

The New Learner Journey: Fulfilling the Needs of Young People with Special Educational Needs

A Discussion Paper for Local Authorities

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Foreword

The history of Special Educational Needs (SEN) has been chequered. The statementing process in particular has received sharp criticism from a number of sources, not least the parents of young people with Special Educational Needs.

The changing nature of SEN demand has created challenges for local authorities. We are seeing a marked increase in the numbers of young people with the most complex learning and support needs, variously described as low incidence complex needs, technologically-dependent children or those with Profound and Multiple Learning Difficulties (PMLD). Mainstream schools and local authorities face significant pressures to meet the learning needs of almost 10,000 students diagnosed with PMLD in 2009 and 6,000 children defined as technologically dependent.

Over the last decade the huge proliferation of Government legislation on SEN provision and guidance on meeting the needs of young people with disabilities has further complicated the process. The Children, Schools and Families Bill passing through Parliament will provide parents with greater powers of appeal while the Government has recently announced plans for compulsory short breaks for parents of children with disabilities or learning difficulties. The total costs associated with the Bill proposals could have a significant impact on local authorities at a time of severe financial pressure.

Supporting young people with Special Educational Needs to achieve their potential demands earlier, more accurate statements to identify the resources required. But meeting this huge demand during a time of economic austerity is not simple. In order for local authorities to meet the needs of learners efficiently, they must have access to flexible, cost-effective SEN services. This is crucial if local authorities are to support the 'Learner Journey' of students, a process which requires greater focus on the developmental needs, transition, and autonomy of young people, whether their ultimate goals are employment or independent living.

In order to support this process, Treloar's has developed FlexiOptions, a portfolio of services to provide local authorities with flexible and cost-effective SEN provision.

FlexiOptions has already received the support of the DCSF:

"The DCSF welcomes Treloar's FlexiOptions, the groundbreaking initiative that is a blueprint for how independent service providers can work with and support local authorities in a cost-effective partnership during the learner journey of their students with physical disabilities."

I hope this document will be a useful point of reference. I encourage you to respond either by writing to me directly, or by attending one of the events we will be planning in the future.

Tony Reid, Chief Executive, Treloar Trust

Executive Summary

- For much of the twentieth century, the education and care of children with special needs was conducted from a medical perspective. In 1978, the Warnock Report changed this with the introduction of the term Special Educational Needs (SEN) and the concept of statementing. This introduced the idea of a continuum of needs.
- The Warnock report also developed an agenda of inclusion; students with SEN were encouraged to stay in mainstream education rather than specialist provision. This inclusion agenda was accepted by the new Labour Government in 1997 in the Green Paper 'Excellence For All Children: Meeting Special Educational Needs' which gave Government support for the UN inclusion agenda. The 'SEN Strategy Removing Barriers to Achievement' in 2004 reiterated a commitment to encouraging SEN students into mainstream education. More recently, however, the Government has expressed reservations about the ratification of Article 24 (Education) of the UN Convention on the Rights of Persons with Disabilities and been at loggerheads with the inclusion lobby.
- The concept of SEN and the process of statementing have come in for criticism from a number of sources, including parents, lobby groups, the Parliamentary Education Select Committee, the Audit Commission and Baroness Warnock herself. Criticisms include that local authorities have a conflict of interest in providing statements and the services attached to them and that the process of statementing often takes too long.
- SEN demand has changed in recent years. There has been an increase in the number of children with special needs from 700,000 in 2002/3 to 800,000 in 2007/8 and a growth in the number of students with statements and a physical disability from 25,050 in 2007 to 25,840 in 2009. In addition, in 2009, 9,400 students were described as having Profound and Multiple Learning Difficulties (PMLD) compared to just 8,670 in 2007. This has placed further strain on local authorities, so that some 1,433,940 children identified with SEN do not have statements.
- A number of legislative announcements will place further strain on local authorities. The Children, Schools and Families Bill will give parents the right to an extra appeal on statementing decisions and the Government has announced intentions for short breaks for parents of disabled SEN students to be made compulsory. In both cases, local authorities will be responsible for meeting these requirements.
- To meet these challenges, local authorities will need support to adopt a 'Learner Journey' for all learners with Special Educational Needs. This will require much earlier assessments with regular evaluations of students' needs and capabilities by multi-profession teams. The Learner Journey also recognises that gaining qualifications and/or employment on leaving formal education are not the only valuable end-products of a disabled young person's educational programme.
- The Learner Journey will also require local authorities to have access to a much wider range of services, including those from independent providers. Treloar's has developed a

series of services called FlexiOptions to help local authorities improve SEN provision in a cost-effective manner. These include flexible residential provision with defined outcomes and mobile assessment services which can travel to mainstream schools.

