

SEND Review Consultation Response

Based on the guidance received from the National Network of Parent Carer Forums and our knowledge of local issues that parents face in the London Borough of Kingston, we chose to focus on three key areas from the consultation. These are school placement, EHCPs and how to engage with parents in terms of mediation. Our response below is based on surveys completed by over 40 parent/carers and our event where we got feedback from 120 local families

Consultation Question: 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?

When we asked parents if there was currently the provision locally suitable for their children. 31.9% of respondents said “no” and a further 18.1% were not sure. This reflects concerns that have been raised at the local level that there are *not* currently schools that are the “right place”. Achieving for Children stated the the number of children with an EHCP who have to travel outside of the borough to find the suitable specialist borough is 10% which is higher than the national average of 5%. This may be reflective of the size of our borough but also may point to some extent to concerns which some parents have raised about there being suitable places in the area.

One parent who responded to our survey asked for “More specialist support. Specific learning difficulty teachers, SLTs, OTs, counsellors, proper teacher training” Her child currently is able to access this out of borough. This response captures the two main concerns captured at our in person event too. A need for “training” and “therapy” is clearly highlighted in the key words captured.



We welcome the suggestion that the list of settings designed with the parents “may be outside of the boundary of the local authority where this is appropriate.” However we are aware that there is significant financial costs involved for funding out of borough placement and transport is an ongoing issue. We would ask for further clarity on the practicability of this proposal. In addition if there are local partnerships will this include a suitable arrangement where children from our area can access specialist service in nearby boroughs without being penalised with significant costs of going out of borough (both to the local authority and to parents who often go to tribunal to secure these places).

Based on our survey, types of schools which are available in neighbouring areas include for children with Pathological Demand Avoidance and Speech and Language and Communication Needs School which does not necessarily exist in our area. We would like to know whether if there are local partnerships there can be more parity in school choice, particularly where there are these specific needs that may not be met in the local area.

We welcome the directive for the local authority to “work together” with the parent to find suitable placement. In our survey 78.6% of respondents said they had never been offered a list of local schools appropriate for their child; this may reflect that 50% of respondents have their child in mainstream. However a number of difficulties that have arisen locally do support the idea that parents are not currently given a choice of schools. One respondent shared that she had been told “It is up to the educational psychologist to choose if your child is suitable for specialist settings” - the parent did not feel they had a say. Another parent shared she would “have to call schools” to find out herself if they could meet her child’s needs suitably. It seems a key issue that co-production over selecting appropriate schools is an issue in this area. We therefore request that the rights of the parents are reflected in any new legislation so they have a say about their child’s needs.

In addition where local partnership boards are set up we would expect for there to be real and relevant involvement of parents using a co-production model suggestions from the feedback event included “funded representation” and “regular Zoom call, online feedback and discussions.”

To what extent do you agree or disagree that we should introduce a new mandatory SENCo NPQ to replace the NASENCo? Strongly Agree, Agree, Neither Agree or Disagree, Disagree, Strongly Disagree – If you selected Disagree or Strongly Disagree, please tell us why

It is our understanding from the SEND Review that the desire for a national vocational qualification for SENCOs is still to be consulted on. Parents in the Kingston Borough have strongly agreed with this proposal but also shown that we think this needs to go much further. There was a clear indication from our recent in person feedback event that “teacher training” was a high priority for parents. Many stated that “all teachers and staff to have training” and as one parent stated “for ALL teachers in school to have SEN training that is not just 1 day of training”.

On the basis of this, there is an indication that parents in this borough would encourage the review to go further in its scope to ensure training around SEND is universal in schools. In addition this would need to be extended to mental health and social care staff. These may well fall under the scope of other reviews currently ongoing by this government but there must be joining up around this issue.

Consultation Question 4: What components of the EHCP should we consider reviewing or amending as we move to a standardised and digitised version?

Within the Green Paper’s case for change you share that “Between 2014-15 and 2020-21, the largest contributor to the increases in high needs spend was the rising proportion of children and young people with an EHCP, over and above general population change, which accounted for roughly half of the more than £2 billion increase. “ - it seems like there is a real concern about the number of children and young people of have an EHC Plan. As such we asked questions at our local feedback event and in our survey about whether schools could currently meet their children’s needs in our area. This seems a crucial element to improve the process. If there is a drive to reduce the number of children/young people on EHCP then we have to make the services available able to meet the needs of the children. As indicated, only 51% of parent/carers surveyed felt confident in the schools and most still pointed to a need for training, support and more help. What are the guarantees for parents that the schools are changing so dramatically that many more can feel confident that needs will be met without the need for EHC Plans?

