training and continuing professional development for the workforce

ATL has long identified shortfalls for teachers in initial training and continuing professional development around SEN. It is classroom teachers and support staff, rather than SEN specialists, on whom the pressure lies to recognise early warning signs of a special educational need, thereby making the provision of quality training at ITT and CPD levels vital. However, the complexity and difficulties inherent in the area of SEN identification must be

¹⁷ SEN Green Paper, p.17

¹⁸ IPSEA, Green Paper Consultation Survey, 2011

¹⁹ Lamb Inquiry, 2009

recognised in order for the scale of the challenge to be understood. The capacity of current initial teaching programmes and for CPD to take on a meaningful level of SEN content has not been properly addressed by the Green Paper's proposals around ITE and CPD, particularly when put within the context of cuts to funding for HEIs.

While we welcome some of the commitments within the Green Paper around ITE and training, we await further information on the level of support, particularly in terms of funding, which will be allocated to support these measures. We also recommend commissioning of research to evaluate the efficacy of particular models of training and professional development, informed by member and academic evidence. We note with interest the plan of joint-work between the Department for Education, the Department for Business, Innovation and Skills and the Learning and Skills Improvement Service (LSIS) to support the development of SEN and disability training for those teaching in colleges and we look forward to the opportunity to respond to concrete proposals.

ATL welcomes the emphasis on special schools as centres of expertise on SEN and a correspondingly bigger role for them in initial teacher education and in professional development. We therefore welcome the Green Paper's commitment to provide additional funding to initial teaching training providers to secure a greater number of placements for trainee teachers in special school settings. The permission to outstanding special schools to apply to become Teaching Schools is more problematic due to fundamental problems with the teaching schools' impact on teacher professionalism, the roles of HEIs and schools' core purpose of pupil education. We are wary of this model of professional education which is focused on classroom practice ("best practice") within a particular school context, which may not engage with underlying principles nor applicability across a range of diverse contexts and circumstances.

ATL is concerned that the Green Paper's emphasis on the development of online training materials in relation to advanced-level continuous professional development will not add significantly to the CPD opportunities available to practitioners. Teachers and support staff already have access to training materials on SEN, especially online. The use of scarce resources on a mode of professional development which duplicates current opportunities is questionable. Development of training materials should be based on current gaps within provision and on gaining feedback from the profession on their needs. It is also vital that teachers and support staff are allowed sufficient time in order to undertake CPD, whatever form it takes.

ATL welcomes the Green Paper's support for training for support staff. ATL's members are clear that the role of support staff in schools, particularly in relation to support for pupils with SEN, is vital and indeed, are extremely concerned with cuts in funding which threaten their place within schools. Through local partnerships, we have supported the correct deployment of support staff in schools and consider that local partnerships are the best model to work towards this end. While the proposed scholarship fund for "the most able teaching assistants and other support staff"²⁰ to enable them to build on their SEN support roles and further develop their careers is welcome, it cannot be a replacement for a proper system of funding and support for CPD, particularly in relation to SEN, across the workforce.

We welcome the commitment by the Department for Education in the Green Paper to continue funding of the training for new SENCOs in the academic year 2011/12. However, we are concerned about the funding arrangements from autumn 2012 on – the training of

²⁰ SEN Green Paper, p.64

SENCOs, as school-based experts on SEND is crucial to meeting the needs of children and young people with SEND. Schools and teachers will need commitments around funding in the longer term in order to plan properly.

Recent research has found that teachers see increased access to specialist teachers, educational psychologists, external agency support and additional adult support as even more important than additional training.²¹ Indeed, general awareness of needs will continue to rise with increased levels of specific training which in turn will result in a corresponding rise in demand for specialist services. For example, teachers' awareness of pupils' language, speech and communication needs has improved over the last few years, leading to increased requests for assessments by Speech and Language Therapists, Specialist Teachers' services and Educational Psychologists.²² The Green Paper must recognise that not only should this professional training not take the place of expert support provided by SENCOs and other SEN specialists, but it is likely to stimulate further demand. This is particularly concerning at a time when we know that many of these services are facing severe cuts at co-ordination and provision levels.

