

***Green Paper: Children And Young People With Special Educational Needs And Disabilities - Call For Views
Response from the Association of Teachers and Lecturers,
October 2010***

ATL, as a leading education union, recognises the link between education policy and our members' conditions of employment. Our evidence-based policy making enables us to campaign and negotiate from a position of strength. We champion good practice and achieve better working lives for our members.

We help our members, as their careers develop, through first-rate research, advice, information and legal support. Our 160,000 members – teachers, lecturers, headteachers and support staff – are empowered to get active locally and nationally. We are affiliated to the TUC, and work with government and employers by lobbying and through social partnership.

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.

Introduction

ATL welcomes the forthcoming review of SEN; it is an area of huge importance in schools, impacting upon areas such as curriculum, behaviour, specialised roles and extended services. It is a measure of its importance as well as growing concerns with the current system's efficacy, that there have been a number of significant recent reviews, particularly:

- the Lamb Review on parental confidence,
- the Salt Review on teacher supply for pupils with SLD and PMLD, and
- the Bercow Review into the needs of children and young people with speech, language and communication (SLC) needs.

ATL hopes that this review will build on the work of the above and the research and voices gathered within them. As the education union, ATL is pleased to offer its members' views

and research evidence to answer the main questions asked by this Review and we also hope to have the opportunity to apply this professional expertise and experience to a review of the details of the Green Paper, once it becomes available.

ATL's response

ATL's response is organised around three areas: i) the shortcomings of the current system, ii) the requirements of an effective system, and iii) the challenges to reform.

Within our critique of the current system, we address the following topics, based on key areas of concern for our members:

- SEN referral and statementing processes
- Funding
- Multi-agency working, and
- The policy framework.

We outline the following requirements, which we believe need to be in place for the system to become more effective:

- Holistic system reform
- Processes and support structures for parental engagement / involvement
- Increased support for workforce development in SEND
- Strengthened multi-agency working as a key part of an effective response to pupils' SEN needs.

We conclude the response with an identification of challenges which add urgency to reform and which may present as obstacles to the achievement of objectives:

- Growing complexity of SEN and related difficulties in identification of pupil needs
- Structural challenges to workforce development
- Impact of broader curriculum on SEN
- Shortage of SEN support in the Early Years
- Shortages of key specialists in other agencies
- Negative perceptions of education service and a culture of blame
- Diversification of provision
- Ideological bias.

ATL members are highly committed and expert professionals and we hope that this Review will engage with the issues they have raised.

The current system

ATL members are concerned that the current system and processes around SEN in education are not working as they should, resulting in many children and young people with disabilities and special educational needs missing out on learning opportunities. Representing staff across the education sectors, we offer a perspective that is informed by member professional knowledge and commitment, recognizing present and future challenges and proposing effective ways forward.

SEN referral and statementing processes

Members consistently report that the current processes around assessment for SEN take too long, meaning that resources are slow in coming¹. The process is considered overly-bureaucratic by staff and parents alike. Lamb's review finds that the needs of children and young people with SEN 'have been lost sight of' by the time spent assessing and providing for services that are easiest to measure, rather than those which are most effective at delivering improved outcomes².

The level of bureaucracy within the statementing system, for example, also makes it difficult for many parents to navigate. Our members report that this particularly affects parents who may lack the competence or confidence to deal with the complexity of steps to be taken, paperwork to complete and the adversarial nature of the tribunal itself.

The use of the Common Assessment Framework (CAF) is found by many members to be a stumbling block rather than an effective tool in the referral process, its complexity and the level of detail required necessitating a workload and time commitment which significantly delays the process³. It works best when tackled on a multi-agency basis but of course, that sets up its own challenges of organisation, administration and role responsibility.