In reference to the current set up of the EHC Plan, respondents to our survey scored the current layout as 58/100 able to capture the child’s needs, 56/100 able to reflect the parents' views. The EHC Plan current layout was scored 43/100 in the question about if it is specific enough. This suggests that there is some agreement for the format. However, the respondents’ experience of applying for the EHCP is very telling that achieving an effective working document is quite often not a smooth process.

“The EHCP isn’t produced with parents unless parents push to be included. My EHCP coordinator basically said it’s not important! And it’s not even read. A compliant (sic) was made and now we are having a full re review as the council failed to update it for over 2 years. When I asked why she said she had a huge workload and couldn’t possibly be on top of all of them!!”

In addition another parent responded *“Needs are not adequately reflected unless you go to tribunal.”*

This is reflected in anecdotal accounts we have had at our Care to Share sessions where parents feel they are “battling” for an adequate EHCP. Many have used advocate services, for example to make the case for more specificity or to get help to get private reports included. Whilst there is some agreement that the EHC Plan has the potential to capture the right information, it must also be acknowledged that some parent/carers in our area feel a mismatch with the right information being included and the current way of filling the forms. It seems there is a desire to “hold to account” for services delivered built into the Green Paper. We would certainly welcome more information about how this will work given these issues we seem to have in our local area.

As a Parent/Carer Forum we have been involved with a therapy review and looking at measuring outcome measures. It is essential that well written outcomes are part of the child or young person’s plan. Again it will be interesting to know how the National Standards Framework will impact this. In this work we identified there is a desire for more robust and measurable outcomes using a specific outcome measure. There is a not a great deal of detail in this Green Paper but this was one area where we would recommend improvement in SECTION E so it adequately gives outcomes that are relevant and measurable.

In answer to the question about digitisation, 63% of parents surveyed agreed this was a good idea. There were a mixture of concerns raised at the in person event. Some felt that it was “too wordy” and there was “too much repetition” - another parent/carers commented that the repetition was good “so the case officer could read it”. As such it is worth considering the readability as well as accessibility of the new digital format.

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

We did not get many responses around Mediation and some parents “did not know how to access.” it. We had recent consultation around the SENDIASS service in our area and this also reflected that many do not know about the service so firstly, we would need some work to explain rights to parent/carers in our area before we could fully agree to working towards mediation as mandatory.

We are aware that there are delays in the tribunal system and some waiting time already to access the statutory service (SENDIASS) who can offer advocacy in the area. We cannot “strongly disagree” with the concept of mandatory mediation but we certainly question if it will cause further delay and difficulty for the parent carer. As one respondent stated “I don’t think it should have to go that far”

In addition we would want to know what can make this system not just a place for settlement but true collaborative work. As you aware co-production with parent/carers is the gold standard of working practices: we would need reassurance that the local authority and other services are compelled to use mediation as a place to be truly collaborative. We would also have a concern that the mediation mandate would discinsentivise initial decision-making and communication with parent/carers. We are aware that some parents do not see professionals before an EHCP meeting is called and just see reports , in addition it is the policy for SEND Case Officers and Therapists to only attend at transition points of where issues have arisen, rather than at all meetings as they are not able to staff this level of demand. On this basis how can we ensure that parent/carers have been in the right level of communication before decisions take place?

Consultation 22. Is there anything else you would like to say about the proposals in the green paper?

We are concerned that the Schools Paper which is lauded as a way of improving the mainstream in this Green Paper, is in fact going to cause greater problems for those children not currently attending school many of whom have special educational needs. We are deeply concerned about parts of the Schools Bill, particularly those that talk about attendance policies as these could disadvantage autistic children and other children with special needs who struggle with the school environment, may be more likely to be penalised because of disruptive behaviour or may be more likely to have conflict or be bullied by their peers. Whilst there are moves to make improvements in schools, we would urge that there is joined up thinking between the Schools Bill and proposed changes in this Green Paper, to consider how training and reasonable adjustments can make attendance more possible. But equally work with parent/carers in coproduction to make the necessary improvement rather than threaten them with punitive fines and prison sentences.