

## **Green Paper on SEND, the “Wolf in sheep’s clothing” (IPSEA)**

### **Action-attainment CIC’s Response to 12 of the Consultation Questions**

1. What key factors should be considered, when **developing national standards** to ensure they **deliver improved outcomes and experiences** for children and young people with SEND and their families? This includes how this applies across education, health and care in a 0-25 system.

Best practice relates to a clear understanding of functional need and ability, not a generic diagnostic label and standard plan. It involves parents who are trained and supported to participate as informed advocates for their child.

Creating a ‘uniform’ response to individual need will encourage poor, budget driven SEND practice by public bodies and worsen current educational outcomes, adding to social cost later in youth justice, unemployment, and mental health.

Each SEN child is an individual. At Action-attainment we have seen that best practice creates best outcomes and experiences: Four out of five young people engaged with in 2002, aged 7, are employed, representing an 80% success rate compared to the National Autistic Society’s statistic of 15% employment.

Understanding a child’s individual learning profile is crucial. Informed parents, who have the resources, invest in a full range of developmental testing to reveal their child’s learning profile. This supports parents, teachers and ultimately the young person to work together, to plan access to the curriculum, develop at the child’s own speed and understand and use personal inclusion strategies to access the workplace.

Improving outcomes requires early intervention to identify different learning styles for ALL. Interventions for children on the SEN register at Primary school, investment in learning and teaching to reveal a child’s individual profile of need, is a critical, missing link. . If taken seriously,

this would reduce current levels of mental health challenges and behavioural and educational difficulties arising at Secondary school, that ultimately impact life chances.

(Please refer to Chapter 2, paragraphs 4-6 for further details).

2. How should we develop the proposal for new local SEND partnerships to oversee the effective development of local inclusion plans whilst avoiding placing unnecessary burdens or duplicating current partnerships?

The NHS drive towards person-centred health and integrated care systems should underpin investment in providing specialist support for SEND families. Individual developmental profiles should be seen as a long-term investment enabling access to education, reduction of behavioural difficulties and ultimately improving employment prospects. Investment in individual assessment, as described by ICAN, and to current Tribunal level standards, will provide a practical ‘road map’ for educational and work place strategies when used well by supporting adults.

Local Authorities and schools should have budgets for Occupational Therapy, Speech and Language Therapy and Educational Psychology support based on **individual need** not a banded formula. This expertise is the starting point for identifying and supporting children’s educational and behavioural needs. The service should include training for parents and school staff for effective implementation of differentiation strategies. Access to professionals, testing regimes and implementation of strategies is restricted to minimise spending rather than improve outcomes.

Families who are informed and resourced pay privately for the insights gained from professionals, subsidising schools and local authorities and increasing the chances of improved outcomes for these children.

Our experience is that budget and professional restrictions on therapists is leading to resignations from Local Authority and NHS settings and a move to private practice. This exacerbates shortages in an expert workforce that is immensely valuable to families and schools with its professional insights into inclusion strategies.

(Please refer to Chapter 2: paragraphs 6-12 for further details).

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

Having a ‘tailored list of placements’ is an idea that undermines confidence and will drive down standards. We are not confident that this will be understood or administered well by Local Authorities. Providing a list of placements reverts to treating children as diagnostic types not individuals.

When families experience LA officers making decisions with their child’s best interests at heart, not budgetary constraints, the system will work effectively.

Local Authorities will be trusted by parents when we experience properly resourced, knowledgeable staff, fully supported by specialist therapists who are **truly** working in partnership with the child and family. Confidence will grow if parents are included in training that supports their child’s specific developmental strengths and needs. This training should be delivered alongside other professionals so that partnership working is achieved.

Confidence in the Local Authority and the EHCP process is increased when there is a local experience of child focussed, partnership working between parents and professionals.

Current use of the tribunal identifies the scale of LA and school failure to follow legal process. When 96% of cases are found in the families’ favour it is evident that families are more invested than the LA and schools to support best outcomes for children.

(Please refer to chapter 2: paragraphs 24-28 for further details).