The identification of special educational needs in schools is an ongoing issue, which ATL has raised in many fora. The complexity of the referral system and the focus of resources on that has meant that there is a worrying shortfall in the provision of specialist expertise at local level to support early need identification and systems of early intervention. The lack of SEN training and professional development for education staff leaves them vulnerable to allegations of under- or indeed over-identification of special educational need. Ofsted recently reported that there is over-use in schools of the term 'special educational needs' and lays the 'blame' on teaching provision and expectations of pupils.⁴ Our members' experience would lead them to agree that there are inappropriate levels of need identification in both directions. We believe that this points to the need for professional training and development across the workforce, trust in education staff allowing them flexibility, increased professional autonomy in terms of curriculum and assessment, and an urgent review of the current accountability system.

Statements are the goal of many parents of children and young people with SEN. Ofsted's Review finds that the statement is perceived by parents and school professionals among others, as the 'guardian of provision'. However, it is telling that it is not seen as a package of support focused on meeting the needs of the child or young person.⁵ Our members' experience find that 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 The statement's use lies mainly in gaining funding for interventions but in this aspect, it does not work particularly effectively as annual reviews have insufficient focus on outcomes and on required provision from services outside of education.⁷

¹ ATL SEN Network Group Survey, September 2010

² Lamb Inquiry: Special Educational Needs and Parental Confidence, 2009

³ ATL's Response to The CAMHS Review Call for Evidence, June 2008

⁴ Ofsted: The Special Educational Needs and Disability Review, 2010

⁵ Ofsted, op. cit

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

⁷ Ofsted, op cit.

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 is 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. For example, the exchange of pupil information between schools with service personnel children is frequently inconsistent. 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

ATL members also express concern about the lack of 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

Funding

ATL is concerned that the current system of funding provision frequently involves Local Authorities as both assessors and funders of provision which presents a conflict of interest and makes local authorities vulnerable to question. However, the delegation of funding to institution level has brought its own problems. Lamb notes 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.¹⁰

To further complicate matters, some children with SEN will require the support of health and social services but these agencies are only required to respond in so far as their resources and priorities allow. Schools will have even less capacity/ability to ensure that these agencies fulfil their education-related obligations.

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 budgets¹¹ and any model of statementing will need to recognize this issue.

The model outlined by Sir Balchin in the Conservative Party's Review of SEN in 2007, proposes assessment through a system of categories. They suggest that each category would carry a specific allocation of funding, which could 'in principle differ from authority to authority and would depend upon the council's attitude towards special education and its determination or otherwise to add funds from local resources', relying on parents' groups to monitor the funding of the Support Categories and to publish regular local authority league tables.¹² This model does not account for limited resources nor the provision of a professionally based expert monitoring system; if parents are to become the arbiters of quality, there are huge issues of information and training required for parents and concerns

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

⁹ ATL Response to the CAMHS Review, 2008

¹⁰ Lamb Inquiry, 2009

¹¹ Audit Commission Policy Paper, 2002

¹² Conservative Party, 'Commission on Special Needs in Education' Report, 2007

of equality between parent groups with different profiles of confidence and competence to take on this role.

Multi-agency working

Increasingly, schools and local authorities face the challenge of delivering education based provision reliant on interventions by external agencies, such as health and social care. Multi-agency working is a key part of the extended services programme and of meeting the special educational needs of children and young people in education settings. However, 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.¹³

In 2002, the Audit Commission found examples of delays, shortfalls and/or gaps in provision from other agencies such as health and social care in a significant number of cases where children had statements. They concluded that this was 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.'¹⁴ Many ATL members still recognize this in their experience of multi-agency working today, impacting their pupils through a delay of provision in service, from those related to statements to cases of early diagnosis.¹⁵

The 'health' of these external agencies, in terms of their resources and capacity, is a key part of how these multi-agency partnerships work. For example, pupils with SEN are missing out due to shortages in the numbers of external specialists. Members frequently report shortages in health services, particularly in speech and language therapy, child and adolescent mental health services and occupational therapy. This is further compounded by different spending priorities and boundaries.