A short history of SEN provision

- 1978 - Warnock report introduces the concept of statementing
- 1981 - Education Act formally introduces statementing
- 1997 - Green Paper 'Excellence For All Children Meeting Special Educational Needs' gives Government support for UN inclusion agenda
- 2004 - 'SEN Strategy Removing Barriers to Achievement' reiterates commitment to encouraging SEN students into mainstream education
- 2006 - House of Commons Education and Skills Select Committee report criticises the statementing process
- 2010 - Children, Schools and Families Bill proposes greater powers of appeal for parents of children with SEN

1. The provision of education and care for students with Special Educational Needs (SEN) has changed a great deal over the last 100 years. In the early twentieth century, ideas about the provision of education for children with special needs were based on a medical model of 'defects'. It focused on difference and impairment rather than normality and inclusion. In fact, it was not until the 1960s that behavioural psychology advocated a social model focused on improving and modifying the attitudes and experiences which young disabled people were exposed to. The major changes however have come in the last thirty years, with both great upheaval and huge strides made in improving the learning environment for children with SEN and physical disabilities.

Special Educational Needs and statementing

2. Before the Warnock Report¹ in 1978, distinct categories of disabilities had been used in determining what form of education was suitable for each child. The Warnock Report, followed by the 1981 Education Act², drastically changed this concept of Special Educational Needs, introducing the idea of a continuum of special needs rather than separate categories. This shift in emphasis was the first step in a move towards what is now referred to as the 'inclusion' agenda. It introduced the idea of Special Educational Needs (SEN), 'statements' of SEN, and an 'integrative' system, based on common educational goals for all children regardless of their abilities or disabilities: namely independence, enjoyment, and understanding.

The Inclusion Agenda

3. In 1997, the new Labour Government went one step further in committing to an inclusive agenda, with the Green Paper Excellence For All Children Meeting Special Educational Needs³. This gave public support to the UN statement on Special Needs Education 1994⁴ which "calls on governments to adopt the principle of inclusive education" and "implies a

¹ <http://www.dg.dial.pipex.com/documents/docs3/warnock.shtml>

² http://www.opsi.gov.uk/acts/acts1981/pdf/ukpga_19810060_en.pdf

³ http://www.dcsf.gov.uk/consultations/downloadableDocs/45_1.pdf

⁴ http://www.unesco.org/education/pdf/SALAMA_E.PDF

progressive extension of the capacity of mainstream schools to provide for children with a wide range of needs.”

4. More recently, the Labour Government looked to improve SEN provision through the SEN And Disability Act (SENDA) 2001⁵, and the 2004 SEN Strategy Removing Barriers to Achievement⁶.
5. The 2004 SEN Strategy in particular talked about “developing inclusive practice” and specifically noted that: “The proportion of children educated in special schools should fall over time as mainstream schools grow in their skills and capacity to meet a wider range of needs.”
6. As a result of the guidance set out in SENDA and the 2004 SEN Strategy, it has been argued that the Government has encouraged local authorities to adopt an inclusive policy which essentially calls for specialist schools to be shut down in favour of mainstream education. In a report in 2006, the Houses of Commons Education and Skills Committee described the Government’s position as “confusing” and said: “It is reasonable for those involved in SEN to assume that the Government holds a policy of inclusion from which it has given guidance to local authorities to reduce both the proportion of students in special schools and to reduce reliance on statements.”

Relaxing the Inclusion agenda

7. Since 2004, the Government has sought to clarify its position on the matter, and soften its stance on inclusion. This is in no small part due to the change in position of a number of prominent charities. Many disability campaigners, such as the National Autistic Society and Mencap, were until recently strong supporters of a strict line on inclusion policy. They are now taking a more pragmatic approach. Lesley Campbell, national children’s officer for Mencap said that: “A very large group of children are being successfully included but we have to be realistic. Some are not included well and they end up as refugees from the mainstream, in special schools, at secondary level.”⁷
8. More recent Government moves such as the development of a National Commissioning Framework have sought to create a national operating system from which local authorities and other providers of SEN have a level of greater flexibility. This and the significance of recent Government legislation will be discussed in more detail later in this document.

Criticisms of Government guidance and statementing

9. The original development of a continuum of special needs has been accused of producing an overly simplistic account of children’s capabilities. Baroness Warnock, author of the Warnock Report, has since commented on the unintended consequence of the term

⁵ http://www.opsi.gov.uk/acts/acts2001/ukpga_20010010_en_1

⁶ <http://www.teachernet.gov.uk/doc/5970/removing%20barriers.pdf>

⁷ <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmeduski/478/47807.htm>

'SEN'. In particular she has argued that it has inadvertently lumped together children with very different learning disabilities and difficulties.

10. Perhaps the biggest criticism of the statementing process is that there is an inbuilt conflict of interest. It is the duty of the local authority both to assess the needs of the child and to arrange provision to meet those needs, all within a limited resource. Criticism of this system has been exacerbated by figures which show large differences between the proportions of students given statements in different local authorities. A report by the House of Commons Education and Skills Select Committee in 2006 put this difference at between 1% and 5% of children receiving statements within different local authorities.⁸ A lack of clear national guidance on when a statement should be issued has, in the past, been seen as a cause of this disparity. A more recent research report for the DCSF⁹ highlights this variability between local authorities and concludes: "Local variation is clearly undesirable when it reflects unmet need and inequalities in access to, and level of, services."
11. The time it takes for a child to receive a statement is often used as proof of the failings of the current system. Under the existing SEN Code of Practice, local authorities must provide a draft statement within 18 weeks and a final statement within 26 weeks of the initial request for a statement from parents. There are, however, several circumstances under which a local authority does not have to comply with this timetable. Many parents report that the process can take months and even years of legal wrangling before their child receives a statement and the appropriate education provision.
12. Indeed, a report by Cambridge University concluded that: "There is an urgent need to reappraise systems of funding and in particular statementing, the rationale for which is less and less obvious. In addition the process can lose the goodwill of parents and teachers who become frustrated by what they see as a stalling and penny pinching policy."