6. To what extent do you agree or disagree with our overall approach to strengthen redress, including through national standards and mandatory mediation?

(Please refer to chapter 2 paragraphs 29-32 for further details).

Strongly agree  Agree  Neither agree nor disagree  Disagree  Strongly disagree

If you selected disagree or strongly disagree, please tell us why, specifying the components you disagree with and alternatives or exceptions, particularly to mandatory mediation.

The current system works for families who understand and can afford it. Mandatory mediation would duplicate the tribunal system. Mandatory mediation would probably prolong processes and increase costs.

SEND failures are made

- By the LA and NHS not assessing children's developmental profiles in a way that is timely, thorough and meets best professional practice
- By the LA and schools not understanding the legal rights of children or how to make reasonable adjustments/work flexibly
- By only working for the families who are sufficiently knowledgeable and resourced to make the system accessible for their child

The problems between the LA and family relate to lack of investment in children and poor knowledge of or ignoring the law. Problems between the family and school relate to lack of shared training, effective differentiation and flexibility for individual inclusion. These core difficulties affect everyone in the system but ultimately impact families, children's mental health and employment prospects.

**Mandatory Mediation:** LAs are understaffed and are not attending mediation or even annual reviews currently. LA representation by a legal advisor, or staff unable to make decisions, creates disadvantage for participating families. If a professional has advised 1hr of Speech Therapy per week, negotiating down to 45 minutes to save on budget is not appropriate or fair.

**National Standards** are not a solution for children who need to be understood and supported by schools and therapists based on their individual profile of abilities and learning needs.

10. To what extent do you agree or disagree that we should strengthen the mandatory SENCo training requirement by requiring that headteachers must be satisfied that the SENCo is in the process of obtaining the relevant qualification when taking on the role?

(please refer to chapter 3: paragraphs 21-24 for further details).

Strongly agree  Agree  Neither agree nor disagree  Disagree  Strongly disagree

If you selected disagree or strongly disagree, please tell us why.

Qualifications should be in place before an appointment is made. The SENCO role is key to effective delivery of differentiated teaching within the school. The role should be a senior management position with administrative support. Hours should be allocated against numbers in school and the fact that at least 20% of children have a neurodiverse profile – with or without an EHCP. SENCO training should include the law, not the LA interpretation of duty, and how reasonable adjustments are part of the equality act.

The training should also include how to work pro-actively with parents to increase partnership, teaching of inclusion strategies, links to community support outside of school. SENCO training should emphasise working with parents as the critical, frequently under-used, resource for improving children's outcomes. Disempowering parents disadvantages children.

Neurodiverse children with complex needs require on-going expert interventions from OT, SLT and EPs whose levels of training are not accessible to classroom teachers or SENCos. Early intervention from these professionals helps but the neurodiverse child's needs are life-long, and differentiation is still needed as curriculum demands increase. Decreases in teacher confidence in SEND identify the scale of the difficulties faced.

Neurodiverse children typically find learning more difficult with transitions to secondary and tertiary education unless the information is effectively differentiated to meet their hidden needs.

12. What more can be done by employers, providers and government to ensure that those young people with SEND can access, participate in and be supported to achieve an apprenticeship, including through access routes like Traineeships?

Research by UCL and Autistica, ( DARE), identifies that only 2% of employers ask about differentiation strategies for employment. This pinpoints a significant training need.

Practical support on reasonable adjustments from specialists can provide effective, low cost-no cost, insights on problem solving that, without action, historically lead to students leaving a study programme.

The support of a SENCO into FE is not enough to sustain a placement at this level. A critical factor in failure to progress into college, apprenticeships and traineeships relates to lack of support between student and staff by specialist Occupational and Speech and Language therapists. Colleges should be able to flex the curriculum to support a pathway to work rather than follow an exam-based programme.

Using the 19-25 EHCP, at the Isle of Wight College and through its partnership with St Catherine's College's SLT and OT advisors, student progression has improved considerably.