The existing Common Core of Skills and Knowledge across the children and young people's workforce is well-intentioned but it is hindered by a lack of identification of specific roles and a lack of recognition of professional boundaries¹⁶. This can be seen in a failure for the responsibility for children and young people, particularly those with SEN, to be properly shared. Indeed, members report a frequent lack of willingness in other agencies to take on the lead agency role even if the main focus of the required intervention for a child/young person is not educational.

Education, health and social care services have very different approaches to identification of need and the thresholds of intervention, as observed by Ofsted. This can multiply the number of assessments that some children and young people have to undergo, with resulting different and sometimes inconsistent support plans.¹⁷ It must be recognised that meeting the needs of many children and young people with SEN requires a multi-agency response; it is a necessary part of the system. However, there is no doubt that it does not work as effectively as it should and significant investment in the area, in terms of professional development, staff recruitment and retention and improved communications is vital.

¹³ ATL's response to the CAMHS Review, 2008

¹⁴ Audit Commission Policy Paper, 2002

¹⁵ ATL SEN Network Group Survey, 2010

¹⁶ ATL response to CWDC Consultation on the Common Core of Skills and Knowledge, October 2009

¹⁷ Ofsted SEND Review, 2010

The policy framework

It is imperative that any review of the current SEN system recognises the impact of the current wider education system and narrative about education on SEN processes, on children and young people with SEN and their experience of schools.

There has been much criticism of the inclusion agenda. 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 recognise that there is current dissonance in the policy narrative around education with a focus on standards which emphasises conventional measures of effectiveness contrasted with a focus on greater inclusiveness. 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.¹⁸

The current high-stakes accountability system, including league tables of school performance, has led a number of schools to be reluctant to admit children with SEN, fearing that they would 'drag down' the schools' position, failing to reflect the progress of children and young people with SEN and their teachers and support staff.¹⁹ Perversely, other schools have been incentivised by the league table system to identify more pupils with SEN, to impact positively on their Contextual Value-Added scores.²⁰

Excessive accountability 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 and experience across local areas. However, 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.

Requirements for an effective system

ATL members are clear about the shortcomings of the current system for meeting the needs of children and young people with SEND in education. We also offer our members' experience and expertise in outlining the necessary components for a system which they believe would work more effectively for all concerned, particularly children and young people with SEND.

Holistic system reform

ATL members believe that reform of the current system needs to be done holistically, with a view to how it can fit within the larger education system and with recognition of resource requirements. Looking at the requirements of an SEN system designed to identify and meet specific pupil needs and to allocate resources to fulfil them, Lamb listed the following:

- Needs identification
- The assessment of the nature and degree of those needs

¹⁸ Institute of Education, Literature Review: meeting the needs of children with special educational needs, 2002

¹⁹ Audit Commission, Special Educational Needs: A Mainstream Issue, 2002

²⁰ Ofsted SEND Review, 2010

- An agreed plan for what the child should achieve and how they should be supported to achieve it, including a description of what resources might be required.
- The participation of children and parents in decision-making at each stage, and
- A right of appeal for parents and children against decisions made about the child.²¹

The experience of our members endorses these key elements. We believe that achieving these goals will require better communication between schools and parents, between schools and external agencies, including funding agencies. It will require further development of specialist expertise and for that expertise to be cascaded to schools, through direct access and also professional development. It will require better co-ordination of multi-agency working and clarity around funding streams.

It should be informed by evidence through talking to key stakeholders and collecting research. For example, research in the US has identified common features of schools where inclusive education is thriving which included the involvement of families, effective use of support staff, evaluations which were based on effectiveness rather than merely the ticking of outcome boxes, clear role relationships among professionals and collaborative teamwork.²²

As the diversification of providers continues within the education system, it is vital that there are guarantees that go across all types of institution. Our current system is already bedevilled with inconsistency, across local authorities and across types of institution. Statements already have a different shelf life in some LAs depending on whether the individual that holds it is in a mainstream school or in a special school. We are concerned that this inconsistency is likely to be worsened under a system with a growing variety of educational institutions.