Further criticisms

13. As Baroness Warnock notes, a key problem created by the development of Special Educational Needs (SEN) was the process of homogenising the learning difficulties and disabilities of SEN students. Discussing the 1978 Warnock Report, Baroness Warnock said: "One of the major disasters of the original report was that we introduced the concept of Special Educational Needs to try and show that disabled children were not a race apart and many of them should be educated in the mainstream... But the unforeseen consequence is that SEN has come to be the name of a single category, and the government uses it as if it is the same problem to include a child in a wheelchair and a child with Asperger's, and that is conspicuously untrue."

⁸ <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmmeduski/478/478i.pdf>

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<http://publications.dcsf.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-RR211&>

14. The vagueness of the term SEN is a problem in itself. An Ofsted report in 2004¹⁰ argued that: “Within the schools visited in this survey, the percentage of students recorded as having SEN ranged from 5% to 34% in secondary schools and 10% to 60% in primary schools. The wide range was sometimes justified, but by no means always so, reinforcing the findings of the Audit Commission Report published in 2002. Variations in the interpretation of the criteria in the SEN Code of Practice were often related to judgements made with insufficient reference to objective factors and comparisons with other schools and judgements about whether lower attaining students were making ‘reasonable progress’ lacked context.” Clearly, the SEN Code of Practice has not delivered a consistent approach to the statementing process.
15. Today, special educational need is broken up into a collection of 11 sub-categories, under four categories: Cognition and Learning Needs, Behaviour, Emotional and Social Development Needs, Communication and Interaction Needs and Sensory and/or Physical Needs. Sub-categories include Profound and Multiple Learning Difficulty (PMLD), Behaviour, Emotional and Social Difficulty (BESD) and Autistic Spectrum Disorder (ASD).
16. The problem remains that the various categories may have some value for data collection but do not reflect the subtlety, complexity or dynamic nature of learners’ needs. It is difficult to know how different local authorities define the boundaries between categories and this simply results in greater confusion and disparities within the statementing process. If criteria are to be effective in allocating the right resources to learners they must be clearer and more focused on addressing all their needs, not just the most immediate and self-evident, or the ones which match the authority’s priorities
17. The Common Assessment Framework (CAF) has been developed to provide a standardised approach to conducting an assessment of a child's additional needs and deciding how those needs should be met. But though this may provide a consistent approach in terms of how professionals conduct an assessment, it does not guarantee the quality and predictive capability of its conclusions.

¹⁰ <http://www.standards.dfes.gov.uk/ts/docs/ofstedSEN.pdf>

Treloar's View

The inclusion agenda has undoubtedly benefitted many students, and its original aims should be lauded. But it is not the case that such an agenda should be pursued at all cost.

Problems found during an Audit Commission investigation into Special Educational Needs in 2002¹¹ remain, in many cases, unresolved. The most important being that too many children are waiting too long to have their needs met. A key consideration for improving SEN provision in mainstream schools must be the introduction of earlier interventions.

Similarly, assessments need to reflect the individual needs and capabilities of children with Special Educational Needs. For this to happen, assessments should be based on information gathered by all the key figures in the young person's life - parents, teachers, their SENCO, other professionals such as educational psychologists and therapists - and the students themselves.

Local authorities play a crucial role in the provision of education and care for children with SEN and many children with SEN are assessed early and effectively. However, assessment of learners with the most complex needs must avoid a purely educational focus and take into account the totality of the young person's life, including their health and social needs, family support and aspirations. This is not simply a task for local authority children's services, and the 2006 Education Select Committee suggested that an independent agency be created to take on this role. This would remove any conflict of interest which might be assumed to arise between the local authority's role as assessor and provider or purchaser of services. A similar concern has been expressed in some circles over the role of the Connexions Service because of its statutory duty to complete the 'Section 139a' assessment for young people leaving school.

¹¹ <http://www.ttrb.ac.uk/viewarticle2.aspx?contentId=12391>

Understanding today's SEN landscape

Changing SEN trends

- 1,433,940 students with Special Educational Needs (SEN) without statements, an increase of 0.6% since last year
- 9,400 students now assessed as having Profound and Multiple Learning Difficulties compared to just 8,670 in 2007

18. The Department for Children, Schools and Families (DCSF) found that the number of children with statements of SEN (not just those in schools) maintained by an authority has decreased by over 1,740 from 2008 to 228,900 in 2009¹².

19. In 2009 there were some 1,433,940¹³ students with SEN without statements. This represents 17.8 per cent of students across all schools, an increase of 0.6 per cent from 2008.

Increase in complex needs

20. It is well known that, within the overall incidence of Special Educational Needs, the proportion of children with behavioural conditions and/or Autistic Spectrum Disorders (ASD) has increased dramatically, and the impact of these trends is seen across mainstream and special education. The overall increase in the number of children with Special Educational Needs also contains within it an increase in the incidence of physical disabilities, which appears to be related to the survival of more low birth weight and/or pre-term babies with neurological impairments. A report by the Office for Disability Issues¹⁴ published in 2008 found the number of disabled children in Britain had risen from 700,000 in 2002/3 to 800,000 in 2007/8. Figures from the Office of National Statistics found that in 2007, 25,050¹⁵ SEN students with statements had a physical disability. In 2009, this figure had risen to 25,840¹⁶.