Specialist support through St Catherine's college therapists includes helping young people explain their access needs with interview skill training, and helping young people establish themselves in work/volunteering environments as part of the 19-25 transition from education into adulthood. This is a working example to evidence the fact that practical, personal 'Adjustment Passports' can work.

(please refer to chapter 3: paragraphs 44 – 51 for further details).

13. To what extent do you agree or disagree that this new vision for alternative provision will result in improved outcomes for children and young people?

(please refer to chapter 4: paragraphs 8 - 11 for further details).

Strongly agree  Agree  Neither agree nor disagree  Disagree  Strongly disagree

If you selected disagree or strongly disagree, please tell us why.

Reliance on moving young people between mainstream and alternative provision to improve outcomes totally misses the core problem with the current SEND system. Until early understanding is established of how behaviour indicates a struggle with a learning environment, the system will fail children and society. Highlighting behaviour as a barrier to inclusion, using standardised models of assessment and support misses the core point that children are individuals whose access difficulties need to be fully understood. Moving children between placements returns them to a place of difficulty that may be fundamentally inaccessible because of hidden sensory, communication and educational needs. Expecting children to cope with environments that are fundamentally inaccessible to them creates ‘trauma’ responses and mental health difficulties that can take years to resolve – if the young person is lucky enough to get help.

Children’s futures rely on supportive family and community environments. Parent-school partnerships that include shared training in supportive strategies that meet individual strengths and needs will have more impact than moving children from one setting to another.

Over 25 years, Action-attainment’s CEO, Sam Silver, has seen how parent/teacher partnerships in SEND support, creating strong community networks and encouraging parents to lead on school choice have produced a group of resilient young people with better than predicted outcomes as young adults.

17. What are the key metrics we should capture and use to measure local and national performance? Please explain why you have selected these.

(please refer to chapter 5: paragraph 14 – 20 for further details).

Measurement of local and national performance should be included and linked to challenging **current expectations** for young people with SEND, including

- National Autistic Society statistics for mental health and employment,
- Standard peer development for education, mental health and employment
- Identification of need by Local Authorities against national incidence rates.

This is important because neurodiversity is reflective of general population cognitive abilities, yet life outcomes are impaired by environments/teaching styles that could be adapted with understanding of an individual's profile of hidden needs as well as abilities.

18. How can we best develop a national framework for funding bands and tariffs to achieve our objectives and mitigate unintended consequences and risks?

Funding banding and tariffs carry high risk of unintended consequence because they mitigate against supporting individual need. Children are not born to a specification and diagnosis is a medical signpost not a developmentally-based learning profile.

To create a system that supports good outcomes involves providing funding that reflects individual need. Action-attainment's CEO's 25 years of experience with neurodiversity, has identified the following factors that have led to best outcomes:

- young people were placed in schools that supported their needs and worked to their strengths – such as languages, drama, music, sport, engineering
- schools worked in partnership with parents.
- Pathways and adaptation of the curriculum supported young people to achieve results that took the students to the next level and into work.
- Unusual learning profiles were recognised as causing behavioural difficulties at nursery or primary school.
- Parents were linked into social and community programmes as well as with NHS/privately commissioned professionals who supported young people's development in and out of school.

There is community infrastructure across the UK, from Voluntary Service organisations to the School for Social Entrepreneurs, that empowers individuals to create new structures for problem solving and change. Action-attainment is a working example of how links between Local Authorities, Schools, the NHS and Voluntary/Community Sector can empower families and improve outcomes for children.

(please refer to chapter 5: paragraph 27- 32 for further details).

19. How can the National SEND Delivery Board work most effectively with local partnerships to ensure the proposals are implemented successfully?

Genuine co-production between people and providers could develop local partnerships and improve outcomes for vulnerable children. This is about providing training to families and the organisations we work with. The focus should be on children not existing bureaucratic, internal structures and silo thinking around problem solving.

Co-production can be about interactions as peers to consider problem solving – as used in the Action Learning protocol from Coal Board Management in the 60s to NHS practitioner-patient trust rebuilding in 2022.