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 of patterns of need and the relative efficacy of interventions. No matter to whom the money is delegated, the state will need to know the likely demand on the budget.

Processes and support structures for parental engagement/involvement

Parents are key partners in the SEN process. However, 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.²³ The professional understanding parents expect from teachers and support staff may highlight an issue of training and professional development for staff.

Parents value highly the support they receive from parent-partnership services in getting through the statutory assessment process. Some schools now also have parent liaison roles on their staff teams and these are invaluable in building and maintaining relationships of mutual trust and respect

²¹ Lamb Inquiry, 2009

²² Institute of Education, Literature Review, 2002

²³ Lamb Inquiry, 2009

Increased support for workforce development in SEND

ATL members know that many teachers feel almost overwhelming pressure to deliver a demanding national curriculum, achieving ever-better test results, while attempting to personalise learning for their pupils and to meet individual needs. Many feel that they have not had sufficient training, nor have sufficient knowledge or indeed time, to succeed. The Audit Commission reports SENCOs' observations that their colleagues lacked confidence in working with children with SEN. The SENCOs identified a number of staff training priorities:

- Curriculum differentiation
- Behaviour management
- Target-setting/writing and using IEPs
- Working with assistants/inclusive classrooms
- Dyslexia/specific learning difficulties
- Identifying needs/early identification
- General understanding of SEN
- Speech and language difficulties
- Working with other agencies.²⁴

It is also 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.

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. Earlier government policy has promoted the practice that SENCOs have a place on the school's Senior Leadership Team; in addition it is vital that heads have understanding around SEN and its complexities so that it becomes part of the general culture of the school. This will ensure that the spirit as well as the letter of policies around SEN and legislation such as the Disability Discrimination is observed.

SEN and behaviour need to be incorporated far more into Initial Teacher Training routes, continued in NQT induction and built upon in early and continuing professional development programmes. Teachers with specialist SEN and disability skills could cascade training and development across clusters of schools. It is also important that high quality training on SEND issues is available to everyone in the children's workforce, to develop their skills in that area.

Strengthened multi-agency working

Effective multi-agency working is very important to schools. We know that schools who have positive experiences of behaviour and SEN have often promoted close working relationships with other professional agencies, including the educational psychologist, social care and

²⁴ Audit Commission, SEN: A Mainstream Issue, 2002

health professionals.²⁵ Collaboration between agencies needs to work more effectively, with clearer delineation of roles and responsibilities and a speeding up of the process. There needs to be clear protocols for the sharing of relevant information, and clear lines of accountability. We agree with Ofsted's judgement that 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.²⁶

Looking forward: the challenges

As education staff, ATL members have had to implement change schemes over the last few years, often externally-imposed. We know, from experience, that the effectiveness of changes in practice to meet desired outcomes is affected by the extent to which challenges and difficulties have been anticipated. In relation to reform of the system for SEND pupils in schools, we have identified specific areas of challenge which need to be recognised.

Growing complexity of SEN and related difficulties in need identification

The importance of early and accurate identification of special educational needs and disability cannot be understated. Early and effective interventions rely upon it. Yet it is generalist teachers and support staff, rather than SEN specialists on whom the pressure lies to recognise early warning signs of a special educational need. We know that more training at ITT and CPD levels is vital. However, the complexity and difficulties inherent in the area of SEN identification must be recognised in order for the scale of the challenge to be understood.

Researchers have observed 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.²⁷ This results 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.