ATL welcomes the proposed review of the National Professional Qualification for Headship (NPQH) and the Green Paper's assurance that SEN and disability will be given appropriate consideration. It is vital that the principle of regular professional development is embedded in school practice and priorities. Lamb lists Ofsted's observation of professional development features of schools where pupils with learning difficulties made outstanding progress:

- Focused professional development for all staff
- Good, continuing, practical training, based on an assessment of staff needs
- Training from specialist teachers and other agencies
- Training that was regular
- Access to specialist colleagues for advice.

We know that in order for these training needs to be given due priority and for SEND issues in general to be part of the culture of the school, it is important that SEN and disability issues are also intrinsic to school leadership training. This will ensure that the spirit as well as the letter of policies around SEN and legislation such as the Disability Discrimination is observed.

Accountability

This Green Paper has missed a key opportunity to review the accountability system in light of its impact on pupil learning, particularly for those with special educational needs. In a marketised system, accountability based on raw scores can lead schools to be reluctant to admit children with SEN, or conversely to identify more pupils with SEN when tables are based on CVA (contextual value added).

While the Green Paper recognises that some pupils with SEN will start an education stage at a level below the national expectation, it intends that schools be judged for their progress at the national expected rate, ie two levels of progress from Key Stage 1 to Key Stage 2, and three or more levels of progress between Key Stage 2 and Key Stage 4. To judge schools against these progress outcomes is damaging, makes no recognition of the impact of special

²¹ Ellis, Tod, Graham-Matheson, Reflection, Renewal and Reality: Teachers' experience of special educational needs and inclusion, 2011, p.12

²² ATL Response to the Bercow Review of Speech, Language and Communication Needs, January 2008

educational needs and undermines holistic learning outcomes that can attest to substantial achievement.

That these indicators will be used crudely in performance tables and will give parents little information about the range of support which school can offer all pupils, including those with SEND, shows a concern with school accountability which has little to do with the needs of pupils or their parents.

These proposed, and indeed the current, data targets externally-imposed on schools, with their emphasis on easily quantifiable data, fail to recognize the complexity of needs within the pupil population and place an intolerable burden on the teaching of pupils with SEN. Our members share the belief that aspirations should be as high as possible for every child. These members also know that aspirations need to relate to the reality of each child's abilities and needs and that an emphasis on data which can be measured easily often ignores the value of a holistic approach which better meets individual needs.

It is vital that the profession can enter into the debate on appropriate levels and types of targets for schools without fear of appearing to lack in aspiration for their pupils; we need a culture of professional trust and respect where all stakeholders are encouraged to add an informed voice. Waving the academy conversion stick does little to convince the profession that the Government is prepared to listen.

Funding

In our evidence in autumn, ATL noted the conflict of interest involved in the current system of funding provision involving Local Authorities as both assessors and funders of provision, making local authorities vulnerable to question. However, we also pointed out that the delegation of funding to institution level has brought its own problems, citing Lamb's observation that the delegation of funding for support services has had a negative impact on some SEN provision, diminishing the capacity of many local authorities to monitor the progress of SEN pupils and reducing the range and quantity of specialist staff available to provide services and support.²³

The removal of assessment responsibility in statements from the hands of the funding agency will not remove the impact of limited funds, whether those limited funds are the responsibility of the local authority or of the school. One of the key issues in the statementing process has been the placing of unlimited demands on limited budgets²⁴ and the new model of statementing epitomised in the Education, Health and Care Plan will need to recognise this issue.

As we stated in ATL's response to the DfE School Funding Reform Consultation, one simple measure would provide coherence to the complex issue of SEN funding. SEN support services should be perceived as being a responsibility of the local authority, and funded accordingly. All schools, including academies, should work with their local authority as necessary. While there may be ideological objections to this, the analogy should be made with childrens' social services; no-one is suggesting that academies should provide their own, they use the local authority.

As all are clear that times of severely limited budgets lie ahead, it is vital that there is a focus on effective measures and interventions, but to do this, there needs to be an understanding

²³ Lamb Inquiry, 2009

²⁴ Audit Commission Policy Paper, 2002

of patterns of need and the relative efficacy of interventions. The Green Paper does little to describe how this understanding will be achieved within its proposals.

Local organisation and support

We have already mentioned the impact of excessive accountability on a positive model of inclusive education. However, that has not been the only culprit in undermining inclusive education in practice. Much of the most positive practice around SEN and related behaviour issues has relied on inter-school partnerships and sharing of professional expertise, experience and resources across local areas. The diversification of the school system, and the breaking away from the local family of schools by institutions such as academies, trust schools and more recently, free schools, undermines this partnership working.