21. In the case of physical disability, changes in the PMLD cohort can be taken as an indicator of the most complex end of the spectrum of needs and in 2009 9,400¹⁷ students were described as being in the PMLD group compared to just 8,670 in 2007¹⁸. Another study suggested that the under-eighteen PMLD cohort may total over 14,700¹⁹. While the inclusive work undertaken by staff in mainstream settings is often very skillful and creative, it is unreasonable to expect them to adapt their approach without a great deal of

¹² <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000852/index.shtml>

¹³ <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000852/index.shtml>

¹⁴ <http://www.odi.gov.uk/docs/res/factsheets/disability-prevalence.pdf>

¹⁵ <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000732/sfr20-2007.pdf>

¹⁶ http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000852/SFR14_2009.pdf

¹⁷ http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000852/SFR14_2009.pdf

¹⁸ <http://www.dcsf.gov.uk/rsgateway/DB/SFR/s000732/sfr20-2007.pdf>

¹⁹ Emerson, E. (2009) Estimating Future Numbers of Adults with Profound Multiple Learning Disabilities in England, Centre for Disability Research Lancaster University.

support to children with low incidence complex needs who, by definition, they will meet very infrequently in the course of their careers.

Increase in costs

22. Because of the increasing incidence and the complexity of childhood disabilities, and society's values and expectations, the cost of meeting SEN requirements for local authorities has increased substantially over the last decade. In a report conducted by Kent County Council, extrapolated figures showed total costs for local authorities rising from an estimated £407 million in 2003 to around £613 million in 2008. Though this may accurately reflect changing needs, in some cases it could be the result of risk-averse over-resourcing of children's needs and capabilities, or a consequence of a lack of joined-up thinking between different services leading to overlapping provision.

Treloar's View

The increase in the number of children described as having low incidence complex needs or PMLD means that local authorities may be expected to fund a growing number of resource intensive long term placements, but the number of learners with Special Educational Needs without statements is also a cause for concern.

Children and young people with Special Educational Needs but without a statement urgently require a system with the flexibility to provide earlier, robust assessments which lead to agreement about their needs. For these young people, delay, inadequate provision or conflicting views can be damaging to their educational progress and self-esteem. If necessary, local authorities should look to outside providers to speed up and refine the process of assessment and statementing.

To control costs, local authorities could 'spend to save' – using early intervention by independent multi-disciplinary teams to assess children's needs and give both families and professionals confidence in the process of resource allocation and funding. This will avoid 'over-provision' and ensure timely support and partnership between parents and authorities.

Current SEN policy

- Children, Schools and Families Bill passing through Parliament proposes greater powers of appeal for parents with SEN children and that Ofsted will consider school's provision of SEN services when assessing their performance
- The scrapping of the Learning and Skills Council and development of the Young People's Learning Agency will give local authorities commissioning powers over SEN provision
- Local authorities will be required to provide short breaks for carers and parents of SEN students, with Government guidance expected in September 2010

23. The legislative landscape has also, predictably, had a huge impact on the education and care of children with SEN. The Government has gone some way in recognising the need for changes to improve the statementing process and confidence in the system. A number of legislative proposals and organisational changes have been mooted in recent months. The most important of these include:

Parental right to appeal

24. The development of the Children, Schools and Families Bill came as a result of a report on SEN by the Education and Skills Select Committee in 2006²⁰. Referred to throughout this document, the report was highly critical of some areas of current SEN practice, particularly in relation to parents' confidence in the system. This prompted the Government to ask Brian Lamb, the chair of the Special Educational Consortium, to carry out an enquiry into how parental confidence in the SEN assessment process might be improved. This has formed the basis of the SEN related section on the Children, Schools and Families Bill.
25. The Bill has the potential to have a significant impact on how children with SEN are taught and catered for, and the role local authorities play. It proposes a number of changes to SEN provision centred on improving the process for parents and children.
26. The flagship policy proposal from a SEN perspective is the call for parents to be granted a right to appeal if they are unhappy with the review of their child's statement. Currently, if a local authority proposes an amendment to a statement following an annual review, there is a parental right of appeal. There is, however, no right of appeal if the local authority decides not to amend a statement following an annual or interim review. The report recommended that in such cases parents should be given a right of appeal. This recommendation has now been drafted into the Children, Schools and Families Bill, amending the Education Act 1996 accordingly. The concern for local authorities will be who pays.