It must also be recognised that any new identification of an individual child's or young person's special educational need will take place in the context of classroom teaching of around 30 pupils within a tight curriculum and assessment structure. Alienation from the classroom can be a symptom of an unmet Special Educational Need or disaffection from a curriculum system which is driven by assessment, and labels some pupils as failures. Teachers work within constraints set by their schools around behaviour management and if schools follow a zero tolerance approach to particular behaviours, it can undermine an approach which recognises that certain behaviours can indicate a special educational need. 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".²⁸

²⁵ ATL's Behaviour and Discipline in Schools Submission to the Select Committee, September 2010

²⁶ Ofsted, SEND Review, 2010

²⁷ Institute of Education, Literature Review, 2002

²⁸ Ibid

Complexities around identification not only relate to vagueness of categorisation but also the presence of other possibly masking factors, for example pupils with English as an additional language. Research has highlighted concerns 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.²⁹ Involving parents is a key part to identifying 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.

The Salt review observes that the number of learners with SLD or PMLD, and the complexity of their needs has grown significantly. Between 2004 and 2009, the number of pupils with SLD has increased by 5.1% and the number of pupils with PMLD has increased by 29.7%. This is the result of better diagnoses and of medical advances, a trend which is expected to continue.³⁰ As general awareness of needs has risen, so has the demand for services. For example, teachers' awareness of pupils' language, speech and communication needs has improved and this has led to increased requests for assessments by Speech and Language Therapists, Specialist Teachers' services and Educational Psychologists.³¹ The pressure that this puts on SEN professionals and their education colleagues must be recognised if proposals to reform the system are to meet the professional development needs of teachers and support staff who are part of the frontline services for these children and young people.

Indeed, as medical interventions and needs identifications advance, the need for greater knowledge and professional expertise in relation to special educational needs and disabilities in many areas will grow. For example, if children and young people with SEND are to grasp education opportunities within their reach, there will be need to be better understanding of their needs in the information, advice and guidance services, a current shortfall identified by Ofsted.³²

Structural challenges to workforce development

ATL has long been concerned with the inadequacy of current ITT programmes to prepare newly qualified teachers to work with children with SEND. A TDA survey of NQTs reinforces the experience of our members, revealing that less than 50% of NQTs reported the training they had received for working with children with special educational needs was either good or very good, with coverage of SEN and disability within ITT programmes observed as varied, with particular pressure on the time available in the PGCE and other one year ITT programmes.³³

This lack of focus within ITT programmes is exacerbated by a number of misconceptions regarding the Qualified Teacher Status professional standards. Salt's Review observes that there is a damaging misconception that the standards cannot be met through teaching in a special school or in specialist settings. The Review finds that the standards themselves can

²⁹ Audit Commission, SEN: A Mainstream Issue, 2002

³⁰ The Salt Review: Independent review of teacher supply for pupils with SLD and PMLD, 2010

³¹ ATL Response to the Bercow Review of Speech, Language and Communication Needs, January 2008

³² Ofsted SEND Review, 2010

³³ Salt Review, 2010

be open to interpretation and as such, are subject to misinterpretation among teaching training providers.³⁴

The shortfall around SEN training at the initial teacher training stage inevitably puts additional pressure on programmes of early and continuing professional development, with the resulting call on already limited staff training budgets. Good practice models include cluster-based working, where schools work in partnership, deliver joint training and share good practice and good quality training and qualification courses. However, this may be difficult in a school culture that is based on a model of diversity and choice/ competition.

The biggest resource on which the government can call in terms of professional development around SEN is the expertise that already exists in pockets of the profession. However, there is a growing challenge in relation to expertise around Severe Learning Difficulties (SLD) and Profound and Multiple Learning Difficulties (PMLD), as this group of staff, often based in special schools, are disproportionately older than in the mainstream.³⁵ This brings a significant risk of losing a great deal of experience and wisdom in the next few years in the special schools sector, which will impact further on other schools as they lose a source of professional information in their school clusters.