A ‘Delivery Board’ has the potential to be an additional bureaucratic invention that reinforces barriers rather than solves problems.

If the SEND Delivery Board is established its first stop should be to work with experts in co-production and community action.

The School for Social Entrepreneurs, the Action Learning Centre and the National Lottery’s proposal for a national Growing Great Ideas fund all have the practical ability to create new, ground level up, approaches to systemic failure in the UK. The SEND system is an example of statutory silo thinking yet it has legal and educational mechanisms within it to provide great outcomes for those who understand how it works, and where it works well.

(please refer to chapter 6: paragraph 6 – 7 for further details).

20. What will make the biggest difference to successful implementation of these proposals? What do you see as the barriers to and enablers of success? –

Parents are the magical, additional resource IF engaged with positively in a child's education. At Action-attainment our experience is that training that is shared between families, community and schools develops problem-solving partnerships and a good base for child development.

Over 25 years families and key professionals in Richmond Upon Thames have developed services for training, understanding the individual child behind a diagnostic label, and building community around the family through work with schools. Our outcomes overturn statistical expectations for the neurodiverse young people we work with.

### **The Action-Attainment Intervention Package - *Fostering Life Skills for Neurodiverse Children***

Based on **Bronfenbrenner's Bioecological Systems Theory of Development** (Bronfenbrenner, 1977, 1998) Action-attainment:

- Targets development as a holistic system, continuously and dynamically influencing every area of life:
  - Supports neurodiverse children and young people with peer relations, school transitions, employment, functional participation in daily routines – using sport
  - Supports families navigating through systems and policies – using parent training
  - Supports schools to deliver holistic interventions – using input from therapists and experts by experience.

The core programmes are delivered using a mixture of fundraising and fees. Programmes are delivered in partnership between neurodiverse people, their families and professionals.

The Green Paper barriers include:

- Failure to name investment in parent/teacher training and strong community links to support better outcomes. The introduction of the Local Offer recognised the importance of community initiatives in family lives.
- Restricting access and parent choice with standard systems that mitigate against personalisation.
- Failure to create accountability for the LA, school and others who do not uphold SEND law

(please refer to chapter 6: paragraphs 8 – 14 for further details).

21. What support do local systems and delivery partners need to successfully transition and deliver the new national system?

(please refer to chapter 6: paragraphs 8 – 14 for further details).

**Training** in delivering differentiated, personalised learning that is underpinned by expert information on the child's individual profile of strength and need

**Flexibility** within delivery systems to work from a child developmental focus with parents fully trained and empowered to be partners with professionals

**Understanding** that failure to invest in identifying and supporting individual learning styles will create more complex difficulties for children throughout life that society will pay for

Our serious concern is that the Green Paper's focus on 'national standards,' 'funding bands' and 'LA approved schools' creates increased systemic rigidity in a failing system. In turn the embattled processes will let down more children and families with increased cost to lives and society.

22. Is there anything else you would like to say about the proposals in the Green Paper?

Action-attainment CIC was created by parents working with professionals to counter the systemic failure of neurodiverse children by education and health. CEO, Sam Silver, has seen how services have become less accessible and more rigid over the past 25 years while diagnosis of neurodiverse children has increased.

The Green Paper does not recognise the role of parent partnership and training as the long-term, key factor in healthy child development.

It does not build on best practice and opportunities to help families develop healthily within communities.

In turn this is a lost opportunity that we fear will increase bureaucracy, increase legal action and fail those vulnerable families who are unable to navigate a system that favours those with money and knowledge.

Conceptually the Green Paper is looking in the wrong place despite having gathered so much evidence from experts in the SEND system. Using 'Return on Investment' as a metric, when school and local authority budgets are known to have shrunk over the past 10 years of austerity, is wrong-headed.

Best practice exists in the UK and is accessed by those who use the legal system to fight for it on behalf of their children. This is wrong.

Supporting parents, schools, local authorities, the NHS and community groups to work together to help children be effective members of society is what will provide a real return for investment.

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Submitted on behalf of Action-attainment CIC

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