²⁰ <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmeduski/478/47802.htm>

27. The Government's own Impact Assessment report suggested the extra cost would be split between local authorities, the Legal Services Commission and the Tribunal/Tribunals Service. It estimated that local authority costs nationally would range between £235,000 and £475,000 per annum²¹. In those authorities whose policy is to challenge parents' appeals robustly through the Tribunal system, the total cost could be significantly more and difficult to justify in a period of extreme financial constraint.
28. Another important change proposed in the Bill is for Ofsted to consider how well schools are meeting the needs of SEN students when assessing a school's overall performance. This places increased pressure on schools to demonstrate that they are meeting the needs of children with disabilities or learning difficulties, a pressure they are likely to transmit to local authorities by moving through the School Action, Action Plus and statementing process.
29. The Government's espousal of parents' rights and responsibilities is also reflected in the Bill's measures to gather and publish parental satisfaction data. This follows the introduction of National Indicator 54 – a mandatory, independent survey of parents' satisfaction with services for their disabled children introduced in 2009 as part of the DCSF's Aiming High for Disabled Children programme. For the first time this Indicator rates education, family and social care and health provision and provides a benchmark by which local authorities and PCTs can be judged against each other and over time.

Local authority commissioning powers

30. The Government has recently committed to re-structuring post-16 education. The Learning and Skills Council is being abolished, with the development of a new Young People's Learning Agency (YPLA) and the Skills Funding Agency (SFA). In abolishing the LSC, the responsibility for its £7 billion budget will pass back to local authorities on 1 April 2010. This move has been supported by local government groups. Shireen Ritchie, chair of the LGA's Children and Young People Board, said: "Returning this funding to the control of local government means young people have a single body overseeing their education and development, from nought through to 19."²²
31. From April 2010 local authorities, generally acting in sub-regional groups, will commission further education and training and need to show that plans are established to secure places for every young person aged 16-18 and up to the age of 25 for learners with learning disabilities and/or difficulties.
32. It is argued that given local authorities have a better grasp of local priorities and services, it makes most sense for them to control this funding and the commissioning process. In reality, the YPLA will oversee and support the commissioning process and coordinate funding to sub-regional groups of local authorities with the powers to intervene if adequate and coherent provision cannot be achieved.

²¹ http://publications.dcsf.gov.uk/eOrderingDownload/CSF-Bill_Impact-Assessment.pdf

²² <http://www.lgcplus.com/children/latest-childrens-services-and-education-news/education-structure-top-heavy-says-lga/5011227.article>

33. With the scrapping of the LSC, the Government has sought to avoid inequalities in funding across the country by developing a new National Commissioning Framework (NCF) to provide consistency across regions and sub-regions. The draft NCF is in place, with the final framework to be produced by the YPLA in April 2010 in time for the commissioning process for the 2011/12 academic year. The YPLA will lead on the implementation of the NCF. Where local authorities fail to deliver sufficiently wide-ranging, high quality learning opportunities sourced from a diverse pool of providers, the YPLA will have the power to intervene.
34. The Apprenticeships, Skills, Children and Learning Act 2009 requires local authorities to encourage diversity in the education and training available; to act with a view to increasing opportunities for young people to exercise choice and to promote educational opportunities and the wellbeing of young people in their area. This applies equally to young people with learning disabilities and/or difficulties as to non-disabled learners. Wherever possible, provision is expected to be developed and delivered locally, although the DCSF recognises that learners with the most complex disabilities will need to be able to access regional or national resources. In the initial phase of the Act's implementation, the YPLA will retain responsibility for this funding stream.

Freezing of specialist colleges budget

35. The Government has provided a total budget of over £200 million to fund over 3,600 young people from 16-25 with learning disabilities and/or difficulties who go to independent specialist colleges. Although this budget has steadily increased in recent years in line with the increasing complexity of need of each student, the framework of fees for specialist colleges has been frozen for the third year running (and the fifth year for day students). Many independent specialist colleges act as regional or supra-regional centres of expertise and any reduction in their capacity to provide for the most complex learners will have major implications for local authority commissioning arrangements.

Short breaks

36. In a recent statement (9 February 2010), Ed Balls, Secretary of State for Children, Schools and Families, launched a public consultation which, if agreed, will require all local authorities to provide short break services for parents who care for disabled children. Although not all disabled children are categorised as having SEN, a large proportion do require SEN provision of some sort. The consultation period will lead to final guidance and regulations to be published in September 2010
37. The Government's drive to improve short break opportunities for parents and carers began in January 2008 with the funding of 21 Pathfinder local authorities to start work on the transformation of short break services, while the remaining local authorities received funding from 2009/10.

38. Funding comes from the Government's 'Aiming High for Disabled Children (AHDC): Better Support for families' initiative, launched in May 2007. The bulk of the DCSF funding provided (£370 million)²³ was ring-fenced and allocated to local authorities to provide additional services for families with disabled children and young people. Local authority allocations were supported by £340 million funding for Primary Care Trusts for short breaks, wheelchairs, community equipment and palliative care for children confirmed in the Child Health Strategy. However, this funding was not ring-fenced and has led to difficulties with joint planning and commissioning.
39. A number of local authorities requested further funding to meet unexpected demand for short break services. The DCSF has made available £1 million funding in 2009-10, inviting local authorities to submit a business case to show how the funding would be used, the expected outcomes, and how they would provide short breaks for parents and children with a range of needs. Clearly the cost of providing short breaks, particularly for children with complex care or health needs, will be substantial, particularly the cost of recruiting adequate numbers of carers trained to the necessary standards. In its Impact Assessment²⁴ of the proposals the Government estimated it would cost local authorities £6,635 per child to implement. Even with Government funding, local authorities will need to find cost effective ways to meet this requirement.