For initial training and professional development to be sustained, it is vital that the working environment reflects and supports that development. The culture in schools must use that professional learning, reflecting it in policies and day-to-day practice. For example, we know, from member experience and research, that pro-active approaches work best with SEN and behaviour management. Research consistently tells us that schools should be encouraged and have the professional space to reflect on staff practice and policy: “meta-evaluations of work on effective behaviour systems are clear that it is the teacher’s preparation for diversity in behaviour, not what she or he does after the behaviour that is critical in the quality of learning. So any search for cause which does not examine the environment in which the behaviour takes place, particularly the classroom culture created by the school and the teacher, can be unproductive...”.³⁶ However, if schools concentrate their school-wide behaviour policy on post-behaviour sanctions with little effort to understand the environment, triggers and the particular needs of some of their pupils, particularly those with SEN, much of the value of staff professional development will be lost.

Impact of the broader curriculum on SEN

The curriculum is one of the areas of challenge for children and young people with SEN. Driven by the needs of an excessive accountability regime, it is frequently narrowed to a highly academic experience, with little flexibility for those who may sometimes require a different pace and different methods of learning. In addition to the need for curriculum flexibility, SEN needs can be a direct influence in the curriculum. For example, Bercow recommended that the Rose curriculum review examine how to strengthen the focus on speech, language and communication in the primary curriculum.³⁷ A curriculum which includes a focus on a range of special educational needs where appropriate and accountability and assessment systems which promote rather than hinder professional flexibility is key to meeting the needs of SEN pupils in schools.

³⁴ Salt Review, 2010

³⁵ Ibid

³⁶ Institute of Education, Literature Review, 2002

³⁷ Bercow: A review of services for children and young people (0-19) with speech, language and communication needs, 2008

Shortages of SEN support in the Early Years

ATL agrees with the recent SEN reviews that emphasise the importance of early SEN identification and intervention. This places a lot of pressure on the Early Years sector. However, while there is unmet demand for specialist advice and support across all types and setting and in all areas, this is most acute among early years providers, who, researchers found, appeared to have little systematic access to SEN support services or education psychologists.³⁸ The diversity of provision, along with a lack of consistency in transition, in this sector exacerbates this issue.

Shortages of key specialists in other agencies

Our members frequently observe the negative impact that staff shortages and conflicting priorities in other services has on ensuring the children and young people with SEN and disabilities get the services that they need. Members across the country report reductions in staffing at 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.”³⁹

Although much can be achieved through an extension of specialist training to the wider education profession, there will continue to be a need for specialist judgement, expertise, advice and support. Any proposals around alternative methods of SEN assessment and provision will need to take these concerns into account. For example, the Balchin proposed model involves the replacement of statements by Special Needs Profiles (SNPs) drawn up by Profile Assessors, who would be educational psychologists.⁴⁰ Balchin recognises the current ‘great shortage’ of EPs and other such experts working in the area of SEN, but this surely is a huge stumbling block in the proposed system.

Negative perceptions of education service and a culture of blame

Education staff have to struggle daily with the impact of negative portrayals of schools and teachers. They are under constant scrutiny by parents, communities and the government, often through the means of narrow test results, overly-broad targets outside the capacity of a school to deliver and through a prism of preconceptions, lack of understanding and a culture of blame. Ofsted talks of a ‘culture of excuses’⁴¹ in schools around SEN, with little reflection on the causes for such a ‘culture’, if it does exist. Ofsted’s perception of schools offering ‘excuses’ for SEN ‘weaknesses’ demonstrates an unwillingness on the former’s part to listen to the needs being exposed and undermines the support role of inspections. We strongly endorse Lamb’s recommendations that all SIPs and all Ofsted inspectors working with mainstream schools receive training in SEN and disability.⁴²

ATL accepts that there is a training need around SEN and behaviour in schools and we have long stated this in consultation responses and communications with the Department for Education and the Training and Development Agency. We also know that many

³⁸ Audit Commission, SEN: A Mainstream Issue, 2002

³⁹ ATL SEN Network Group Survey, September 2010

⁴⁰ Conservative Party SEN Report, 2007

⁴¹ Ofsted SEND Review, 2010

⁴² Lamb Inquiry 2009

professionals in schools across the country are continually updating their skills in these areas through experience and through access to coaching and training opportunities, as far as school budgets and timetables will allow. It is vital that any narrative about SEN in education recognises both the development needs and the significant achievements of the education profession in this area.

