POSITION STATEMENT

Date: 19 September 2013

POSITION STATEMENT ON DELEGATION OF FUNDING FOR SPECIALIST SEN SUPPORT SERVICES TO SCHOOLS FOR PUPILS WITH A SENSORY IMPAIRMENT

Local Authorities (LAs) are aware that the DfE guidance and regulations enable LAs to hold central funding to pay for specialist SEN support services to work with children and young people with special educational needs from birth, irrespective of whether or not they have a statement or an Education, Health and Care Plan or the type of education establishment or setting they attend.

This has prevented the automatic delegation of funding for specialist sensory support services to the increasing number of schools becoming academies which was a key issue for NatSIP prior to the issue of the DfE guidance and regulations in 2012.

However, while the regulations *enable* LAs to hold funding centrally there is no law that *requires* LAs to fund specialist sensory support services centrally.

Delegation and operating on a traded basis with schools purchasing support is therefore an option that some LAs may consider.

This is not an option that NatSIP supports. NatSIP opposes delegation of funding for specialist sensory support services to schools and charging them for supporting children with a sensory impairment on their roll for a number of reasons:

a) Most learning takes place through hearing and seeing. Having a sensory impairment therefore presents very considerable challenges to the child and those teaching him or her. This is why the Government stipulates that specialist teachers supporting the education of children with a sensory impairment require a mandatory qualification.

b) Sensory impairment is a low incidence, high impact, disability need so most mainstream teachers and staff will not have gained training and recent experience in teaching children with sensory impairment. Even if they have gained some experience in the past it is most unlikely that mainstream staff will have kept up to date with the rapid changes in technology which can help learners with sensory impairment access teaching and learning.

c) Given the very significant and complex challenges children with a sensory impairment face in accessing teaching and learning and the limited experience and knowledge of mainstream staff, it is critical if that they receive support from specialist sensory support services. These services should have the knowledge and skills to undertake specialist assessments, develop and advise on interventions and teaching and learning strategies, support the child’s social and emotional development, ensure maximum use is made of the access technologies available and advise on the acoustic and other qualities of learning environments.

d) Because sensory impairment is a low incidence need it is not possible to delegate funding by a formula using proxy indicators to individual settings in a way that reflects the actual distribution of learners. Some settings will receive funding for learners with a sensory impairment who are not on roll whilst others will not receive sufficient funding to buy in the specialist support they need for learners with a sensory impairment on their roll. Therefore the model of delegation is fundamentally flawed.

e) The level of support a child is entitled to will depend on the level of his or her assessed needs and not on whether an individual setting is prepared or able to buy the service. Based on national good practice and positive outcomes. NatSIP has developed eligibility criteria to help LAs allocate support in a way that reflects needs. The NatSIP eligibility criteria can be used to inform the Local Offer.

f) As sensory impairment is a low incidence need services are small. However, children with sensory impairment have a very wide and diverse range of needs. Effective Sensory Support Services therefore have to ensure they have specialisms or expertise in all phases of education (including working with babies), access technologies, different communication methods, mobility, and children with complex needs in addition to sensory impairment etc. To provide support that can meet the broad range of needs, services need to be of a certain size. Delegation which may result in even small fluctuations in demand and income could pose a threat to the ability of services to meet the diverse needs of children with a sensory impairment as services may not be able to retain certain specialisms in key areas.

g) If funding is delegated more parents may decide, in order to ensure their child receives what is needed to make progress, to use the statutory assessment process to obtain that specialist support taking the matter to the Special Educational Needs and Disability Tribunal if necessary. NatSIP believes such situations would be wasteful of resources and result in unnecessary stress and confrontation.

h) The SEN Code of Practice stipulates that qualified teachers with a mandatory qualification in sensory impairment are required to undertake the assessment of a child's special educational needs. It would be difficult for a Local Authority to comply with this requirement if funding was delegated.

i) Delegation presents a very significant change in the way services are organised and provided. NatSIP is aware that voluntary organisations such NDCS, SENSE and RNIB would expect the LA to undertake an equality impact assessment and subject its proposals to the SEN test of improvement[1]. The former would require consultation with parents and children and it would be difficult for the LA to demonstrate that its proposals would not adversely impact on the education of children with a sensory impairment or that its proposals would pass the test of improvement.

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[1] Government guidance Planning and Developing Special Educational Provision states that:
When proposing any reorganisation of SEN provision […] LAs [...]will need to demonstrate to parents, the local community and decision makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs [...] Proposals which do not credibly meet these requirements should not be approved and decision makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.

j) It is counter to the Government's agenda on personalisation and personal payments. Specialist SEN support services provide very specific services for children and their families. The funding should therefore be potentially available for personal payments. While NatSIP has reservations over how personal payments may operate in practice, it is clear that delegating funding across all settings is not consistent with personalising services around the child. Delegating funding to settings would make it difficult for a LA to provide funding to a parent who is awarded a personal payment to pay for specialist teacher support. It would have to de-delegate the funding to transfer funding to the parent.

k) The Government has accepted the case made out in a) to h) above when it decided to end the delegation of funding for specialist SEN support services to academies. As indicated above, under recent DfE guidance funding for SEN services can be retained within the High Needs block. LAs have discretion to use the High Needs block to fund a specialist sensory support service for all children with sensory impairment, regardless of whether they meet the formal definition of having 'High Needs' or have a statement of SEN or EHC Plan. This:

    a) enables LAs to work preventatively

    b) reduces perverse incentives to go for statutory assessment

    c) recognises for low incidence needs that delegation using a funding formula cannot reflect the true distribution of need between settings

    d) enables LAs to meet their duties towards children with a sensory impairment in early years settings.

NatSIP recognises that the central funding of specialist sensory support services can be open to considerable challenge from local School Forums if the services cannot demonstrate value for money and impact on outcomes. It is therefore vital that all services note the comments made by Ofsted in its report "Communication is the key: A good practice survey of services for deaf children" (2012) and take the necessary steps to ensure they operate with robust quality assurance arrangements and an evaluation framework that can demonstrate the impact of the service on outcomes for children with a sensory impairment.