The Audit Commission reported concerns at the impact of weakened resources at a much earlier stage of the diversification process, observing that in one of the areas they visited 'where most resources for learning support had been delegated, schools felt that the service was 'spread thinly' and excessive demands were being made of the specialist services now employed by individual schools', with several interviewees highlighting their 'concern about the continued viability of support services for children with low incidence needs, echoing concerns raised in other research.'²⁵

Ofsted's recent report further highlights the vital role of the local authority, observing that where educational support for pupils with SEN was most effective, the local authority had taken a strategic and coordinating role, ensuring that a wide range of needs were met effectively, through to post-16 education.²⁶

From experience of the extended services offer, ATL members know that a schools-based focus for needs and services which involves external agencies creates overwhelming workload pressures and impedes professional collaboration. We believe that most effective practice involves local authorities taking a central role in co-ordinating extended services, including specialist provision relating to pupil needs in schools. ATL is concerned that a fully comprehensive and properly coordinated provision cannot be achieved with schools increasingly falling outside of the local authority family.²⁷

The Green Paper proposes that the voluntary and community sector take on much of the Local Authority's role in providing cross-agency co-ordination in assessment, as parent advocate and advisory service and as caretaker of the existing Early Support resources, including training materials. It proposes that special schools will take on the role of local provider of expertise. While the Paper mentions the offer of additional funding to the voluntary and community sector as a carrot, it is highly questionable that this will afford them the capacity and expertise to carry out this role. It is also debatable whether this use of public money, to replace current local centres of experience and expertise in SEN, as epitomised in the local authorities, with untried organisations who have their own particular aims is a good use of limited resources at this time.

²⁵ Audit Commission, SEN: A Mainstream Issue, 2002

²⁶ Ofsted SEND Review, 2010

²⁷ ATL Extended Services Position Statement, 2010

Conclusion

ATL members support the view of inclusion that all schools should work together as part of an inclusive education service to meet pupils' needs in the most appropriate setting. In order to achieve this, both resources and accountability measures should support and value all children and young people in their teaching and progress. We regret that the Green Paper continues the current dissonance in the policy narrative around education with a focus on standards which emphasises conventional measures of effectiveness contrasted with a narrative which talks about responsibilities to meet pupils' individual needs, in this case special educational needs. Research highlights the potential value conflicts therein, leading to polarisation between schools which are highly effective in conventional exam result attainment and schools which successfully meet the needs of large numbers of pupils with SEN.²⁸

ATL deplores the further attack on the role of the local authority within this Green Paper. Members across the country continue to report reductions in staffing at local authority (LA) level which will directly affect the service that can be offered to pupils with SEN. One member describes this in his area, observing that there have been "huge cuts at LA level – reducing from 9FT to 4FT Educational Psychologists. In view of the SEN Green Paper consultation, I am at a loss as to how Government expect the early identification and assessment be achieved in an LA as large as this with such a reduction in EP time... The pupils with SEN are being badly let down."²⁹

From current context, ATL members know that this Green Paper fits very much within the Government's ideological attack on the state education system and on local government systems of support. We make the following recommendations based on member experience and expertise and with the knowledge that these will help to meet the needs of children and young people with SEND and their families.

ATL recommends:

- That there is an independent review of capacity in the voluntary and community sector in relation to Green Paper proposals, before responsibilities are transferred from the local authority.
- That there is urgent investment in local authority services, particularly in relation to Children's Centres and SEN support service provision.
- That the current high-stakes accountability system is reviewed, with a view to abolition of league tables and development of an inspection service which includes an emphasis on support.
- That there is a review of progress indicators with SEN experts and practitioners in order to develop less damaging indicators of achievement.
- That there are guarantees of co-operation that go across all types of institution, as the diversification of providers continues.

²⁸ Institute of Education, Literature Review: meeting the needs of children with special educational needs, 2002

²⁹ ATL SEN Network Group Survey, September 2010

- That there is a review of the impact of provider diversification on school cluster-working and collaboration around issues such as SEN and behaviour.
- That the model for SEN categorisation is informed by a range of evidence that goes beyond a purely medical approach.
- That parent-partnership services are further developed.
- That current training materials on SEN are reviewed and research undertaken to explore forms of training/professional development resources which would be most useful to the profession.

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