ATL is very disappointed with the views of Ofsted (and Balchin) about 'poor teaching' as culprit; the allegation is vague, failing to explore the issues involved or to offer solutions, whilst undercutting the necessary authority and professionalism of teachers and support staff in their relationships with parents and outside agencies. Parents who struggle to accept the reality of their child having SEN may find it difficult already to trust the professionals who are highlighting the issue to them. Parent partnerships can play a vital role in this, as they will have experience of the education system as well as being advocates for the parents but negative preconceptions of education make their roles much harder.

The current data targets externally-imposed on schools, with their emphasis on the 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.

Diversification of provision

Throughout this response, ATL has stated the importance of collaboration and proper co-ordination of resources. We are very concerned that the proposals to further diversify the education system will severely weaken the links which allow for effective sharing of resources, including professional development and access to specialist services. 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.'⁴³

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.⁴⁴

From experience of the extended services offer, ATL members know that a schools-based focus for needs and services which involve 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,

⁴³ Audit Commission, SEN: A Mainstream Issue, 2002

⁴⁴ Ofsted SEND Review, 2010

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.⁴⁵

Ideological bias

ATL is responding to this consultation with our members' commitment to contribute to a system which will better meet the complex and diverse needs of their pupils with disabilities and SEN. We believe that it is vital that these pupil needs, rather than ideology, drive any reform of the current system. The recent Ofsted review found that no one model of support, for example, special schools, full inclusion in mainstream provision, or specialist units co-located with mainstream settings, worked systematically better than any other.⁴⁶ Research consistently signals that increased effectiveness lies in schools working together, for example, using the expertise of special schools to support pupils with SEN in mainstream schools.⁴⁷ If this Review is to be informed by evidence, it will need to decide on a form of local co-ordination and government which will best support these models of collaboration. It is vital that any programme of reform to SEN which hopes to be effective in meeting children and young people's needs, builds on the voices of all stakeholders, experts and researchers with an awareness of and guarding against excessive ideological bias.

Conclusion

The Conservative report on SEN by Lord Balchin states that "the mark of a civilized society is the way in which it cares for its most vulnerable dependants; children with special educational needs epitomize these."⁴⁸ As an education union which represents members across education sectors, we strongly endorse this view, whilst also recognising the individuality and strengths within this group of children and young people. The current SEN system is urgently in need of review; we know that frustration with current shortcomings is shared by pupils, parents, school and other professionals alike. We must be clear that these frustrations are also exacerbated by rigidity in other education areas, particularly an excessive accountability system, manifest in the heavy hand of Ofsted and in league tables, engendering a lack of flexibility relating to curriculum and behaviour at school level. Professional training is vital to meet the needs of SEND children and young people in our schools. Furthermore, schools will need to feel supported to put different systems in place which meet the needs, stretch the abilities and celebrate the achievements of all pupils. Schools will also need to work collaboratively across and beyond the education sector with the support of a local democratically accountable co-ordinating body, such as the local authority.

Finally, we offer some key recommendations to this Review:

- That there is an extensive review of the initial training and continuing professional development needs in the education workforce.
- That the current high-stakes accountability system is urgently reviewed, with a view to abolition of league tables and development of an inspection service which includes an emphasis on support.

⁴⁵ ATL Extended Services Position Statement, 2010

⁴⁶ Ofsted SEND Review, 2010

⁴⁷ Institute of Education, *Literary Review*, 2002

⁴⁸ Conservative Party SEN Report, 2007

- That there are guarantees of co-operation that go across all types of institution, as the diversification of providers continues.
- 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 parent-partnership services are further developed.
- That clear protocols for information-sharing and clear lines of accountability are developed, to support effective multi-agency approaches.
- That there is an urgent review of staffing levels in external agencies, particularly in categories such as educational psychologists and speech and language therapists.

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