Local authority service provision

40. On a more fundamental level, there is a strong possibility that the way local authorities are expected to deliver services, including SEN provision, is likely to change over the next 12 months. Budgetary constraints have forced the hand of political parties, encouraging the formation of more cost effective alternatives to current models of service provision.
41. The Government's favoured approach is the Total Place²⁵ model currently being piloted in several local areas. Building on the Progression through Partnership strategy outlined in 2007, Total Place is a new initiative that looks at how a 'whole area' approach to public services can lead to better services at less cost. The 13 pilot projects are looking at ways to minimise the overlap and duplication of services while encouraging collaboration between local bodies, focusing on a particular theme such as guns and gangs or older people's services. The Croydon based pilot is looking at children's health and wellbeing, while the Birmingham pilot is looking at children's services and social care.
42. Total Place has received strong support from central and local government figures and seems likely to form a key tranche of Government policy should the current Government win another term in office. The concept of Total Place is based in part on developments, such as the community empowerment agenda, harnessing the creativity of frontline staff, and replicating innovative programmes. As a result, local authorities are likely to find themselves increasingly looking to service providers for guidance.

²³ [http://www.dcsf.gov.uk/consultations/downloadableDocs/Impact%20Assessment%20\(2\).doc](http://www.dcsf.gov.uk/consultations/downloadableDocs/Impact%20Assessment%20(2).doc)

²⁴ [http://www.dcsf.gov.uk/consultations/downloadableDocs/Impact%20Assessment%20\(2\).doc](http://www.dcsf.gov.uk/consultations/downloadableDocs/Impact%20Assessment%20(2).doc)

²⁵ <http://www.localleadership.gov.uk/totalplace/>

43. Under a Total Place agenda local authorities may find, for example, that services for children with SEN are merged with adult provision. Local authorities will have freedom to develop holistic or 'wraparound' services, but they will need to develop strong relationships with providers and provide the necessary environment for collaboration and the sharing of best practice.

Personalised services

44. A major issue for local commissioners of services for children with disabilities and their families is likely to be a move towards personalisation of services.

The Government's 'Valuing People Now'²⁶ strategy, published in January 2009 outlined the Government's intentions to give disabled people a greater say over the services they receive, including education and learning. Indeed, it says: "More people with learning disabilities should be able to commission their own services to live independently and have real choice about the way they live their lives."²⁷ In a similar vein, the Right to Control initiative launched by the Office for Disability Issues, will use eight pilot authorities to test giving disabled people control over certain state support they receive to go about their daily lives. The Welfare Reform Act 2009 provides the legislative framework for this process, which is based on approaches used by the Department of Health in piloting individual budgets for adults in receipt of social care, and by the Department for Children, Schools and Families to support disabled children.²⁸

45. Exactly how personalisation of budgets and services manifests itself in terms of the commissioning process and the role of local authorities needs further clarification. But, if the responsibility for commissioning services for disabled students defers to students and their parents, local authorities may find themselves increasingly at odds with young people demanding services they struggle to provide.

²⁶ http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_093372.pdf

²⁷ http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_093372.pdf

²⁸ <http://www.officefordisability.gov.uk/docs/wor/rtc/right-to-control-local-agencies.pdf>

Treloar's View

There are a number of legislative pressures on local authorities likely to come into force this year. To help meet these new demands, Treloar's has developed FlexiOptions, a new more flexible and cost effective approach to meeting the needs of young people with Special Educational Needs, with tailor-made, value-for-money services.

A particular concern for local authorities will be the cost of measures such as those found in the Children, Schools and Families Bill, such as the right to further appeals for parents of children with Special Educational Needs. These measures are likely to cause financial difficulties for local authorities already feeling the pinch. Treloar's FlexiOptions includes a number of flexible services which provide cost-effective alternatives to traditional forms of SEN provision. By providing services tailored to the needs of both students and local authorities, Treloar's FlexiOptions could help to alleviate local authorities' financial difficulties.

One such example of the services FlexiOptions provides are fixed term, outcome-driven residential placements. Families who choose residential school provision for their children with complex disabilities do so because of the holistic, individualised teaching, therapy and health care regimes. All delivered with a consistency it is sometimes difficult to replicate in mainstream settings. Parents may be fully supportive of the values of local, inclusive education, but reluctantly opt for a residential placement because of the apparent sustainability of the whole package of services. Partly because of the system of First Tier Tribunals, placing a child in a residential school then becomes a significant long-term financial commitment for a local authority. Treloar's has experience of very successful short-term placements for further education students which achieve defined goals such as independent living skills or employability outcomes, and offer a more intensive and cost-effective approach to residential learning. The FlexiOptions programme now extends this approach to other learners, while offering assurance to families that the gains will be sustained through a commitment to follow-up services.

Local authority responsibilities

With so much change occurring at such a frenetic pace, it is useful to review the roles and responsibilities of local authorities in meeting the needs of children with SEN.

46. The current legal responsibilities of local authorities and schools towards children with Special Educational Needs (SEN) are contained in Part 4 of the Education Act 1996²⁹. This requires local authorities to make provision for children with SEN, including the drawing up of SEN statements where they are considered to be appropriate.
47. Guidance on the duties of local authorities and schools is set out in the statutory Code of Practice on the Assessment and Identification of Special Educational Needs. Statements must be reviewed annually but can also be reviewed at other times.
48. As of 1 April 2010, local authorities will be required to commission education and training services for students with learning difficulties and/or disabilities aged 0-25.
49. The Children, School and Families Bill will require local authorities to provide a further right of appeal to parents whose children have received an amended statement. This will involve local authorities paying for part of the legal cost.
50. Local authorities may be required to provide short break services for parents who care for disabled children as early as September 2010.

²⁹ http://www.opsi.gov.uk/ACTS/acts1996/ukpga_19960056_en_1

The Learner Journey

- Government and local authorities need to look at SEN provision as helping young people in their 'Learner Journey'
- This requires local authorities to think about services which provide regular evaluations and appraisals of students from the assessment stage through to their transition to adulthood
- The Learner Journey must provide a more flexible approach to monitoring progress which does not solely look at educational attainment and employability
- Collaboration between young people, parents, schools, colleges, local authorities and health and other professionals is essential, with an increasing focus on transition, employability and independence
- In order to develop an effective Learner Journey programme, local authorities need to be aware of the extended services available to them, such as Treloar's FlexiOptions

The Learner Journey philosophy

51. For disabled young people, a change of perspective is necessary to provide them with the education and support services they need to thrive. Far too often in the past, education plans have focused on narrow definitions of progress or achievement. In reality, disabled learners do not always have realistic aspirations which can be set at the beginning of their education. Instead, regular assessments of their needs and capabilities must be made throughout their education to maintain provision suited to them. Even more importantly, early assessments must be made to set them on the right path.
52. For students whose complex disabilities limit them in gaining qualifications or employment, educational programmes must reflect their opinions and feelings about what they want to achieve. Sometimes this can be gaining meaningful activity in the wider community, or having a strong network of friends and family around them.
53. To provide such a system, authorities should adopt the concept of the Learner Journey. This concentrates on learner-led, student-centred educational experiences. This means education and support services from day one which look holistically at the developmental needs and aspirations of young people. Importantly it recognises that the education of these students needs to be looked at as a journey, with regular reappraisals of their circumstances throughout.

Early and regular assessment

54. The first part of a young person's journey will be determining their need and capabilities. To do this effectively he or she needs to be assessed at an early stage by experienced and trained professionals. For disabled learners, multi-disciplinary assessments are essential. This requires the involvement of therapy teams, other health care professionals and teachers, as well as engineers versed in the latest developments in assistive technologies.

A journey with many paths

55. The Learner Journey does not focus exclusively on outcomes; sometimes the journey is as important as the destination. Allowing students the opportunity to experience life outside of education is incredibly important. Not simply in preparation for a life of employment, but as a way of learning to take control of decisions, improving self-esteem and practicing independence and allowing students, parents and professionals to monitor a student's development. All young people, but particularly those with severe physical disabilities, need the opportunity to explore new surroundings and test out new roles and experiences.

Recognising all contributors to the Learner Journey

56. The Learner Journey approach does not only acknowledge the progress and development of young people with disabilities. It also looks at the parents, carers and professionals who work with them and have such a huge impact on their education and development. Caring for and educating students with complex needs can be demanding and stressful. Providing parents and children with the opportunity to take short breaks is an invaluable part of an effective service. With the Government insisting that all local authorities will be required to provide short breaks for parents and carers of disabled children, the importance of finding suitable options to meet this demand has increased. Although awareness of the costs and resources involved in meeting the very complex needs of the most disabled children safely and successfully has still not been reflected in the funding.

Journey's end

57. Of course the Learner Journey doesn't end with students leaving school and getting a job or going on to further training or higher education. Local authorities are now required to provide education for disabled learners until the age of 25, but there are important elements which should not be overlooked. The Learner Journey must include detailed planning for transition to adult life and adult services if it is to improve the life chances of young people with Special Educational Needs, particularly those with complex or severe physical disabilities. Every effort should be made to provide them with a life after formal education which is challenging and rewarding. To do this, comprehensive support for every facet of life may need to be provided to help young people develop links with their local community, social networks and support agencies.

FlexiOptions - Delivering the Learner Journey

58. To help local authorities provide an effective Learner Journey programme, Treloar's has developed FlexiOptions, a portfolio of cost effective services aimed at improving SEN provision. FlexiOptions allow local authorities to meet many of the needs of learners, providing future savings for local authorities through prudent spending decisions made today.

Earlier assessments

59. Providing earlier and more robust assessments is vital to create truly individualised packages of SEN provision. In order to help local authorities, Treloar's has developed the UK's first mobile assessment service for children with SEN, specifically targeting those with severe and complex disabilities. **Treloar's Direct** consists of a custom built trailer (the Trailblazer) with state-of-the-art communication, ICT access and mobility technologies to accurately assess the educational and developmental needs of young people with disabilities. Treloar's believes that the Trailblazer can form an important step in developing early, accurate SEN statements for learners in maintained schools. The Treloar's Direct service provides high quality advice and guidance and a bespoke programme for learners. It is already proving that it leads to efficiency gains for funders, as the 'Learner Journey in Practice' section below shows. Local authorities interested in seeing how the Trailblazer might help speed up the statementing process in their area can visit a dedicated website at <http://www.treloarsdirect.org.uk/>.

Continuing assessments

60. The needs and capabilities of learners with complex needs do not stand still. Some health needs for example are developmental or preventative - they are not essential in the here-and-now, but secure lasting improvements in future wellbeing. Similarly, educational gains build on earlier inputs and in many cases maintenance and consolidation of skills are essential for future progress. These issues have a big impact on educational progress and outcomes, and providing regular, nonintrusive assessments, built into the curriculum, is the only way to sustain a responsive and relevant learning programme. Treloar's offers a variety of comprehensive residential assessment placements. These include overnight stays or short residential periods of up to four weeks.

Developing independence

61. Developing independence is a key component of the Learner Journey and any effective SEN programme. Treloar's has developed a programme which allows students from other schools and colleges to develop invaluable life skills. The **Flexibility Project** involves disabled students from mainstream colleges staying at Treloar's for a number of weeks. While there, they learn daily living skills which they will need on leaving education, including cooking, cleaning and shopping. They are also taught problem solving and social skills and given opportunities to apply these to work-related learning. The service

has already been rolled out to Lambeth and Southwark colleges, and plans are in place to extend it over the coming months to include colleges throughout the South East.

Short breaks

62. Providing support for the parents of children with disabilities is essential to allow them time off. The Government has now committed to provide all parents with short break options, an obligation which will fall on local authorities. To help local authorities meet this requirement, Treloar's will be developing the **Care for Everyone** programme to provide much support for carers and parents by experienced and well-trained and qualified staff.
63. Treloar's also offers a wide range of placements for learners who are 'technologically dependent'. These include:
 - part-time placements over a flexible number of days for an agreed timescale with some residential experiences;
 - full time residential or non-residential placement for an agreed period from half a term upwards and
 - full-time placements providing on-going residential or day provision from 5 to 7 days a week are all available to SEN students.

Moving On

64. With local authorities required to provide support for learners with learning difficulties and/or disabilities up to the age of 25, support is needed to help young people leaving formal education. To help, Treloar's has developed a comprehensive service called **Moving On**. This uses Treloar's disability outreach workers to help physically disabled adults after they 'move on' from college or home, helping them to develop local links, achieve work goals, establish a social life and enjoy real independence.

Treloar's Services

The full suite of services provided by Treloar's is called FlexiOptions and includes:

- Treloar's Direct – A mobile trailer offering expert multi-disciplinary assessments of the communication, ICT access and mobility needs and capabilities of learners with Special Educational Needs
- The Flexibility Project – A scheme that opens Treloar's doors for external day students to learn vital independent living skills
- Moving On – Support from Treloar's disability outreach workers helping physically disabled adults after they 'move on' from college or home to achieve real independence
- Caring for Everyone – Short break support from trained professionals for parents and carers
- Full and part-time placements offered to learners with physical disabilities

The Learner Journey in practice

Speenhamland Primary School, West Berkshire

This is a mixed community school with 280 pupils age 4-11 which includes a resourced unit catering for ten pupils with physical disabilities. The Keevill Unit provides support for their physical needs and, for the most part the children are integrated into the normal timetable and play a full and active role in day-to-day class activities. The Unit has the facility to deliver physiotherapy, occupational therapy and speech and language therapy. The highly inclusive ethos at the school was highlighted in a recent Ofsted report.

The teacher in charge of the Keevill Unit identified a six-year old boy for assessment by Treloar's Direct. He has cerebral palsy, and has difficulty communicating with unfamiliar people. He is unable to establish an accurate method of producing independent class work and needs to be computer based. He uses a K Walker to move around the school.

The multi-disciplinary assessment highlighted his need for a stable and supportive seating system and a cost effective solution which he could use between classes was recommended. A slight hand tremor made it difficult for him to use a conventional mouse and a variety of more ergonomic mice were suggested together with software to dampen the effects of the tremor. He was an effective user of his communication aid - a DV4 - and had good non-verbal skills, but the device was not usable when he was moving around the school with his K Walker. The Treloar's Direct speech therapist advised on symbol-based communication which could be attached to the K Walker and more extensive vocabulary options to upgrade his education and social communication options. Staff training to support strategies to develop his speech was outlined and a number of recommendations were made regarding ICT access linked to his AAC device.

The teacher in charge of the Keevill Unit reported: "We arranged for our SLT to work alongside Treloar's Direct SLT and assistive technology engineer. They worked well together and were most thorough in their approach in all areas that might require attention. The knowledge and resources of the Treloar's Direct SLT and engineer saved us money because they shared and sent information and materials. Having undertaken the assessment, the range of facilities and equipment range on the trailer allowed us to see and try equipment rather than order and then realise it is not right - in my years of teaching I have seen a lot of waste!

Precious funds were saved by using an organisation that came to us, worked quickly and linked assessment findings with equipment and action recommendations. Alternative external agencies would have cost us significantly more. The bringing together of experts allowed an informed decision which in turn made it easier for the school and the local authority to allocate finance on a sound and confident basis. We have taken immediate action to procure all the recommended equipment and the benefits for this pupil will be significant."

For further details or to contact Treloar's regarding FlexiOptions please contact:

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